WESTERN WEBER PLANNING COMMISSION

REGULAR MEETING AGENDA

July 12, 2016
5:00 p.m.

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

1. Minutes
   1.1. Approval of the June 14, 2016 Meeting Minutes

2. Administrative Items
   2.1. LVV041116 Consideration and action on a request for preliminary approval of Vaquero Village Cluster Subdivision (13 lots) at approximately 900 South 7100 West - Dean Barrow, Agent

3. Legislative Items
   3.1. ZTA 2016-01 Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7) and Hillside Development Review Procedures and Standards (§108-14) to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

   3.2. ZTA 2016-02 Public hearing to consider and take action on a request (ZTA 2016-02) to amend the Planned Residential Unit Development – PRUD Chapter (Title 108, Chapter 5) within the Weber County Land Use Code. Applicant Brad Blanch.

4. Public Comment for Items not on the Agenda

5. Remarks from Planning Commissioners

6. Planning Director Report

7. Remarks from Legal Counsel

8. Adjourn to a Work Session

Work Session Agenda

WS1. Amendments to the site development standards for public utility stations and structures

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

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in the Commission Break Out Room. No decisions are made in the pre-meeting.

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

Minutes of the Western Weber County Planning Commission held on June 14, 2016, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present:	Roger Heslop, Vice Chair; Jannette Borklund, Lance Greenwell, John Parke
Member Excused:	Chair Whaley, Michael Slater, Wayne Andreotti
Staff Present:	Rick Grover, Planning Director; Scott Mendoza, Assistant Planning Director; Ronda Kippen, Principal Planner; Ben Hatfield, Planner; Chris Crockett, Legal Counsel; Sherri Sillitoe, Secretary

*Pledge of Allegiance
*Roll Call

1. **Consent Agenda**
   Staff indicated that there are no consent agenda items for approval this evening.

2. **Approval of the April 12, 2016 and the May 10, 2016 Meeting Minutes**

   Commissioner Borklund stated that she previously gave her corrections to Sherri today. Commissioner Borklund read her amendments into the record at this time. Commissioner Parke stated that on Page 6, Para. 4, the 1st sentence should be striken as it doesn't make sense. Vice Chair Heslop stated that on Page 10, Commissioner Borklund's name is spelled wrong. Vice Chair Heslop stated that the minutes of the April 12, 2016 and the May 10, 2016 Meetings are approved as corrected.

   No exparte communication was reported at this time.

3. **Administrative Items**
   3.1. Discussion on West Warren Park District Expansion

   Rick Grover, Planning Division Director, stated that at the present time, they only have one park within the County system and that is the West Warren Park and it falls within the West Warren Park District. The members were appointed by the County Commissioners. Mr. Grover discussed the ways that the current park district is being funded which included private company donations.

   Rick Grover presented two maps, one showing the present West Warren Park District's boundaries and the other showing the western Weber County area taxing district boundaries. The areas in green shows the West Warren Park District and the brown areas show the Warren/West Warren Cemetery District. One option is to have the West Warren/Reese park district boundaries stay as they are and then have Warren, West Weber and Taylor create another park district. The other option is to combine all areas into one park district. He would like some feedback on the issue but no action is needed tonight.

   Brent Fowers, 4390 W. 1400 S., stated that he is interested in getting parks in the area but he does not want to force Warren to get into their district. He would like to have West Warren, West Weber and Taylor together. Funding is a little premature at this time. They have been told by the County that they would have to come up with a budget. Rick Grover stated that the fees could be discussed right now, but this is not the approval body that could help with that. They would need to go to the County Commission to discuss the funding issue.

   Doug Taylor, 1405 S 7500 W, stated that he is on the West Warren Park District board as well as John Meibos. He met with Warren and a group from West Weber. They have some concerns about expanding the district they already have. The land was donated to the county by the Sam O'Knight family. It was actually donated to the West Warren Branch of the Church of Jesus Christ of Latter Day Saints; to the community and mainly for a park. It was established in 1915 and largely funded through all those years. It was all done by donations and sometime in the 1960's they created a pheasant unit where people paid $5 to hunt in that area and that was how the park was funded. In 1994, they approached Weber County to create a park district and the LDS Church reluctantly signed away the rights they had. Steve Davis helped considerably in the creation of the park district and setting up of the board. One of his concerns of expansion is future representation of members from the West Warren area. At the time it was thought they would have people on the Planning Commission from the West Warren area, but right now there is no one from the West Warren area on this board and they would be concerned that the same thing could happen if the park district was expanded. The board would be made up of 5-7 members and there could be no one from their community on that board, and this is a concern he has.

The West Warren Park District paid for the bathrooms with volunteer labor. There is a sense of community there. The Boy Scouts have built several things at the park and have taken a sense of ownership in the park. They hired the block work and electrical work for the pavilion. They are worried that they would not have any representation on the board thereby, not having someone on the board that would carry a vote. He believes that there would be a burden on the facilities if they expand. As a board, they decided that whoever reserves the pavilion that they must live in the district and the pavilion is heavily scheduled. More people would use it and it could get ran down and subject to vandalism that would have to be repaired quickly. There is a burden on the facility with greater use.

The other thing they would like to see is a city built some time with a smaller government. Some people have said that creating another district would be a step closer to incorporation. Their park district has been saving and planning for two capital improvement projects to be done at two properties adjacent to the present park.

Commissioner Greenwell said Doug Taylor has mentioned the possibility of West Warren or Reese becoming its own city. He asked Rick Grover what happens if they have a special district such as the combined district and then the area is incorporated. Mr. Grover stated that he would have to look into it. Lance Greenwell stated that West Weber/Taylor and Warren were close a few years ago to becoming a city. But it never got to the facility stage because they were told it was too soon to make the proposal again (this request was made sooner than seven years). They are probably at the point where they could ask for another feasibility study or make another request to have the county look into it. Warren/West Warren was close to feasibility to create a city, but they did not meet the standards. There are strong feelings to become a city.

Commissioner Borklund stated that the park might become a park for the city. Doug Taylor stated that this is a possibility.

Rick Grover referred to the Park District boundaries in green and indicated in this area they look at population. In the Ogden Valley they are looking at combining the areas into one district. This is being instigated as a grass roots effort.

Commissioner Parke stated that they could set up a separate district and leave West Warren alone. It does not make sense to have two park districts in the same city, but for now, he does not see any problem with having two.

Vice Chair Heslop stated that his feelings are that parks prevent juvenile delinquency. Commissioner Borklund stated that the service youth projects help maintain the parks as well. Vice Chair Heslop stated that he is in favor of combining the other three unincorporated communities and moving ahead.

Commissioner Parke stated that he is intrigued to looking into incorporation but does not have the time now to study the issue, but he knows people that could. He believes Mike Giordano would be interested in that. The recommendation is to move ahead with two separate districts. Commissioner Greenwell indicated that he would agree with this. Most communities have high schools with structures for recreation. There is mothering in this area as a community recreational resource except at West Weber Elementary School.

Vice Chair Heslop stated that most of their residents are going to Plain City, West Haven or Farr West for their recreational facilities. They are utilizing their facilities because they do not having anything available near their homes. They also need to look at possible incorporation or they will be swallowed up by Hooper, Plain City, etc. because their area is already in those city's expansion plans. Hooper became a city because Roy was taking them in. He believes they should move ahead.

4. Legislative Items

4.1. **ZTA 2016-01 Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7) and Hillside Development Review Procedures and Standards (§108-14) to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.**

Charles Ewert indicated that they are trying to determine who the land use authority is in the Natural Hazards Overlay District Ordinance. Staff previously had a State Geologist on staff but has not had for several years. In reviewing the ordinance requirements, one of the issues they are trying to figure out is who is responsible. It is hard to do in a

regular environment. Either you have very rigid regulations with the government dictating very specific regulations and accept the responsibility or it is hands-off and private market provides for safety with minimal involvement from the government. Mr. Ewert made a presentation trying to show the Implications of Natural Hazards and how they affect land planning in our area.

Charles Ewert reviewed the Exhibits. One of the challenges they explored is our ordinance calls Natural Hazards a zone, but that is not correct. One of the better ways they thought would help move it out of the zoning chapter and into the standards chapter moving it from Title 27 to Title 22. (Page 51 of 64). They removed the definitions into the definitions of the whole LUC. They have Geologic Quads they identify polygons throughout Weber County. It is to a level of detail enough that shows either they are inside one of the hazardous units or they are not. If they are inside a potentially hazardous polygon, staff would ask them to do a study on their property. A geologist would need to do a site reconnaissance and if shown to be in a hazardous unit, they would show how it could be mitigated. They utilize a study and show whether a report would be required and under what conditions. The ordinance now will state that the County Engineer will review the study document and if he feels that it is a cause for concern, they can still outsource to consultants.

After the study is done, the ordinance requires a study report and confirmation and provides proof or $1M Errors and Omissions insurance. Recognizing that Geologists and Engineers do not always agree, staff felt that the Geologist reviews the work of the engineer and report that he/she agrees with his or her findings. There is a requirement for Disclosure. If you are inside a polygon study area and it is proven there is a hazard disclosed on site, a disclosure shall be made that they are put on notice that there are restrictions to building on that piece of property (Full disclosure).

The cost of a private geologist to review is borne by the applicant. If conflict of the study report; if a geologist or other qualified professional states that the requirements are not applicable in this case, a review shall be made and that may be outsourced to a third party technical panel and the applicant shall pay half the cost.

102-1-2 (Page 7 of 64). They wanted to make it very clear what the Planning Director's authority is.
They made a couple modifications in notice of decisions.

Hillside Development Review procedures. This amendment is essentially a band aid, but he doesn't think it should go too long without changes in the near future similar to what they are doing with the Natural Hazards Ordinance. However, at this point, he just pulled out the Natural Hazards portion.

Commissioner Borklund asked regarding Chapter 17. She asked if there is a conflict with the building code with this change (Building Parcel Designation). Charles Ewert indicated that they had a definition for Building Parcel Designation but had no statute or standards. This amendment will allow them to do what they have already been doing.

No public comment was made.

Vice Chair Heslop would like some more time to digest it. Commissioner Borklund agreed. Charles Ewert stated that this item will be on the agenda for next month.

Chris Crocket indicated that the statute requires that they only need one public hearing.

Charles Ewert stated that staff has researched this issue thoroughly and has spoken with the Geologists. It was noticed almost three weeks ago and it has been on Miradi since then. The notice to the public has been served, but they can hold a public comment period at the next meeting if desired.

MOTION: Commissioner Parke moved to table ZTA 2016-01. Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7) and Hillside Development Review Procedures and Standards (§108-14) to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards

reviews. Commissioner Greenwell seconded the motion. A vote was taken and Vice Chair Heslop stated that the motion passed unanimously (Motion Carried 4-0).

5. Public Comment for Items not on the Agenda - None

6. Remarks from Planning Commissioners - None

7. Planning Director Report – No Report

8. Remarks from Legal Counsel – No Report

9. Adjourn to a Work Session at 6:23 p.m.

The meeting was adjourned to a work session at this time.

Work Session Agenda

1. WS1. Planned Residential Urban Development (PRUD) amendment to allow potential bonus density – Scott Mendoza

Scott Mendoza stated that staff has received an application. He was hoping to notice and present the changes in a public hearing. He wanted to make sure that 1. If staff were to bring them something as far as bonus density, are they looking to offer bonus density to all PRUD's or offer bonus densities to project that preserve agriculture, heritage, etc. Do they want to focus on agricultural preservation or do they want other things. Vice Chair Heslop asked if they are discriminating if they just say agriculture. Scott Mendoza indicated that it is an incentive.

Commissioner Borklund said there are other good types of open space that doesn't need to be agriculture as long as it is maintained and taken care of.

Scott Mendoza stated that if they get an application in three months from now and there is a resort feel, with flatter roofs, etc. or something that just doesn't quite fit in, what would be their direction? Do they want to limit bonuses?

Commissioner Parke indicated that he believes they would look at anything. Vice Chair Heslop indicated that he believes that is only fair that they look at any proposal. Commissioner Borklund stated that people could donate a certain amount of land to the county for a park land.

Scott Mendoza stated that the second question is regarding open space: Currently out west they offer up to a maximum of 50% bonus density. They say they will offer 30% if it preserves open space and to get up to the 50% bonus density they need to preserve more open space. Do they want to stick with the present language or do they want to be more consistent with the cluster code? Commissioner Borklund stated that it might depend on the amount of bonus points involved in the increase. Scott Mendoza stated that the bonus is performance based.

Commissioner Parke indicated that they should keep it consistent. Commissioner Borklund indicated that she doesn't believe there is a need to have it be anything different.

Scott Mendoza stated that he will propose some modifications to the PRUD Code in a future meeting.

There being no further business, the meeting was adjourned at 6:30 p.m.

Staff Report for the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for preliminary approval of Vaquero Village Cluster Subdivision (13 lots) at approximately 900 South 7100 West.
Decision Type:	Administrative
Agenda Date:	Tuesday, July 12, 2016
Applicant:	Dean Barrow, agent
File Number:	LVV 041116

Property Information

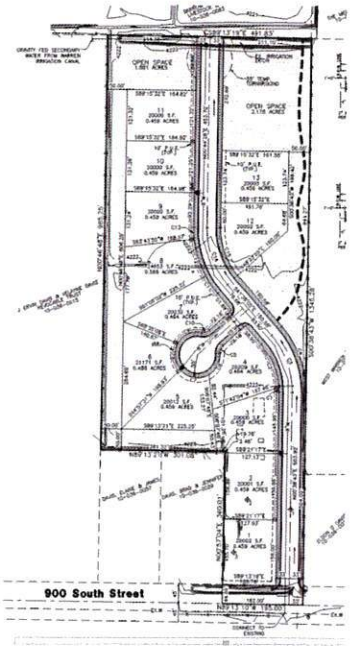
Approximate Address:	900 South 7100 West, West Warren UT
Project Area:	12.89 acres
Zoning:	Agricultural (A-1) and (A-2) Zones
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel ID:	10-036-0063
Township, Range, Section:	T6N, R3W, Section 14

Adjacent Land Use

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

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	RK



Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5 Agricultural (A-1 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 Agricultural (A-2 Zone)
- Weber County Land Use Code Title 106 (Subdivision)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 Cluster Subdivisions

Background

The applicant is requesting preliminary plat approval of Vaquero Village Cluster Subdivision (13 lots) at approximately 900 South 7100 West in the A-1 and A-2 Zones. The conceptual sketch plan endorsement was reviewed by the Planning Commission on March 8, 2016.

Analysis

General Plan: The proposal conforms to the Western Central Weber County General Plan in a manner that it preserves area as open space. Subdivisions that meet the requirements of applicable Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Land Use Code Standards: As part of the subdivision process, the proposal has been reviewed against the adopted current zoning and subdivision code (LUC §106) to ensure that the regulations and standards have been adhered to. It appears that with certain imposed conditions, the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the Uniform Land Use Code of Weber County (LUC).

Access: A new section of road is proposed with this subdivision which will provide access and frontage to all 13 lots. The new roadway would extend north from 900 South at 7100 West, completing an intersection at 7100 West. The roadway will be 66 feet wide and will stub to the end of the property with a temporary turnaround. About halfway down the roadway a small cul-de-sac would branch off to the west, and will be 50 feet wide.

Zoning:

Parcels Split by Zoning Boundaries: A zoning boundary between the A-1 and A-2 Zones crosses east and west through this property and this area of the County approximately 280 feet North of 900 South.

LUC §104-1-4 explains that when a proposed lot is split by a zoning boundary the standards for area requirements depends on which of the zones has the more restrictive (or larger) area requirement. This is based upon a two-thirds rule.

- If two-thirds of the lot's area is contained in less restrictive zone, the lot may develop based upon the minimum standards of that zone. However the home must be built in that less restrictive zone.
- If this is not the case then the home can be built in the larger zone, but the lot must meet the lot standards of that zone. The area within the less restrictive zone may be applied to lot to meet the larger standard.

The area standards between the A-1 and A-2 Zone do differ for most uses, however for single family dwellings both zones only require a minimum area of 40,000 square feet per lot (LUC §104-5 and 104-7). As the two zones have the same area standard the affected lot in the subdivision could develop as a split zoned parcel without a Zoning Map Amendment. The uses for lots 3 through 13 would be limited to only single family dwellings.

Cluster Subdivision: The proposed project will occupy 12.89 acres and consist of 13 lots, with 4.14 acres (32.1%) of common area which will be open space. The proposal meets the requirement of 30 percent open space. The lots are centered in the subdivision design and surrounded by 50 feet of common area. This area will be maintained by a Home Owners Association. The subdivision will be serviced by approximately 2.62 acres of public road improvements. The property has 10.27 acres of net developable area once the road is subtracted. Since the zoning requires 40,000 square feet of area, 11.18 lots would be allowed on this property. The applicant is asking for a 25 percent density bonus by proposing public access to the open space (15%) and by meeting the purpose and intent of a cluster subdivision (10%). To reach the requested 13 lots the subdivision will not use the full 25% bonus density and only requires a bonus density of 16.3 %. The Planning Commission will need to determine if the proposal is sufficient for the requested bonus density. A Home Owners Association will be created with specific Community Covenants and Restrictions (CC&R's) to include the maintenance and upkeep of the common area and landscaping.

Design Specs.

Total Area.....12.89 ac.
Right-of-Way.....2.62 ac.
Developable Area.....10.27 ac.
Open Space.....4.14 ac. (32.1%)
Base Density.....11.18 lots
Bonus Density
10% Purpose and Intent
20% Street Trees and Lighting
15% Public Access to Open Space
Total Lots Proposed.....13 lots(16.3% Bonus)

Lot area, frontage/width and yard regulations: The minimum frontage in a cluster subdivision is 60 feet. The yard setback standards are 20 feet on the front and rear yards to the lot line, and the side yard are minimum of 8 feet each. Dwellings are allowed to be an average height of 40 feet. The 13 lots range from 20,000 square feet to 21,000 square feet meeting lot area and frontage requirements of the cluster subdivision code and Health Department requirements for individual septic systems. As there were multiple structures previously built on this property, all structures must meet setback requirements for each lot they are on if they are to remain. If not, they will need to be removed, or adjustments made to the plat to meet yard setback regulations.

Subdivision: The improvement plans include the main road's width to be a 66 foot right of way, while the small cul-de sac has been reduced to a residential 50 foot right of way width. The plans include curb, gutter, and sidewalk on both sides of the street. It also includes 13 street trees and grassed park strips. Six lamp posts have been proposed to be placed along the main roadway. The landscaping plan also includes a three foot wide crushed gravel trail in the common area along with many other trees surrounding the subdivision. The applicant has not expressed at this time whether the common area will be turf grass, pasture grasses, or some other type of ground cover. A more detailed plan will be required before final approval listing the size, type and quantity of landscaping. All improvements need to be either installed or escrowed for prior to recording of the subdivision.

Additional design standards and requirements: A large irrigation ditch crosses along the north boundary of the subdivision. Irrigation ditches or canals which carry five second feet or more of water is required to install a solid board, chain link, or other non-climbable fence not less than five feet in height. Therefore, if required by the volume of water, the applicant will have to install a non-climbable fence of not less than five feet along this irrigation ditch.

Culinary water: A feasibility letter (Exhibit C) by West Warren - Warren Water District giving preliminary approval with the conditions has been provided for culinary water for the proposed subdivision.

- The Planning Division has not received a "project notification form" to date. A condition of approval has been added to ensure that a project notification form is submitted prior to final submittal.
- Prior to final approval from the Planning Commission, a "project notification form" and "capacity assessment letter" on the water system is required.
- A "construct permit" from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission (LUC §106-4-2-a-1-b).

Secondary Water: The applicant has provided a stock certificate with Warren Irrigation Company. As part of the improvement plans included for final subdivision review, a plan will need to be submitted for review showing how the secondary water will be supplied to each lot and the common area.

Sanitary sewage disposal: It has been proposed that wastewater would be controlled by individual septic systems for each lot. Prior to final subdivision submittal an updated feasibility letter will need to be provided to the Planning Division. A formal review was recently posted from the Health Department and is included in the agency reviews in Exhibit B.

Review Agencies: All review agency comments have been attached as Exhibit B. The Weber Morgan Health Department, the Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed the proposal. The applicant will need to address each agency review comment prior to receiving final approval.

Tax clearance: The 2015 property taxes have been paid.

Public Notice: The required noticing for the preliminary subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6b.

Summary of Considerations

- Does the subdivision meet the requirements of the Land Use Code? The subdivision meets the requirements for a subdivision and the zones it is located in.
- Should a bonus density of 25 percent be granted?

Staff Recommendation

Staff recommends preliminary plat approval of Vaquero Village Cluster Subdivision (13 lots). This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Bonus density of 15% granted on the condition of the open space being available for public access.
2. Bonus density of 10% granted on the condition that the subdivision continue to meet the purpose and intent of the cluster subdivision code requirements.
3. A Home Owners Association will be created with specific Community Covenants and Restrictions (CC&R's) to include the maintenance and upkeep of the common area and landscaping. The CC&R's will need to be provided to the County for review prior to final approval.
4. All previously built structures must meet yard setback requirements for each lot they are on if they are to remain.
5. A more detailed final approved Landscaping Plan listing the size, type and quantity of all landscaping.
6. All improvements need to be either installed or escrowed for prior to recording of the subdivision.
7. If required by the volume of water in the canal, the applicant will have to install a non-climbable fence of not less than five feet along the irrigation canal on the north portion of the subdivision.
8. Prior to submitting the final subdivision documents a project notification form will need to be provided to the Planning Division.
9. Prior to final approval from the Planning Commission, a capacity assessment letter on the water system is required.
10. A "construct permit" from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission.
11. As part of the improvement plans included for final subdivision review, a plan will need to be submitted for review showing how the secondary water will be supplied to each lot and the common area.
12. An updated feasibility letter from the Weber Morgan Health Department approving septic system feasibility for each of the 13 lots will need to be provided to the Planning Division.

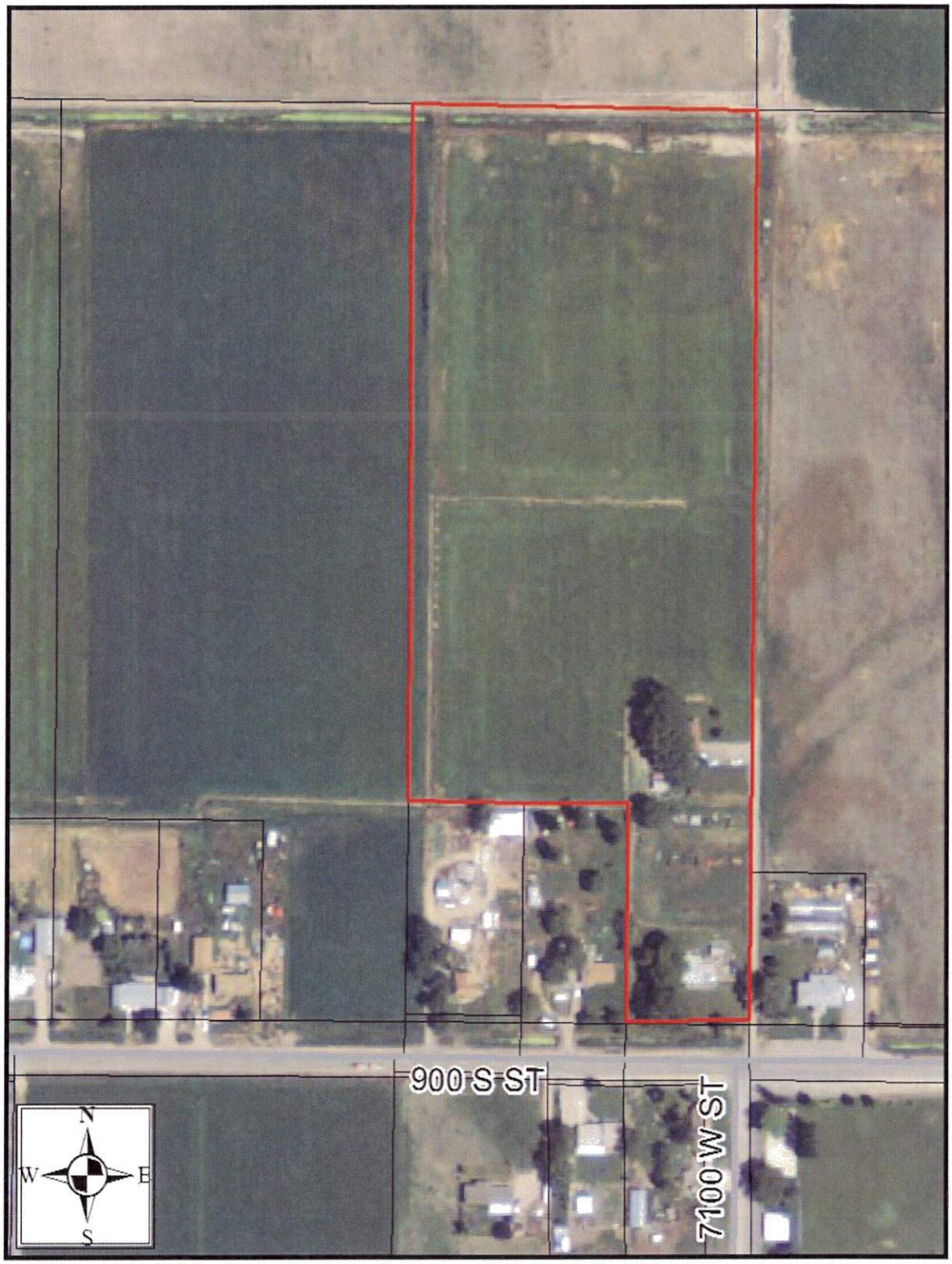
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber County General Plan.
2. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
3. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
4. With the recommended conditions, the proposed subdivision complies with all applicable County codes.
5. The proposed cluster subdivision meets the purpose and intent of the cluster subdivision standards (10%), and that adequate open space with public access has been made part of the design (15%) to approve a bonus density of 25% to the development.

Exhibits

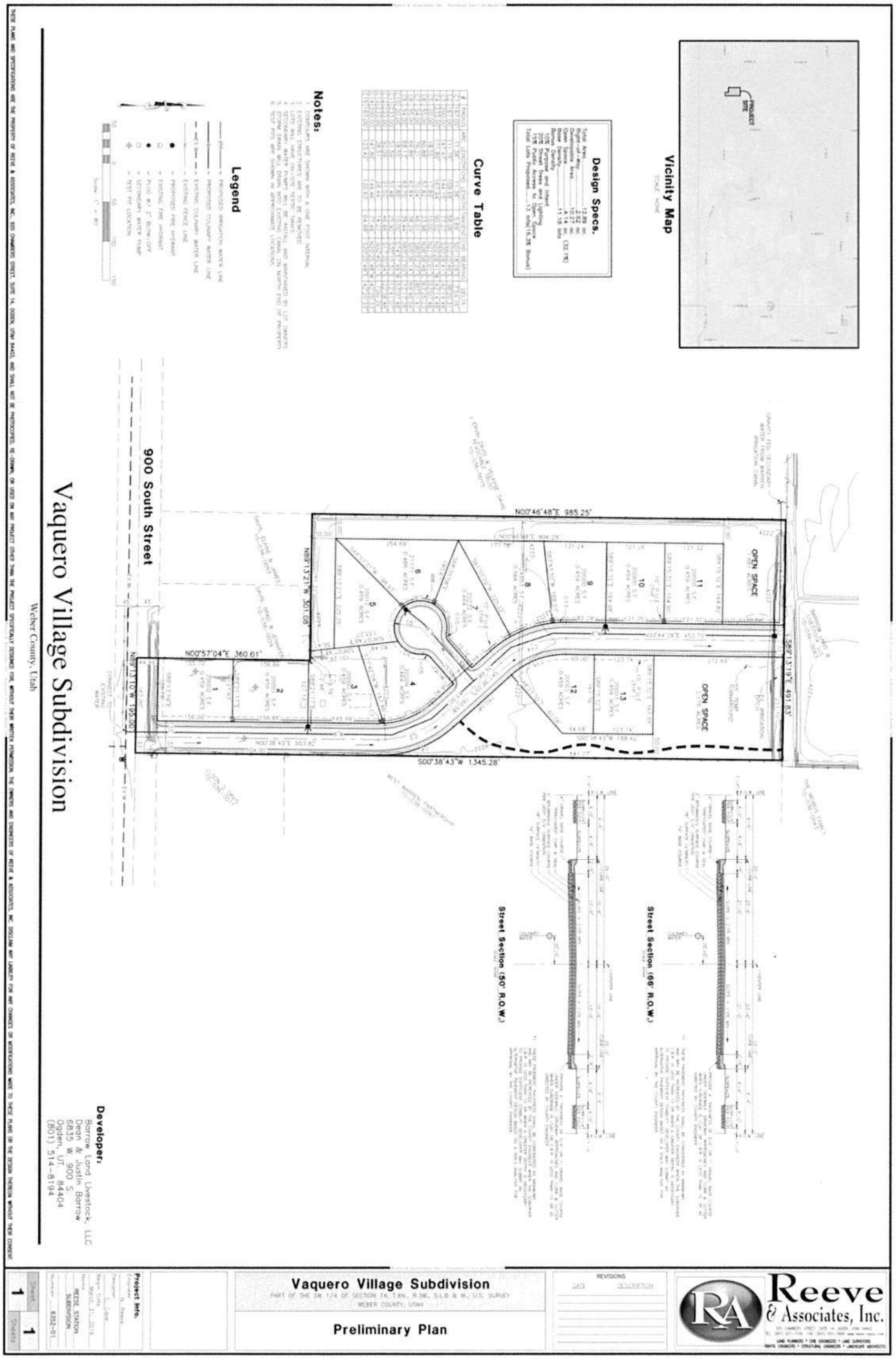
A. Subdivision Plat
B. Agency review comments
C. West Warren – Warren Water letter
D. Landscaping Plan

Photo of the proposed subdivision



Notice map for the proposed subdivision

Exhibit A



Vaquero Village Subdivision
Weber County, Utah
900 South Street
Vicinity Map
Design Specs.
Curve Table
Notes:
Legend
Street Section (66' R.O.W.)
Street Section (50' R.O.W.)
Developer:
Borrow Land Livestock, LLC
Dean & Justin Barrow
Ogden, UT 84404
(801) 514-8194
OPEN SPACE
N00°46'48"E 985.25'
S00°38'43"W 1345.28'
S89°13'19"E 491.83'
N89°13'21"W 301.08'
N00°57'04"E 360.01'
N89°13'10"W 195.00'
Vaquero Village Subdivision
Preliminary Plan
Reeve & Associates, Inc.
Project Info.
Sheet
1
1

Exhibit B-Review Agencies Comments

Engineering Review
Project: Vaquero Village Cluster Subdivision
User: Jared Andersen
Department: Weber County Engineering Division
Created:
Approved: Not Approved
Notes: No Review

Weber Morgan Health Department Review
Project: Vaquero Village Cluster Subdivision
User: Summer Day
Department: Waste Waster Division
Created: 2016-07-05
Approved: Not Approved
Notes: A formal review of the Vaquero Village Subdivision, 13 lots has been completed by this office. The following items are items of concern which do not meet the verbiage or intent of the Utah Administrative code R3127-4 and/or the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation.

1) All lots must meet the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation section 4.39" Minimum lot size shall consist of 20,000 square feet of contiguous buildable area with a slope less than 25 percent." Our office interprets the word "buildable" as area that can be utilized for the construction of structure(s) or onsite wastewater treatment system. Therefore the areas include within restrictive utility easements cannot be considered buildable. All lot must have an area of 20,000 square feet outside of the easements to receive approval from this office

2) This subdivision has been previously included in a much larger future subdivision plan consisting of a total of a 107 half acres lots. The high density development would be required to connect to sanitary sewer as required in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation section 4.12" The sewer may be considered as not being available when such sewer is located more than 300 feet from any building which abuts and is served by such sewer. Proposed subdivisions within 300 feet times the number of lots shall be approved only when connected to the public sewer. The rearrangement or subdivision of a parcel into smaller parcels or multiple phase subdivisions shall not be deemed cause to permit the construction of an onsite wastewater treatment system, and all plumbing and drainage systems on any such parcel or parcels shall connect to the public sewer."

The developer must design and record the subdivision in a manor not indicating future phasing. The developer has proposed to terminate the trough road with a cul-de-sac to eliminate the possibility of future phasing. This must be reflected on the final Mylar to receive approval from our office.

3) Lots 1, 2, 3, and 4. At the time of the soil evaluation dated June 16, 2016 a septic system servicing an existing home was encounter in soil evaluation test pit # 4. The area utilized as a septic absorption field cannot again be utilized for that purpose and must be discounted as portion of the 20,000 square foot buildable space required in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation, unless a statement is provided by the Weber County Planning department that the area can be utilized as portion of the building pad with all required structural consideration and setbacks being meet. Our office is requiring adequate engineering showing the extent of the existing absorption drain field, the proposed building pad, and an area large enough for both the original and replacement absorption drain field for lots 1, 2, 3 and 4 for consideration of approval.

4) An area located near water table monitoring port 4E has been identified as a location of a preexisting abandoned "Grain Silo" or other holding tank which has been filled in and is no longer in use. The area of excavation cannot be used as portion of the septic absorption field because it has been disturbed and does not meet the Utah Administrative code R317-4-6.14.B.4.c. The area must be discounted as portion of the 20,000 square foot buildable space required in the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation, unless a statement is provided by the Weber County Planning department that the area can be utilized as portion of the building pad with all required structural consideration and setbacks being meet.

Please resubmit the subdivision for review once all identified issues have been addressed. This review does not forego other items of concern that may come to the department's attention during additional reviews or during construction improvements.

Sincerely,

Summer Day, LEHS III
Weber-Morgan Health Department, Wastewater Program.
Phone: (801) 399-7160

Weber County Surveyor's 1st Review
Project: Vaquero Village Cluster Subdivision
User: Bahy Rahimzadegan
Department: Weber County Surveyor's Office
Created: 2016-04-26
Approved: Not Approved
Notes: In reviewing the above referenced plat, we have marked areas that still require attention. We have included a copy of the plat marked with these changes. If you have any questions or comments we are here to serve and help you in any possible way to expedite the approval process for this subdivision. We can be reached at the Weber County Surveyors Office at (801) 399-8075. Thank you.

Weber Fire District Review
Project: Vaquero Village Cluster Subdivision
User: Brandon Thueson
Department: Weber County Special Events, Weber Fire District
Created: 2016-04-18
Approved: Yes
Notes: FEE NOTICE:
Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: **Weber Fire District.**

REVIEW STATUS: APPROVED WITH CONDITIONS

SPECIFIC COMMENTS:

1. Fire Hydrant(s): If water lines are available to connect to which can support fire hydrants, then hydrants must be installed that meet spacing requirements. The maximum spacing between hydrants in a residential area is 500 ft. One new fire hydrant must be provided within 400 feet of the furthest most portion of a building or facility (see IFC 507.5.1). **2 New hydrants have been proposed.**
2. Fire Flow: All dwellings structures over 5000 sq. ft. which do not meet the fire flow requirements, shall be equipped with an NFPA 13D compliant fire sprinkler system or be provided with area separations compliant with the IBC/IRC. For more information regarding fire flow, please contact Fire Marshal Thueson at 801-782-3580.
3. Provide a temporary address marker at the building site during construction.
4. Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
5. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
6. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
7. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.

A written response for this review is required.

Every effort has been made to provide a complete and thorough review of these plans. This review does not relieve the owner, contractor and/or developer from compliance with any and all applicable codes and standards. Any change or revision of this plan will render this review void and will require submittal of the new or revised layout for fire department review.

Exhibit C

WEST WARREN-WARREN WATER IMPROVEMENT DISTRICT
5783 WEST 950 NORTH
WARREN, UTAH 84404
801-731-1702

January 21, 2016

On behalf of: Justin Barrow

Letter of Feasability

Concerning Mr. Barrow's request for culinary water for an eighteen lot subdivision to be located on 900 South in West Warren, Utah.

Culinary water is available at the location of the proposed subdivision and will be granted to Mr. Barrow contingent on the following requirements.

The district will receive from Mr. Barrow an engineered plot plan of the property, detailing all roads, culinary water lines, fire hydrant placement, secondary water source and proposed secondary water system as well as the amount of secondary water being supplied to each residence. Any rights-of-way for delivery of secondary water.

Construction materials for the culinary water system will be specified and all construction will be inspected by the West Warren-Warren Water Improvement District.

All culinary water meters will be installed by the West Warren-Warren Water Improvement District.

All individual connection and impact fees that are assessed at the time of construction will be paid prior to any residence being constructed.

Mr. Barrow will also acquire from the State all prior approval necessary (Project Notification Forms) to implement a subdivision and lay new water lines, and deliver a copy to the West Warren – Warren Water Improvement District.

Further contingencies may be added if deemed necessary or required.

Randy Giordano
Chairman of the Board
West Warren-Warren WID

Randy Giordano

Copy:
Weber County Planning Commission
Water District Board Members

Exhibit D


OPEN SPACE
OPEN SPACE
900 South Street
Vaquero Village
Developer Contact
Project Info
Vaquero Village
Landscape Plan
REVISIONS
Reeve & Associates, Inc.

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7) and Hillside Development Review Procedures and Standards (§108-14) to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

Agenda Date: Tuesday, July 12, 2016

Staff Report Date: Tuesday, July 5, 2016

Applicant: Weber County Planning Division

File Number: ZTA 2016-01

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
§102-1: General Provisions
§104-27: Natural Hazards Overlay Districts
§106-1-8: Final plat requirements and approval procedure
§108-7: Supplementary and Qualifying Regulations
§108-14: Hillside Development Review Procedures and Standards

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 and has 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

Weber County has many various natural hazards. The natural hazards overlay ordinance[1] was created decades ago in an attempt to address mitigation measures for building on potentially hazardous sites. Hazard study areas are identified based on the best hazards mapping

[1] See LUC §104-27.

information available for a given site.[2] These maps give a point of reference for the County to gauge whether additional studies are needed prior to permitting new development. After site evaluation, geologists and other experts can determine the breadth of hazards (if any), and help the County determine mitigation measures necessary to minimize impacts on the resulting occupants, surrounding property owners, and public infrastructure. Under current ordinances, if a site is in a study area it is required that the land owner has an expert review for such hazards, and offer the results and recommendations to the County's Land Use Authority for consideration during development review.[3]

Staff has become aware that the current Natural Hazards Overlay Zone specifies that only the Planning Commission is the Land Use Authority for development that is located within a natural hazard study area. While this provision may make sense for certain types of more complicated applications, it does not lend to an efficient or expedient review of simple applications, like single family dwelling building permits.

Additionally, this requirement conflicts with other provisions in the Land Use Code. Those provisions designate other entities, such as the Planning Director or the County Commission, as the Land Use Authority for some types of applications.[4]

We are now emerging into a busy building season. Without the proposed modifications there will be a significant delay for building permit applications while they wait for a Planning Commission review of natural hazards. There is significant urgency to get the proposal adopted to replace the existing code. For this reason, this proposal has been expedited for Planning Commission review without the typical work session deliberation. It is critical to the current building season to get the changes completed as soon as possible.

Despite the expedited nature of this proposal, staff took considerable time and effort carefully reviewing and modifying the ordinance. Review and modification has been a cross collaboration between the Planning Division, Engineering Division, Attorney's Office, and outside expert legal counsel. We have also reached out to a private geologist for comments.

Through this careful evaluation it became apparent that there is significant work needed on this ordinance, including the need for clarifying provisions, and in some places, reconstruction. This proposal makes a best effort to initiate the effort, but only provides an intermediary solution to resolve the Land Use Authority problem, and a few other simple clarifications.

The proposal provides better consideration for the designated Land Use Authority when considering natural hazards; it also helps clarify the role of the Planning Director in certain Land Use Authority decisions; and then, generally, it provides for clarity, removes redundancies, and includes process steps and appeal provisions for reviews of projects when natural hazards are present.

Policy Analysis

[2] LUC §104-27 was originally created with specific hazards maps; however, mapping of hazards throughout Weber County has evolved since then. The Utah Geological Survey currently has several relevant mapping resources, including an online map service.

[3] See LUC §104-7-4.

[4] For example, LUC §102-1-2 sets up certain land use authority permissions for the planning director.

How to review the proposal. The complete proposal is presented in the attached exhibits in track changes. The exhibits provide a more specific analysis of the changes in the text-balloons in the margins.

The proposal is lengthy. To ease in the Planning Commission's review, consider the following. Exhibit B is the complete text of the proposed changes, which is in the same format that the proposal will be presented to the County's codifiers. However, because the natural hazards code is being removed from §104-27 and added into §108-22, this exhibit does not emphasize in track-change all of the changes being made between the two. Rather, it only shows that §104-27 was deleted and §108-22 was added. For this reason staff offers Exhibit D, which is a document that emphasizes in track-changes what changes are occurring between the current §104-27 to the proposed §108-22. Staff recommends that the Planning Commission starts their review with Exhibit D. Some members of the Planning Commission have previously requested clean copies with the track-change copies, thus Exhibit C is being provided as well. It is the same thing as Exhibit B, but without track-changes.

A brief synopsis of the changes is provided below.

Policy considerations. It can be noted that throughout the proposal the term "planning commission" has been replaced with "land use authority." This is because the code designates different land use authorities for different types of permits. For example, the Planning Director is the land use authority for approving alternative lot access, the Planning Commission is the land use authority for approving conditional use permits, and the County Commission is the land use authority for approving road dedications. By changing Planning Commission to Land Use Authority the proposal points the reader back to whomever is the Land Use Authority for a given permit type, as otherwise designated elsewhere in the code.

The current code could be more clear for what types of permits, and under what circumstances, the Planning Director is the land use authority. This proposal addresses that.

This proposal also addresses the fact that current ordinances are made unnecessarily complicated by requiring natural hazards to be administered through a hillside review process rather than by a typical natural hazards review process. There is unnecessary overlap between the ordinances. This proposal separates the hillside review process from the natural hazards review process, and establishes better procedural guidelines for natural hazards review.

This proposal moves the natural hazards ordinance from Title 104 – Zones, to Title 108 – Standards. There are a couple of reasons for doing this. The first, natural hazards really are not zones. A zone has legislatively created boundaries intended to organize land uses based on the public will of the community. The existence of natural hazards is not subject to the will of the legislative body, and their boundaries cannot be changed by community desire. Natural hazards are more akin to hillside development or source protection areas than they are zones. It is better to create standards for development on them rather than try to govern them by a zone. Second, the natural hazards ordinance provides for a method of changing the natural hazards maps when it can be proven that the suspected hazard is not actually present. If the natural hazards ordinance is considered a "zone" and mapped as a "zoning overlay" any of these changes would be subject to the typical rezone process, which is an unnecessary complication for such a highly technical consideration.

This proposal brings the appeal process for geologic hazards into compliance with the governing state statutes.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. There are not specific recommendations regarding this proposal in either of the County's plans, however, it can be determined by the Planning Commission that the proposal is not in conflict with the general plan's guidance.

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

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

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

Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The changes are necessary to reduce conflicting provisions in the Land Use Code.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes comply with the intent of the Land Use Code.
5. The changes are not detrimental to the effect of the general plan.
6. The changes are not found to be detrimental to the health, safety, and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission.

Exhibits

A. Summary, List, and Key to Proposed Changes.
B. Code Change [Redlines] – Natural Hazards Code.
C. Code Change [Clean] – Natural Hazards Code. [Omitted from this packet due to length. You can find it in the Miradi project file].
D. Comparison of only the current and proposed Natural Hazards ordinances.
E. Land Use Code Revision Process Flowchart.

Exhibit A: Summary, list, and key to proposed changes

The following code changes are being proposed to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 102-1: General provisions

§ 104-27: Natural hazards overlay districts

§ 108-7: Supplementary and qualifying regulations

§ 108-14: Hillside development review procedures and standards

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

Title 101 - GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Building parcel designation. The term "building parcel designation" means two or more lots within an approved subdivision are recognized as one lot for building purposes. ~~This does not allow for the creation of additional lots, and the original lot lines as recorded do not change. The planning director can administratively approve a building parcel designation application.~~

...

Geologic and Geotechnical terms.

Active fault. The term "active fault" means a seismic (earthquake) fault displaying evidence of greater than four inches of surface displacement along one or more of its traces during Holocene time (approximately 10,000 years ago to the present).

Active landslide. The term "active landslide" means a landslide which is known to have moved or deformed and which has not been proven to be stable by a geotechnical investigation.

Aquifer. The term "aquifer" means a geological unit in which porous and permeable conditions exist or a geologic unit of stratified drift, and thus are capable of yielding usable amounts of water.

Aquifer recharge. The term "aquifer recharge" area means an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of deformation. See "zone of deformation."

Critical acceleration. The term "critical acceleration" means the minimum amount of ground acceleration during seismically induced ground movement required to induce liquefaction or other forms of ground disruption.

Critical facilities. The term "critical facilities" means:

(1) Lifelines such as major communication, utility and transportation facilities and their connection to emergency facilities;

(2) Essential facilities, such as:

a. Hospitals and other medical facilities having surgery and emergency treatment areas;

b. Fire and police stations;

c. Tanks or other structures containing, housing, or supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures;

d. Emergency vehicle shelters and garages;

e. Structures and equipment in emergency-preparedness centers;

f. Standby power generating equipment for essential facilities;

g. Structures and equipment in government communication centers and other facilities required for emergency response;

Comment [c1]: Currently, there is only this definition explaining what a building parcel designation is, but not any statutes allowing it. A statute has been added in 108-7-33 (herein) that uses this stricken language, and provides additional standards based on the County's historic and routine procedure.

Comment [c2]: All of the definitions in the natural hazards ordinance were removed and added here. Some of these definitions were supplemented with the definitions found in the natural hazards codes. Some have been re-worked or updated for clarity or best management practices. All definitions have been cross referenced for their use in other chapters to verify consistency.

(3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be dangerous to the safety of the general public if released; or

(4) Special occupancy structures, such as:

a. Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons);

b. Buildings for schools through secondary or day care centers (capacity greater than 50 students);

c. Buildings for colleges or adult education schools (capacity greater than 50 students);

d. Medical facilities with 50 or more resident incapacitated patients, but not included above;

e. Jails and detention facilities;

f. All structures with occupancy greater than 5,000 persons;

g. Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation;

h. Unique or large structures whose failure might be catastrophic, such as dams holding over ten acre feet of water. ~~lifelines, such as major communication, utility and transportation facilities and their connection to emergency facilities, unique or large structures whose failure might be catastrophic, such as dams or buildings where explosive, toxic or radioactive materials are stored or handled, high occupancy buildings such as schools, hotels, offices, emergency facilities, such as police and fire stations, hospitals, communication centers and disaster response facilities.~~

Debris flow. The term "debris flow" means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.

Engineering geologist. The term "engineering geologist" means a geologist who, through education, training and experience, is able to assure that geologic factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public. This person shall have:

(1) At least a four-year degree in geology, engineering geology, or a related field from an accredited university; and

(2) At least three full years of experience in a responsible position in the field of engineering geology.

(3) A Utah State Professional Geologist's license.

Comment [c3]: New standard.

Engineering geology. The term "engineering geology" means the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.

Fault. The term "fault" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (also see "active fault").

Fault scarp. The term "fault scarp" means a steep slope or cliff formed directly by movement along a fault.

Fault trace. The term "fault trace" means the intersection of the fault plane with the ground surface.

Fault zone. The term "fault zone" means a corridor of variable width along one or more fault traces.

Geotechnical report. The term "geotechnical report" means a technical report or study prepared by a geotechnical professional who is qualified in the field of expertise examined and analyzed in such a report. A person shall be considered "qualified" upon presentation of credentials providing recognition in the professional field, an academic degree from an accredited college or university in geology, geotechnics and/or geotechnical engineering.

Landslide. The term "landslide" means a general term for the down slope movement of a mass of soil, surficial deposits or bedrock.

Liquefaction. The term "liquefaction" means a process by which certain water saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure. Liquefaction potential categories depend on the probability of having an earthquake within a 100-year period that will be strong enough to cause liquefaction in those zones. High liquefaction potential means that there is a 50% probability of having an earthquake within a 100-year period that will be strong enough to cause liquefaction. Moderate means that the probability is between 10% and 50%, low means that the probability is between 5% and 10%, and very low means less than 5%.

Natural hazard. The term "natural hazard" means any hazard listed in Section 108-22-2, including, but not limited to, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic subsidence, landslide and other hazards.

Natural hazard map. The term "natural hazard map" means any map that has been published by a qualified professional or applicable governmental agency, which contains the best available information, as determined by the County Engineer, and which delineates a potential natural hazard.

Natural hazard study area. The term "natural hazard study area" means any area identified on any natural hazard map or within any natural hazard studies or reports as having potential for being a natural hazard. In addition, the County Engineer has discretion to identify a natural hazard study area as a new hazard or potential hazard becomes known.

Rock fall. The term "rock fall" means the gravity-induced drop of a newly detached segment of bedrock or perched rock of any size from a cliff or steep slope.

Structure designed for human occupancy. The term "structure designed for human occupancy" means any residential dwelling or any other structure used or intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours per year.

Zone of deformation. The term "zone of deformation" means the zone along a fault in which natural soil and rock materials are disturbed as a result of movement along the fault.

...

Title 102 - ADMINISTRATION

CHAPTER 1. - GENERAL PROVISIONS

Sec. 102-1-1. - Purpose and intent.

The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by this Land Use Code.

Sec. 102-1-2. - ~~Administrative~~ Planning director authority.

(a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an application for an administrative approval. Administrative approval can be given for the following applications:

(1) Site plan approval, when required by this Land Use Code, for which the Land Use Authority is not otherwise specified by this Land Use Code;

Comment [c4]: The changes in this section are intended to clarify the role of the Planning Director when acting as the Land Use Authority.

(2) ~~site plans~~Design review for ~~with~~ buildings under 10,000 square feet ~~located on a parcel less than one acre in size,~~and which impact an area of less than one acre, as provided in Section 108-1-2;

(3) Hhome occupation~~s with or without visiting clientele,~~ , as provided in Section 108-13-2;

(4) Building parcel designation, as provided in Section 108-7-33;

(5) ~~combining of lots within an approved subdivision which meet ordinance requirements, minor~~ Small subdivisions ~~as defined by the subdivision definition~~, as provided in Section 106-1-8(f) of this Land Use Code; and

(6) Fflag lots, access to a lot/parcel using a private right-of-way or access easement, and access to a lot/parcel at a location other than across the front lot line~~.~~ , as provided in Title 108, Chapter 7 of this Land Use Code.

(b) The planning director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in this ~~chapter~~ Land Use Code or if any of the required findings are not supported by evidence in the record as determined by the director. At the discretion of the planning director, the planning commission can hear the request for an administrative approval.

(b~~c~~) The ~~administrative~~ planning director approval process includes public notice and comment from adjacent property owners, when~~as~~ required by this Land Use Code or state code.

...

Sec. 102-1-4. - Notice of decision.

After ~~hearing~~ reviewing the evidence and considering the application, the ~~approving authority (planning commission, planning director or his designee, board of adjustment, and county commission on land use applications)~~Land Use Authority, as designated by this Land Use Code, shall make its findings and decision. It shall then send ~~have them entered in the minutes. Upon a decision by the approving authority,~~ a notice of decision ~~shall be mailed~~ to the applicant at the address or e-mail address given in the application. A notice of decision can be a ~~new~~ written notice of decision, a copy of the written administrative approval ~~form~~ signed by the planning director or designee, or a copy of the approved minutes. A decision by the ~~approving authority~~Land Use Authority is final at the time the notice of decision is ~~issued~~sent. If a notice of decision is not sent, and the decision was made in a meeting where minutes are kept, the decision shall be final on the date the minutes from the meeting are approved by the ~~approving authority~~Land Use Authority. The planning division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Unless the Land Use Authority's final decision specifies otherwise, ~~D~~the Land Use Authority's decision~~s~~ is~~are~~ subject to requirements and conditions stated in the staff report and, if applicable, listed in the meeting minutes.

...

Title 104 - ZONES

...

CHAPTER 27. - RESERVED~~NATURAL HAZARDS OVERLAY DISTRICTS~~

~~**Sec. 104-27-1. - Purpose and intent.**~~

~~(a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines and standards, in order to protect the health, welfare and safety of the citizens of the county, and to minimize potential effects of natural and manmade hazards by identifying known hazardous~~

Comment [c5]: Here is part of the new statute of for "building parcel designation." See the rest in 108-7-33.

Comment [c6]: This land use code no longer references "minor subdivisions." Only "small subdivisions."

Comment [c7]: Changes to this section clarify the role of the land use authority when offering a final decision and when notifying the applicant of the decision.

Field Code Changed

Comment [c8]: This whole section has been moved in its modified form to section 108-22. This removes it from the zoning chapter and places it in the standards chapter where it belongs.

~~areas. This portion of the chapter specifies the areas for which an environmental analysis shall be performed prior to development, the content of the analysis and the procedure by which development applications requiring the analysis are reviewed and processed.~~

~~(b) The county recognizes individual property rights and shall make every effort to balance the right of the individual property owner with the health, welfare, safety and the common good of the general public.~~

~~**Sec. 104-27-2. - Potential hazards.**~~

~~The following potential hazards have been identified:~~

~~(1) Surface-fault ruptures.~~

~~a. Surface faulting has been identified as a potential hazard in the county. Maps have been produced delineating the known area where a hazard may exist from surface fault ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas several miles away from the fault. These effects are not considered here, but are covered in subsection b of this section.~~

~~b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but sometimes as much as several feet. The zone between these two faults may be complexly faulted and tilted with offset along minor faults of several inches or more.~~

~~c. Based upon this data, it is difficult, both technically and economically, to design a structure to withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the fault is the principal risk reduction technique that can be reasonably taken.~~

~~d. No critical facility or structure for human occupancy shall be built astride an active fault. In some areas adjacent to the main trace but still within the zone of deformation, avoidance may not be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may occur and structural measures may be taken to reduce casualties and damage. However, structural damage may still be great, and buildings in the zone of deformation may not be safe for occupants following a large earthquake.~~

~~e. Due to the scale used to map these zones, there is not enough detail to delineate all fault traces and zones of deformation at a particular location, therefore, site specific plans and studies shall be required for development in or adjacent to the delineated areas.~~

~~f. Upon submittal, review and planning commission approval of site specific plans and studies with recommendations, produced by a qualified engineering geologist, setbacks shall be a minimum of 50~~

~~feet from an active fault trace. A reduction in the setback will be considered if the report presents evidence to justify a reduction acceptable to the planning commission.~~

~~(2) Landslide/tectonic subsidence.~~

~~a. Landslide. Landslides, historically, have been one of the most damaging geologic processes occurring in Weber County. Most active landslides, and most older slides, have been mapped and are shown on the Sensitive Lands Overlay District maps. These designations serve as an indication of unstable ground. The maps designate areas of landslides and slopes which are potentially unstable under static (non-earthquake) conditions, and are especially vulnerable under conditions of high to abnormally high precipitation. Landslides can damage structures, roads, railroads and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add water to the slide plane and promote further movement. Flooding may also be caused.~~

~~b. Many methods have been developed for reducing landslide hazards. Proper planning and avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning and development process. Care in site grading with proper compaction of fills and engineering of cut slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various engineering techniques are available to stabilize slopes, including de-watering (draining), retaining structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage diversion. Since every landslide and unstable slope has differing characteristics, any development proposed within a designated landslide hazard area, as delineated on the Sensitive Lands Overlay District maps, shall require the submittal, review and approval by the planning commission, of specific site studies, including grading plans, cut/fill, and plans produced by a qualified engineering geologist and a Utah licensed geotechnical engineer. The site specific study shall address slope stability (including natural or proposed cut slopes), evaluate slope failure potential, effects of development and recommendations for mitigative measures. Slope stability analysis shall include potential for movement under static, development-induced and earthquake-induced conditions as well as likely groundwater conditions.~~

~~c. Tectonic subsidence. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and sewer lines may be adversely affected.~~

~~d. Because subsidence may occur over large areas (tens of square miles), it is generally not practical to avoid the use of potentially affected land except in narrow areas of hazard due to lake shoreline flooding. For gravity-flow structures such as wastewater treatment facilities that are within areas of possible subsidence, it is advisable to consider the tolerance of such structures to slight changes in gradient. Some structures may have to be releveled after a large-magnitude earthquake. Critical~~

~~facilities which contain dangerous substances should have safety features to protect the structure, its occupants and the environment from both tilting and flooding.~~

~~e. Flooding problems along lakes from tectonic subsidence shall be reduced using standard techniques such as raising structures above expected flood levels and dikes can be built. Development adjacent to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake levels to protect against natural rises from wet periods, storm waves and earthquake induced seiching, as well as hazards associated with tectonic subsidence.~~

~~f. Rises in the water table accompanying tectonic subsidence may cause water to pond, flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the down dropped side.~~

~~g. The principal application of the identified tectonic subsidence areas is to make the public aware of the hazard and to indicate those areas where further study may be necessary. Site specific tectonic subsidence studies are recommended only for critical facilities in areas of potential lake margin and ponded shallow groundwater flooding. However, certain vulnerable facilities such as high cost wastewater treatment plants and hazardous waste facilities should also consider potential tilting.~~

~~(3) Rock fall.~~

~~a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County. As development advances higher onto the bench areas and into the canyons the risk from falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is water in outcrop discontinuities. Rock falls present a hazard because of the potential damage a large rock mass, traveling at a relatively high velocity, could cause to structures and personal safety. Buildings shall be located so that structures are not positioned in an area susceptible to rock falls. When new developments cannot be designed around a rock fall path, and hazard reduction measures must be considered, a site specific plan and hazard study, with recommendations for mitigation, shall be produced by a qualified engineering geologist, submitted for review and approval by the planning commission. Mitigation may require design by a Utah licensed geotechnical engineer, and may include rock stabilization techniques such as bolting, cable lashing, burying, and grouting discontinuities, removal or break up of potential rock clasts, as well as deflection berms, slope benches, and rock catch fences to stop or at least slow down falling rocks. Strengthening a structure to withstand impact is an example of modifying what is at risk. Mitigation problems can arise when rock source areas are located on land not owned by the developer.~~

~~b. In areas where the rock fall hazard is present but very low, disclosures of potential hazards to land owners and residents with an acknowledgment of risk and willingness to accept liability may be an acceptable alternative to avoidance or mitigation for single family residences.~~

~~(4) Debris flows.~~

~~a. Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in surges or pulses, due to gravity. They generally remain confined to stream channels in mountainous areas, but may reach and deposit debris over large areas on alluvial fans at and beyond canyon mouths.~~

~~b. The county debris flow hazard maps were constructed from the boundaries of active alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in areas identified as debris flow hazard areas shall be evaluated prior to approval of the proposed development.~~

~~1. A study shall be prepared by an engineering geologist for any development proposed in or adjacent to a debris flow hazard area and shall include:~~

~~(i) An analysis of the past history of debris flow at the site based on subsurface exploration to determine the nature and thickness of debris flow and related alluvial fan deposits.~~

~~(ii) An analysis of the drainage basin's potential to produce debris flows based on the presence of debris slides and colluvium-filled slope concavities, and an estimate of the largest probable volumes likely to be produced during a single event.~~

~~(iii) An analysis of the stream channel to determine if the channel will supply additional debris, impede flow, or contain debris flows in the area of the proposed development.~~

~~(iv) An analysis of manmade structures upstream that may divert or deflect debris flows.~~

~~(v) Recommendations concerning any channel improvements, flow modifications and catchment structures, direct protection structures or floodproofing measures, if necessary, in order to protect the development.~~

~~(vi) Upon approval of the county engineer, the report shall be presented to the planning commission along with review comments for recommendation of approval by the county commission.~~

~~(5) Liquefaction areas.~~

~~a. Earthquake ground shaking causes a variety of phenomena which can damage structures and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to increase the pressure in the pore water between soil grains, which decreases the stresses between the grains. The loss of intergranular stress can cause the strength of some soils to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures such as septic tanks and storage tanks may rise, and even gentle slopes may fail as liquefied soils and overlying materials move down slope.~~

~~b. Areas of potential liquefaction have been delineated and the following regulations and mitigation measures have been adopted in order to reduce the hazard and consequences. Areas of moderate to high liquefaction potential need not be avoided. Structural measures and site modification techniques are available to reduce hazards. A site specific liquefaction study shall be required to be~~

~~prepared, and shall be prepared by an engineering geologist and/or a state licensed geotechnical engineer.~~

~~(i) Standard soil foundation study, for the proposed development, shall include liquefaction potential evaluation based upon depth to groundwater, soil types and ground failure hazard.~~

~~(ii) If liquefiable soils are present, standard penetration tests and/or cone penetration tests shall be required to determine critical accelerations needed to induce liquefaction.~~

~~(iii) Report shall include accurate maps of the area showing any proposed development, the location of bore holes and/or test pits, the site geology, and location and depths of any liquefiable soils noted, along with the probability of critical accelerations needed to induce liquefaction in these soils being exceeded for appropriate time periods.~~

~~(iv) The report shall include recommendations for hazard reduction techniques.~~

~~(v) The county engineer shall concur with the scope of the report, techniques and methodology to be used in the preparation of the report and shall have input as to the specific types of information to be included in the report.~~

~~(vi) Upon approval of the county engineer, the report shall be presented to the planning commission along with review comments for recommendation of approval by the county commission.~~

~~(6) Flood. The floodplain standards are written to minimize the loss of life and property when floods do occur, not to ban development outright from the floodplain. The Federal Emergency Management Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for major drainages in Weber County. FEMA recommends that no new development be permitted in the 100-year floodplain unless:~~

~~a. Detailed engineering studies, prepared by a state licensed engineer, show that the proposed development will not increase the flood hazard to other property in the area. Recommendations shall be made for floodproofing or other mitigation techniques for development within flood hazard areas. (Site investigations for proposed development in lake flooding areas near Great Salt Lake need only indicate the site elevation. Development proposals in areas with elevations less than 4,218 feet will be reviewed with respect to lake flooding potential and compatibility of proposed use.)~~

~~b. The proposed development is elevated above the 100-year flood base elevation.~~

~~c. For federally insured loans, flood insurance is purchased from a company participating with the Federal Insurance Administration or a like private carrier.~~

~~d. Upon approval of the county engineer, the report shall be presented to the planning commission along with review comments for recommendation of approval by the county commission.~~

~~1. Alluvial fan flooding, which is not mapped under the FEMA program, may be a hazard on all active alluvial fans designated on the debris flow hazard maps. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.~~

~~2. Sheet flow. Certain areas of the Ogden Valley have been identified and mapped as areas of sheet flow flooding. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.~~

~~(7) Other hazardous areas.~~

~~a. As in many counties in the Western United States, development in the county is constrained by the presence of natural and manmade hazards. These hazards include avalanche, slope movement, soils categorized as having severe building limitations and slopes exceeding 30 percent.~~

~~b. Not all hazardous sites and conditions have been identified in the county; however, development on those identified sites shall be permitted when projects are studied and designed by a qualified engineering geologist and a state licensed civil engineer, architect and/or an engineering geologist and certified to withstand the potential hazard for which it is designed, and that the site is buildable and that the site is safe. This allows development on hazardous sites with the full acknowledgment of the property owner. The use of hazardous sites for open space is encouraged.~~

~~**Sec. 104-27-3. - Supplementary hazards definitions.**~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Active fault means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 11,000 years ago to the present).~~

~~Area of deformation means the zone along a fault in which natural soil and rock materials are disturbed as a result of movement along the fault. (Also Zone of Deformation.)~~

~~Critical acceleration means the minimum amount of ground acceleration during seismically induced ground movement required to induce liquefaction or other forms of ground disruption.~~

~~Critical facilities means:~~

~~(1) Lifelines such as major communication, utility and transportation facilities and their connection to emergency facilities;~~

~~(2) Essential facilities, such as:~~

~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~

~~b. Fire and police stations;~~

~~c. Tanks or other structures containing housing or supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures;~~

~~d. Emergency vehicle shelters and garages;~~

~~e. Structures and equipment in emergency-preparedness centers;~~

~~f. Standby power generating equipment for essential facilities;~~

~~g. Structures and equipment in government communication centers and other facilities required for emergency response;~~

~~(3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be dangerous to the safety of the general public if released; or~~

~~(4) Special occupancy structures, such as:~~

~~a. Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons);~~

~~b. Buildings for schools through secondary or day care centers (capacity greater than 50 students);~~

~~c. Buildings for colleges or adult education schools (capacity greater than 50 students);~~

~~d. Medical facilities with 50 or more resident incapacitated patients, but not included above;~~

~~e. Jails and detention facilities;~~

~~f. All structures with occupancy greater than 5,000 persons;~~

~~g. Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation;~~

~~h. Unique or large structures whose failure might be catastrophic, such as dams holding over ten acre feet of water.~~

~~Debris flow means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.~~

~~Engineering geologist means a geologist who, through education, training and experience, is able to assure that geologic factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public. This person shall have at least a four-year degree in geology, engineering geology, or a related field from an accredited university and at least three full years of experience in a responsible position in the field of engineering geology.~~

~~Engineering geology means the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.~~

~~Fault means a fracture in the earth's crust forming a boundary between rock and soil masses that have moved relative to each other (See Active fault).~~

~~Fault scarp means a steep slope or cliff formed directly by movement along a fault.~~

~~Fault trace means the intersection of a fault plane with the ground surface.~~

~~Fault zone means a corridor of variable width along one or more fault traces.~~

~~Landslide means a general term for the downslope movement of a mass of soil, surficial deposits or bedrock.~~

~~Liquefaction means a process by which certain water-saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure.~~

~~Natural hazard means avalanche, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic subsidence and/or landslide.~~

~~Natural hazard maps means the overlay maps, which delineate hazards, such as avalanche, liquefaction, surface fault rupture, rock fall and/or landslide areas.~~

~~Rock fall means the gravity-induced drop of a newly detached segment of bedrock or perched rock of any size from a cliff or steep slope.~~

~~Structure designed for human occupancy means any residential dwelling or any other structure used or intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours per year.~~

~~**Sec. 104-27-4. - Studies and reports required.**~~

~~(a) Requirement for report. Any applicant requesting development on a parcel of land within a natural hazards study area, as shown on the natural hazards maps, shall submit to the planning commission six copies of site-specific natural hazard studies and reports, where required for such development according to the following chart.~~

~~(1) The natural hazards report and studies shall be prepared by an engineering geologist. In the case of a snow avalanche hazard, the report shall be prepared by an experienced avalanche expert. The report shall be signed by the preparer and shall also include the qualifications of the preparer.~~

~~(2) The report shall be site-specific and identify all known or suspected potential natural hazards originating on-site or off-site affecting the particular property.~~

~~(3) The report shall include a detailed site map (scale: one inch equals 200 feet or larger), showing the location of the hazard with delineation of the recommended setback distances from the hazard and the recommended location for structures.~~

~~(4) The report shall address the potential effects of the hazard on the proposed development and occupants thereof in terms of risk and potential damage.~~

~~(5) The report shall contain recommendations for avoidance or mitigation of the effects of the hazard consistent with the purposes set forth in section 104-27-1 of this chapter. The evidence on which recommendations and conclusions are based shall be clearly stated in the report.~~

~~(6) Trench logs (scale: one inch equals five feet or larger), aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.~~

~~Land Use (Type of Facility)~~	~~Liquefaction Potential High/Moderate~~	~~Landslide/Rock Fall/Debris Flow Special Study Area~~	~~Surface Fault Rupture Special Study Area~~
~~Critical facilities~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Industrial or commercial ;gt;2 stories/;gt;5,000 sq. ft.~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Multifamily (4 or more units) and all other industrial or commercial~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Residential subdivisions~~	~~No**~~	~~Yes~~	~~Yes~~
~~Residential, single lots/multifamily (less than 4 units/acre)~~	~~No**~~	~~Yes~~	~~Yes~~

~~**Although no special study is required, disclosure is required as described in section 104-27-7.~~

~~-~~

~~(b) Review of report. In order to fulfill the purposes of this chapter, the planning commission (for conditional uses, site plan review, design review and subdivisions) shall review any proposed development which requires preparation of a natural hazards report under this chapter to determine the possible risks to the safety of persons or property from natural hazards.~~

~~(1) Prior to consideration by the planning commission of any such development, the planning director shall submit the report to the Utah Geological and Mineral Survey, the U.S. Forest Service,~~

and/or any other experts for review and recommendation. Any cost for the review shall be paid by the applicant prior to any planning commission action.

(2) Whenever the planning commission determines that an area is subject to natural hazards which present an unreasonable risk to the safety of persons or property, including public streets, such area shall not be approved for development unless the applicant can demonstrate that such a risk can be reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural environment.

(3) The planning commission may set requirements necessary to reduce the risks from natural hazards as a condition to the approval of any development which requires preparation of a natural hazards report.

(c) Active fault consideration. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a special study and report, as described in subsection (a) of this section, shall be performed to determine if the fault is active, and if the fault is determined to be active, the procedures set forth in subsection (b) of this section, shall be followed. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements of chapter 29 of the Uniform Building Code. The planning commission may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

Sec. 104-27-5. - Disclosure required.

(a) When a natural hazard report shows that a hazard exists which affects a particular parcel, a copy of the report shall be kept for public inspection in the county planning commission office. The natural hazard report denoting the type and severity of the hazard, the professional who prepared the report, the fact that the report is available to the public at the county planning department, and any restrictions on the use of the parcel required within the natural hazards report shall be recorded as a deed covenant running with the land, in the office of the county recorder, in addition to the following:

(1) Notice that the parcel is located within a natural hazards special study area as shown on the natural hazards map.

(2) Notice of the existence and availability of the natural hazards report for public inspection in the county planning commission office.

(3) An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the planning commission to minimize adverse effects of the natural hazard.

(4) When a natural hazard report is not required, but where the parcel is located within a mapped hazardous area, as shown on one of the natural hazards overlay maps, notice that the parcel is located

~~within such an area shall be recorded as a deed covenant running with the land in the county recorder's office and shall be written in a form satisfactory to the county engineer and attorney.~~

~~(5) The natural hazards ordinance codified in this chapter and natural hazards maps represent only those hazardous areas known to the county, and shall not be construed to include all possible potential hazard areas. The natural hazards listed in this chapter and associated maps may be amended as new information becomes available. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of natural hazards. This chapter shall not create liability on the part of the county, any officer or employee thereof for any damages from natural hazards that result from reliance on this chapter or any administrative requirement or decision lawfully made thereunder.~~

~~Sec. 104-27-6. - Exemptions from filling natural hazard report.~~

~~Proposed development not occupied by humans shall not be required to provide a natural hazard report, except critical facilities which shall be required to provide a report.~~

~~Sec. 104-27-7. - Costs to be the responsibility of the developer/applicant.~~

~~Any of the above described technical reports and/or studies shall be performed by the required qualified professional on behalf of the county through a third-party contract where all fees, costs and expenses are the responsibility of the applicant. Any other costs incurred in providing technical reports or testimony by expert witnesses shall be solely the responsibility of the applicant and not the county.~~

~~Sec. 104-27-8. - Change of use.~~

~~No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall not be permitted unless the building or structure complies with the provisions of this chapter.~~

~~Sec. 104-27-9. - Variances.~~

~~(a) Ability to grant. The county board of adjustment, when deciding appeals for variances of distance or area within the Natural Hazards Overlay Zone shall follow both the standards of title 102, chapter 3 of the Weber County Land Use Code and the standards stated below.~~

~~(b) Items to consider. In deciding whether to grant a variance and what conditions to attach to its approval, the board of adjustment shall consider:~~

~~(1) The likelihood during a significant seismic or other geologic event that materials may be moved onto adjacent land areas causing injury to persons or property;~~

~~(2) The degree of susceptibility to damage by seismic or other geologic activity for the building design or use proposed;~~

~~(3) The importance of the services of the proposed facility to the community and the need for the facility to be functional following a significant event of geologic activity;~~

~~(4) The necessity of the facility to be in the proposed location or proposed design;~~

~~(5) Considering alternate locations and designs available;~~

~~(6) The ability of the community to provide emergency services to the facility in the event of a catastrophe;~~

~~(7) The degree of benefit received from the variance relative to the hazards posed to the facility's neighbors, visitors, and owners.~~

~~(c) Presumption relative to approval. Generally, the standards of this chapter shall not be varied unless an equally safe method of use and construction can be approved.~~

~~(1) The amount of variance approved shall be only the minimum amount required to provide relief.~~

~~(2) A variance shall be granted only if it will not result in a threat to public safety, cause extraordinary public expense, or create a nuisance.~~

~~(3) A variance shall be granted only if it will not result in a threat to public safety, cause extraordinary public expense, or create a nuisance.~~

~~(4) In a continuum beginning with hay barns and agricultural structures and going to high rise apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for structures with a high percentage of time when the structure is utilized by humans or is occupied by a large number of people.~~

~~**Sec. 104-27-10. - Disputes; boundaries or mapped hazards.**~~

~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be determined by use of the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, or where detailed investigations show that the mapped hazards are not present within a particular area, the dispute shall be settled as follows:~~

~~(1) The person disputing the hazard study area boundary or the mapped hazards present within a particular area shall submit technical and geologic evidence to support such claim to the planning commission in the form of a site-specific natural hazards report.~~

~~(2) The planning commission may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the evidence prior to making a decision concerning the dispute.~~

~~(3) The cost of the review shall be paid by the person disputing the map.~~

~~(4) The planning commission may allow deviations from the mapped boundary line only if the evidence clearly and conclusively establishes that the natural hazard study area boundary location is incorrect, or that the mapped hazards are not present within a particular area.~~

~~(5) Any decision of the planning commission may be appealed to the board of county commissioners by filing an appeal within 15 days of the planning commission's decision.~~

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Title 106 - SUBDIVISIONS

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CHAPTER 1. - GENERAL PROVISIONS

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Sec. 106-1-8. - Final plat requirements and approval procedure.

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(g) *Additional ~~documents~~provisions*. The Land Use Authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site specific conditions ~~of development or other~~ restrictions applied to the ~~use~~development of a lot or lots ~~resulting~~ attributed~~from~~ to topography, geologic or environmental conditions or potential hazards, location, ~~or zoning~~ or other site specific ~~regulations~~conditions or restrictions authorized by this Land Use Code~~, etc.,~~ shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site specific condition or restriction ~~, and~~ shall be recorded ~~as a protective covenant attached~~ to run with the lot or lots affected.

Comment [c9]: This subsection of the Subdivision code is being modified to remove the requirement for a "covenant." It is also being modified for general clarity.

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Title 108 - STANDARDS

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CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

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Sec. 108-7-33. - Building parcel designation

Comment [c10]: Here is the new statute for a building parcel designation.

(a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

(b) A building parcel designation shall be approved provided that:

(1) An application shall be submitted on a form approved by the Planning Director;

(2) The application shall include a copy of the subdivision plat;

(3) All lots proposed to be combined shall be under the same ownership;

(4) No additional lot shall be created; and

(5) The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or PRUD. Existing lots that do not conform to current zoning shall require an amended subdivision plat.

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CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS

Comment [c11]: Changes to this whole chapter are intended to separate hillside review process from the natural hazards review process. More changes to this chapter can be anticipated in the future.

Sec. 108-14-1. - Purpose and intent.

(a) It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Land Use Code of Weber County require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive areas, such features as special soil ~~and geologic~~ conditions, steep terrain, highly combustible native vegetation, and other conditions may pose serious potential consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.

(b) In the administration of the provisions of this chapter, the hillside development review board shall strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging and requiring, where necessary, the following:

(1) A minimum amount of grading which preserves the natural contours of the land.

(2) Retention of trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.

(3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.

(4) Placement of building sites in such a manner as to permit ample room for adequate defensible area as defined by the fire code, landscaping and drainage between and around the buildings.

(5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.

(6) Lot and structure designs and location which will be appropriate in order to reduce ~~geologic and environmental hazards, as required in of title 104, chapter 27, Natural Hazards Overlay District, as well as~~ grading and natural topographic disturbance.

(7) Cluster type development or other new concepts and techniques, where appropriate, in order to eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.

(8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain necessary cut and fill slopes in order to stabilize them with plant roots or other materials, thereby preventing erosion and to conceal the raw soil from view.

...

Sec. 108-14-3. - Applicability.

(a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an application request for land use and building permits. Hillside Review is required as part of the preliminary subdivision review. This requirement may be waived by the Pplanning Ddirector and the Ccounty Eengineer on a case-by-case basis.

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(b) The planning division shall not issue any land use permits, and the building official shall not issue any building permits until detailed plans and engineered drawings have been submitted to, and approved by the hillside development review board. Any condition attached to such approval by said board shall be a condition required with the issuance of land use permit. All parcels, subdivisions, lots, roads and accesses may come under consideration of the review board if requested by the owner, developer, or review agency. Other circumstances may warrant a review as found in the Title 108 Chapter 22 – Natural Hazard Areas. ~~"Natural Hazards Overlay Districts" of title 104, chapter 27.~~

Sec. 108-14-4. - Procedure.

Application plans and applications of the proposed development and any relevant information regarding building and excavation of the site are to be submitted to the planning division. Information shall include, but not be limited to the following:

(1) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.

(2) Site plan with contours.

(3) Cross sections of improvements.

(4) Retaining wall designs with engineers stamp (if applicable).

(5) Geotechnical report (site specific for structures) and, if applicable, ~~an outside review of the geological report if deemed necessary.~~verification of compliance with the requirements of Title 108, Chapter 22 - Natural Hazard Areas.

(6) Other studies and/or information deemed necessary by the members of the board.

(7) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution prevention plan (SWPPP) shall be required at the time of application. Erosion control landscaping on cuts, fills and other locations, considered necessary by the review board, shall be provided in order to prevent erosion.

(8) A landscape plan as per ~~section~~Section 108-14-10.

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Sec. 108-14-9. ~~–~~ Reserved. ~~Geologic and other environmental considerations.~~

~~(a) Geologic and other environmental constraints shall be considered by the review board when reviewing any developments on restricted lots or parcels of land. Mitigation measures shall be required as stated in title 104, chapter 27 the Natural Hazards Overlay District of the Weber County Land Use Code.~~

~~(b) An outside review of the geological report may be done by an independent firm, at the discretion of the county engineer if he deems it necessary; the independent firm will be selected from a list, provided by the county, with all costs associated with the review paid by the applicant. The hillside development review board shall consider the findings, recommendations, and requirements of the report. If the applicant disagrees with the finding and reconditions and requirements of the independent firm, they may appeal to the board of adjustment.~~

...

Sec. 108-14-11. - Appeals.

(a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of Adjustment, of this Land Use Code.

Comment [c12]: This whole section is intended to clarify the appeal process, and bring the ordinance into compliance with state statute.

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(b) When a written decision provided under this chapter contains technical aspects, an applicant may request the County to assemble a panel of qualified professionals to serve as the appeal authority for the sole purpose of determining those technical aspects[1].

(1) The technical aspects of the administration and interpretation of this chapter are decisions related to:

a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;

b. the review and recommendation of an acceptable study or report for the Land Use Authority's consideration; or

c. the interpretation or application of any technical provisions of a study or report that is required by this chapter.

(2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under this subsection, the County shall assemble the panel consisting of:

a. one qualified professional designated by the County;

b. one qualified professional designated by the applicant; and

c. one qualified professional chosen jointly by the County's designated qualified professional and the applicant's designated qualified professional.

(3) A member of the panel may not be associated with the application that is the subject of the appeal.

(4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

(5) The panel shall be governed by the same appeal provisions of the Board of Adjustment provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

~~An appeal of the Hillside Development Review Board's decision shall be submitted to the county planning division:~~

~~(1) The applicant, a board or officer of the county, or any person adversely affected by the Hillside Development Review Board's decision administering or interpreting Hillside Development Review procedures and standards ordinance may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the Hillside Development Review Board in the administration or interpretation of the hillside development review procedures and standards ordinance.~~

~~(2) An applicant who has appealed a decision of the land use authority administering or interpreting the county's geologic hazard ordinance may request the county to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.~~

~~(3) If an applicant makes a request under subsection (1) of this section, the county shall assemble the panel described in subsection (4) of this section consisting of, unless otherwise agreed by the applicant and county:~~

~~a. One expert designated by the county;~~

~~b. One expert designed by the applicant; and~~

~~c. One expert chosen jointly by the county's designated expert and the applicant's designated expert from a pre-approved list that the engineering division has assembled.~~

[1] Note to codifiers: provide reference to UCA §17-27a-703(2)

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~~(4) A member of the panel assembled by the county under subsection (3) of this section may not be associated with the application that is the subject of the appeal.~~

~~(5) The applicant shall pay one-half of the cost of the panel and the county's published appeal fee.~~

...

CHAPTER 22. – NATURAL HAZARD AREAS

Comment [c13]: All of the changes from Section 104-27 have been moved here in their modified form. See the comparison in Exhibit D to review the changes between them.

Sec. 108-22-1. - Purpose and intent.

(a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines and standards, in order to protect the health, welfare and safety of the citizens of the County, and to minimize potential effects of natural and manmade hazards by identifying known hazardous areas. This portion of the chapter specifies the areas for which an environmental analysis shall be performed prior to development, the content of the analysis and the procedure by which development applications requiring the analysis are reviewed and processed.

(b) The County recognizes individual property rights and shall make every effort to balance the right of the individual property owner with the health, welfare, safety and the common good of the general public.

Sec. 108-22-2. - Potential hazards.

The following potential hazards have been identified:

(1) Surface-fault ruptures.

a. Surface faulting has been identified as a potential hazard in the County. Maps have been produced delineating the known area where a hazard may exist from surface fault ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas several miles away from the fault. These effects are not considered here, but are covered in subsection 3 of this section.

b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but sometimes as much as several feet. The zone between these two faults may be complexly faulted and tilted with offset along minor faults of several inches or more.

c. Based upon this data, it is difficult, both technically and economically, to design a structure to withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the fault is the principal risk reduction technique that can be reasonably taken.

d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structure designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some areas adjacent to the main trace but still within the zone of deformation, avoidance may not be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may occur and structural measures may be taken to reduce casualties and damage. However, structural damage may still be great, and buildings in the zone of deformation may not be safe for occupants following a large earthquake.

e. Due to the scale used to map these zones, there is not enough detail to delineate all fault traces and zones of deformation at a particular location, therefore, site specific plans,

studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use Code, for development in or adjacent to the delineated areas.

f. Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the setback may be considered if the report presents evidence to justify a reduction acceptable to the Land Use Authority, after recommendation from the County Engineer.

(2) Landslide.

a. Landslides, historically, have been one of the most damaging geologic processes occurring in Weber County. Most active landslides, and most older slides, have been mapped. The maps identify areas of landslides and slopes which are potentially unstable under static (non-earthquake) conditions, and are especially vulnerable under conditions of high to abnormally high precipitation, heavy snowmelt, or excessive water application due to irrigation or septic system discharge. Landslides can damage structures, roads, railroads and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add water to the slide plane and promote further movement. Flooding may also be caused.

b. Many methods have been developed for reducing a landslide hazard. Proper planning and avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning and development process. Care in site grading with proper compaction of fills and engineering of cut slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various engineering techniques are available to stabilize slopes, including de-watering (draining), retaining structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage diversion. Since every landslide and unstable slope has differing characteristics, any development proposed within an identified landslide hazard area shall require the submittal and review of a study and report, as provided in Section 108-22-3. The study and report shall address slope stability (including natural or proposed cut slopes), evaluate slope-failure potential, effects of development and recommendations for mitigative measures. Slope stability analysis shall include potential for movement under static, development-induced and earthquake-induced conditions as well as likely groundwater conditions.

(3) Tectonic subsidence.

a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and sewer lines may be adversely affected.

b. Because subsidence may occur over large areas (tens of square miles), it is generally not practical to avoid the use of potentially affected land except in narrow areas of hazard due to lake shoreline flooding. For gravity-flow structures such as wastewater treatment facilities that are within areas of possible subsidence, it is advisable to consider the tolerance of such structures to slight changes in gradient. Some structures may have to be releveled after a large-magnitude earthquake. Critical facilities which contain dangerous substances should have safety features to protect the structure, its occupants and the environment from both tilting and flooding.

c. Flooding problems along lakes from tectonic subsidence shall be reduced using standard techniques such as raising structures above expected flood levels and dikes can be built. Development adjacent to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake levels to protect against natural rises from wet periods, storm waves and earthquake induced seiching, as well as hazards associated with tectonic subsidence.

d. Rises in the water table accompanying tectonic subsidence may cause water to pond, flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the down dropped side.

e. The principal application of the identified tectonic subsidence areas is to make the public aware of the hazard and to indicate those areas where further study may be necessary. Site specific tectonic subsidence reports and studies are recommended only for critical facilities in areas of potential lake-margin and ponded shallow groundwater flooding. However, certain vulnerable facilities such as high cost wastewater treatment plants and hazardous waste facilities should also consider potential tilting.

(4) Rock fall.

a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County. As development advances higher onto the bench areas and into the canyons the risk from falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is water in outcrop discontinuities. Rock falls present a hazard because of the potential damage a large rock mass, traveling at a relatively high velocity, could cause to structures and personal safety. When new developments cannot be designed around a rock fall path, and hazard reduction measures must be considered, a study and report as provided in Section 108-22-3, is required. Mitigation shall require design by a Utah licensed geotechnical engineer, and may include rock stabilization techniques such as bolting, cable lashing, burying, and grouting discontinuities, removal or break-up of potential rock clasts, as well as deflection berms, slope benches, and rock catch fences to stop or at least slow down falling rocks. Strengthening a structure to withstand impact is an example of modifying what is at risk. Mitigation problems can arise when rock source areas are located on land not owned by the developer.

b. In areas where the rock fall hazard is present but very low, disclosure of a potential hazard to land owners and residents with an acknowledgment of risk and willingness to accept liability may be an acceptable alternative to avoidance or mitigation for single-family residences.

(5) Debris flows.

a. Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in surges or pulses, due to gravity. They generally remain confined to stream channels in mountainous areas, but may reach and deposit debris over large areas on alluvial fans at and beyond canyon mouths.

b. The County debris flow hazard maps were constructed from the boundaries of active alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in areas identified as debris flow hazard areas shall be evaluated prior to approval of the proposed development. A study and report, as provided in Section 108-22-3, shall be prepared by an engineering geologist for any development proposed in or adjacent to a debris flow hazard area and shall include:

1. An analysis of the history of debris flow at the site based on subsurface exploration to determine the nature and thickness of debris flow and related alluvial fan deposits. If, in the engineering geologist's professional opinion, geologic conditions have changed enough to render a debris flow inactive, the analysis may estimate the nature and approximate thickness of the debris flow and related alluvial fan deposits in lieu of subsurface exploration.

2. An analysis of the drainage basin's potential to produce debris flows based on the presence of debris slides and colluvium-filled slope concavities, and an estimate of the largest probable volumes likely to be produced during a single event.

3. An analysis of the stream channel to determine if the channel will supply additional debris, impede flow, or contain debris flows in the area of the proposed development.

4. An analysis of manmade structures upstream that may divert or deflect debris flows.

5. Recommendations concerning any channel improvements, flow modifications and catchment structures, direct protection structures or floodproofing measures, if necessary, in order to protect the development.

(6) Liquefaction areas.

a. Earthquake ground shaking causes a variety of phenomena which can damage structures and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to increase the pressure in the pore water between soil grains, which decreases the stresses between the grains. The loss of intergranular stress can cause the strength of some soils to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures such as septic tanks and storage tanks may rise, and even gentle slopes may fail as liquefied soils and overlying materials move down slope.

b. Areas of potential liquefaction have been delineated and the following regulations and mitigation measures have been adopted in order to reduce the hazard and consequences. Areas of moderate to high liquefaction potential need not be avoided. Structural measures and site modification techniques are available to reduce a hazard. A site specific liquefaction study and report shall be required pursuant to Section 108-22-3, and shall be prepared by an engineering geologist and/or a state licensed geotechnical engineer and shall comply with the following:

1. Standard soil foundation study, for the proposed development, shall include liquefaction potential evaluation based upon depth to groundwater, soil types and ground failure hazard.

2. If liquefiable soils are present, standard penetration tests and/or cone penetration tests shall be required to determine critical accelerations needed to induce liquefaction.

3. The study and report shall include an accurate map of the area showing any proposed development, the location of bore holes and/or test pits, the site geology, and location and depths of any liquefiable soils noted, along with the probability of critical accelerations needed to induce liquefaction in these soils being exceeded for appropriate time periods.

4. The report shall include recommendations for hazard reduction techniques.

(7) Flood.

a. The floodplain standards are written to minimize the loss of life and property when floods do occur, not to ban development outright from the floodplain. In the event the following provisions conflict with those in Title 22 of the Weber County Code, the most restrictive shall apply. The Federal Emergency Management Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for major drainages in Weber County.

b. FEMA recommends that no new development be permitted in the 100-year floodplain unless:

1. Detailed engineering study and reports, as required by Section 108-22-3, prepared by a state-licensed engineer, show that the proposed development will not increase the flood hazard to other property in the area. Recommendations shall be made for floodproofing or other mitigation techniques for development within flood hazard areas. (Site investigations for proposed development in lake-flooding areas near Great Salt Lake need only indicate the site elevation. Development proposals in areas

with elevations less than 4,218 feet will be reviewed with respect to lake-flooding potential and compatibility of proposed use.)

2. The proposed development is elevated above the 100-year flood base elevation.

3. For federally-insured loans, flood insurance is purchased from a company participating with the Federal Insurance Administration or a like private carrier.

c.. The study and report, as may be required by Section 108-22-3, shall consider the following:

(i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a hazard on all active alluvial fans identified on debris flow hazard maps. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.

(ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped as areas of sheet flow flooding. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.

(8) Other hazards.

a. As in many counties in the Western United States, development in the County is constrained by the presence of natural and manmade hazards. These hazards include, but are not limited to, avalanche, slope movement, soils categorized as having severe building limitations and slopes exceeding 30 percent.

b. Not all hazardous sites and conditions have been identified in the County. As a hazard or potential hazard becomes known, the County has discretion to require any study and report that is necessary to understand how the hazard or potential hazard may impact development. The study or report shall provide appropriate hazard mitigation measures.

Sec. 108-22-3. - Studies and reports required.

(a) *Requirement for a study and report.* Unless otherwise exempted in Section 108-22-5, any application for development on a parcel of land within a natural hazard study area shall be submitted to the planning division with two hard copies and one electronic (pdf) copy of a site-specific natural hazard study and report, where required for such development according to the following chart:

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Study Area	Surface Fault Rupture Study Area	Tectonic Subsidence Study Area	Flood Study Area	Other Hazardous Areas
Critical facilities	Yes	Yes	Yes	Recommended	Yes	As determined by the County Engineer
Industrial, commercial, or multifamily (4 or more units)	Yes	Yes	Yes	No	Yes	As determined by the County Engineer
Residential subdivisions	No**	Yes, unless otherwise provided by Section 108-22-2(4)b.	Yes	No	Yes	As determined by the County Engineer
Residential, single lots/multifamily (less than 4 units)	No**	Yes, unless otherwise provided by Section 108-22-2(4)b.	Yes	No	Yes	As determined by the County Engineer

**Although no study and report is required, disclosure is required as described in Section 108-22-4.

(1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case of a snow avalanche hazard, the study and report shall be prepared by an experienced avalanche expert. The study and report shall be signed by the preparer and shall also include the qualifications of the preparer.

(2) Each natural hazard study and report shall be site-specific and identify, to the extent practicable, all known or suspected potential natural hazard(s) originating on-site or off-site which present a reasonable likelihood of adversely affecting the particular property.

(3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals 200 feet or larger), showing the location and type of hazard with delineation of the recommended setback distances from the hazard and the recommended location for structures.

(4) Each natural hazard study and report shall address the potential adverse effects of the hazard on the proposed development and occupants thereof in terms of the reasonable likelihood of potential damage.

(5) Each natural hazard study and report shall contain recommendations for avoidance or mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

Section 108-22-1 of this chapter. The evidence on which recommendations and conclusions are based shall be clearly stated in the report.

(6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs, references with citations, and other supporting information, as applicable, shall also be included in each natural hazard study and report.

(b) *Review of the study and report.* In order to fulfill the purposes of this chapter, the Land Use Authority shall review any proposed development which requires preparation of a natural hazard study and report under this chapter to determine the possible risks to the safety of persons or property from a natural hazard.

(1) Prior to consideration by the Land Use Authority of any such development, the County Engineer may submit the study and report, and, if applicable, site specific plan, to outsourced qualified professionals for review and recommendation. Any cost for the review shall be paid by the applicant prior to any Land Use Authority action.

(2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions, or specific types of information presented in the study and report if industry standards of care were not used. All conclusions of the study and report shall be supported by adequate data.

(3) The County Engineer shall prepare a final review and recommendation of an acceptable study and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.

(4) Whenever the Land Use Authority determines that an area is subject to a natural hazard which present an unreasonable risk to the safety of persons or property, including public streets, such area shall not be approved for development unless the applicant can demonstrate that such a risk can be reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural environment.

(5) The Land Use Authority may set requirements or conditions necessary to reduce the risks from a natural hazard as a condition to the approval of any development which requires preparation of a natural hazard study and report.

(c) *Study and report verification.* The project engineering geologist shall submit with the study a signed and sealed verification letter stating that the study was conducted in accordance with industry standards of care, and that it complies with this Land Use Code and all other applicable laws. Written verification shall be provided from the issuer of professional errors and omissions liability insurance, in the amount of one million dollars ($1,000,000.00), which covers the engineering geologist, and which is in effect on the date of preparation of all required studies and reports.

(d) *Development design verification.* Whenever possible, avoidance of development in an area with an identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter, development in an area with an identified natural hazard shall be permitted when it is designed to mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not be accepted by the County unless:

(1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County with a signed and sealed verification letter stating that, pursuant to the considerations, findings, recommendations, and conclusions of the development's engineering geologist's study and report, the development has been designed to mitigate, and is reasonably safe from, the identified hazard.

(2) The development's engineering geologist submits a signed and sealed verification letter stating that the final design of the development adequately provides for the considerations, findings, recommendations, and conclusions of the study and report, and is reasonably safe from the identified hazard.

(3) Written verification is provided from the issuer(s) of professional errors and omissions liability insurance, in the amount of one million dollars ($1,000,000.00), which covers the engineering

Comment [c14]: This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

Comment [c15]: This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

Comment [c16]: This word, and its use in throughout this subsection, has been changed from previous versions.

geologist and state licensed engineer(s), and which is in effect on the date of preparation of all required reports and certifications.

Sec. 108-22-4. - Disclosure required.

(a) When a natural hazard report shows that a hazard exists which affects a particular parcel:

(1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

(2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision plat shall be required, which provide:

a. Notice that the parcel is located within a natural hazard study area;

b. Notice that a natural hazard study and report is available for public inspection in the County Planning Division Office;

c. Notice that a hazard has been identified on the parcel and the type and severity of the hazard;

d. The professional who prepared the report, with his or her contact information; and

e. Any restrictions on the use of the parcel required within the natural hazard report, or by the Land Use Authority.

(b) When a natural hazard report is not required, but where the parcel is located within a natural hazard study area, notice that the parcel is located within such an area shall be recorded running with the land and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to the County Engineer and County Attorney.

(c) The natural hazard ordinance codified in this chapter and natural hazard map represent only those potentially hazardous areas known to the County, and shall not be construed to include all possible potential hazard areas. The natural hazards listed in this chapter may be amended as new information becomes available. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of a natural hazard. This chapter shall not create liability on the part of the County, any officer or employee thereof for any damages from a natural hazard that result from reliance on this chapter or any administrative requirement or decision lawfully made thereunder.

Sec. 108-22-5. - Exemptions from natural hazard study and report.

A proposed structure that is not a structure designed for human occupancy shall not be required to provide a natural hazard report, except a report shall be provided for a critical facility if required by Section 108-22-3.

Sec. 108-22-6. - Costs to be the responsibility of the developer/applicant.

Any of the above described technical reports and/or studies shall be performed by qualified professionals on behalf of the applicant. The cost of outsourced qualified professionals used by the County to aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other costs incurred in providing technical reports or testimony by qualified professionals or expert witnesses shall be solely the responsibility of the applicant and not the County.

Sec. 108-22-7. - Change of use.

No change in use which results in the conversion of a building or structure not designed for human occupancy to one designed for human occupancy shall be permitted unless the building or structure complies with the provisions of this chapter.

Sec. 108-22-8. - Conflict between boundaries of study area or identified hazard.

Comment [c17]: This section is being changed to remove the word "covenant." A covenant has a very specific legal meaning. The point of this section is to provide notice, not a covenant. On a related amendment herein, see §106-1-8(g).

Comment [c18]: This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

Where there is a conflict between the boundaries of an identified natural hazard study area and actual field conditions, or where detailed investigations show that the identified hazard is not present within a particular area, the conflict shall be settled as follows:

(1) The person disputing the natural hazard study area boundary shall submit technical and geologic evidence to support such claim to the County Engineer in the form of a site-specific natural hazard report.

(2) The County Engineer may request outsourced qualified professionals to review the evidence and make a recommendation prior to making a final written decision concerning the dispute. The cost of the outsourced qualified professional's review shall be paid by the person disputing the boundary.

(3) The County Engineer may allow modifications to the boundary only if the evidence clearly and conclusively establishes that the natural hazard study area boundary location is incorrect, or that the identified hazard is not present within a particular area.

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Sec. 108-22-9. - Appeals.

(a) Except as allowed in subsection (b) of this Section, an appeal of any written decision in the application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of Adjustment, of this Land Use Code.

(b) When a written decision provided under this chapter contains technical aspects, an applicant may request the County to assemble a panel of qualified professionals to serve as the appeal authority for the sole purpose of determining those technical aspects[2].

(1) The technical aspects of the administration and interpretation of this chapter are decisions related to:

a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;

b. the review and recommendation of an acceptable study or report for the Land Use Authority's consideration;

c. the interpretation or application of any technical provisions of a study or report that is required by this chapter; or

d. the modification of a natural hazard study area boundary.

(2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under this subsection, the County shall assemble the panel consisting of:

a. one qualified professional designated by the County;

b. one qualified professional designated by the applicant; and

c. one qualified professional chosen jointly by the County's designated qualified professional and the applicant's designated qualified professional.

(3) A member of the panel may not be associated with the application that is the subject of the appeal.

(4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

(5) The panel shall be governed by the same appeal provisions of the Board of Adjustment provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

[2] Note to codifiers: provide reference to UCA §17-27a-703(2)

CHAPTER ~~27. –~~22. – NATURAL ~~HAZARDS OVERLAY DISTRICTS~~ HAZARD AREAS

Sec. ~~104-27~~108-22-1. - Purpose and intent.

(a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines and standards, in order to protect the health, welfare and safety of the citizens of the ~~county~~County, and to minimize potential effects of natural and manmade hazards by identifying known hazardous areas. This portion of the chapter specifies the areas for which an environmental analysis shall be performed prior to development, the content of the analysis and the procedure by which development applications requiring the analysis are reviewed and processed.

(b) The ~~county~~County recognizes individual property rights and shall make every effort to balance the right of the individual property owner with the health, welfare, safety and the common good of the general public.

Sec. ~~104-27~~108-22-2. - Potential hazards.

The following potential hazards have been identified:

(1) Surface-fault ruptures.

a. Surface faulting has been identified as a potential hazard in the ~~county~~County. Maps have been produced delineating the known area where a hazard may exist from surface fault ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas several miles away from the fault. These effects are not considered here, but are covered in subsection ~~b~~3 of this section.

b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but sometimes as much as several feet. The zone between these two faults may be complexly faulted and tilted with offset along minor faults of several inches or more.

c. Based upon this data, it is difficult, both technically and economically, to design a structure to withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the fault is the principal risk reduction technique that can be reasonably taken.

d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structure designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some areas adjacent to the main trace but still within the zone of deformation, avoidance may not be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may occur and structural measures may be taken to reduce casualties and damage. However, structural damage may still be great, and buildings in the zone of deformation may not be safe for occupants following a large earthquake.

e. Due to the scale used to map these zones, there is not enough detail to delineate all fault traces and zones of deformation at a particular location, therefore, site specific plans ~~and~~, studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use Code, for development in or adjacent to the delineated areas.

f. ~~Upon submittal, review and planning commission approval of site specific plans and studies with recommendations, produced by a qualified engineering geologist,~~ Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the setback ~~will~~may be considered if the report presents evidence to justify a reduction

Comment [c1]: All of the changes from Section 104-27 have been moved into this new section (108-22) in their modified form.

Comment [c2]: Current code is inconsistent about this. This corrects the inconsistency.

Comment [c3]: Of specific concern, this ordinance suggests that only the planning commission has control over development approvals where natural hazards are a concern. This amendment fixes that (you see these changes throughout).

acceptable to the ~~planning commission~~Land Use Authority, after recommendation from the County Engineer.

(2) Landslide~~/tectonic subsidence~~.

a. ~~Landslide.~~ Landslides, historically, have been one of the most damaging geologic processes occurring in Weber County. Most active landslides, and most older slides, have been mapped ~~and are shown on the Sensitive Lands Overlay District maps. These designations serve as an indication of unstable ground. The maps designate~~. The maps identify areas of landslides and slopes which are potentially unstable under static (non-earthquake) conditions, and are especially vulnerable under conditions of high to abnormally high precipitation~~.~~, heavy snowmelt, or excessive water application due to irrigation or septic system discharge. Landslides can damage structures, roads, railroads and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add water to the slide plane and promote further movement. Flooding may also be caused.

Comment [c4]: Added language to be clear that precipitation is not the only problem.

b. Many methods have been developed for reducing a landslide ~~hazards~~hazard. Proper planning and avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning and development process. Care in site grading with proper compaction of fills and engineering of cut slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various engineering techniques are available to stabilize slopes, including de-watering (draining), retaining structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage diversion. Since every landslide and unstable slope has differing characteristics, any development proposed within ~~a designated~~an identified landslide hazard area~~, as delineated on the Sensitive Lands Overlay District maps,~~ shall require the submittal~~,~~ and review ~~and approval by the planning commission, of specific site studies, including grading plans, cut/fill,~~a study and ~~plans produced by a qualified engineering geologist~~report, as provided in Section 108-22-3. The study and ~~a Utah licensed geotechnical engineer. The site specific study~~report shall address slope stability (including natural or proposed cut slopes), evaluate slope-failure potential, effects of development and recommendations for mitigative measures. Slope stability analysis shall include potential for movement under static, development-induced and earthquake-induced conditions as well as likely groundwater conditions.

~~c.~~(3) Tectonic subsidence.

a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and sewer lines may be adversely affected.

~~d~~b. Because subsidence may occur over large areas (tens of square miles), it is generally not practical to avoid the use of potentially affected land except in narrow areas of hazard due to lake shoreline flooding. For gravity-flow structures such as wastewater treatment facilities that are within areas of possible subsidence, it is advisable to consider the tolerance of such structures to slight changes in gradient. Some structures may have to be releveled after a large-magnitude earthquake. Critical facilities which contain dangerous substances should have safety features to protect the structure, its occupants and the environment from both tilting and flooding.

~~e~~c. Flooding problems along lakes from tectonic subsidence shall be reduced using standard techniques such as raising structures above expected flood levels and dikes can be built. Development adjacent to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake levels to protect against natural rises from wet periods, storm waves and earthquake induced seiching, as well as hazards associated with tectonic subsidence.

~~f~~d. Rises in the water table accompanying tectonic subsidence may cause water to pond, flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the down dropped side.

~~g~~e. The principal application of the identified tectonic subsidence areas is to make the public aware of the hazard and to indicate those areas where further study may be necessary. Site specific tectonic subsidence reports and studies are recommended only for critical facilities in areas of potential lake-margin and ponded shallow groundwater flooding. However, certain vulnerable facilities such as high cost wastewater treatment plants and hazardous waste facilities should also consider potential tilting.

(~~3~~4) Rock fall.

a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County. As development advances higher onto the bench areas and into the canyons the risk from falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is water in outcrop discontinuities. Rock falls present a hazard because of the potential damage a large rock mass, traveling at a relatively high velocity, could cause to structures and personal safety. ~~Buildings shall be located so that structures are not positioned in an area susceptible to rock falls.~~ When new developments cannot be designed around a rock fall path, and hazard reduction measures must be considered, a ~~site specific plan and hazard study, with recommendations for mitigation, shall be produced by a qualified engineering geologist, submitted for review and approval by the planning commission. Mitigation may~~study and report as provided in Section 108-22-3, is required. Mitigation shall require design by a Utah licensed geotechnical engineer, and may include rock stabilization techniques such as bolting, cable lashing, burying, and grouting discontinuities, removal or break-up of potential rock clasts, as well as deflection berms, slope benches, and rock catch fences to stop or at least slow down falling rocks. Strengthening a structure to withstand impact is an example of modifying what is at risk. Mitigation problems can arise when rock source areas are located on land not owned by the developer.

b. In areas where the rock fall hazard is present but very low, ~~disclosures~~disclosure of a potential ~~hazards~~hazard to land owners and residents with an acknowledgment of risk and willingness to accept liability may be an acceptable alternative to avoidance or mitigation for single-family residences.

(~~4~~5) Debris flows.

a. Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in surges or pulses, due to gravity. They generally remain confined to stream channels in mountainous areas, but may reach and deposit debris over large areas on alluvial fans at and beyond canyon mouths.

b. The ~~county~~County debris flow hazard maps were constructed from the boundaries of active alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in areas identified as debris flow hazard areas shall be evaluated prior to approval of the proposed development.

~~1.~~ A study and report, as provided in Section 108-22-3, shall be prepared by an engineering geologist for any development proposed in or adjacent to a debris flow hazard area and shall include:

~~(i)~~1. An analysis of the ~~past~~ history of debris flow at the site based on subsurface exploration to determine the nature and thickness of debris flow and related alluvial fan deposits. ~~–~~ If, in the engineering geologist's professional opinion, geologic conditions have changed enough to render a debris flow inactive, the analysis may estimate the nature and approximate thickness of the debris flow and related alluvial fan deposits in lieu of subsurface exploration.

Comment [c5]: Added language to facilitate common sense application of the law. This will help geologists still comply with the law while not conducting an expensive trench analysis when, in their opinion, it's obvious that subsurface exploration is not necessary.

~~(ii)~~2. An analysis of the drainage basin's potential to produce debris flows based on the presence of debris slides and colluvium-filled slope concavities, and an estimate of the largest probable volumes likely to be produced during a single event.

~~(iii)~~3. An analysis of the stream channel to determine if the channel will supply additional debris, impede flow, or contain debris flows in the area of the proposed development.

~~(iv)~~4. An analysis of manmade structures upstream that may divert or deflect debris flows.

~~(v)~~5. Recommendations concerning any channel improvements, flow modifications and catchment structures, direct protection structures or floodproofing measures, if necessary, in order to protect the development.

~~(vi) Upon approval of the county engineer, the report shall be presented to the planning commission along with review comments for recommendation of approval by the county commission.~~

Comment [c6]: This language is removed from these subsections throughout and better consolidated into 108-22-3.

~~(5~~ (6) Liquefaction areas.

a. Earthquake ground shaking causes a variety of phenomena which can damage structures and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to increase the pressure in the pore water between soil grains, which decreases the stresses between the grains. The loss of intergranular stress can cause the strength of some soils to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures such as septic tanks and storage tanks may rise, and even gentle slopes may fail as liquefied soils and overlying materials move down slope.

b. Areas of potential liquefaction have been delineated and the following regulations and mitigation measures have been adopted in order to reduce the hazard and consequences. Areas of moderate to high liquefaction potential need not be avoided. Structural measures and site modification techniques are available to reduce ~~hazards~~a hazard. A site specific liquefaction study and report shall be required pursuant to ~~be prepared~~Section 108-22-3, and shall be prepared by an engineering geologist and/or a state licensed geotechnical engineer~~.~~ and shall comply with the following:

~~(i)~~1. Standard soil foundation study, for the proposed development, shall include liquefaction potential evaluation based upon depth to groundwater, soil types and ground failure hazard.

~~(ii)~~2. If liquefiable soils are present, standard penetration tests and/or cone penetration tests shall be required to determine critical accelerations needed to induce liquefaction.

~~(iii) Report~~3. The study and report shall include an accurate ~~maps~~map of the area showing any proposed development, the location of bore holes and/or test pits, the site geology, and location and depths of any liquefiable soils noted, along with the probability of critical accelerations needed to induce liquefaction in these soils being exceeded for appropriate time periods.

~~(iv)~~4. The report shall include recommendations for hazard reduction techniques.

~~(v) The county engineer shall concur with the scope of the report, techniques and methodology to be used in the preparation of the report and shall have input as to the specific types of information to be included in the report.~~

~~(vi) Upon approval of the county engineer, the report shall be presented to the planning commission along with review comments for recommendation of approval by the county commission.~~

(~~6~~7) Flood.

a. The floodplain standards are written to minimize the loss of life and property when floods do occur, not to ban development outright from the floodplain. In the event the following provisions conflict with those in Title 22 of the Weber County Code, the most restrictive shall apply. The Federal Emergency Management Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for major drainages in Weber County. ~~FEMA recommends that no new development be permitted in the 100-year floodplain unless:~~

~~a~~b. FEMA recommends that no new development be permitted in the 100-year floodplain unless:

1. Detailed engineering ~~studies~~study and reports, as required by Section 108-22-3, prepared by a state-licensed engineer, show that the proposed development will not increase the flood hazard to other property in the area. Recommendations shall be made for floodproofing or other mitigation techniques for development within flood hazard areas. (Site investigations for proposed development in lake-flooding areas near Great Salt Lake need only indicate the site elevation. Development proposals in areas with elevations less than 4,218 feet will be reviewed with respect to lake-flooding potential and compatibility of proposed use.)

~~b~~2. The proposed development is elevated above the 100-year flood base elevation.

~~c~~3. For federally-insured loans, flood insurance is purchased from a company participating with the Federal Insurance Administration or a like private carrier.

~~d. Upon approval of the county engineer, the report shall be presented to the planning commission along with review comments for recommendation of approval by the county commission.~~

~~1.~~c.. The study and report, as may be required by Section 108-22-3, shall consider the following:

(i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a hazard on all active alluvial fans ~~designated~~identified on ~~the~~ debris flow hazard maps. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.

~~2.~~(ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped as areas of sheet flow flooding. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.

(~~7~~8) Other ~~hazardous areas.~~hazards.

a. As in many counties in the Western United States, development in the ~~county~~County is constrained by the presence of natural and manmade hazards. These hazards include, but are not limited to, avalanche, slope movement, soils categorized as having severe building limitations and slopes exceeding 30 percent.

b. Not all hazardous sites and conditions have been identified in the ~~county; however, development on those identified sites shall be permitted when projects are studied and designed by~~County. As a ~~qualified engineering geologist and a state licensed civil engineer, architect and/~~hazard or ~~an engineering geologist and certified to withstand the~~ potential hazard ~~for which it is designed, and~~becomes known, the County has discretion to require any study and report that is necessary to understand how the ~~site is buildable and that the site is safe. This allows development on hazardous sites with the full acknowledgment of the property owner~~hazard or potential hazard may impact development. The ~~use of hazardous sites for open space is encouraged.~~study or report shall provide appropriate hazard mitigation measures.

~~Sec. 104-27-3. - Supplementary hazards definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Active fault means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 11,000 years ago to the present).~~

~~Area of deformation means the zone along a fault in which natural soil and rock materials are disturbed as a result of movement along the fault. (Also Zone of Deformation.)~~

~~Critical acceleration means the minimum amount of ground acceleration during seismically induced ground movement required to induce liquefaction or other forms of ground disruption.~~

~~Critical facilities means:~~

~~(1) Lifelines such as major communication, utility and transportation facilities and their connection to emergency facilities;~~

~~(2) Essential facilities, such as:~~

~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~

~~b. Fire and police stations;~~

~~c. Tanks or other structures containing housing or supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures;~~

~~d. Emergency vehicle shelters and garages;~~

~~e. Structures and equipment in emergency-preparedness centers;~~

~~f. Standby power generating equipment for essential facilities;~~

~~g. Structures and equipment in government communication centers and other facilities required for emergency response;~~

~~(3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be dangerous to the safety of the general public if released; or~~

~~(4) Special occupancy structures, such as:~~

~~a. Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons);~~

~~b. Buildings for schools through secondary or day care centers (capacity greater than 50 students);~~

~~c. Buildings for colleges or adult education schools (capacity greater than 50 students);~~

~~d. Medical facilities with 50 or more resident incapacitated patients, but not included above;~~

~~e. Jails and detention facilities;~~

~~f. All structures with occupancy greater than 5,000 persons;~~

~~g. Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation;~~

~~h. Unique or large structures whose failure might be catastrophic, such as dams holding over ten acre feet of water.~~

~~Debris flow means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.~~

Comment [c7]: This section is being deleted and all definitions are being moved into 101-1-7 (definitions). See Exhibit B to review changes to them.

~~Engineering geologist means a geologist who, through education, training and experience, is able to assure that geologic factors affecting engineering works are recognized, adequately interpreted and presented for use in engineering practice and for the protection of the public. This person shall have at least a four-year degree in geology, engineering geology, or a related field from an accredited university and at least three full years of experience in a responsible position in the field of engineering geology.~~

~~Engineering geology means the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.~~

~~Fault means a fracture in the earth's crust forming a boundary between rock and soil masses that have moved relative to each other (See Active fault).~~

~~Fault scarp means a steep slope or cliff formed directly by movement along a fault.~~

~~Fault trace means the intersection of a fault plane with the ground surface.~~

~~Fault zone means a corridor of variable width along one or more fault traces.~~

~~Landslide means a general term for the downslope movement of a mass of soil, surficial deposits or bedrock.~~

~~Liquefaction means a process by which certain water-saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure.~~

~~Natural hazard means avalanche, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic subsidence and/or landslide.~~

~~Natural hazard maps means the overlay maps, which delineate hazards, such as avalanche, liquefaction, surface fault rupture, rock fall and/or landslide areas.~~

~~Rock fall means the gravity-induced drop of a newly detached segment of bedrock or perched rock of any size from a cliff or steep slope.~~

~~Structure designed for human occupancy means any residential dwelling or any other structure used or intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours per year.~~

~~Sec. 104-27-4. - Studies~~ Sec. 108-22-3. - Study and report~~s~~ required.

(a) *Requirement for a study and report.* ~~Any applicant requesting~~Unless otherwise exempted in Section 108-22-5, any application for development on a parcel of land within a natural ~~hazards~~hazard study area~~, as shown on the natural hazards maps,~~ shall ~~submit~~be submitted to the planning ~~commission six~~division with two hard copies ~~of~~and one electronic (pdf) copy of a site-specific natural hazard ~~studies~~study and ~~reports~~report, where required for such development according to the following chart~~.~~:

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Study Area	Surface Fault Rupture Study Area	Tectonic Subsidence Study Area	Flood Study Area	Other Hazardous Areas
Critical facilities	Yes	Yes	Yes	Recommended	Yes	As determined by the County Engineer
Industrial, commercial, or multifamily (4 or more units)	Yes	Yes	Yes	No	Yes	As determined by the County Engineer
Residential subdivisions	No**	Yes, unless otherwise provided by Section 108-22-2(4)b.	Yes	No	Yes	As determined by the County Engineer
Residential, single lots/multifamily (less than 4 units)	No**	Yes, unless otherwise provided by Section 108-22-2(4)b.	Yes	No	Yes	As determined by the County Engineer

**Although no study and report is required, disclosure is required as described in Section 108-22-4.

Comment [c8]: This section has been expanded and modified to accommodate all hazards listed in 108-22-2. It has been moved here from further down for clarity purposes.

(1) ~~The~~Each natural ~~hazards~~ hazard study and report ~~and studies~~ shall be prepared by an engineering geologist. In the case of a snow avalanche hazard, the study and report shall be prepared by an experienced avalanche expert. The study and report shall be signed by the preparer and shall also include the qualifications of the preparer.

(2) ~~The~~ Each natural hazard study and report shall be site-specific and identify, to the extent practicable, all known or suspected potential natural ~~hazards~~hazard(s) originating on-site or off-site which present a reasonable likelihood of adversely affecting the particular property.

(3) ~~The~~Each natural hazard study and report shall include a detailed site map (scale: one inch equals 200 feet or larger), showing the location and type of ~~the~~ hazard with delineation of the recommended setback distances from the hazard and the recommended location for structures.

(4) ~~The~~ Each natural hazard study and report shall address the potential adverse effects of the hazard on the proposed development and occupants thereof in terms of ~~risk and~~ the reasonable likelihood of potential damage.

(5) ~~The~~Each natural hazard study and report shall contain recommendations for avoidance or mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

~~section 104-27~~Section 108-22-1 of this chapter. The evidence on which recommendations and conclusions are based shall be clearly stated in the report.

(6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs, references with citations, and other supporting information, as applicable, shall also be included in ~~the~~each natural hazard study and report.

~~Land Use (Type of Facility)~~	~~Liquefaction Potential High/Moderate~~	~~Landslide/Rock Fall/Debris Flow Special Study Area~~	~~Surface Fault Rupture Special Study Area~~
~~Critical facilities~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Industrial or commercial ;gt;2 stories/;gt;5,000 sq. ft.~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Multifamily (4 or more units) and all other industrial or commercial~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Residential subdivisions~~	~~No**~~	~~Yes~~	~~Yes~~
~~Residential, single lots/multifamily (less than 4 units/acre)~~	~~No**~~	~~Yes~~	~~Yes~~

~~**Although no special study is required, disclosure is required as described in section 104-27-7.~~

(b) *Review of the study and report.* In order to fulfill the purposes of this chapter, the ~~planning commission (for conditional uses, site plan review, design review and subdivisions)~~Land Use Authority shall review any proposed development which requires preparation of a natural ~~hazards~~hazard study and report under this chapter to determine the possible risks to the safety of persons or property from a natural ~~hazards~~hazard.

(1) Prior to consideration by the ~~planning commission~~Land Use Authority of any such development, the ~~planning director shall~~County Engineer may submit the study and report ~~to the Utah Geological and Mineral Survey, the U.S. Forest Service~~, and~~/or any other experts~~, if applicable, site specific plan, to outsourced qualified professionals for review and recommendation. Any cost for the review shall be paid by the applicant prior to any ~~planning commission~~Land Use Authority action.

(2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions, or specific types of information presented in the study and report if industry standards of care were not used. All conclusions of the study and report shall be supported by adequate data.

(3) The County Engineer shall prepare a final review and recommendation of an acceptable study and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.

Comment [c9]: County Engineer may, but is not required to, outsource the review. The County Engineer will outsource in the event that there are unique issues with geology or a geology report.

Comment [c10]: This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

Comment [c11]: This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

(4) Whenever the ~~planning commission~~Land Use Authority determines that an area is subject to a natural ~~hazards~~hazard which present an unreasonable risk to the safety of persons or property, including public streets, such area shall not be approved for development unless the applicant can demonstrate that such a risk can be reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural environment.

(~~3~~5) The ~~planning commission~~Land Use Authority may set requirements or conditions necessary to reduce the risks from a natural ~~hazards~~hazard as a condition to the approval of any development which requires preparation of a natural hazard~~s~~ study and report.

~~(c) Active fault consideration. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a special study and report, as described in subsection (a) of this section, shall be performed to determine if the fault is active, and if the fault is determined to be active, the procedures set forth in subsection (b) of this section, shall be followed. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements of chapter 29 of the Uniform Building Code. The planning commission may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance~~.

Comment [c12]: This section does not belong here. It is incorporated into 108-22-2.

(c) *Study and report confirmation.* The project engineering geologist shall submit with the study a signed and sealed confirmation letter that the study was conducted in accordance with industry standards of care, and that it complies with this Land Use Code and all other applicable laws. Written verification shall be provided from the issuer of professional errors and omissions liability insurance, in the amount of one million dollars ($1,000,000.00), which covers the engineering geologist, and which is in effect on the date of preparation of all required studies and reports.

(d) *Development design confirmation.* Whenever possible, avoidance of development in an area with an identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter, development in an area with an identified natural hazard shall be permitted when it is designed to mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not be accepted by the County unless:

(1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County with a signed and sealed confirmation letter stating that, pursuant to the considerations, findings, recommendations, and conclusions of the development's engineering geologist's study and report, the development has been designed to mitigate, and is reasonably safe from, the identified hazard.

(2) The development's engineering geologist submits a signed and sealed confirmation letter stating that the final design of the development adequately provides for the considerations, findings, recommendations, and conclusions of the study and report, and is reasonably safe from the identified hazard.

(3) Written verification is provided from the issuer(s) of professional errors and omissions liability insurance, in the amount of one million dollars ($1,000,000.00), which covers the engineering geologist and state licensed engineer(s), and which is in effect on the date of preparation of all required reports and certifications.

Comment [c13]: Subsection c and d are an expansion of a "certification" requirement in current code. It has been modified and expanded to provide for the following:

1. It's been moved here to provide better visibility. It was previously tucked into §104-27-2, which is an inconsistent place for its meaning and application.

2. It has been modified to avoid the word "certify." In the geology and engineering world this word has a different meaning than the code anticipates.

3. It has been modified to put the general public and the private market on notice that the private market needs to be willing to accept full accountability for their work. This is an attempt to help shift "good development practices" from needing complete governmental control, and place it on the private market folks who are actually experts in their field.

4. It is an effort to keep the project geologist in the loop during development design – and to keep designs complying with the geologists recommendations. A reoccurring flaw in relying on the private market to provide optimal geologic hazards safety without significant governmental oversight is that there are not the appropriate checks and balances. Often times development designers do not completely consider the geologists recommendations and infrastructure failures can result. In lieu of significant governmental control over geology review, this section requires that the government check that the project geologist has checked the work and is satisfied.

Sec. ~~104-27-5~~108-22-4. - Disclosure required.

(a) When a natural hazard report shows that a hazard exists which affects a particular parcel~~, a copy of the report shall be kept for public inspection in the county planning commission office. The natural hazard report denoting the type and severity of the hazard, the professional who prepared the report, the fact that the report is available to the public at the county planning department, and any restrictions on the use of the parcel required within the natural hazards report shall be recorded as a deed covenant running with the land, in the office of the county recorder, in addition to the following~~:

(1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

(2) A covenant that runs with the land shall be recorded, and, if applicable, a note on the subdivision plat shall be required, which provide:

a. Notice that the parcel is located within a natural ~~hazards special~~hazard study area ~~as shown on the natural hazards map.~~;

~~(2)~~b. Notice ~~of the existence and availability of the~~ that a natural ~~hazards~~ hazard study and report is available for public inspection in the ~~county planning commission office.~~ County Planning Division Office;

~~(3)~~c. Notice that a hazard has been identified on the parcel and the type and severity of the hazard;

d. The professional who prepared the report, with his or her contact information;

e. Any restrictions on the use of the parcel required within the natural hazard report, or by the Land Use Authority; and

f. An agreement by the owner of the parcel and any successor in interest to comply with ~~any~~the conditions set by the ~~planning commission~~Land Use Authority to minimize adverse effects of the natural hazard.

(~~4~~b) When a natural hazard report is not required, but where the parcel is located within a ~~mapped hazardous area, as shown on one of the~~ natural ~~hazards overlay maps~~hazard study area, notice that the parcel is located within such an area shall be recorded as a ~~deed~~ covenant running with the land ~~in the county recorder's office~~and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to the ~~county engineer~~County Engineer and ~~attorney~~County Attorney.

(~~5~~c) The natural ~~hazards~~hazard ordinance codified in this chapter and natural ~~hazards maps~~hazard map represent only those potentially hazardous areas known to the ~~county~~County, and shall not be construed to include all possible potential hazard areas. The natural hazards listed in this chapter ~~and associated maps~~ may be amended as new information becomes available. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of a natural ~~hazards~~hazard. This chapter shall not create liability on the part of the ~~county~~County, any officer or employee thereof for any damages from a natural ~~hazards~~hazard that result from reliance on this chapter or any administrative requirement or decision lawfully made thereunder.

Sec. ~~104-27-6~~108-22-5. - Exemptions from ~~filling~~ natural hazard study and report.

~~Proposed development~~A proposed structure that is not ~~occupied by humans~~a structure designed for human occupancy shall not be required to provide a natural hazard report, except ~~critical facilities which~~a report shall be provided for a critical facility if required ~~to provide a report.~~ by Section 108-22-3.

Sec. ~~104-27-7~~108-22-6. - Costs to be the responsibility of the developer/applicant.

Any of the above described technical reports and/or studies shall be performed by ~~the required~~ qualified ~~professional~~professionals on behalf of the ~~county through a third-party contract where all fees, costs and expenses are~~applicant. The cost of outsourced qualified professionals used by the County to aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other costs incurred in providing technical reports or testimony by qualified professionals or expert witnesses shall be solely the responsibility of the applicant and not the ~~county~~County.

Comment [c14]: One objective of this amendment is to make it clear that expert reviews will not always be required by the County Engineer; but when they are the applicant is responsible for the cost.

Sec. ~~104-27-8~~108-22-7. - Change of use.

No change in use which results in the conversion of a building or structure ~~from one~~ not ~~used~~designed for human occupancy to one ~~that is so used~~designed for human occupancy shall ~~not~~ be permitted unless the building or structure complies with the provisions of this chapter.

Sec. ~~104-27-9. - Variances.~~

~~(a) Ability to grant. The county board of adjustment, when deciding appeals for variances of distance or area within the Natural Hazards Overlay Zone shall follow both the standards of title 102, chapter 3 of the Weber County Land Use Code and the standards stated below.~~

~~(b) Items to consider. In deciding whether to grant a variance and what conditions to attach to its approval, the board of adjustment shall consider:~~

~~(1) The likelihood during a significant seismic or other geologic event that materials may be moved onto adjacent land areas causing injury to persons or property;~~

~~(2) The degree of susceptibility to damage by seismic or other geologic activity for the building design or use proposed;~~

~~(3) The importance of the services of the proposed facility to the community and the need for the facility to be functional following a significant event of geologic activity;~~

~~(4) The necessity of the facility to be in the proposed location or proposed design;~~

~~(5) Considering alternate locations and designs available;~~

~~(6) The ability of the community to provide emergency services to the facility in the event of a catastrophe;~~

~~(7) The degree of benefit received from the variance relative to the hazards posed to the facility's neighbors, visitors, and owners.~~

~~(c) Presumption relative to approval. Generally, the standards of this chapter shall not be varied unless an equally safe method of use and construction can be approved.~~

~~(1) The amount of variance approved shall be only the minimum amount required to provide relief.~~

~~(2) A variance shall be granted only if it will not result in a threat to public safety, cause extraordinary public expense, or create a nuisance.~~

~~(3) A variance shall be granted only if it will not result in a threat to public safety, cause extraordinary public expense, or create a nuisance.~~

~~(4) In a continuum beginning with hay barns and agricultural structures and going to high rise apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for structures with a high percentage of time when the structure is utilized by humans or is occupied by a large number of people.~~

~~**Sec. 104-27-10. - Disputes;**~~ **108-22-8. - Conflict between** boundaries **of study area or identified hazard.** ~~**or mapped hazards.**~~

~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be determined by use of the scale appearing on the map.~~

Where there is a conflict between the ~~boundary lines illustrated on the map~~ boundaries of an identified natural hazard study area and actual field conditions, or where detailed investigations show that the ~~mapped hazards are~~identified hazard is not present within a particular area, the ~~dispute~~conflict shall be settled as follows:

(1) The person disputing the natural hazard study ~~area boundary or the mapped hazards present within a particular~~ area boundary shall submit technical and geologic evidence to support such claim to the ~~planning commission~~County Engineer in the form of a site-specific natural ~~hazards~~hazard report.

(2) The ~~planning commission~~County Engineer may request ~~the Utah Geological Survey, the U.S. Forest Service, and/or other experts~~outsourced qualified professionals to review the evidence and make a recommendation prior to making a final written decision concerning the dispute.

~~(3)~~ The cost of the outsourced qualified professional's review shall be paid by the person disputing the ~~map~~boundary.

(~~4~~3) The ~~planning commission~~County Engineer may allow ~~deviations from~~modifications to the ~~mapped~~ boundary ~~line~~ only if the evidence clearly and conclusively establishes that the natural hazard study area boundary location is incorrect, or that the ~~mapped hazards are~~identified hazard is not present within a particular area.

~~(5) Any~~.

Sec. 108-22-9. - Appeals.

(a) Except as allowed in subsection (b) of this Section, an appeal of any written decision ~~of~~in the ~~planning commission may~~ application of this chapter shall be appealed ~~to~~ in accordance with Title 102, Chapter 3 – Board of Adjustment, of this Land Use Code.

(b) When a written decision provided under this chapter contains technical aspects, an applicant may request the ~~board of county commissioners by filing an appeal within 15 days of~~ County to assemble a panel of qualified professionals to serve as the ~~planning commission's decision.~~ appeal authority for the sole purpose of determining those technical aspects.

(1) The technical aspects of the administration and interpretation of this chapter are decisions related to:

a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;

b. the review and recommendation of an acceptable study or report for the Land Use Authority's consideration;

c. the interpretation of any technical provisions of a study or report that is required by this chapter; or

d. the modification of a natural hazard study area boundary.

(2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under this subsection, the County shall assemble the panel consisting of:

a. one qualified professional designated by the County;

b. one qualified professional designated by the applicant; and

c. one qualified professional chosen jointly by the County's designated qualified professional and the applicant's designated qualified professional.

(3) A member of the panel may not be associated with the application that is the subject of the appeal.

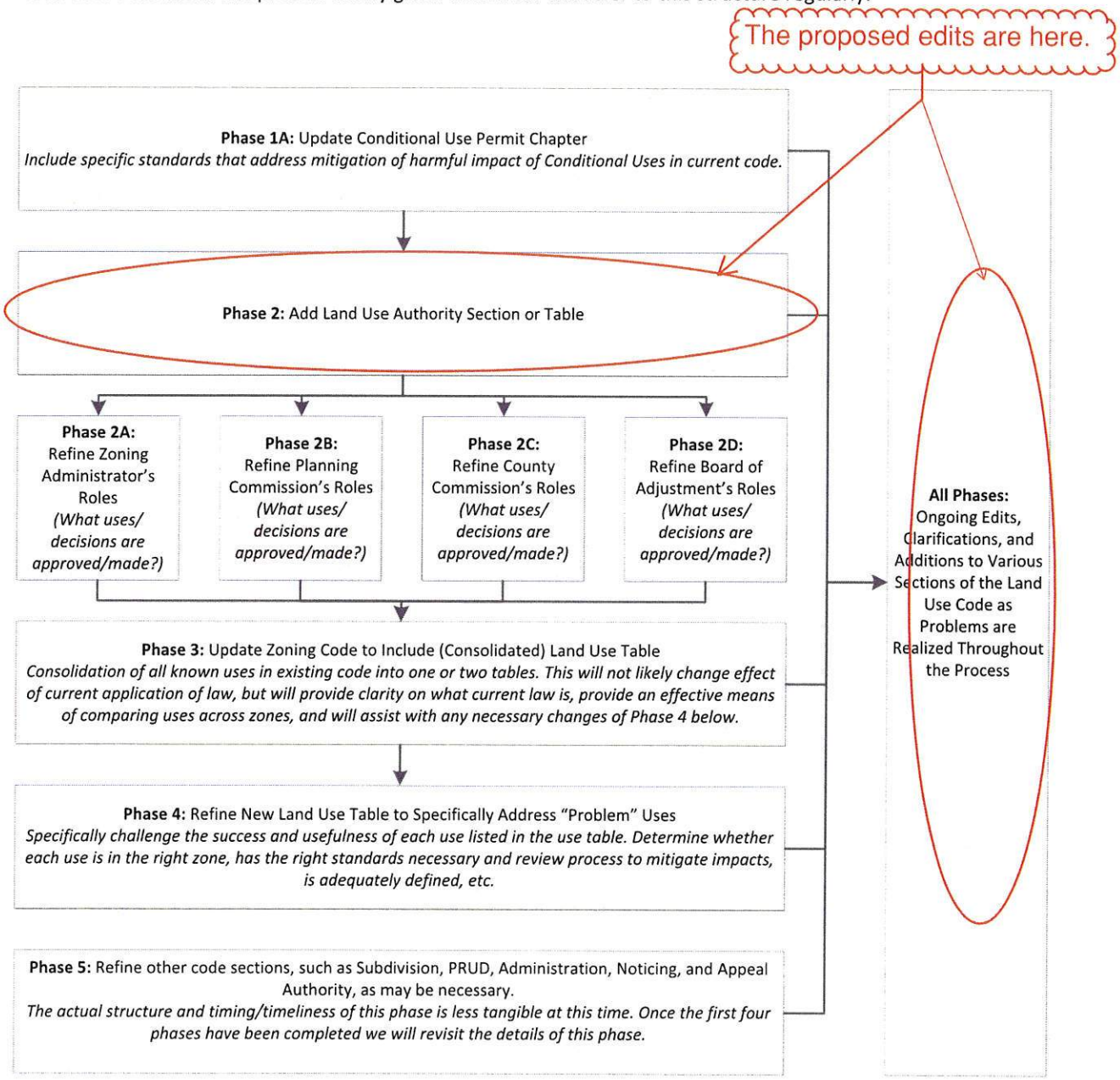
(4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

(5) The panel shall be governed by the same appeal provisions of the Board of Adjustment provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

Comment [c15]: State code requires the county to allow appeals to be run this way. Our natural hazards code does not currently adequately provide for this.

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to consider and take action on a request (ZTA 2016-02) to amend the Planned Residential Unit Development - PRUD Chapter (Title 108, Chapter 5) within the Weber County Land Use Code.
Agenda Date:	Tuesday, July 12, 2016
Applicant:	Brad Blanch
Representative:	Brad Blanch
File Number:	ZTA 2016-02

Staff Information

Report Presenter:	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
Report Reviewer:	RG

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code text amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically, the criteria for making a recommendation related to a legislative matter require compatibility with the general plan and existing codes if applicable.

Text Amendment Request

The applicant is requesting that Weber County amend the Planned Residential Unit Development - PRUD Chapter (Land Use Code-Title 108, Chapter 5) by adding language that provides for an open space plan approval process, individual ownership and preservation methods for open space parcels, financial guarantee standards, and open space parcel maintenance. The applicant is also requesting that Weber County consider increasing the existing bonus density opportunity from a 10 percent bonus to a maximum of 50 percent in the Western Weber Planning Area only. The proposed new language has been taken from the County's existing cluster subdivision code.

Other amendments, consisting of minor grammatical and the elimination of bonus density opportunities in the Ogden Valley Planning area, have been written in by the Planning Division staff. See Exhibit A for the PRUD Chapter, all proposed amendments, and planning staff comments. See Exhibit B for the PRUD Chapter and all proposed amendments without planning staff comments.

Summary of Planning Commission Considerations

- Do the proposed amendments conform to the General Plan?
- Do the proposed amendments preserve the overall purpose and intent of the PRUD Chapter?

Sec. 108-5-2. - Purpose and intent.

(a) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.

(b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.

Conformance to the General Plan

- The West Central Weber County General Plan (pg. 2-12) states that existing one and two-acre zoning lends itself to a cluster subdivision pattern of development with preservation of open space. An increase in overall density is permitted in Weber County's current Cluster Subdivision Code for preservation of open space; however, additional incentives are desired. It is anticipated that the open space and public space allocated as a result of incentive-based increased density should be useable, undeveloped, consolidated open space in the form of parks, natural areas, sensitive lands, agriculturally productive land, or other managed open space.
    - The proposal would amend the code by adding a specific open space plan approval procedure which provides for open spaces parcel ownership, maintenance, preservation methods, and developer financial guarantees.
    - The proposal would amend the code by adding a specific open space plan approval procedure which requires the submittal of detailed information that will help to review and ensure that development is compatible with the Valley's rural character.
- The General Plan (pg. 2-12) states that the County should create an overlay in all A-1, A-2, and A-3 zones, in the West Central Weber County area, in order to encourage clustering.
    - The proposal would amend the code by adding more of an incentive to pattern residential development in a manner that preserves open space.
- The General Plan (pg. 2-14) states that Open space resulting from cluster development shall be managed. Several options exists and in each - the open space land is protected by a conservation easement, although ownership of the open space property can be retained by the original owner, a homeowner's association, the original developer of the property, or the County
    - The proposed amendment would allow for the above described management of open space.

Staff Recommendation

The Planning Division Staff suggests that the Planning Commission recommend that the Weber County Commission approve and adopt the proposed amendments to the Planned Residential Unit Development - PRUD Chapter (Title 108, Chapter 5) located within the Weber County Land Use Code. The Staff recommendation is based on the finding that the proposal conforms to the General Plan as described above.

Exhibits

A. Text Amendment Application Form.
B. Proposed PRUD Chapter (LUC-Title 104, Chapter 29) including all proposed amendments and planning staff comments.
C. Proposed PRUD Chapter (LUC-Title 104, Chapter 29) including all proposed amendments without planning staff comments.

EXHIBIT A

Weber Cou...y General Plan or Text Am...dment Application

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

Date Submitted	*Received By (Office Use)*	*Added to Map (Office Use)*
5/31/2016		

Property Owner Contact Information

Name of Property Owner(s)	Mailing Address of Property Owner(s)
BRAD BLANCH	1060 EAST 3400 NORTH NORTH OGDEN, UT. 84414
Phone: 801-668-8565 Fax:	
Email Address: bradblanch@gmail.com	Preferred Method of Written Correspondence: ☑ Email ☐ Fax ☐ Mail

Ordinance Proposal

Ordinance to be Amended

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

Describing the amendment and/or proposed changes to the ordinance:

PLEASE SEE ATTACHED PROPOSED HIGHLIGHTED CHANGES.

EXHIBIT B

CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

Sec. 108-5-1. - Definitions.

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

Common open space means land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use and enjoyment of the residents of the PRUD

Common open space easement means a required right of use granted to the county by the owner of a planned residential unit development, on and over land in a planned residential unit development designated as common open space, which easement guarantees to the county that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open green space purposes in accordance with the plans and specifications approved by the planning commission and county commission at the time of approval of the PRUD or as such plans are amended from time to time with the approval of the county commission.

Planned residential unit development (PRUD) means a development in which the regulations of the zone, in which the development is situated, are waived to allow flexibility and initiative in site, building design and location in accordance with an approved plan and imposed general requirements.

(Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

Sec. 108-5-2. - Purpose and intent.

(a) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.

(b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.

(Ord. of 1956, § 22D-2; Ord. No. 98-4)

Sec. 108-5-3. - Permitted zones.

A planned residential unit development shall be permitted as a conditional use in all forest, agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter set forth shall be applicable if any conflict exists.

(Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-4. - Use requirements.

(a) An over all development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common area and other open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling

types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.

(b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.

(c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:

(1) That the area of landscaping area exceeds the approved landscape plan;

(2) That the number and quality of plants exceed the approved landscape plan;

(3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and

(4) That all requirements of the Land Use Code have been met.

No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released.

(d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code.

(Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; Ord. No. 2014-18, Exh. A, 6-17-2014; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec. 108-5-5. - Area and residential density regulations.

(a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.

(b) The ~~basic~~ number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same zone in which the PRUD is located. Land used for schools, churches, other nonresidential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.

(c) Not withstanding §108-5-5(b), ~~The~~ the County may, at its discretion, allow for an increased ~~basic~~ number of ~~dwelling units~~residential lots in a PRUD ~~may be increased by~~ awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUD's developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries: ~~up to ten percent if the planning commission in its judgment determines that the concept, site layout and design, the residential groupings, the aesthetic and landscaping~~

~~proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process~~[SM1]~~.~~

(1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award a maximum bonus density of 10 percent based on an accumulation of any combination of the following:

a. If the PRUD meets the purpose and intent of this chapter, up to a five percent bonus may be granted.

b. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.

c. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.

d. If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.

e. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 10 percent bonus density may be granted.

(2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:

a. If a PRUD meets the purpose and intent of this chapter, up to a ten percent bonus may be granted.

b. If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.

c. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (2).

d. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted

e. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.

f. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.

g. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:

1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;

2. Identify and label, on the final plat, the lots set aside as affordable housing Lots; and

3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.

h. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:

1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.

2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.

3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.

4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.

5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.

i. If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.

j. If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.

k. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.

l. If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.

(d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.

(e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little

or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD and, when such determination justifies such inclusion, the planning commission shall allow the transfer of units. In making this determination, the planning commission shall be guided by the following factors:

(1) The physical relationship of the proposed common areas to the developable areas of the PRUD shall be such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.

(2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be physically integrated into the development design.

(3) The lands must be suitable for and possess the capability for housing development.

(4) Lands with an average slope of ~~60~~ 40 percent or more in the FR-1, ~~F-1~~FV-3, F-5, F-10, and F-40 zones and ~~40~~ 30 percent or more in all other zones, shall not be classified as developable land and shall not be considered when determining the number of allowable units in a proposed PRUD[SM2].

(Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-6. - General requirements.

(a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.

(b) The property adjacent to the planned residential unit development shall not be ~~adversely~~ detrimentally affected ~~and to this end,~~without the county imposing reasonable conditions or, ~~the planning commission may require~~ in the absence of appropriate ~~physical boundaries~~natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD[SM3].

(c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.

(d) The county commission may, at its discretion and after receiving a~~,~~ ~~upon~~ recommendation ~~of~~ from the planning commission, ~~shall require~~ consider and approve a plan that provides for ~~the~~ ownership, preservation, maintenance, and guarantee of improvements for ~~maintenance and ownership of the common~~proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows: ~~utilizing, at the county's option, one of the following methods~~[SM4]:

(1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures. ~~Dedication of the land as public park or parkway system;~~

a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.

b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.

(2) *Ownership.* ~~Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or~~

a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the Community Association Act.

b. Other open space parcels, consisting of five acres or more, may be owned individually.

1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.

2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same cluster subdivision.

3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:

i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and

ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.

iii. A Notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

(3) *Preservation.* ~~Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.~~

a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.

b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).

c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.

d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:

1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;

2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;

3. Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and

4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.

e. The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

(4) *Guarantee of open space improvements.*

a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.

b. The county shall require an applicant to deposit a financial guarantee for all open space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete all improvements according to the approved phasing component of an open space preservation plan.

(5) *Maintenance.* The open space parcel owner, whether an individual or an association, shall use, manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement executed under subsection (3).

~~a. Recreation uses and facilities may be developed within the common open space areas in compliance with the recreation and landscaping plan being a part of the approved final level development plan of the PRUD.~~

~~b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or credit in an amount determined by the county engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two years, the county will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan. The bond shall be approved by the county commission and shall be filed with the county recorder.~~

~~If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the county may, at its option, do or contract to have done the required maintenance and shall assess ratable the open space and individually owned properties within the PRUD. Such assessment shall be a lien against the property and shall be filed with the county recorder, or the county may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.~~

~~c. If the planned residential unit development or phase thereof is to be subsequently divided as a "subdivision" into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a "subdivision."~~

~~d. The area shall be adaptable to a unit type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.~~

~~e. All proposed residential developments, with the exception of normal land subdivisions, within the county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5 shall comply with the provisions of this chapter and be developed as a planned residential unit development.~~

(Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-7. - Submission of application.

(a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved and proposals for accommodating vehicular and ~~pedestrial~~ pedestrian circulations, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(b) ~~Such other~~Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

(Ord. of 1956, § 22D-7)

Sec. 108-5-8. - Planning commission consideration.

In considering the proposed planned residential unit development, the planning commission shall consider:

(1) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.

(2) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

(3) The landscaping and screening as related to the ~~several~~ proposed uses within the development and ~~as a means of its~~their integration into ~~its~~ the surroundings area.

(4) Lighting and ~~The~~ the size, location, design, and ~~nature~~ quality of signs ~~if any, and the intensity and direction of area of flood lighting.~~

(5) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.

(6) The demonstrated ability of the ~~proponents of the planned residential unit development~~applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

(Ord. of 1956, § 22D-8; Ord. No. 98-4)

Sec. 108-5-9. - Planning commission action.

The planning commission, ~~subject to the requirements of this chapter~~after considering applicable codes and any anticipated detrimental effects, may recommend an approval, recommend an approval with conditions, or recommend denial ~~with conditions~~ of the PRUD to the county commission.

(Ord. of 1956, § 22D-9; Ord. No. 98-4)

Sec. 108-5-10. - County commission action.

The county commission, after holding a public ~~hearing~~ meeting~~thereon~~, may approve or disapprove the application for a PRUD. ~~In~~ If approving an application, the county commission may attach ~~such~~ conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county commission, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in which it is proposed.

(Ord. of 1956, § 22D-10; Ord. No. 98-4)

Sec. 108-5-11. - ~~Building~~ Land use permit issuance.

The ~~building inspector~~planning division shall not issue any land use permit for any proposed building, structure, or use within the project unless such building, structure, or use ~~is in accordance~~complies with the approved ~~overall and/or phase development~~ plans and any conditions imposed. Approved development plans shall be filed with the planning division, building inspector and county engineer[SM5].

(Ord. of 1956, § 22D-11)

Sec. 108-5-12. - Time limit.

Unless ~~there is~~ substantial action has been taken, leading toward completion of a PRUD or an approved phase thereof, within a period of 18 months from the date of approval, ~~such~~ the approval shall expire unless ~~after reconsideration of the progress of the project~~ an extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located. Reserved open space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project[SM6].

(Ord. of 1956, § 22D-12; Ord. No. 98-4)

CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

Sec. 108-5-1. - Definitions.

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

Common open space means land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use and enjoyment of the residents of the PRUD

Common open space easement means a required right of use granted to the county by the owner of a planned residential unit development, on and over land in a planned residential unit development designated as common open space, which easement guarantees to the county that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open green space purposes in accordance with the plans and specifications approved by the planning commission and county commission at the time of approval of the PRUD or as such plans are amended from time to time with the approval of the county commission.

Planned residential unit development (PRUD) means a development in which the regulations of the zone, in which the development is situated, are waived to allow flexibility and initiative in site, building design and location in accordance with an approved plan and imposed general requirements.

(Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

Sec. 108-5-2. - Purpose and intent.

(a) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.

(b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.

(Ord. of 1956, § 22D-2; Ord. No. 98-4)

Sec. 108-5-3. - Permitted zones.

A planned residential unit development shall be permitted as a conditional use in all forest, agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter set forth shall be applicable if any conflict exists.

(Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-4. - Use requirements.

(a) An over all development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common area and other open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling

types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.

(b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.

(c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:

(1) That the area of landscaping area exceeds the approved landscape plan;

(2) That the number and quality of plants exceed the approved landscape plan;

(3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and

(4) That all requirements of the Land Use Code have been met.

No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released.

(d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code.

(Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; Ord. No. 2014-18, Exh. A, 6-17-2014; Ord. No. 2015-22, Exh. A, 12-22-2015)

Sec. 108-5-5. - Area and residential density regulations.

(a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.

(b) The ~~basic~~ number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same zone in which the PRUD is located. Land used for schools, churches, other nonresidential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.

(c) Not withstanding §108-5-5(b), ~~The~~ the County may, at its discretion, allow for an increased ~~basic~~ number of ~~dwelling units~~residential lots in a PRUD ~~may be increased~~ by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUD's developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries: ~~up to ten percent if the planning commission in its judgment determines that the concept, site layout and design, the residential groupings, the aesthetic and landscaping~~

~~proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process~~[SM1].

(1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award a maximum bonus density of 10 percent based on an accumulation of any combination of the following:

a. If the PRUD meets the purpose and intent of this chapter, up to a five percent bonus may be granted.

b. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.

c. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.

d. If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.

e. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 10 percent bonus density may be granted.

(2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:

a. If a PRUD meets the purpose and intent of this chapter, up to a ten percent bonus may be granted.

b. If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.

c. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (2).

d. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted

e. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.

f. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.

g. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:

1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;

2. Identify and label, on the final plat, the lots set aside as affordable housing Lots; and

3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.

h. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:

1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.

2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.

3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.

4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.

5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.

i. If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.

j. If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.

k. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.

l. If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.

(d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.

(e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little

or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD and, when such determination justifies such inclusion, the planning commission shall allow the transfer of units. In making this determination, the planning commission shall be guided by the following factors:

(1) The physical relationship of the proposed common areas to the developable areas of the PRUD shall be such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.

(2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be physically integrated into the development design.

(3) The lands must be suitable for and possess the capability for housing development.

(4) Lands with an average slope of ~~60~~ 40 percent or more in the FR-1, ~~F-1~~FV-3, F-5, F-10, and F-40 zones and ~~40~~ 30 percent or more in all other zones, shall not be classified as developable land and shall not be considered when determining the number of allowable units in a proposed PRUD[SM2].

(Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-6. - General requirements.

(a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.

(b) The property adjacent to the planned residential unit development shall not be ~~adversely~~ detrimentally affected ~~and to this end,~~without the county imposing reasonable conditions or, ~~the planning commission may require~~ in the absence of appropriate ~~physical boundaries~~natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD[SM3].

(c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.

(d) The county commission may, at its discretion and after receiving a~~,~~ ~~upon~~ recommendation ~~of~~ from the planning commission, ~~shall require~~ consider and approve a plan that provides for ~~the~~ ownership, preservation, maintenance, and guarantee of improvements for ~~maintenance and ownership of the common~~proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows: ~~utilizing, at the county's option, one of the following methods~~[SM4]:

(1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures ~~Dedication of the land as public park or parkway system;~~

a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.

b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.

(2) *Ownership.* ~~Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or~~

a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the Community Association Act.

b. Other open space parcels, consisting of five acres or more, may be owned individually.

1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.

2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same cluster subdivision.

3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:

i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and

ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.

iii. A Notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

(3) *Preservation.* ~~Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.~~

a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.

b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).

c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.

d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:

1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;

2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;

3. Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and

4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.

e. The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

(4) *Guarantee of open space improvements.*

a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.

b. The county shall require an applicant to deposit a financial guarantee for all open space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete all improvements according to the approved phasing component of an open space preservation plan.

(5) *Maintenance.* The open space parcel owner, whether an individual or an association, shall use, manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement executed under subsection (3).

~~a. Recreation uses and facilities may be developed within the common open space areas in compliance with the recreation and landscaping plan being a part of the approved final level development plan of the PRUD.~~

~~b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or credit in an amount determined by the county engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two years, the county will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan. The bond shall be approved by the county commission and shall be filed with the county recorder.~~

~~If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the county may, at its option, do or contract to have done the required maintenance and shall assess ratable the open space and individually owned properties within the PRUD. Such assessment shall be a lien against the property and shall be filed with the county recorder, or the county may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.~~

~~c. If the planned residential unit development or phase thereof is to be subsequently divided as a "subdivision" into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a "subdivision."~~

~~d. The area shall be adaptable to a unit type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.~~

~~e. All proposed residential developments, with the exception of normal land subdivisions, within the county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5 shall comply with the provisions of this chapter and be developed as a planned residential unit development.~~

(Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-7. - Submission of application.

(a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved and proposals for accommodating vehicular and ~~pedestrial~~ pedestrian circulation~~s~~, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(b) ~~Such other~~Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

(Ord. of 1956, § 22D-7)

Sec. 108-5-8. - Planning commission consideration.

In considering the proposed planned residential unit development, the planning commission shall consider:

(1) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.

(2) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

(3) The landscaping and screening as related to the ~~several~~ proposed uses within the development and ~~as a means of its~~their integration into ~~its~~ the surrounding~~s~~ area.

(4) Lighting and ~~The~~ the size, location, design, and ~~nature~~ quality of signs ~~if any, and the intensity and direction of area of flood lighting.~~

(5) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.

(6) The demonstrated ability of the ~~proponents of the planned residential unit development~~applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

(Ord. of 1956, § 22D-8; Ord. No. 98-4)

Sec. 108-5-9. - Planning commission action.

The planning commission, ~~subject to the requirements of this chapter~~after considering applicable codes and any anticipated detrimental effects, may recommend an approval, recommend an approval with conditions, or recommend denial ~~with conditions~~ of the PRUD to the county commission.

(Ord. of 1956, § 22D-9; Ord. No. 98-4)

Sec. 108-5-10. - County commission action.

The county commission, after holding a public ~~hearing~~ meeting~~thereon~~, may approve or disapprove the application for a PRUD. ~~In~~ If approving an application, the county commission may attach ~~such~~ conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county commission, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in which it is proposed.

(Ord. of 1956, § 22D-10; Ord. No. 98-4)

Sec. 108-5-11. - ~~Building~~ Land use permit issuance.

The ~~building inspector~~planning division shall not issue any land use permit for any proposed building, structure, or use within the project unless such building, structure, or use ~~is in accordance~~complies with the approved ~~overall and/or phase development~~ plans and any conditions imposed. Approved development plans shall be filed with the planning division, building inspector and county engineer[SM5].

(Ord. of 1956, § 22D-11)

Sec. 108-5-12. - Time limit.

Unless ~~there is~~ substantial action has been taken, leading toward completion of a PRUD or an approved phase thereof, within a period of 18 months from the date of approval, ~~such~~ the approval shall expire unless ~~after reconsideration of the progress of the project~~ an extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located. Reserved open space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project[SM6].

(Ord. of 1956, § 22D-12; Ord. No. 98-4)

Weber County Planning Division

MEMORANDUM

To: Western Weber and Ogden Valley Planning Commissions
From: Charles Ewert, AICP
Date: July 5, 2016
Subject: Amendments to the site development standards for public utility stations and structures.

In work session we will briefly discuss forthcoming modifications to the site development standards for utility facilities. A draft of the proposed amendment is attached.

These amendments are intended to address the land demands of a public utility. Often, these facilities do not require the same acreage as the typical uses allowed in the zone. The current code allows a reduction to lot area. With the smaller lot area there is usually the need for smaller setbacks. The code currently only allows reduced setbacks for the rear of the lot, and only in certain zones.

This proposal considers the possibility of further reducing all setbacks for utility structures, provided that they are "unmanned" utility structures.

The biggest concern staff has regarding reduced setbacks is the need to maintain visual continuity and safety along public rights-of-way. The proposal addresses this.

Sec. 101-1-7. - Definitions.

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

...

Quasi-public. The term "quasi-public" means the use of premises by a public utility, such as utility substations and transmission lines (see also "utility); a permanently located building or structure, together with its accessory buildings and uses, commonly used for religious worship, such as churches and monasteries.

...

Utility. The term "utility" means utility facilities, lines, and rights of way related to the provision, distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-public."

Comment [c1]: What about transportation? Is that a utility? Should I get a utility CUP to build a street? Several other codes include it as a utility.

...

CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS ~~AND~~ OR STRUCTURES

Sec. 108-10-1. - Location.

The location and arrangement of public buildings and public utility substations ~~and~~ or structures will comply with requirements set forth in this chapter and will be in accordance with construction plans submitted to and approved by the planning commission.

Sec. 108-10-2. - Site development standards for ~~P~~public utility substation or structure~~s~~: ~~Minimum lot area~~.

~~None.~~

The lot area, width, depth, setback, and street frontage regulations for unmanned culinary or secondary water system facility, storage tank, or well house; unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline regulation station; unmanned telecommunication, television, telephone, fiber optic, electrical facility; or other unmanned utility service regeneration, transformation, or amplification facility are as follows:

1. *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this land use code, and the required setbacks.

2. *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet (10') if findings can be made that the typical setback is not necessary to:

a. Maintain a clear view of intersecting streets, as provided for in Section 108-7-7;

b. Maintain vehicle and pedestrian safety along an adjacent right-of-way; and

c. Maintain visual continuity of building facades in the vicinity.

4. *Side yard setback.* The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.

5. *Rear yard setback.* The rear yard setback requirement may be reduced to the following:

a. In a residential zone: five feet.

b. In an agricultural zone: ten feet.

c. In a forest zone: 20 feet

d. In a zone not specifically listed above: typical zone setback as provided for in the specific zone chapter.

6. *Frontage*. No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

~~**Sec. 108-10-3. - Same—Minimum yards.**~~

~~Each public utility substation shall maintain the minimum yards required for a dwelling in the same zone except that the rear yard may be reduced to the following:~~

~~(1) In a residential zone: five feet.~~

~~(2) In an Agricultural Zone: ten feet.~~

~~(3) In a Forest Zone: 20 feet.~~

~~**Sec. 108-10-4. - Same—Street access.**~~

~~Each public utility substation shall be located on a lot, which has adequate access from a street, alley, right-of-way, or easement.~~

Sec. 108-10-5. - Public buildings—Minimum lot area.

Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate, agriculture, and forest zones.

Sec. 108-10-6. - Same—Minimum yards.

Each public building shall meet the minimum yard requirements for a public building in the zone in which it is located.

Sec. 108-10-7. - Same—Width of lot.

Each public building shall have a minimum width of lot of 100 feet.

Sec. 108-10-8. - Same—Frontage.

Each public building shall have frontage on a public street.

...

CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

...

Sec. 104-29-2. - Development standards.

...

(h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.~~As required in Chapter 26, Public Utility~~
...			
(2)	Minimum lot width		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.~~As required in Chapter 26, Public Utility~~
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.~~As required in Chapter 26, Public Utility~~
...			
	b.	Side yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.~~As required in Chapter 26, Public Utility~~

...			
	c.	Rear yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. ~~As required in Chapter 26, Public Utility~~
...			
(4)		Maximum building height	
...			
	c.	Public utility substation	35 feet, unless otherwise provided in Section 108-7-5: Exceptions to height limitations. ~~exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations~~
...			

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