



OGDEN VALLEY PLANNING COMMISSION AGENDA

PLANNING MEETING

October 27, 2015

5:00 p.m.

Pledge of Allegiance

1. Minutes: Approval of the October 06, 2015 meeting minutes
2. Consent Agenda:
 - 2.1. UVS100515 Consideration and action on final approval of the Summit at Ski Lake No. 13, (5 Lots) in the Forest Valley 3 (FV-3) Zone located at 6740 Via Cortina Street. (Valley Enterprise Investment Company, LLC, Applicant)
 - 2.2. CUP 2014-22 Consideration and action on a request for a 6-month time extension for an approved accessory apartment conditional use permit located at 3778 North Willowbrook Lane Eden, UT (Rachel Nielsen, Applicant)
3. Petitions, Applications and Public Hearings
 - 3.1. Legislative Items
 - a. Old Business: None
 - b. New Business:
 1. ZTA 2015-05 Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone - CVR-1) Section 4 (Conditional Uses) by adding brewpub and reception/banquet facilities as conditional uses. Weber County Land Use Code Title 101 (General Provisions) Section 101-7-7 (Definitions) is also being amended by adding a definition for brewpub - John Lewis, Applicant
 2. ZTA 2015-08 Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101) Definitions (Section 1-7) Subdivisions (Title 106), General Provisions (Chapter 1), Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the subdivision code and related to the names of the Planning Commissions and the planning areas.
 3. ZTA 2015-03 Public hearing to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code - Paul Strange, Summit Mountain Holding Group, Applicant
4. Elections: Vice Chair for the remainder of 2015
5. Public Comment for Items not on the Agenda
6. Remarks from Planning Commissioners
7. Planning Director Report
8. Remarks from Legal Counsel
9. Adjournment

The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT
Work Session will be held in the Commission Chambers Breakout Room. A pre-meeting will be held in the Commission Chambers
Breakout Room beginning at 4:30 p.m.

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

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 Ogden Valley Planning Commission Regular meeting October 06, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Jami Taylor, John Howell, Greg Graves, Stephen Waldrip

Absent/Excused: Will Haymond, Kevin Parson,

Staff Present: Sean Wilkinson, Planning Director; Ronda Kippen, Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Chair Warburton said that they will start with their agenda and when they get to consent agenda item #2, she will allow public comment but this is not a public hearing. Chair Warburton asked if anyone would like to speak on any of the consent agenda items. There was no response and Chair Warburton asked for a motion to approve the consent agenda items.

Commissioner Howell asked if the landscaping plan would still be part of the conditional use permit. Ronda Kippen replied that for the DR2015-08 application, the only thing that is being brought forward is amending the color of the brick and changing it from being painted and the actual architectural detail of the false front parapet; everything else is as it was presented.

1. Consent Agenda:

1.1. DR 2015-08: Consideration and action for a design review amendment for the commercial building located at 4930 East 2550 North in the Commercial Valley (CV-2) Zone (Justin Pack Agent for Dog and Bone, LLC)

1.2. CUP 2015-08: Consideration and action for a conditional use permit for the LPC Lomondi Well, a culinary well and associated pump house, as an expansion of the Liberty Pipeline Company culinary water system located at approximately 6649 N. North Fork Road in the Forest (F-5) Zone (Mike Durtschi, Project Engineer – Gardner Engineering)

MOTION: Commissioner Howell moved to approve consent agenda items DR 2015-08 and CUP 2015-08 subject to all conditions listed in the staff report, to include the county and state agency requirements. Commissioner Waldrip seconded. A vote was taken with Commissioners Taylor, Howell, Graves, Waldrip and Chair Warburton voting aye. Motion Carried (5-0).

2. Public Comment for Items not on the Agenda: Monte Smith, 6756 N Fork Road in Liberty, said in his opinion, it is an ill conceived idea that was presented to the shareholders, but he talked to Ms. Kippen at length today and she referred him to people that he should see, and she was very helpful. Chair Warburton thanked him for his comments.

3. Remarks from Planning Commissioners: Commissioner Taylor said that the Utah Fall APA Conference was great.

4. Planning Director Report: Director Wilkinson thanked those that attended the APA Conference. There were many good sessions; it's good to mingle with people doing the same thing, to get a different perspective. It was a good conference overall. This may be his last meeting with them as a Planning Director. He has accepted a new position with the county as the Director of Community and Economic Development. He will now be overseeing the Planning Division, as well as other divisions within the county. They are interviewing next week for a new Planning Director, and will report to this commission when they get one in place.

5. Remarks from Legal Counsel: Courtlan Erickson said he enjoyed attending the Planning Conference, and it was informative. There will be further discussion on the session in the future.

6. Adjournment: The meeting was adjourned at 5:10 p.m.

Respectfully Submitted,

Kary Serrano, Secretary,
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on final approval of the Summit at Ski Lake No. 13, 5 Lots
Type of Decision	Administrative
Agenda Date:	Tuesday, October 27, 2015
Applicant:	Valley Enterprise Investment Company, LLC
File Number:	UVS100515

Property Information

Approximate Address:	6740 Via Cortina Street
Project Area:	9.64 Acres
Zoning:	Forest Valley 3 Zone (FV-3)
Existing Land Use:	Vacant
Proposed Land Use:	Residential Subdivision
Parcel ID:	20-036-0042
Township, Range, Section:	T6N, R1E, Section 24

Adjacent Land Use

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

Staff Information

Report Presenter:	Jim Gentry jgentry@co.weber.ut.us 801-399-8767
Report Reviewer:	SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 108 (Standards) Chapter 14 (Hillside Development Review Procedures and Standards)

Background

The Summit at Ski Lake No. 13 received preliminary approval in 1999 with an overall density based on one unit per acre. Twelve of the thirteen phases in the subdivision have been recorded and final approval is now being requested for Phase 13. Based on an agreement with the Weber County Commission, the applicant has until January 22, 2016 to record the remaining phase in The Summit at Ski Lake Subdivision or the preliminary approval becomes void and the density decreases from one unit per acre to one unit per three acres.

The Summit at Ski Lake No. 13 consists of 5 lots on 9.64 acres. The Engineering Division is considering making each lot an "R" Lot (Restricted) because of the geological concerns (expansive soils) and the slopes on some of the lots. The Engineering Division is requiring each lot to go through a Hillside Review, as part of the building permit process.

During preliminary approval, Lot 54 was required to meet the three-acre zoning requirement, as this lot was added later. Phase 13 includes a new cul-de-sac at the end Via Cortina, which is a private street. The subdivision complies with the zoning requirements under which it was approved. Culinary Water is provided by Lakeview Water Corporation and Wastewater service is provided by Mountain Sewer Corporation. Pathways for the entire subdivision were approved on the preliminary subdivision plat.

A rock retaining wall is being installed as part of this phase. A geotechnical report is required by the Weber County Engineering Division for the rock retaining wall. An outside engineering letter approving the rock retaining wall is also required by the Engineering Division.

Summary of Planning Commission Considerations

- Does this subdivision meet the requirements of applicable County Land Use Codes?

Conformance to the General Plan

Subdivisions that meet the requirements of applicable County Ordinances conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the culinary water and wastewater service providers
- Showing the buildable area on the final plat

Staff Recommendation

Staff recommends final approval of the Summit at Ski Lake No. 13, 5 Lots, subject to review agency requirements, based on its compliance with applicable sections of the County Land Use Codes.

Exhibits

- A. Location map
- B. Subdivision plat
- C. Slope map

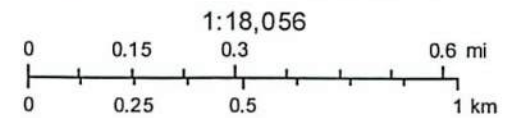
Location Map



October 6, 2015

Street Labels

City Labels



Narrative:

At the request of Roy Bowden, owner and developer, we have prepared this subdivision plat.

NOTE:

- 1. 16' wide Public Utility and Drainage Easements each side of Property Line as indicated by dashed lines.
2. 20' slope easements along frontage of lots as shown.
3. Concrete monuments to be set upon completion of improvements, as shown.
4. Private Streets also serve as Public Utility Easements.

LEGEND

- Set 2 1/2" x 2" Rebar (24" long) & Cap w/Encapsult
Monument (to be set)
Found Section corner
(Thin) Dotted Line/Beating
(Thick) Non-Beating Line/Beating
P.U.E. Public Utility Easement
P.U.E. and Slope Easement
S.P. 02748
A 3/8" x 3/8" rebar 36" long with plastic cap (see detail above) may set out all property corners as shown.

The Summit at Ski Lake No. 13

A part of the North Half of Section 24, T6N, R1E, SLB & M, U.S. Survey Weber County, Utah June 2015

SURVEYOR'S CERTIFICATE

I, Mark E. Bobbitt, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 166484 in accordance with Title 58 Chapter 22, Professional Engineers and Land Surveyors Licensing Act. I also do hereby certify that the Summit at Ski Lake No. 13, in Weber County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Weber County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17, Monumented Lot corners have been set as shown on this drawing. I also certify that all the lots within The Summit at Ski Lake No. 13, in Weber County meet the frontage and area requirements of the Weber County Zoning Ordinance. Signed this day of 2015.

166484 License No.

Mark E. Bobbitt

OWNER'S DEDICATION

I, the undersigned owner of the herein described tract of land, do hereby set apart and subdivide the same into lots and private street as shown on this plat, and name said tract The Summit at Ski Lake No. 13 and do hereby dedicate and reserve unto themselves, their heirs, their grantees and assigns, a right of way to be used in common with all others within said subdivision (and these adjoining subdivisions that may be subdivided by the undersigned owners, their successors, or assigns) on, over and across all those portions or parts of said tract of land designated on said plat as Private Street (Private Right of Way) as access to the individual lots, to be maintained by The Summit at Ski Lake Owners Association whose membership consists of said owners, their grantees, successors, or assigns, and also grant and dedicate a perpetual right and easement over, upon and under Private Streets and the lands designated hereon for auxiliary sewer easements, slope and public utility/drainage easements, the same to be used for the installation, maintenance and operation of public utility service lines, storm drainage/detention facilities, sanitary sewer facilities, grading, or for the perpetual preservation of water drainage channels in their natural state whichever is applicable as may be authorized by the governing authority with no buildings or structures being erected within such easements. Signed this day of 2015.

Valley Enterprise Investment Company, LLC.

Roy Bowden - President 5392 East 3850 North Lou, UT, 84310

ACKNOWLEDGMENT

State of Utah County of I was The foregoing instrument was acknowledged before me this day of 20 by I Notary Public commissioned in Utah Commission Number: Commission Expires: Print Name

BOUNDARY DESCRIPTION

A part of the North Half of Section 24, Township 6 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey Beginning at the Center of said Section 24 in Weber County, Utah; and running thence North 89°45'13" West 142.11 feet along the Quarter Section Line; thence North 01°14'11" East 88.60 feet; thence North 25°39'50" East 58.51 feet; thence North 1°56'11" West 91.58 feet to the point of curve of a non-tangent curve of which the Radius point lies South 28°35'44" West 300.00 feet; thence Westerly along the arc of a 300.00 foot Radius curve to the left a distance of 158.12 feet (Central Angle equals 30°12'01"); and Long Chord bears North 78°30'16" West 156.50 feet; thence South 82°13'45" West 54.22 feet to a point of curvature; thence Westerly along the arc of a 25.00 foot Radius curve to the left a distance of 13.83 feet (Central Angle equals 28°50'23" and Long Chord bears South 70°08'31" West 15.68 feet); thence South 1°38'11" East 183.98 feet to said Quarter Section Line; thence North 89°45'13" West 521.68 feet along the Quarter Section Line to the Southeast Corner of The Summit at Ski Lake Subdivision No. 10, Weber County, Utah; thence North 1°29'09" West 294.70 feet along the East Boundary Line of said Subdivision No. 10 to the South Boundary Line of The Summit at Ski Lake Subdivision No. 6, Weber County, Utah; thence North 77°03'07" East 268.12 feet along the South Boundary Line of No. 2 and 6 of The Summit at Ski Lake Subdivision, Weber County, Utah; thence North 89°45'13" East 351.81 feet along the South Boundary Line of No. 2 and 6 of The Summit at Ski Lake Subdivision, Weber County, Utah; thence South 89°22'29" East 852.94 feet along the South Boundary Line of The Summit at Ski Lake Subdivision No. 4, Weber County, Utah, to the West Boundary Line of The Summit at Ski Lake Subdivision No. 11, Weber County, Utah; thence South 89°45'09" West 342.95 feet along said Quarter Section Line to the Quarter Section Line; thence North 89°45'09" West 342.95 feet along said Quarter Section Line to the Point of Beginning.

Contains 8.646 acres.

WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and are in force and effect. Signed this day of 2015.

Signature

OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

This is to certify that this subdivision plat was duly approved by the Ogden Valley Township Planning Commission on the day of 2015.

Chair, Ogden Valley Township Planning Commission

WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements. Signed this day of 2015.

Signature

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this day of 2015.

Title Chair, Weber County Commission

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat for mathematical correctness, section corner data, and for harmony with the lines and monuments on record in the County office. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith. Signed this day of 2015.

Signature

WEBER COUNTY RECORDER

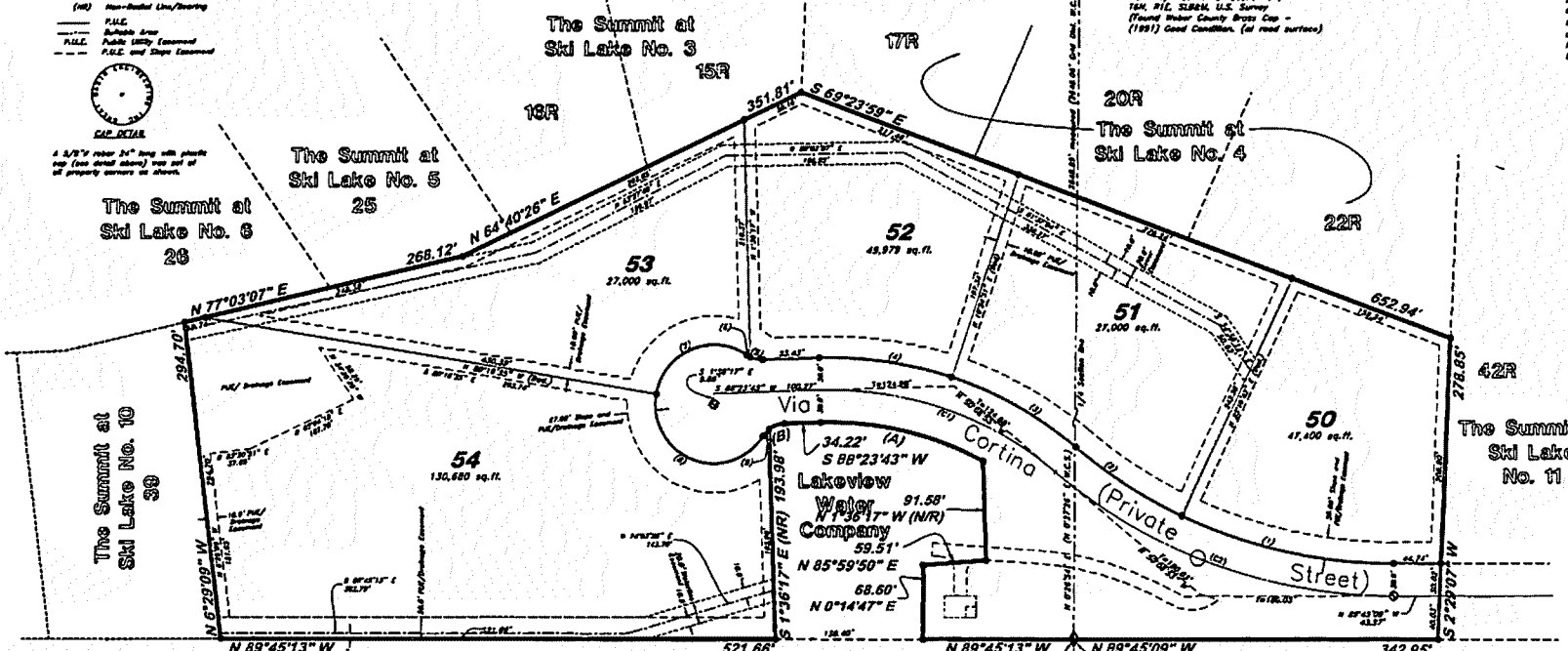
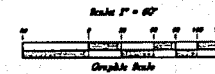
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WEBER COUNTY RECORDER

BY DEPUTY

Northwest corner of Section 24, T6N, R1E, SLB&M, U.S. Survey (Found Weber County 1/2" Brass Cap Monument, Good Condition, 15" below ground dated 2006)

North 1/4 corner of Section 24, T6N, R1E, SLB&M, U.S. Survey (Found Weber County Brass Cap - (1997) Good Condition, (at road surface)



Legends at Hawkins Creek

Center of Section 24: T6N, R1E, SLB&M, U.S. Survey (Found Weber County Monument Dated 2005, Good Condition)

Snowbasin Resort Company

PROPERTY LINE CURVE DATA table with columns (1) through (5) containing curve data.

BOUNDARY CURVE DATA table with columns (1) through (5) containing boundary curve data.

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Developer: Valley Enterprise Investment Company, LLC. Roy Bowden - President 5392 East 3850 North Lou, UT, 84310





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request to amend the Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone - CVR-1) Section 4 (Conditional Uses) by adding brewpub and reception/banquet facilities as conditional uses. Weber County Land Use Code Title 101 (General Provisions) Section 101-7-7 (Definitions) is also being amended by adding a definition for brewpub.
Type of Decision:	Legislative
Agenda Date:	Tuesday, October 27, 2015
Applicant:	John Lewis
File Number:	ZTA 2015-05

Staff Information

Report Presenter:	Jim Gentry jgentry@co.weber.ut.us (801) 399-8767
Report Reviewer:	SW

Applicable Land Use Code

- Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone - CVR-1) Section 4 (Conditional Uses)
- Weber County Land Use Code Title 101 (General Provisions) Section 101-7-7 (Definitions)

Background

The applicant is proposing to amend the Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation Zone - CVR-1) Section 4 (Conditional Uses) by adding brewpub and reception/banquet facility as conditional uses. The CVR-1 Zone's purpose and intent is:

- (a) To provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained.
- (b) In this role, even though the area is primarily commercial in nature, it should be compatible with the general surrounding natural environment. To this end, the general siting, and architectural design of buildings and structures, the layout of parking areas and landscaping shall be subject to review and recommendations by the public agencies, design review, and approval by the planning commission to ensure that the natural environment is preserved to the greatest possible extent.

A proposed change to the Weber County Land Use Code definition section (Sec. 101-1-7) defines a Brewpub as:

Brewpub means: "A restaurant that prepares handcrafted natural beer, ale, distilled spirits, etc. as an accessory use intended for consumption on the premises. Production capacity shall be limited to less than 5,000 barrels (one barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed 30 percent of the total floor area of the restaurant's space. Wholesaling shall be permitted, but is limited to 30 percent of the total sales of the restaurant".

Summary of Planning Commission Considerations

The CVR-1 Zone is intended to provide suitable areas that provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained. The zone accommodates a range of other commercial activities that are of similar intensity, such as beer parlors and liquor stores, or conference/education centers and restaurants. These business types is also consistent with the zoning goal of providing a diversified employment base for the community while limiting traffic, noise, dust, fumes, orders, smoke, vapors, vibration, or waste disposal problems.

The Planning Commission should consider the following questions in making a recommendation to the County Commission:

- Are the proposed amendments consistent with other uses in the (Commercial Valley Resort Recreation) CVR-1 Zone?

- Are there any major detrimental effects that may come from approving this amendment?
- Should the draw to the area be Wolf Creek Resort or should the draw be a use within Wolf Creek Resort?

Conformance to the General Plan

The Ogden Valley General Plan, as adopted in 1998, states that Weber County “supports the continued development of resort-related commercial areas” (OVGP, p.12).

Conditions of Approval

Not Applicable

Staff Recommendation

Staff recommends approval of the proposed amendment to add brewpub and reception/banquet facilities as conditional uses in the CVR-1 Zone and the new definition for a brewpub.

The recommendation is based on the following:

- The use is consistent with other uses within the CVR-1 Zone.
- The use is required to be part of a food establishment.
- The use is regulated by the state and federal government.

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

Exhibits

Weber County Land Use Code Weber County Land Use Code Title 104 (Zones) Chapter 11 (Commercial Valley Resort Recreation CVR-1 Zone) Section 4 (Conditional Uses) is hereby amended as follows:

Sec. 104-11-4. - Conditional uses.

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in title 108, chapter 4 of this Land Use Code.

- (1) Beer parlor, sale of draft beer.
- (2) Bed and breakfast inn.
- (3) Bed and breakfast hotel.
- (4) Recreation lodge.
- (5) Dry cleaning pickup station.
- (6) Recreation resort complex.
- (7) Horse rentals (up to ten horses per acre, if stabled) horse feed store and haystack yard.
- (8) Indoor facilities for rental to clubs, private groups, parties and organizational groups for recreation activities, including dancing.
- (9) Liquor store.
- (10) Medical/dental office.
- (11) Outfitters base camp.
- (12) Pet grooming and supply store.
- (13) Public utility substations.
- (14) Real estate office.
- (15) Ski equipment, snowmobile, boat, and bicycle rentals.
- (16) Outdoor skating rink (ice or roller).
- (17) Skateboarding course.
- (18) Snowmobile and Nordic ski trails.
- (19) Equestrian trails.
- (20) Public parks.

- (21) Golf courses, including miniature golf as part of a recreation resort.
- (22) Conference/education center.
- (23) Condominium rental apartment, including lockout rooms.
- (24) Gazebo, pavilion.
- (25) Time share condominiums including lockout rooms.
- (26) Travel agency.
- (27) Planned residential unit development (PRUD) as part of a recreation resort complex subdivision, where part of a PRUD in a recreation resort complex.
- (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.
- (29) Residential property rental and management agency for recreation resort complexes.
- (30) Off road vehicle and recreation equipment sales and service, and rental.
- (31) Service stations.
- (32) Ski resort and ski schools.
- (33) Hotel/motel including lockout rooms.
- (34) Restaurants, including those with drive-up windows.
- (35) Accessory uses to the above listed.
- (36) Brewpub
- (37) Reception/Banquet facilities

Weber County Land Use Code Title 101 (General Provisions) Chapter 7 (Definitions) is hereby amended as follows:

Sec. 101-1-7. - Definitions.

Brewpub means: "a restaurant that prepares handcrafted natural beer, ale, distilled spirits, etc. as an accessory use intended for consumption on the premises. Production capacity shall be limited to less than 5,000 barrels (one barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed 30 percent of the total floor area of the restaurant's space. Wholesaling shall be permitted, but is limited to 30 percent of the total sales of the restaurant".



Staff Report to the Ogden Valley 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: General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas.

Agenda Date: Tuesday, October 27, 2015
Staff Report Date: Tuesday, October 15, 2015
Applicant: Weber County Planning Division
File Number: ZTA 2015-06

Property Information

Approximate Address: Not Applicable
Project Area: Not Applicable
Zoning: Not Applicable
Existing Land Use: Not Applicable
Proposed Land Use: Not Applicable
Parcel ID: Not Applicable
Township, Range, Section: Not Applicable

Adjacent Land Use

North: Not Applicable	South: Not Applicable
East: Not Applicable	West: Not Applicable

Staff Information

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

Report Reviewer: SW

Applicable Ordinances

The ordinance sections affected by this change are:

- General Provisions (Title 101), Definitions (Section 1-7) and Permits Required and Enforcement (Chapter 4);
- Subdivisions (Title 106), General Provisions (Chapter 1);
- Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14);
- Other various sections of the Weber County Code to provide for a state code requirement to abandon the term "township."

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, however, considering that the vast majority of this amendment is to rectify an error in the adoption of a previously vetted and approved ordinance (as explained below), the criterion for approval may simply be that approval has already occurred and this amendment will provide for the County's intent of that previous approval.

Background

On August 7, 2012, the County Commission adopted changes to the County's Subdivision ordinance¹. Around this time the County was diligently working to get all ordinances codified through a professional codification service². For an unknown reason the changes provided in the 2012 subdivision code amendment were not presented in the final codified version. The codified code was adopted, and all others were repealed, without the 2012 subdivision code changes.

The County was not aware of this mistake until recently. The County never intended to repeal the 2012 subdivision changes. All subdivision approvals since were reviewed in compliance with the 2012 changes. It is clear that this was an administrative oversight, and all of those approvals are still valid; however, in an abundance of caution the County Attorney has recommended that we send the changes through the adoption process once more.

In preparing this ordinance for re-adoption, staff incorporated other simple administrative edits necessary to provide for optimal clarity of the code and provide for better compliance with state code. They are also provided in the attached proposal. If any of these clarifications cause a delay in the re-adoption of the 2012 subdivision code then they should be abandoned herein and postponed to a later proposal.

Policy Analysis

Policy considerations, generally. The proposed code³ is primarily a simple re-adoption of the 2012 subdivision code. There are, however, a few minor modifications being proposed. In the 2012 subdivision code there was a definitions section that contained terms that were relevant to only the subdivision code, and could not be construed to be applied to the whole Land Use Code liberally. This is true for many of the various code chapters at that time. One function of the codifiers was to remove all definition sections from the various chapters/codes and consolidate them into one section – making the definition of each term generally applicable to that term everywhere it is used in the Land Use Code. This provides less conflict of various definitions or interpretations when administering the code. However, one complication of doing this is the need to rectify the various different definitions of terms, or the potential need to change terms completely. Because the 2012 subdivision code has not been subject to this rectification it is necessary to do so with this proposal.

Additionally, when the 2012 subdivision code was written the quality control tools now available through our codifiers were not as easily available. Changes were made that conflicted with other parts of the code. For example, some of the definitions of certain terms were deleted or altered in a manner that is not consistent with the statute of other parts of the Land Use Code or parts of the state code.

To the extent the proposed subdivision code deviates from the 2012 subdivision code amendments, most of the deviation is to provide for these conflicts. They are annotated by staff in the right column of the text.

There are additional administrative clarifications being proposed with this amendment. The first is due to a 2015 state code⁴ change that removes the authority to create or utilize a "township" from any County other than one of the first class. Regardless of the legislature's reasoning for this, since Weber County is a County of the second class it is now required that the planning commissions and planning areas abandon the word "township." Staff is proposing that the term be replaced with "planning area" throughout the code, as can first be found on line 17 of the attached Exhibit B. If there is another term the Planning Commission desires please propose it during our discussion.

The second administrative clarification is regarding the revocation procedures adopted as part of the recent conditional use permit re-write⁵. The recent changes fail to consider that a land use permittee may not be a property owner. The attached proposed amendments show these changes in §102-4-3, starting on line 353 of the attached Exhibit B.

Best management practices. A complete re-write of the subdivision code is not being proposed here. A

¹ See County Ordinance 2012-14 on file in the County Clerk's Office. Also attached as Exhibit D

² See www.municode.com;

https://www.municode.com/library/ut/weber_county/codes/code_of_ordinances?nodeId=14935

³ See proposed ordinance, Exhibits B and C

⁴ See Senate Bill 199 from the 2015 Utah Legislative Session.

⁵ See County Ordinance 2015-13 on file in the County Clerk's Office.

complete re-write is contemplated to occur within the next few years. This re-adoption is intended to be for simple administrative clarity only. However, there are changes that are necessary that are not being proposed here. If the Planning Commission discovers trouble spots with the way the 2012 subdivision code was written, or takes issue with some of its policies, please provide those comments for staff to use in the next subdivision code update.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendation of the applicable general plan. Because the substantial portion of the code was previously vetted and adopted, and more complete review of the general plan is not being provided here.

Past Action on this Item

- The Western Weber Planning Commission recommended approval of the 2012 Subdivision Code on February 14, 2012.
- The Ogden Valley Planning Commission recommended approval of the 2012 Subdivision Code on March 27, 2012.
- The Weber County Commission adopted the 2012 Subdivision Code on August 7, 2012, as part of County Ordinance 2012-14.
- On October 13, 2015, the Western Weber Planning Commission re-heard and re-recommended approval of the subdivision ordinance changes of 2012, and the administrative changes provided herein. The motions was unanimous.

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 have been previously approved and adopted as ordinance #2012-14.
2. The changes are necessary to provide clarity and consistency in the land use code.
3. The clarification will provide for a more efficient administration of code.
4. 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] – Subdivision Code.
- C. OMITTED
- D. County Ordinance 2012-14 (original format).
- E. February 14, 2012, Western Weber Planning Commission Minutes.
- F. March 27, 2012, Ogden Valley Planning Commission Minutes.
- G. August 7, 2012, County Commission Minutes.

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

The following code changes are being proposed to re-adopt the 2012 subdivision code, and provide necessary administrative edits.

This change addresses the following code sections:

General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas.

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

Exhibit B: Code Changes [Redlines] – Subdivision Code

Field Code Changed

- 1 PART I - CODE OF ORDINANCES
- 2 ...
- 3 Title 16 - COUNTY FEE SCHEDULE
- 4 ...
- 5 CHAPTER 2. - FEES
- 6 ...
- 7 Sec. 16-2-6. - Planning and zoning.

8 The following are the fees for planning and zoning:

	Fees
Planning and Zoning	
Petition requesting a decision from the board of adjustment	\$225.00
Excavation or fill application	\$200.00
For each street vacation (includes the public notice and document and handling fee)	\$300.00
Road dedication plats	\$350.00
Conditional use permit for planned residential unit development (PRUD)	\$500.00
For each easement vacation (which includes the public notice and document and handling fee)	\$120.00
For each concept plan review and one meeting with the township <u>planning area</u> planning commission	\$50.00
For each approval extension of conditional uses, planned residential unit developments, site plans request	\$100.00
For each land use permit	\$10.00

Ogden Valley recreation element	\$50.00
Ogden Valley general plan	\$20.00
GRAMA requests	\$.030/page
Research (considered on any files that are six months or older)	\$25.00/hr, plus copying charge

9 ...

10 **PART II - LAND USE CODE**

11 ...

12 **Title 101 - GENERAL PROVISIONS^[2]**

13

14 ...

15 **Sec. 101-1-1. - Short title.**

16 This title shall be known as the "Uniform Land Use Code of Weber County, Utah" and may
 17 be referred to as the "Land Use Code," "this Code," or the "LUC." The [township planning area](#)
 18 planning commission or other entity designated herein shall be the land use authority, with due
 19 responsibility to administer the Land Use Code. Appeals from decisions of the land use authority
 20 will be heard by the appeal authority designated in this Land Use Code.

21 ...

22 **Sec. 101-1-7. - Definitions.**

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

25 ...

26 **Alley** means a public thoroughfare less than 26 feet wide.

27 ...

28 **Average percent of slope.** ~~The term "average percent of slope" means an expression of rise~~
 29 ~~or fall in elevation along a line perpendicular to the contours of the land connecting the highest~~
 30 ~~point of a slope to the lowest point of that slope within a parcel or lot. A vertical rise of 100 feet~~
 31 ~~between two points 100 feet apart measured on a horizontal plane is a 100 percent grade.~~
 32 ~~Percentage of slope shall be determined, and shown on the grading plan prior to any grading,~~
 33 ~~cut or fills being accomplished, the average percent of the slope of terrain of a given area. It shall~~
 34 ~~be calculated as follows: $(0.00229 \times l \times L) / A = S$, where "S" is the average percent of slope, "l"~~

Field Code Changed

Field Code Changed

Comment [c1]: 2012 Sub Code deletes. I suggest keeping because it is used in 13 other ordinance sections.

Comment [c2]: The 2012 sub code did not make these changes. They are being proposed here.

The 2012 sub code only added an unintelligible sentence at the end of this former definition that stated "The horizontal distance between any two measured points shall not exceed 50 feet." This addition severely throws off the intent of the Hillside review 108-14-12.

35 is the contour interval in feet, "L" is the combined length of all contours within the given area in
36 feet, and "A" is the acreage of the given area. As may be approved by the County Engineer,
37 alternative methods of calculating the average percent of slope are permissible provided the
38 calculations render similar results and address the entire given area.

39 ...

40 Block means the land surrounded by streets and other rights-of-way other than an alley, or
41 land which is designated as a block on any recorded subdivision plat.

Comment [c3]: 2012 sub code deletes. Suggest keeping since I've suggested keeping definition of alley.

42 ...

43 Bona fide division or partition of agricultural land for agricultural purposes means the
44 division of agricultural land into lots or parcels of five acres or more in area whose principal use
45 is the raising and grazing of animals or agriculture as that use is defined in the Land Use Code
46 and provided that:

47 (1) No dedication of any streets shall be required to serve any such lots or parcels of
48 agricultural land ~~so created.~~

49 ~~(2) The division of land in the mountain areas of the county for investments, building~~
50 ~~development or summer cabin usage shall not be deemed to be a bona fide division or~~
51 ~~partition of agricultural land for agricultural purposes.~~

52 ~~(3) The agricultural lots or parcels so created shall not thereafter~~

53 (2) The agricultural parcels shall not be further divided into parcels of less than five acres
54 without being subdivided in accordance with the subdivision regulations of the county.

55 ~~(4)~~ No dwellings shall be permitted unless all subdivision, zoning and health requirements
56 of the county are met.

Comment [c4]: 2012 subdivision code changes

57 ...

58 ~~Buildable area (building envelope).~~ The term "buildable area ~~(building envelope)~~" means a
59 portion of a lot, parcel or tract of land which is to be utilized as the building site. ~~Such building~~
60 ~~area to~~ and which complies with the following:

Comment [c5]: When codifying the code there were some changes to this definition from what was in the 2012 subdivision code. The codifiers did not quite hit the mark in their changes. The changes here brings this definition back into line with what was proposed in the 2012 subdivision code (and hillside development code).

61 (1) the average percent of slope within the buildable area as defined by this section shall be
62 designated less than 25 percent;

63 (2) the gross land area of the buildable area shall contain at least 3000 square feet and be
64 configured such that it can contain one 40 foot by 40 foot square;

65 (3) it shall not contain any geologic or other environmental hazards, as determined by the
66 County Engineer;

67 (4) it shall not contain any easements or setbacks; and

68 (5) it shall be denoted on a subdivision plat as the only area in which building may take
69 place. It may be outlined on the subdivision plat where there are natural hazards or unusual
70 topographic circumstances in which the on a lot is located or parcel.

Comment [c6]: This is brand new here. The previous version required a minimum of one 75x100 rectangle. This change allows more flexibility for the siting of a building on a lot, and anticipates that not all buildable areas will yield the opportunity of creating a perfect rectangle. The 40x40 will provide that at no point will a building envelope be less than 40' wide.

71 ...

72 | Building area. See "buildable area."

73 | ...

74 | ~~Building area (building envelope). The term "building area (building envelope)" means a~~
75 | ~~portion of a lot, parcel, or tract of land which is to be utilized as the building site. Such building~~
76 | ~~area to be designated as may be required by the only area in which building may take place. It~~
77 | ~~may be outlined cluster subdivision ordinance or as otherwise volunteered on the a subdivision~~
78 | ~~plat where there are natural hazards or unusual topographic circumstances in which the lot is~~
79 | ~~located. Building envelope shall not be construed to mean "buildable area (building area)" as~~
80 | ~~provided in this section.~~

81 |

82 | ...

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

87 | Building, public. The term "building, public" means a building owned and operated, or
88 | owned and intended to be operated by a public agency of the United States of America, of the
89 | State of Utah, or any of its subdivisions.

90 | ...

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

94 | ...

95 | ~~Holding strip means a strip of land bordering both the boundary of a subdivision and a~~
96 | ~~street within the subdivision for the purpose of controlling the access of property owners~~
97 | ~~abutting the subdivision to the street. Holding strips may not be placed at the terminus of a right-~~
98 | ~~of-way. The holding strip is to be one foot in width, or as required by the county commission.~~

99 | ...

100 | Land use authority. The term "land use authority" means a person, board, commission,
101 | agency, or other body designated by the local legislative body to act upon a land use
102 | application.

103 | ...

104 | Lodginghouse/boardinghouse. The term "lodginghouse/boardinghouse" means a building
105 | where lodging only is provided for compensation in five or more guest rooms, but not exceeding
106 | 15 persons.

Comment [c7]: This was proposed to be deleted in favor of a new term called "lot combination." This is better left "building parcel designation because it has nothing to do with combining lots.

Comment [c8]: The 2012 Sub code deletes this definition and replaces it with "lot combination" (see below). The only place this term is referenced in the Land Use Code is in the definitions section.

Incidentally, "lot combination" will only show up in the definitions section too. There is no formalized statute suggesting that it is allowed. Just the definition of what it is.

Comment [c9]: 2012 sub code deletes this definition. However, it shows up in 9 sections of the LUC, including the subdivision chapter. I suggest leaving it.

Comment [c10]: 2012 sub code deletes this definition in favor of adding a new definition called "protection strip." The term "protection strip" is used in at least one location in the subdivision ordinance. The term "holding strip" is not found in the land use code.

Comment [c11]: The 2012 sub code deletes this definition. I suggest keeping it.

107 ~~Land use authority means a person, board, commission, agency, or other body designated~~
108 ~~by the county commission, through this title, to act upon subdivision applications.~~

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

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

116 ...

117 Lot line adjustment ~~allows.~~ The term "lot line adjustment" means the relocation of the
118 property boundary line in a subdivision between two adjoining lots with the consent of the
119 owners of ~~lots within approved subdivisions to adjust ownership lines between lots~~ record. An
120 amended plat is required to do a lot line adjustment. Nonconforming lots cannot become more
121 nonconforming.

122 ...

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

128 Lot, restricted. The term "restricted lot" means ~~a lot or parcel of land with questionable~~
129 ~~slope which:~~

130 (1) Has a lot or parcel of land which has an average slope of 25 percent or more and does
131 not contain a buildable area as defined in this section; or

132 ~~(2) Does not contain a building area of at least 75 feet by 100 feet on a buildable portion~~

133 (2) a lot or parcel of land that has been identified as having potential geologic or other
134 environmental hazards or constraints, as determined by the County Engineer, which
135 require further investigation prior to issuance of a building permit. ~~of the lot with slope~~
136 ~~of less than 25 percent, exclusive of easements or required setbacks; or~~

137 ~~(3) Has been identified as having potential geologic or other environmental hazards or~~
138 ~~constraints which require further investigation prior to issuance of a building permit.~~

139 ~~The lot shall be increased in area and width if over 25 percent slope and regulated and~~
140 ~~developed in accordance with section 108-14-12 and any conditions imposed by the~~
141 ~~Hillside Development Review Board in addition to the requirements of the Land Use~~
142 ~~Code. In a subdivision, such lot is designated by the letter "R" after the lot number.~~

143 ...

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

Comment [c12]: Duplicate definition (see above)

Comment [c13]: 2012 sub code deletes this. I suggest keeping it.

There has been a little recent debate over this definition. Is a lot *only* a platted lot? This definition suggest otherwise... As does the term in the context of "lot of record" and "nonconforming lot." There are also a few places in state code where the term clearly is referring to a non platted parcel, but other places in state code seem to refer to a "lot" as only part of a platted subdivision. For example, the difference between "lot line adjustment" and "parcel boundary adjustment" seems to dictate that a lot is inside a platted subdivision.

When thinking through this keep in mind that the definition of subdivision (pursuant to state code) does not mean a "platted subdivision." It simply means a division of land (with some exemptions).

Comment [c14]: Replacing county code language with state code language. Minimal impact.

Comment [c15]: Keeping county code requirement for a sub plat amendment.

Comment [c16]: 2012 sub code added this language.

Comment [c17]:
-The 2009 Hillside code defines it about the way I have it here.
-The 2012 sub code deletes the duplicate definition and refers the reader to the hillside definition.
-The Codifiers had their way with it a bit

The last paragraph is a standard and not a definition. It is required in the statute already. Suggest deleting it from here.

Comment [c18]: 2012 sub code deletes. I suggest keeping bc:

-This term is used once in the sub chapter 106-2-4(d).

146 ~~Lot, unrestricted, means a lot having an average slope of less than 25 percent over a major~~
147 ~~portion of its area or a lot having an average slope of 25 percent or more which contains a~~
148 ~~building area on a buildable portion of the lot with an average slope of less than 25 percent, and~~
149 ~~the building area is designated as such on the subdivision plat in which the lot is located.~~

150 ~~Master street plan means a plan, labeled "Master Street Plan" of Weber County.~~

151 ~~Minor subdivision means:~~

152 ~~(1) A subdivision consisting of three or fewer lots and for which no streets will be created~~
153 ~~or realigned.~~

154 ~~(2) An amended subdivision consisting of five or fewer lots and for which no streets will be~~
155 ~~created or realigned.~~

156 ~~(3) A subdivision phase consisting of five or fewer lots which has a valid preliminary~~
157 ~~approval and meets all conditions of that preliminary approval, including proposed~~
158 ~~street layouts.~~

159 ~~Master street plan. The term "master street plan" means the transportation, street, or road~~
160 ~~plan, with all associated maps, presented in the transportation section of the general plan for the~~
161 ~~relevant planning area.~~

162 Model home. The term "model home" means a residential dwelling built within a particular
163 subdivision for the purpose of showing an example of possible dwellings to be built on individual
164 lots within that subdivision. A model home, meeting the requirements of title 108, chapter 7 of
165 this Code may be furnished and utilized as a temporary real estate sales office.

166 ...

167 Nursing home. The term "nursing home" means a building structure and/or facility for the
168 care of children, the aged, infirm, or convalescent of any age. See also Convalescent home.

169 ~~Official map means a map adopted by the board of county commissioners under the~~
170 ~~provisions of U.C.A. 1953, § 17-27a-407, as amended.~~

171 ...

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

175 ~~Parcel. The term "parcel" or "parcel" of land means a contiguous quantity of land in the~~
176 ~~possession of, or owned by, or recorded as the property of the same claimant or person.~~

177 Play area, agri-tourism. The term "agri-tourism play area" means an area within an agri-
178 tourism operation's activity center that is dedicated to open and informal play. The play area
179 may include, but not be limited to, conventional and unconventional playground equipment.

180 ~~Private access right-of-way. The term "private access right-of-way" means an easement of~~
181 ~~not less than 50 feet wide reserved by dedication unto the subdivider or lot owners to be used~~
182 ~~as private access to serve the lots platted within the subdivision and complying with the adopted~~
183 ~~street cross section standards of the county and maintained by the subdivider or other private~~
184 ~~agency.~~

185 ...

Comment [c19]: 2012 Sub code deletes.

Comment [c20]: 2012 Sub code suggest deleting this definition. It is used in one location in title 106 and in one location in 108.

I suggest keeping the term. However, the definition needed a little more clarity, as provided here.

Comment [c21]: Deleted in favor of the new "small subdivision" definition.

Comment [c22]: 2012 Sub code deletes this term. I cannot find that it is used elsewhere in the land use code.

Comment [c23]: 2012 Sub code suggests deleting this, but it would be beneficial to keep.

Comment [c24]: 2012 Sub code suggests deleting this, but the term shows up five times in the subdivision statute. I suggest keeping it.

186 Product, non-agriculturally related. The term "non-agriculturally related product" means any
187 item that is sold at a specific farm, approved for agri-tourism, which is not connected to farming
188 nor derived from that farm's operation or other farm located in Weber County. Non-agriculturally
189 related products may include, but are not limited to, novelty t-shirts or other clothing, crafts,
190 knick-knacks and/or products imported from other counties, states or countries.

191 Protection strip. The term "protection strip" means a line that acts as an encumbrance by
192 which certain land, lying adjacent to a dedicated road right-of-way or other transportation
193 facility, has restricted access. The protection strip, having no specific width, shall be shown on a
194 subdivision plat as a unique line-type on the edge of a dedicated right-of-way and has the
195 general purpose of controlling access across it until such time that the original financier and
196 adjacent landowner can effectively negotiate terms of equitable reimbursement. The protection
197 strip shall expire after 10 years in accordance with a separately written and recorded
198 agreement.

199 Public. The term "public" means buildings or uses owned or operated by a branch of the
200 government or governmental entity and open to the public, such as libraries, schools, parks,
201 other than private facilities.

202 ...

203 Slope. The term "slope" means the rate of rise or fall away from a horizontal plane,
204 expressed as a percentage of the ratio of the vertical rise over the horizontal run. Unless
205 specified otherwise in this Land Use Code, the term "slope" is referring to the slope of terrain.
206 ~~the level of inclination of land from the horizontal determined by dividing the horizontal run of the~~
207 ~~slope into the vertical rise of the same slope and converting the resulting figure into a~~
208 ~~percentage value. For purposes of regulation and measurement, slope shall cover at least 25~~
209 ~~feet vertically and 50 feet horizontally.~~

210 Small subdivision. See "subdivision, small."

211 Small wind energy system. The term "small wind energy system" means a wind energy
212 conversion system consisting of a wind turbine, a tower, and associated control or conversion
213 electronics, which will be used primarily to reduce on-site consumption of utility power for an
214 individual parcel.

215 ...

216 Street, major, means a street, existing or proposed, which serves or is intended to serve as
217 a major traffic way and is designated on the master street plan as a controlled access highway,
218 major street, parkway or other equivalent term to identify those streets comprising the basic
219 structure of the street plan.

220 Street, marginal access, means a minor street which is parallel to and adjacent to a limited
221 access major street and which provides access to abutting properties and protection from
222 through traffic.

223 Street, private. The term "private street" means a thoroughfare within a subdivision which
224 has been reserved by dedication unto the subdivider or lot owners to be used as private access
225 to serve the lots platted within the subdivision and complying with the adopted street cross
226 section standards of the county and maintained by the subdivider~~developer~~ or other private
227 agency.

Comment [c25]: 2012 Sub code suggests changing this to "street, frontage" however a search for the term "frontage street" yielded no results but a search for the term "marginal access street" did.

228 ...

229 Subdivision.

230 (1) The term "subdivision" means any land that is divided, resubdivided or proposed to be
231 divided into two or more lots, parcels, sites, units, plots, or other division of land for the
232 purpose, whether immediate or future for offer, sale, lease, or development either on
233 the installment plan or upon any and all other plans, terms, and conditions.

234 (2) The term "subdivision" includes:

235 a. The division or development land whether by deed, metes and bounds description,
236 devise and testacy, lease, map, plat or other recorded instrument.

237 b. Except as provided in subsection ~~(3)~~ three and four of this ~~section~~ definition,
238 divisions of land for residential and nonresidential uses, including land used or to
239 be used for commercial, agricultural, and industrial purposes.

240 c. Except as provided in subsection three and four of this definition, and where this
241 Land Use Code provides the requirement, the term "subdivision" includes a
242 requirement to plat an individual parcel that exists as a result of a past subdivision
243 of land that was created without a subdivision plat.

244 d. Except as provided in subsection three and four of this definition, and where this
245 Land Use Code provides the requirement, the term "subdivision" includes a
246 requirement to plat the resulting parcel when two or more parcels are combined
247 together as one.

248 (3) The term "subdivision" does not include:

249 a. A bona fide division or partition of agricultural land for agricultural purposes;

250 b. a recorded agreement between owners of adjoining properties adjusting their mutual
251 boundary if:

252 1. no new lot is created; and

253 2. the adjustment does not violate applicable land use ordinances;

254 c. a recorded document, executed by the owner of record:

255 1. revising the legal description of more than one contiguous unsubdivided parcel
256 of property into one legal description encompassing all such parcels of property; or

257 2. joining a subdivided parcel of property to another parcel of property that has not
258 been subdivided, if the joinder does not violate applicable land use ordinances;

259 d. A bona fide division or partition of land in a county other than a first class county
260 for the purpose of siting, on one or more of the resulting separate parcels:

261 1. An electrical transmission line or a substation;

262 2. A natural gas pipeline or a regulation station; or

263 3. An unmanned telecommunications, microwave, fiber optic, electrical, or other
264 utility service regeneration, transformation, retransmission, or amplification
265 facility.

266 e. a recorded agreement between owners of adjoining subdivided properties adjusting
267 their mutual boundary if:

Comment [c26]: 2012 sub code suggests altering this definition, but it alters it in a manner that does not comply with state code.

All new changes here reflect state code except for the (2)c. and (2)d., which are modified versions of the 2012 provisions.

Comment [c27]:
• 2012 sub code has this worded this way: "b. Subdivision includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance."

Comment [c28]:
• 2012 sub code has this worded this way: "b. Subdivision includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance."

- 268 1. no new dwelling lot or housing unit will result from the adjustment; and
 269 2. the adjustment will not violate any applicable land use ordinance;
 270 f. a bona fide division or partition of land by deed or other instrument where the land
 271 use authority expressly approves in writing the division in anticipation of further
 272 land use approvals on the parcel or parcels; or
 273 g. a parcel boundary adjustment

274 (4) The joining of a subdivided parcel of property to another parcel of property that has not
 275 been subdivided does not constitute a subdivision under this Subsection (60) as to the
 276 unsubdivided parcel of property or subject the unsubdivided parcel to the county's
 277 subdivision ordinance.

278 Subdivision, cluster. The term "cluster subdivision" means a subdivision of land in which the
 279 lots have areas less than the minimum lot area of the zone in which the subdivision is located,
 280 but which complies with the cluster subdivision provisions of the Land Use Code and in which a
 281 significant part of the land is privately reserved or dedicated as permanent common open space
 282 to provide an attractive low density character for the residential lots in the subdivision.

283 Subdivision, small. The term "small subdivision" means:

- 284 (1) A subdivision consisting of three or fewer lots and for which no streets will be created
 285 or realigned;
 286 (2) An amended subdivision consisting of five or fewer lots and for which no streets will be
 287 created or realigned; or
 288 (3) A subdivision phase consisting of five or fewer lots, which has a valid preliminary
 289 approval by the planning commission and meets all conditions of preliminary approval,
 290 including proposed street layouts and phasing plan. The county commission will have
 291 to accept the roads and the financial guarantee, unless under \$25,000.00.

Comment [c29]: Replacing definition of minor subdivision.

292 ...

293 **CHAPTER 2. - PLANNING COMMISSION**

294 **Sec. 102-2-1. - Purpose and intent.**

295 This chapter outlines the planning area boundaries of the two ~~township~~ planning
 296 commissions. It also outlines their planning commission's organization, and their membership,
 297 and the powers and duties of the planning commission.

298 (Ord. of 1956, § 45-1)

299 **Sec. 102-2-2. - ~~Township~~ Planning area boundaries.**

300 The unincorporated county is divided into two ~~township-planning-districts~~ planning areas.
 301 The mountain area facing west from Mount Ogden except for the Ogden Canyon shall be the
 302 Western Weber County Planning ~~District~~ Area. All of the unincorporated area of the county,
 303 facing east of Mount Ogden including the Ogden Canyon, shall be the Ogden Valley ~~Township~~
 304 Planning ~~District~~ Area.

Comment [c30]: This needs an adopted map.

305 (Ord. of 1956, § 45-2)

306 **Sec. 102-2-3. - Planning commission membership and organization.**

307 (a) The planning commission shall consist of seven members.

308 ...

309 (5) Each member of the planning commission shall be a registered voter residing within
310 the ~~township~~ planning area of the planning commission to which they are appointed.

311 ...

312 **Sec. 102-2-4. - Powers and duties of the planning commission.**

313 The planning commission shall have such powers and duties as are or may be prescribed
314 by the Utah Code and as provided in the Ordinances of Weber County.

315 ...

316 (4) The ~~township~~ planning commission may recommend to the legislative body ~~of the~~
317 ~~county in which the township is located~~:

318 a. To support or oppose a proposed incorporation of an area located within the
319 planning commission's planning area ~~township~~; or

320 b. To file a protest to a proposed annexation of an area located within the planning
321 commission's ~~township~~ planning area.

322 ...

323 **Sec. 102-2-8. - Appointment of ~~township~~ planning commission members.**

324 Appointment preference shall be given to encourage geographic representation on each
325 ~~township planning board~~ planning area planning commission.

326 (Code 1985, § 6-21-2)

327 **Sec. 102-2-9. - Jurisdiction.**

328 Upon the appointment of all members of a ~~township~~ planning area planning commission,
329 the ~~township~~ planning commission shall immediately begin to exercise the powers and perform
330 the duties as provided for in the state code.

331 (Code 1985, § 6-21-3)

332 **Sec. 102-2-10. - Policies and procedures.**

333 The board of county commissioners shall adopt such policies and procedures as it deems
334 necessary to provide for:

335 (1) The planning division support staff;

336 (2) The funding of necessary and reasonable expenses of ~~townships~~ the planning
337 commissions;

338 (3) The ~~townships~~ planning commissions will be governed by Utah law, county ordinances
339 and the county planning commission rules of procedure and ethical conduct. If conflicts

340 exist, state law and county ordinances will prevail over the county planning commission
341 rules of procedure and ethical conduct; and

342 (4) Any other purposes considered necessary to the functioning of ~~township~~the planning
343 commissions.

344 (Code 1985, § 6-21-5)

345 ...

346 **CHAPTER 4. – PERMITS REQUIRED AND ENFORCEMENT**

347 ...

348 **Sec. 102-4-3. – Land use permit revocation.**

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

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351 (1) Revocation shall be conducted by the Land Use Authority that is authorized to approve
352 the permit.

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

Comment [c31]: Quick amendment to recent changes.

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

Comment [c32]: Quick amendment to recent changes.

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

Comment [c33]: Quick amendment to recent changes.

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366 ...

Comment [c34]: Quick amendment to recent changes.

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367 **CHAPTER 5. - REZONING PROCEDURES**

368

369 **Sec. 102-5-1. - Purpose and intent.**

370 Every property in the unincorporated area of the county is legally zoned as a result of
371 comprehensive zoning in Western Weber County in the 1950's and the Ogden Valley in the
372 1960's. The purpose of this chapter is to establish a legislative means by which applications to
373 the county are processed to change zoning. Rezoning is intended to implement the adopted
374 general plans for the different ~~townships~~planning areas of the county.

375 (Ord. of 1956, § 35-1; Ord. No. 2009-29)

376 ...

377 **Sec. 102-5-6. - County zoning.**

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

381 ...

382 **Title 104 – ZONES**

383 ...

384 | **CHAPTER 4. - GRAVEL ZONE G**

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385 ...

386 | **Sec. 104-4-4. - Additional requirements.**

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387 ...

388 | **(b) Contractor storage yard.**

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389 (1) Additional landscaping standards shall apply to the area where the equipment and
390 material is stored. There shall be a 15-foot landscape buffer with a four-foot high earth
391 berm planted with six feet or larger evergreen trees, such as, Scotch Pines, Douglas
392 Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The evergreen
393 shrubs may be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be 36
394 inches high and there shall be 15 shrubs per 100 linear feet. There shall be five canopy
395 trees per 100 linear feet. These trees may be Maples, Linden, Quaking Aspens,
396 Cottonless Cottonwood, Honey Locust, or Birch trees. The type of trees and shrubs
397 listed are intended to provide year-round screening of the site. The ~~township-planning~~
398 area planning commission shall approve the list of trees as part of the site plan review.
399 These trees shall be a minimum of two-inch caliper. This landscaping shall be planted
400 on the crest of the four-foot berm when the property abuts agricultural or residential
401 zones. The additional landscaping requirements can be eliminated if all equipment and
402 material are stored within an enclosed building.

403 ...

404 **CHAPTER 22. - MANUFACTURING ZONE M-1**

405 ...

406 **Sec. 104-22-3. - Conditional uses.**

407 ...

408 (10) Dwelling unit for proprietor or employee, who also serves as night watchman, and their
409 immediate family, provided that an additional 3,000 square feet of landscaped area is
410 provided for the residential use. As a conditional use, the ~~township~~-planning
411 commission, for the ~~jurisdiction~~-planning area in which the application is made, shall
412 have the discretion to approve either an attached or a detached dwelling, based upon
413 the primary manufacturing use and architectural design to protect the noise levels and
414 privacy of the residents.

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415 ...

416 CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1

417 ...

418 *Sec. 104-23-3. - Conditional uses.*

419 ...

420 (11) Dwelling unit for proprietor or employee, who also serves as night watchman and his
421 immediate family, provided that an additional 3,000 square feet of landscaped area is
422 provided for the residential use. As a conditional use, the ~~township~~-planning
423 commission, for the ~~jurisdiction~~-planning area in which the application is made, shall
424 have the discretion to approve either an attached or a detached dwelling, based upon
425 the primary manufacturing use and architectural design to protect the noise levels and
426 privacy of the resident.

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427 ...

428 CHAPTER 24. - MANUFACTURING ZONE M-2

429 ...

430 *Sec. 104-24-3. - Conditional uses.*

431 ...

432 (17) Dwelling unit for proprietor or employee, who also serves as night watchman, and their
433 immediate family, provided that an additional 3,000 square feet of landscaped area is
434 provided for the residential use. As a conditional use, the ~~township~~-planning
435 commission, for the ~~jurisdiction~~-planning area in which the application is made, shall
436 have the discretion to approve either an attached or a detached dwelling, based upon
437 the primary manufacturing use and architectural design to protect the noise levels and
438 privacy of the residents.

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439 ...

440 CHAPTER 28. - OGDEN VALLEY SENSITIVE LANDS OVERLAY DISTRICTS

441 ...

442 *Sec. 104-28-4. - Scenic corridors, ridgelines, and historical/cultural resources.*

443 ...

444 (2) Development standards.

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445 ...

446 b. Fencing. Within the delineated boundaries of the scenic corridors, fences, except
447 agricultural or stock fences, shall be of one of the following styles although
448 commercial, manufacturing, and multifamily uses shall be compatible with
449 requirements of chapter 18C, Ogden Valley Architectural, Landscaping and
450 Screening Ordinance:

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451 ...

452 3. Various forms of embossed steel or vinyl fencing that may be approved by the
453 Ogden Valley ~~township~~ planning commission upon submittal of sample
454 material with the site plans. Chainlink fencing shall not be permitted.

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455 ...

456 Title 106 - SUBDIVISIONS⁽¹⁾

Field Code Changed

457

458 CHAPTER 1. - GENERAL PROVISIONS

459

460 *Sec. 106-1-1. - Purpose and intent.*

461 The ~~underlying~~ purpose and intent of this title is to promote the health, safety, convenience
462 and general welfare of the inhabitants of the unincorporated ~~territory~~ planning areas of Weber
463 County in ~~the matter of~~ subdivision of land and related matters ~~affected by such subdivision.~~
464 ~~Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare~~
465 ~~and the neighborhood development of the area concerned and the subdivider shall present~~
466 ~~evidence to this effect when requested to do so by the land use authority.~~ This ordinance
467 outlines the procedures for processing subdivisions and their approvals.

468 *Sec. 106-1-2. - Variances.*

469 Then County Commission is the appeal board for the subdivision ordinance. The County
470 Commission may vary the standards ~~in~~ cases where unusual topographical or other exceptional
471 conditions exist, ~~variations and exceptions from this title may be made by the county~~
472 ~~commissioners,~~ the appeal board for the subdivision ordinance, after a recommendation by the
473 planning commission. ~~The following are not considered exceptional conditions such as financial,~~
474 ~~economic, or self-imposed. The Planning Commission shall make a recommendation to the~~
475 County Commission prior to the consideration of any variances. Subdivision time extensions are

476 | not variances and are addressed in Section 106-1-7, "subdivision time limitations." Illegal
477 | division of land does not constitute an exceptional condition.

478 | **Sec. 106-1-32. -- Scope**Subdivision Required.

479 | (a) No person shall subdivide any tract of land ~~which is located wholly or in part in the county,~~
480 | ~~outside of incorporated cities or towns~~ except in compliance with this title. No person shall
481 | sell or exchange or offer to sell or exchange any parcel of land which is a part of a
482 | subdivision of a larger tract of land, nor offer for recording ~~in the office of the county~~
483 | ~~recorder~~ any deed conveying such a parcel of land, or any interest therein, unless such
484 | subdivision has been created ~~pursuant to and~~ in accordance with the provisions of this
485 | ~~title~~Land Use Code; ~~provided, that~~ !This title shall not apply to any lot or lots forming a part
486 | of a subdivision created and recorded prior to the effective date of the subdivision
487 | regulations adopted in Weber County on January 11, 1952.

488 | (b) No lot within a subdivision approved by the planning commission and county commission
489 | and recorded in the county recorder's office in accordance with the provisions of this
490 | chapter, shall be further divided, rearranged, added to or reduced in area nor shall the
491 | boundaries of any lot be altered in any manner ~~so as~~ to create more lots than initially
492 | recorded ~~of any non-conforming lot~~ without first obtaining the approval of the land use
493 | authority.

494 | (Ord. of 1952, title 26, § 1-2)

495 | ~~Sec. 106-1-3. -- Reserved.~~

496 | **Sec. 106-1-4. - Subdivision application requirements.**

497 | (a) Pre-application meeting required. Each person who proposes to subdivide land ~~in the~~
498 | ~~unincorporated territory of the county~~ shall confer with the county planning staff before
499 | preparing any plats, charts, or plans in order to become familiar with the county subdivision
500 | requirements and existing general plans ~~for the territory in which the proposed subdivision~~
501 | ~~lies~~ and to discuss the proposed ~~plan of~~ development of the tract. Additional required
502 | submittal information will be identified during the pre-meeting, such as sensitive lands,
503 | slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.

504 | (b) Subdivision application submittal. Subdivision applications shall be submitted to the
505 | planning ~~director or his designated~~division staff member, by appointment, and shall include:

506 | (1) A completely filled out subdivision application, signed by the property owners.

507 | (2) ~~42~~Five full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one
508 | reduced size 8½ by 11 copy of a preliminary plan meeting the requirements listed in
509 | this title. This includes two 24 by 36 copies of the phasing plan. Once all preliminary
510 | requirements have been met two 24 by 36 copies and a one digital copy shall be
511 | submitted to the Planning Division. This requirement shall be met prior to the submittal
512 | for final approval.

513 | (3) All documents submitted in the subdivision application shall be accompanied by a PDF
514 | file of the respective document. All plans (including but not limited to subdivision plats,
515 | improvement drawings, architectural drawings, phasing plans, etc.), and subsequent
516 | submittals and revisions, shall be accompanied by a full scale set of PDF, ~~DWG, DWF~~
517 | ~~and JPEG~~ files of the respective plans. ~~Improvement drawings shall not be required to~~
518 | ~~have accompanying JPEG files.~~

- 519 (4) A written statement of feasibility from the county or state health department which
520 states the recommendation of the health department regarding;
- 521 a. sanitary sewage disposal; ~~and~~
522 b. culinary water availability; and shall be provided with the submittal of any subdivision
523 application.
524 c. a project notification form from the Utah State Department of Environmental Quality,
525 Division of Drinking Water.
- 526 (5) An application fee. The payment of a partial application fee, or the submittal of plans
527 for a pre-submittal review, does not constitute a complete application ~~A non-refundable~~
528 ~~fee made payable to Weber County.~~
- 529 ~~(6) A copy of the project notification form from the state department of environmental~~
530 ~~quality division of drinking water.~~

Comment [c35]: 2012 Sub code suggested deleting this whole line. I recommend keeping it, with modification

531 (Ord. of 1952, title 26, § 1-4)

532 **Sec. 106-1-5. - Preliminary plan/plat requirements and approval procedure.**

- 533 (a) The preliminary plan shall be prepared in conformance with the requirements of this chapter
534 and all other county codes and regulations regulating the subdivision of land. The
535 preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless
536 specified otherwise by the County Surveyor, and shall show:
- 537 (1) A subdivision name, approved by the County Recorder, and the general location of the
538 subdivision in bold letters at the top of the sheet. The township, range, and quarter
539 section shall also be shown on the top of the plat. ~~The proposed name of the~~
540 ~~subdivision.~~
- 541 (2) A north arrow, scale, and date. ~~— The location as forming a part of a larger tract or~~
542 ~~parcel, where the plat submitted covered only a part of the subdivider's tract or only a~~
543 ~~part of a larger vacant area. In such case, a sketch of the prospective future street~~
544 ~~system of the unplatted parts shall be submitted, and the street system of the part~~
545 ~~submitted shall be considered in the light of adjustments and connections with the~~
546 ~~future street system of the larger area.~~
- 547 ~~(3) Sufficient information to locate accurately the property shown on the plan, including~~
548 ~~sections corner ties.~~
- 549 (4) The individual or company names and addresses of the subdivider ~~applicant,~~ the
550 engineer and registered land surveyor of the subdivision, and the owners of the land
551 immediately adjoining the land to be subdivided.
- 552 (4) The surveyed boundary lines of the tract to be subdivided showing lot numbers,
553 measured and/or recorded bearings, distances, and other controlling data with ties to
554 section corners.
- 555 (5) Contour map at intervals of one foot, two feet, five feet, or ten feet, as determined by
556 the planning commission ~~with,~~ unless specified otherwise by the County Engineer, two
557 foot contour intervals.
- 558 ~~(6) The boundary lines of the tract to be subdivided showing bearings and distances.~~
- 559 (7) The existing location, widths and other dimensions of all existing or platted streets and
560 other important features such as, but not limited to, railroad lines, sanitary sewers,

561 storm drains, water supply mains, fire hydrants, water wells, land drains, culverts,
562 watercourses, wetlands, stream corridor setbacks, flood plain, fence lines or other lines
563 of occupation, exceptional topography, easements and buildings and structures within
564 and immediately adjacent (within 30 feet) to the tract of land to be subdivided, within or
565 immediately adjacent to the tract to be subdivided.

566 ~~(8) Existing and proposed sanitary sewers, storm drains, water supply mains, water wells,~~
567 ~~land drains, and culverts within the tract and immediately adjacent thereto.~~

568 (97) The location, widths and other dimensions of proposed public streets, private streets,
569 or private access rights-of-way, alleys, utility easements, pathways, parks, other open
570 spaces and lots with proper labeling of spaces to be dedicated to the public or
571 designated as private streets or private access rights-of-way.

572 ~~(108) North point, scale and date.~~ Road connectivity plan showing how future roads can
573 connect to provide circulation to future neighborhoods.

574 ~~(119)~~ Lots classified as "restricted" as defined in Section 101-1-7 by placing the letter
575 "R" immediately to the right of the lot number ~~of said lot.~~

576 ~~(1210)~~ The location of percolation test holes on each lot.

577 ~~(1311)~~ Proposed plans or written statements prepared by a licensed civil engineer
578 regarding the width and type of proposed pavement, location, size, and type of
579 proposed sanitary sewers or other sewage disposal facilities, proposed water mains
580 and hydrants and other proposed stormwater drainage facilities and other proposed
581 improvements such as sidewalks, planting and parks and any grading of individual lots.
582 ~~Engineering Improvement drawings as required by the County Engineer~~ may be
583 required during preliminary approval in subdivisions where roads are proposed over
584 ground that has an average slope of ten percent or greater.

585 ~~(1412)~~ Open space and common area improvements ~~shall be submitted~~ including but
586 not limited to landscaping, structures, signs, parking, and other amenities.

587 (13) A preliminary title report for each tax parcel included within the preliminary subdivision
588 boundary shall be included with the preliminary plat application. The preliminary title
589 report(s) shall be dated within 30 calendar days prior to the submittal of the application
590 and shall include a search of recorded documents back to patent that identifies, at a
591 minimum, the following items:

592 a. all reference easements;

593 b. reference (the entry number and/or book and page number) to all deeds in chain
594 of title;

595 c. all boundary line agreements;

596 d. all rights-of-way, whether the parcel is subject to or has reserve rights;

597 e. all current owners;

598 f. all outstanding liens, taxes, etc.

599 (b) Approval procedure.

600 ~~(1) A phasing plan for multi-phase subdivisions shall be submitted and approved by the~~
601 ~~planning commission.~~

- 602 | (2) With the exception of ~~minor-small~~ subdivisions, the preliminary plan/plat, including the
603 | phasing plan, shall be presented to the ~~planning-commission~~ Land Use Authority who,
604 | for the purposes of this section, shall be the Planning Commission, for their
605 | ~~recommendation~~ review and decision in compliance with applicable ordinances. The
606 | planning commission's ~~recommendation-decision~~ may be appealed to the county
607 | commission by filing an appeal within 15 days of the planning commission's
608 | recommendation. If the planning commission's ~~recommendation-decision~~ is not
609 | appealed to the county commission, the planning commission's recommendation shall
610 | stand as the county's decision on preliminary approval.
- 611 | (3) Grading limitation. No large scale excavation (more than 5,000 square feet), grading or
612 | regrading ~~as determined by the planning commission~~ shall take place on any land for
613 | which a preliminary subdivision plan has been submitted until such plan has been
614 | given preliminary approval by the planning commission and then only in accordance
615 | with the excavation ordinance of this Land Use Code.

Comment [c36]: 2012 code removes this.
Suggest keeping it.

616 | (Ord. of 1952, title 26, § 1-5)

617 | **Sec. 106-1-6. - Agency review and public notice.**

- 618 | (a) Distribution of preliminary plan. The planning ~~commission-division office~~ shall distribute a
619 | copy of the preliminary plan to each of the following for their information and
620 | recommendations: county engineer, county fire district, county health officer, county school
621 | board, county surveyor, county treasurer, and company furnishing telephone, electric,
622 | water, sanitary sewer, and/or gas service. The planning ~~commission-office~~ division may
623 | distribute copies of the preliminary plan to other agencies and organizations to ensure
624 | thorough review of the proposed plan. The reviewing agencies shall have 30 days to review
625 | the preliminary plans and return any information and recommendations to the planning
626 | division.
- 627 | (b) Public notice. Notice of the proposed subdivision shall be mailed as a courtesy not less
628 | than seven calendar days before the planning commissions' public hearing on the proposed
629 | subdivision to the record owner of each parcel within 500 feet of the property. ~~proposed for~~
630 | ~~subdivision; or posted not less than three calendar days before the public hearing, on the~~
631 | ~~property proposed for subdivision, in a visible location, with a sign of sufficient size,~~
632 | ~~durability, and print quality that is reasonably calculated to give notice to passersby.~~
- 633 | (c) Notice for an amendment or vacating a subdivision. For an amendment to a subdivision, the
634 | planning division shall provide notice of the date, time, and place of at least one public
635 | meeting, at least 10 calendar days before the public meeting. The notice shall be mailed
636 | and addressed to the record owner of each parcel within 500 feet of the property. The
637 | notice requirement shall not be required for vacating a subdivision if all property owners
638 | have signed a petition to vacate.
- 639 | (d) Notice challenge. If the notice is not challenged within 30 calendar days after the meeting or
640 | action for which notice is given, the notice is considered adequate and proper.

641 | (Ord. of 1952, title 26, § 1-6)

642 | **Sec. 106-1-7. - Subdivision time limitations.**

- 643 | (a) Time limitation for preliminary approval. Subdivision applications that have not received
644 | preliminary approval within 18 months from the date of submittal shall be void. Subdivisions
645 | that have received ~~receiving~~ preliminary plan approval shall have 18 months from the date

646 of the preliminary approval by the planning commission to receive a recommendation for
647 final approval of the subdivision or the first phase ~~thereof, from the planning commission.~~
648 An extension of preliminary approval for an additional time ~~period~~ of up to 18 months may
649 be granted by the planning director upon repayment of the subdivision application fees and
650 the plan being brought into compliance with county, state and federal ~~ordinances-laws~~
651 current at the time of the extension. The extension request shall be submitted and approved
652 prior to the expiration of the original approval period. Only two time extensions for
653 preliminary plan/plat extensions will be granted. The Planning Director shall deny any
654 requested time extension beyond the two that are based on financial, economic, or self-
655 imposed hardship.

656 (b) Time limitation for final approval. A final subdivision plat ~~for the first phase~~ or phase of a
657 subdivision that receives a recommendation for final approval from the planning
658 commission shall be offered to the county commission for final approval and recording
659 within one year from the date of the planning commission's recommendation for final
660 approval. After one year from that date, the plat ~~shall not be received for recording and~~ shall
661 have no validity ~~whatsoever.~~ Subdivisions with multiple phases must record a new phase
662 within one year from the date of the previous phase being recorded until the subdivision is
663 completed or the plat ~~shall not be received for recording and~~ shall have no validity
664 ~~whatsoever.~~ The Planning Director ~~commission~~ may grant a one-time extension for final
665 subdivision approval for a maximum of one year-per-subdivision. A multiple phase
666 subdivision may receive only one time extension, not one time extension per phase. One
667 additional time extension may be granted if the hardship is determined to be a county
668 caused delay.

669 (c) Nonconforming. Any subdivision that has received preliminary or final approval, including a
670 subdivision with multiple phases in which all of the phases have received preliminary
671 approval, but has become nonconforming in any manner due to changes in applicable
672 ordinances shall be allowed to retain the density which it was approved, provided that the
673 originally approved phasing plan is followed and the time limitations for preliminary and final
674 approval are met.

675 (Ord. of 1952, title 26, § 1-7)

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

677 (a) Until all preliminary requirements outlined in the agencies review are met, the subdivision
678 shall not proceed to final approval. Final plat submittal will not be accepted until the
679 conditions of preliminary approval are met.

680 (ab) Final plat required.

681 (1) After compliance with the provisions of section 26-1-4, the ~~subdivider applicant~~ shall
682 submit ~~12-five~~ full size, 24 by 36; one reduced size, 11 by 17 copy of the final plat; and
683 one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this
684 chapter and any additional requirements set by the land use authority. ~~Such plat shall~~
685 ~~be accompanied by a "letter of certification" by the subdivider's registered land~~
686 ~~surveyor, indicating that~~ The registered land surveyor's certification on such plats shall
687 indicate all lots meet the requirements of the Land Use Code. Digital copies shall also
688 be submitted as listed for preliminary plan.

689 (2) The final plat and accompanying information shall be submitted to the planning
690 ~~commission-division~~ at least ~~30~~ 5 days prior to a regularly scheduled planning
691 ~~commission meeting, in order to be considered at said meeting.~~

692 (bc) Final plat requirements.

693 (1) Digital copies shall be submitted until the County Engineer and Surveyor gives their
694 approval for a subdivision mylar to be submitted. The final plat shall ~~consist of~~ be a
695 sheet of ~~approved tracing linen or Mylar with to the outside or trim~~ dimensions of 24
696 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a
697 space of a minimum of one-half inch or a maximum of 1½) inch margin on all four sides
698 of the sheet. The final plat shall be signed and stamped by a licensed land surveyor
699 licensed in the state. All lines, dimensions and markings shall be made on the ~~tracing~~
700 ~~linen or Mylar~~ with permanent ink meeting industry ~~requirements~~ standards. The plat
701 shall be made to a scale large enough to clearly show all details in any case not
702 smaller than 100 feet to the inch, unless specified otherwise by the County Surveyor,
703 and the workmanship on the finished drawing shall be ~~neat, clean, cut and~~
704 ~~readable~~ legible having a text size of not less than 0.1009_ of an inch (approximately
705 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (b)g-h
706 of this section, duly authorized and required to sign and shall contain the following
707 information:

Comment [c37]: Verify reference.

- 708 a. A subdivision name, approved by the county recorder and the general location of
709 the subdivision in bold letters at the top of the sheet. The township, range, and
710 quarter section shall also be shown on the top of the plat.
- 711 b. Where a subdivision complies with the cluster subdivision provisions of ~~the~~ this
712 Land Use Code, the final plat shall indicate underneath the subdivision name the
713 words, "Cluster Subdivision."
- 714 c. A north point or arrow which shall make the top of the sheet either north or east,
715 however, exceptions may be approved by the County Surveyor, the scale of the
716 drawing and the date of the survey noted in the heading. (Meaning the date, year
717 and month the survey markers were placed.)
- 718 d. Accurately drawn boundaries, showing the distance and bearings of all lines
719 retraced or established by the survey, ~~and dimensions of all boundary including~~
720 the lines of the subdivision. ~~These~~ The boundary lines should shall be slightly
721 heavier than street lines, and street lines shall be slightly heavier than and lot
722 lines. If such a line is a curve, the radius, arc length, and central angle must be
723 shown or noted. If the curve is a non-tangent curve, the chord bearing and
724 distance must be shown as well. The words "basis of bearings" must be shown on
725 the plat between two existing, described government monuments. The government
726 monuments may be section corners, city or county street monuments, or horizontal
727 network stations maintained by a government agency. The State Plane Grid
728 Bearings (where available, or using GPS surveys) shall be used in the survey and
729 noted on the plat in accordance with U.C.A. §57.10. ~~and~~ The Basis of Bearing
730 sufficient for retracement shall ~~also~~ be noted on the final plat. A measurable
731 mathematical relationship between the property and the monument from which it is
732 described. If that monument is not in place, its mathematical location must be
733 shown as well as a mathematical relationship to a monument in place. All
734 measured bearings or distances or bearings and distances calculated from
735 measurements shall be separately indicated from those of record if not in
736 agreement. The mathematical relationship between all monuments found or set.
- 737 e. The names, widths, lengths, bearings and curve data on centerlines of proposed
738 streets, alleys and easements; also the boundaries, bearings and dimensions of all

739 portions within the subdivision as intended to be dedicated to the use of the public;
740 the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts
741 reserved for any reason within the subdivision. All lots are to be numbered
742 consecutively under a definite system approved by the county surveyor. All
743 proposed streets shall be ~~named or~~ numbered consecutively under a definite
744 system approved by the county surveyor and conform as far as practicable to the
745 adopted street ~~naming and~~ numbering system of the county, unless there are
746 street alignment situations where a street name may be better utilized as the
747 primary identifier. The County Surveyor must approval these allowable situations.
748 Where streets are given a number as the primary identifier a street name may be
749 assigned as a secondary identifier.

750 f. A house number indicating the street address for each lot in the subdivision shall
751 be assigned by the county surveyor marked on each lot so as to face the street
752 frontage. Corner lots shall have a house number assigned for frontage. Homes
753 that are built on approved flag lots or rights-of-way shall have the address
754 assigned and posted at the access point from a county road or private road.

755 g. Parcels of land to be dedicated as public park or to be permanently reserved for
756 private and/or public common open space area shall be numbered and labeled in
757 accordance with policies of the County Recorder ~~included in the lot numbering~~
758 ~~system and shall also be titled "Public Park" or "Private Common Open Space,"~~
759 ~~whichever is applicable.~~

760 h. ~~The standard forms approved by the planning commission~~ A signature block
761 conforming to state code and county ordinances shall be included on the plat for
762 ~~all subdivision plats lettered for~~ the following:

- 763 1. Description of land ~~to be~~ included in subdivision;
- 764 2. Private Licensed land surveyor's "certificate of survey";
- 765 3. Owner's dedication certificate;
- 766 4. Notary public's acknowledgment;
- 767 5. County planning commission's certificate of approval, ~~;~~ to be signed by the
768 Planning Director for the chair;
- 769 6. County engineer's certificate of approval;
- 770 7. County attorney's certificate of approval;
- 771 8. Board of county commissioners' certificate of acceptance;
- 772 9. County clerk's certificate of attest;
- 773 10. County surveyor's certificate of approval;
- 774 11. Weber-Morgan Health Department certificate of approval.

775 i. A three-inch by three-inch space in the lower right-hand corner of the drawing for
776 recording information.

777 j. The subdivision boundary ~~corners~~ and lot corners ~~not affected by road~~
778 ~~construction~~ shall be set on the site prior to recording of the final plat. Lot corners
779 ~~affected by road construction~~ shall be set prior to issuance of a residential building
780 permit. In addition, Front lot line corners may be permanently referenced in curbs
781 after completion of the street's construction. The subdivision boundary corners, lot

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corners and centerline street monuments shall be noted on the final plat in conformance ~~to with the record of survey requirements~~ County ordinances.

k. Map narrative. The map shall contain a written narrative which complies with U.C.A §17-23-17 and Part I, Title 2, Chapter 10, of the Weber County Code of Ordinances.

~~1. The map shall contain a written narrative that explains and identifies:~~

- ~~(i) The purpose of the survey.~~
- ~~(ii) The basis on which lines were established. The surveyor should explain what decisions he made in formulating the boundary such as the basis of bearing for the description or the use of any proration methods.~~
- ~~(iii) The found monuments or deed elements that controlled the established or reestablished lines. If the description calls for any monuments in a broad sense of the term (right-of-way lines, subdivision boundaries, fences, etc.) the surveyor should indicate what he found relating to these calls.~~

~~2. If the narrative is a separate document, it shall also contain:~~

- ~~(i) Location by quarter section or lot number, section number, township and range.~~
- ~~(ii) Date of survey.~~
- ~~(iii) Surveyor's stamp or seal and signature.~~
- ~~(iv) Surveyor's business name and address.~~

~~3. The map and narrative shall be referenced to each other if they are separate documents.~~

l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.

m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holders.

n. If no preliminary plans are required a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:

1. All easements.
2. Reference (the entry number and or book and page number) to all deeds in chain of title.
3. All boundary line agreements.
4. All rights of way whether the parcel is subject to or has reserve rights.
5. All current owners.
6. All outstanding liens, taxes, etc

- 821 | (2) ~~Reserved.~~ A note on the plat shall indicate the subdivision boundary and the lot corners
822 | are set as required by state code and county ordinances.
- 823 | (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres
824 | or greater, the remaining parcel boundary and ~~record~~ area, using record or measured
825 | information will be shown, on the subdivision plat with the note: "Remaining Agricultural
826 | Parcel, Not Approved For Development." The remaining parcel boundary need not be
827 | labeled with bearings or distances ~~nor is a description of the remainder parcel required.~~
828 | Remaining parcels are not part of the subdivision.
- 829 | (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable
830 | areas" as defined in this title Section 101-1-7, the following shall be required on the final
831 | plat:
- 832 | a. Restricted lots shall be designated on the final plat by placing the letter "R"
833 | immediately to the right of the number of the ~~said~~ lot and by including the following
834 | notification on the final plat: "Notice ~~of to~~ Purchasers of Restricted "R" Lots. Lots
835 | designated by the letter "R" after the lot number are restricted lots and building
836 | development on such lots is subject to the provisions of ~~the Land Use Code~~ Title
837 | 108, Chapter 14: Hillside Development Review Procedures and Standards.
838 | Approval of a restricted lot does not guarantee the lot is buildable. A Hillside
839 | Review as outlined in the Hillside Development Review Procedures and Standards
840 | chapter of the Land Use Code shall be done to determine if a lot is buildable.
- 841 | b. For lots approved with ~~"building-buildable areas"~~ such ~~building-buildable areas~~
842 | shall be designated on the final plat by short dashed lines. ~~The buildable area shall~~
843 | ~~provide sufficient survey detail to make it locatable within the lot boundaries, with~~
844 | ~~dimensions and with distances to at least two lot lines to accurately indicate the~~
845 | ~~location of such building area and by placing the~~ The words "building-buildable
846 | area" shall be placed within the dashed lines and ~~by the plat shall including~~
847 | include the following notification ~~on the plat~~: "Notice to Purchasers of Lots with
848 | Designated ~~Building-Buildable~~ Areas. Lots with designated ~~"building-buildable~~
849 | areas" have been approved subject to the condition that building development
850 | shall take place only within such designated areas."
- 851 | c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be
852 | shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes,
853 | and stream corridor setbacks.
- 854 | (5) ~~For~~ Subdivisions that are located in areas ~~of unincorporated areas of the county~~ which
855 | are zoned for agriculture (A-1, A-2, A-3, and AV-3); shall have the following statement
856 | ~~shall be required~~ on each page of the final plat: "Agriculture is the preferred use in the
857 | agricultural zones. Agricultural operations as specified in the Land Use Code for a
858 | particular zone are permitted at any time including the operation of farm machinery and
859 | no allowed agricultural use shall be subject to restriction on the basis that it interferes
860 | with activities of future residents of this subdivision."
- 861 | (6) Subdivisions that include lots that are partially or completely in the floodplain shall
862 | show the floodplain boundaries and when available the floodway boundaries. The plat
863 | shall also indicate the base flood elevations in one-foot increments within the
864 | floodplain. In lieu of providing the base flood elevations, the floodplain shall be
865 | designated as non-buildable for residential and commercial structures. Any
866 | construction performed in the floodplain area will need to meet the requirements of
867 | Title 12, Flood Damage Prevention Ordinance.

Comment [c38]: These clarifications were not part of the 2012 subdivision code changes.

Clarifications to "buildable lot" to make it more consistent with 106-1-8(c)(4) and the definition of "buildable lot."

868 ~~For subdivisions that include lots, which will be partially or completely in the base flood plain~~
869 ~~of any river, stream, watercourse, lake, or other body of standing water; a boundary~~
870 ~~and elevations of the floodplain shall be required on the final plat. The lowest elevation~~
871 ~~of any habitable floor in any structure for each lot shall also be shown on the final plat.~~

872 (7) On ~~final~~ subdivision plats where no preliminary plans are required ~~to be submitted~~, the
873 location of buildings ~~or and~~ structures within or immediately adjacent to (within 30 feet)
874 the tract of land to be subdivided shall be shown on the plat.

875 (ed) Final improvement plans. The ~~subdivider~~ applicant shall furnish to the county engineer at
876 the same time of submittal of the final plat a complete set of drawings signed and stamped
877 by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be
878 constructed within the subdivision ~~together with the final plat~~. All such utility and road
879 construction shall be in accordance with the adopted public works standards of the county.
880 A digital copy of the plans shall be submitted, along with

881 ~~(1) Copies of contracts~~ letters agreeing to provide services, including the level of service, from
882 applicable ~~with applicable~~ utility companies such as water, sewer, electric, gas, and
883 telephone for services to the subdivision.

884 (de) Approval of final plat.

885 (1) After final approval, the planning division shall submit the plat for signatures to the
886 county surveyor, county health department, and county engineer. After approval and
887 signature by the county engineer, the plat and financial guarantee shall be submitted to
888 the county attorney and the county commissioners respectively, for their approval. The
889 county engineer can approve financial guarantees under \$25,000.00. Financial
890 guarantees can be granted a time extension by the county engineer and/or the
891 planning director if the change in the financial guarantee is less than \$25,000.00 of an
892 increase. The final plat, bearing all official approvals, as above required, shall be
893 recorded in the offices of the county recorder at the expense of the applicant.

894 (2) No street improvements or utilities shall be installed until after approval of the
895 improvement plans by the county engineer. No lots ~~included in such plat~~ shall be
896 purchased, sold, exchanged nor offered for sale and no construction of buildings upon
897 such lots shall begin until the final plat is so approved and recorded.

898 (ef) Final plat approval; ~~minor~~ small subdivisions. The planning director is delegated
899 administrative authority to approve ~~minor~~ small subdivisions if in his discretion there are no
900 conditions which warrant its submittal to the planning commission. Administrative approval
901 of subdivisions does not require County Commission approval. These subdivisions shall be
902 offered for recording within 18 months from the time the application is deemed complete by;
903 ~~from the date of the submittal to~~ the planning division office for processing. If the
904 subdivision is not offered for recording within this time frame, the subdivision proposal is
905 void. A subdivision that is considered void will require a new submittal of the subdivision,
906 with the appropriate fees to begin the subdivision process for the same parcel of land. ~~If~~
907 ~~required by state code, the planning director shall hold a public hearing or public meeting~~
908 ~~prior to approving the minor subdivision plat.~~

909 ~~(f) Notice of minor subdivisions. Notice of the proposed minor subdivision or public hearing on~~
910 ~~the proposed minor subdivision shall be mailed not less than seven calendar days before~~
911 ~~final approval of the minor subdivision or the public hearing on the minor subdivision, to the~~
912 ~~record owner of each parcel within 500 feet of the property proposed for subdivision; or~~
913 ~~posted not less than three calendar days before the public hearing, on the property~~

914 | ~~proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and~~
915 | ~~print quality that is reasonably calculated to give notice to passersby.~~

916 | (g) Additional documents. Unusual conditions of development or other restrictions to the use of
917 | a lot or lots resulting from topography, geologic or environmental conditions or potential
918 | hazards, location or zoning regulations, etc., shall be identified in the actual location of the
919 | condition or restriction on the subdivision drawing ~~if applicable~~, and/or shall be recorded as
920 | a protective covenant attached to the lot or lots ~~so affected~~, ~~rather than being described as~~
921 | ~~notes on the plat.~~

922 | (h) Tax clearance. The county may withhold an otherwise valid plat approval until the owner of
923 | the land provides a tax clearance letter indicating that all taxes, interest, and penalties
924 | owing on the land have been paid.

925 | (i) A copy of the subdivision mylar shall be filed as a record of survey in the County Surveyor's
926 | Office, prior to the Weber County Surveyor signing the dedication plat.

927 | (Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014)

928 | ...

929 | Title 108 - STANDARDS

930 | ...

931 | CHAPTER 3. - CLUSTER SUBDIVISIONS

932

933 | **Sec. 108-3-1. - Intent.**

934 | The purpose of this chapter is to provide flexible development standards to landowners that
935 | are committed to developing safe, attractive, conservation oriented neighborhoods that are
936 | thoughtfully designed and arranged in a manner that considers, gives deference to, and
937 | ultimately protects natural topography, environmentally sensitive areas, wildlife habitat, and
938 | agriculturally productive lands. It is intended to benefit those that create cluster subdivisions by
939 | offering an inherent gain in the form of reduced infrastructure costs and the possibility for a
940 | substantial increase in residential density in the Western Weber ~~Township~~ Planning Area. It is
941 | equally intended to benefit the residents of Weber County by promoting public welfare through
942 | the reduction of long-term infrastructure maintenance costs and the permanent preservation of
943 | the county's functional open spaces, picturesque landscapes, and rural character.

944 | ...

945 | **Sec. 108-3-3. - Approval procedure.**

946 | (a) The cluster subdivision approval procedure consists of four phases as follows:

947 | (1) A conceptual sketch plan endorsement from the appropriate ~~township~~ planning area
948 | planning commission;

949 | (2) A preliminary approval by the appropriate ~~township~~ planning area planning
950 | commission;

951 | (3) A recommendation from the appropriate ~~township-planning area~~ planning commission
952 | for final approval by the board of county commissioners; and

953 | ...

954 | **Sec. 108-3-8. - Bonus density.**

955 | The county may, in its discretion, allow for an increased number of residential lots by
956 | awarding bonus densities to those cluster subdivisions developed within the Western Weber
957 | County ~~Township~~ Planning Area. Cluster subdivisions within the Ogden Valley ~~Township~~
958 | Planning Area are not eligible for bonus densities. The following presents the bonus density
959 | opportunities that are available to cluster subdivisions located within specific zoning boundaries:

960 | ...

961 | **CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

962 | ...

963 | **Sec. 108-5-4. - Use requirements.**

964 | ...

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

969 | ...

970 | **CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR**
971 | **SALES; FARMER'S MARKETS**

972 | ...

973 | **Sec. 108-13-4. - Temporary outdoor sales.**

974 | Temporary outdoor sales site consist of the sale of seasonal goods (e.g. Christmas tree lot,
975 | pumpkins, or fireworks), that are associated with a recognized holiday, on a commercially zoned property.
976 | An application for a temporary outdoor site is subject to the following requirements:

977 | ...

978 | (10) All outdoor lighting, including temporary lighting, shall comply with chapter 39, Ogden Valley
979 | Lighting, for outdoor sale sites located within the Ogden Valley ~~Township~~ Planning Area.

980 | ...

981 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS

982 ...

983 **Sec. 108-14-5. - Hillside development review board.**

984 (a) The review board membership shall consist of the county planning director as the
985 chairperson, the county engineer, the county building official, the fire district fire chief, and
986 the Weber Morgan health official or their representatives. Representatives from the
987 respective ~~township-planning area~~ planning commission shall be requested when the
988 review involves a subdivision application and not an individual lot. The duty of the board is
989 to review and regulate development on hillsides in accordance with this chapter. The
990 planning division will coordinate the efforts of this review board.

991 ...

992 **Sec. 108-14-6. - Restricted lot requirements and lots requiring a buildable area.**

993 Each lot or parcel of land meeting the definition of a "restricted lot" or that requires a
994 buildable area as defined by Section 101-1-7 shall have an increased lot area and lot width as
995 the lot or parcel slope percentage increases, an area and width equal to or greater than that
996 required by the applicable zoning district area regulations as determined from the applicable
997 tables ~~contained in this chapter~~ in Section 108-14-12. Such lots shall also have sufficient area
998 for the buildings, setbacks, yards, septic tank and drain fields, wells and any necessary cuts and
999 fills, drainage facilities and stabilization areas required by the hillside development review board.

Comment [c39]: Providing clarification that BOTH restricted lots AND lots requiring a buildable envelope are considered herein. The section is re-written for admin clarity, and to help make it consistent with 106-1-8(c)(4)

1000 ...

1001 **Sec. 108-14-12. - Lot; size requirements.**

1002 ~~Lot area and widths shall be increased as the lot or parcel slope percentage increases.~~
1003 Pursuant to Section 108-14-6, ~~the~~ the following tables shall be used to determine the area and
1004 width of a lots, parcels or tracts of land that meeting-meets the criteria-for definition of a
1005 "restricted lot," or is required to contain a buildable area as defined in Section 101-1-7; or those
1006 lots with a designated building area on a buildable portion of the lot which has an average
1007 percent of slope of 25 percent or more:

Comment [c40]: Clarified.

1008 TABLE 1. "RESTRICTED LOT" SIZE REQUIREMENTS

1009 (1) 5,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	5,000	50
25—30	6,500	65
31—35	8,150	80

36—40	10,000	90
41 and over	12,500	100

1010 ...

1011 TABLE 2. LOT SIZE REQUIREMENTS FOR LOTS WITH A REQUIRED 75-FOOT BY 100-
 1012 FOOT "BUILDING BUILDABLE AREA"

Comment [c41]: Changed to be consistent with the revised definition of "buildable area."

1013 Non-Restricted Lots with Buildable Areas

1014 (10) 15,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	15,000	100
25—30	15,750	100
31—35	17,250	110
36—40	19,500	115
41 and over	22,500	120

1015 ...

1016 CHAPTER 19. - ACCESSORY APARTMENTS

1017

1018 ...

1019 **Sec. 108-19-4. - Application procedure.**

1020 The application for a conditional use permit for an accessory apartment shall follow the
 1021 guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment
 1022 of an accessory apartment:

- 1023 (1) A person seeking to establish an accessory apartment shall file an application for a
 1024 conditional use permit and pay the associated filing fee. The application is to be
 1025 accompanied by complete floor plans, elevations, and interior layout drawn to scale,
 1026 including alterations to be made to the existing dwelling exterior. Also, photographs of
 1027 the dwelling exterior are to be submitted with the application. The application shall then

1028 | be reviewed and either approved or denied by the ~~township~~ respective planning area
1029 | planning commission ~~in which jurisdiction the property lies.~~ In accordance with the
1030 | decision requirements of Title 108 Chapter 4 of this Land Use Code.

1031 | ...

1032 | **CHAPTER 21 - AGRI-TOURISM**

1033 | ...

1034 | **Sec. 108-21-6. - Use/activity standards and limitations.**

1035 | To ensure considerate integration of agri-tourism operations into established rural
1036 | neighborhoods, the uses listed below shall be subject to additional standards beyond any
1037 | provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or
1038 | requirements. One or more of these additional standards and/or limitations, may be waived by
1039 | the Planning Commission upon finding that either: a proposed use poses no detrimental effects
1040 | to neighboring properties due to unique circumstances or that a proposed use can be mitigated
1041 | to an acceptable level due to the imposition of other more appropriate, site specific conditions
1042 | that justify the use's/activity's approval.

1043 | ...

1044 | (3) Non-Agriculturally Related Uses/Activities.

1045 | ...

1046 | d. Hunting preserve.

1047 | 1. Limited to the Western Weber County ~~Township~~ Planning Area.

1048 | ...

1049 | **Title 110 - SIGNS**

1050 | **CHAPTER 1. - WESTERN WEBER SIGNS⁽¹⁾**

1051 | **Sec. 110-1-1. - Purpose and intent.**

1052 | The purpose and intent of the sign standards is to provide for reasonable display of all
1053 | signage in the Western Weber ~~Township~~ Planning Area to identify and advertise products,
1054 | services, institutions, events, and business establishments for the information and convenience
1055 | of the general public. These standards and criteria are designed to protect and promote the
1056 | public health, safety, and general welfare of persons within the community. The standards are
1057 | also designed to aid in the orderly development and promotion of business by providing
1058 | regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use of
1059 | signs while protecting and enhancing community character in the unincorporated portion of the
1060 | Western Weber ~~Township~~ Planning Area.

1061 |

Field Code Changed

ORDINANCE NUMBER 2012-14

An Ordinance Amending Chapter 1 of the Subdivision Ordinance (General Provision – Filing of Preliminary and Final Plans), Chapter 6: Penalty, Validity, and Repealer (signature block section), and Chapter 1 (General Provisions) section 1-6 Definitions of the Weber County Zoning Ordinance

Whereas, the Weber County Planning Division is proposing to amend Chapter 1 (General Provision – Filing of Preliminary and Final Plans) and Chapter 6 of the Weber County Subdivision Ordinance: **PENALTY, VALIDITY, AND REPEALER** The Title Blocks for the signatures of the approving authority for subdivisions; and

Whereas, the Weber County Planning Division is proposing to amend Chapter 1 **GENERAL PROVISIONS** of the Weber County Zoning Ordinance; and

Whereas, The Board of County Commissioners of Weber County, Utah, find that the proposed ordinance amendment will comply with the goals/objectives of the General Plan and will promote property rights; and

Whereas, the proposed amendment to the Weber County Zoning Ordinance will support the public health, safety, or welfare; and

Whereas, the Western Weber County Township Planning Commission, after appropriate notice, held a public hearing on February 14, 2012, and recommended approval of the proposed amendment; and

Whereas, the Ogden Valley Township Planning Commission, after appropriate notice, held a public hearing on March 27, 2012, and recommended approval of the proposed amendment; and

Whereas, the Weber County Board of Commissioners, after appropriate notice, held a public hearing on July 31, 2012 and approved the proposed amendment to the Weber County Zoning and Subdivision Ordinance;

Now Therefore, the Weber County Board of Commissioners ordains as follows:

CHAPTER 1

GENERAL PROVISIONS
Filing of Preliminary and Final Plans

Amd. Ord. 95-31, 11/11/95; 10-2005, 8/16/05; 2008-11 4/15/08

26-1-1	Purpose and Intent
26-1-2	Variances
26-1-3	Subdivision Required
26-1-4	Definitions
26-1-5	Subdivision Application Requirements
26-1-6	Preliminary Plan Requirements and Approval Procedure
26-1-7	Agency Review and Public Notice
26-1-8	Subdivision Time Limitations
26-1-9	Final Plat Requirements and Approval Procedure

26-1-1 Purpose and Intent. The purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of the unincorporated area of Weber County in the subdivision of land and related matters. This ordinance outlines the procedures for processing subdivisions and their approvals.

26-1-2 Variances. The County Commission is the appeal board for the subdivision ordinance. The County Commission may vary the standards in cases where unusual topographical or other exceptional conditions exist. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The Planning Commission shall make a recommendation to the County Commission prior to the consideration of any variances. Subdivision time extensions are not variances and are addressed in section

26-1-8 Subdivision Time Limits. The illegal division of land does not constitute an exceptional condition.

26-1-3 Subdivision Required. No person shall subdivide any tract of land, except in compliance with this Ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been in accordance with the provisions of this Ordinance. This Ordinance shall not apply to any lot(s) forming a part of a subdivision recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.

No lot within a subdivision approved by the Planning Commission and County Commission and recorded in the County Recorder's Office in accordance with the provisions of this Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the Land Use Authority. (Amd. Ord. #2-71, 2/25/71)

26-1-4 Definitions. The following words and phrases used in this Ordinance shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

1. "Average Percent of Slope": An expression of rise or fall in elevation along a line perpendicular to the contours of the slope connecting the highest point of a slope to the lowest point of the same slope within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred percent (100%) grade. The horizontal distance between any two measured points shall not exceed 50 feet. (Amd. Ord. #2-71, Feb. 25, 1971; #15-92, 12/16/92)
2. "Block": The land surrounded by streets and other rights-of-way, or land, which is designated as a block on any recorded subdivision plat.
3. "Bonafide division or partition of agricultural land for agricultural purposes": shall mean the division of agricultural land into lots or parcels of five (5) acres or more in area whose principal use is the raising and grazing of animals or agriculture as defined in the Weber County Zoning Ordinance and provided that:
 - a. No dedication of any streets shall be required to serve any parcels of agricultural land.
 - b. The agricultural parcels shall not be further divided into parcels of less than five acres without being subdivided in accordance with this ordinance.
 - c. No dwellings shall be permitted unless all subdivision, zoning and health requirements are met. (Amd. Ord. #20-72, #4-81)
4. "Buildable Area". As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance. (Amd. Ord. #2-71, 2/25/71, #2002-03, 3/05/02)
5. "Easement": That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.
6. "Lot Combination": A Lot combination recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow creation of additional lots, and the original lot lines as recorded do not change. The lots have to conform to current zoning or be part of a cluster subdivision. If the lots do not conform to current zoning then an amended subdivision plat is required. The Planning Director can administratively approve Lot Combination Application that meet current zoning.
7. "Lot Line Adjustment": Allows owners of lots within approved subdivisions to adjust ownership lines between lots. An Amended Plat is required to do a Lot Line Adjustment. Non-conforming lots cannot become more non-conforming. (Ord. #2002-3, 3/05/02)
8. "Non-Buildable Area": As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance. (Amd. Ord. #9-88, 5/9/88)

9. "Protection Strip Line": A Protection Strip is a line that acts as an encumbrance by which certain land, lying adjacent to a dedicated road right-of-way or other transportation facility, is restricted from having access. The Protection Strip Line, having no specific width, is shown on a subdivision plat as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. The Protection Strip Line shall expire after 10 years in accordance with a separately written and recorded agreement.
10. "Small Subdivision":
- a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned, or
 - b. An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned; or
 - c. A subdivision phase consisting of five (5) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee, unless under \$10,000.
11. "Streets":
- a. "Street, Public": A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-six (26) feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.
 - b. "Street, Major": A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Master Street Plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
 - c. "Street, Collector": A street existing or proposed of considerable continuity, which is the main means of access to the Major Street System.
 - d. "Street, Standard Residential": A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
 - e. "Street, Frontage": A street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
 - f. "Street, Private": A minimum of a 50 foot wide thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the developer or other private agency.
 - g. "Cul-de-sac": A terminal street provided with a turnaround.
12. "Subdivision":
- a. Means any land that is divided, resubdivided, or proposed to be divided into one or more new lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
 - b. "Subdivision" includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. "Subdivision" also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance.
 - c. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.
 - d. "Subdivision" does not include a bona fide division or partition of agricultural land for

agricultural purposes. (Amd. Ord. 15-92, 12/16/92)

13. "Subdivision Cluster": As defined in the Cluster Subdivision Provisions of the Weber County Zoning Ordinance.
-

26-1-5 Subdivision Application Requirements.

(A) Pre-application meeting required. Each person who proposes to subdivide land shall confer with the Weber County Planning Division before preparing any plats, charts, or plans in order to become familiar with the County Subdivision requirements and existing master plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.

(B) Subdivision Application Submittal. Subdivision applications shall be submitted to the Planning Division, by appointment, and shall include:

A completely filled out subdivision application, signed by the property owner(s).

1. Five (5) full size 24 x 36 copies, and one (1) reduced size 11 x 17 copy, and one (1) reduced size 8 1/2 x 11 copy of a preliminary plan meeting the requirements listed in this ordinance. This includes two (2) 24 x 36 copies of the phasing plan. Once all preliminary requirements have been met, two (2) full size copies and a digital copy shall be submitted to the Planning Division. This requirement shall be met prior to the submittal for final approval.
2. All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.
3. A written statement of feasibility from the County or State Health Department, which states the recommendation of the Health Department regarding:
 - a. sanitary sewage disposal,
 - b. culinary water availability, and
 - c. A Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.

26-1-6 Preliminary Plan/Plat Requirements and Approval Procedure.

(A) The preliminary plan shall be prepared in conformance with the requirements of this ordinance and all other County codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than one hundred (100) feet to the inch unless varied by the County Surveyor and shall show:

1. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat.
2. North point, scale, and date.
3. The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or record bearings, distances, and other controlling data with ties to section corners.
4. Contour determined by the County Engineer.
5. The individual or company names and addresses of the applicant, engineer, and land

surveyor of the subdivision.

6. The existing location, widths, and other dimensions of all streets and other important features such, as but not limited to railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, flood plain, fence lines, or other lines of occupation, exceptional topography, easements, and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.
(Amd. Ord. #2002-3, 3/05/02)
7. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, pathways, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
8. Neighborhood circulation plan showing how future roads can connect to provide circulation to future neighborhoods.
9. Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number.
(Amd. Ord. #2-71, 2/25/71)
10. The location of percolation test holes on each lot. (Ord. 2007-1, 1/09/07)
11. Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed storm water drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the County Engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent (10%) percent or greater.
(Amd. Ord. #4-86, 3/10/86, #2007-1, 1/09/07)
12. Open space and common area improvements including but not limited to landscaping, structures, signs, parking, and other amenities.
13. A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
 - a. All easements.
 - b. Reference (the entry number and or book and page number) to all deeds in chain of title.
 - c. All boundary line agreements.
 - d. All rights of way whether the parcel is subject to or has reserve rights.
 - e. All current owners.
 - f. All outstanding liens, taxes, etc.

(B) Approval Procedure.

- I. With the exception of small subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Land Use Authority, in this section Planning Commission, for their determination, based upon compliance with applicable ordinances.
 - a. The Planning Commission's recommendation may be appealed to the County Commission by filing an appeal within 15 days of the Planning Commission's recommendation.

- b. If the Planning Commission's recommendation is not appealed to the County Commission, the Planning Commission's recommendation shall stand as the County's decision on preliminary approval. (Amd. Ord. #2002-3, 3/05/02, #2007-1, 1/09/07)
2. Grading Limitation. No large-scale excavation (more than 5,000 sq. ft.), grading or regrading shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission.

26-1-7

Agency Review and Public Notice.

(Ord. #2007-1, 1/09/07)

- (A) Distribution of Preliminary Plan. The Planning Division shall distribute a copy of the Preliminary Plan to each of the following for their information and recommendations: County Engineer, Fire District, County Health Officer, County School Board, County Surveyor, County Treasury, and utility companies furnishing telephone, electric, water, sanitary sewer and/or gas service. The Planning Division may distribute copies of the Preliminary Plan to other agencies and organizations to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any information and recommendations to the Planning Division.
- (B) Notice. Notice of the proposed subdivision shall be mailed on subdivision as a courtesy, not less than seven calendar days before the Planning Commissions' public hearing on the proposed subdivision to the record owner of each parcel within 500 feet of the property.
- (C) Notice for an amendment or vacating a subdivision: For an amendment to a subdivision, the Planning Division shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.
- (D) Notice challenge: If the notice is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

26-1-8

Subdivision Time Limitations.

- (A) Time Limitation for Preliminary Approval. Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received preliminary plan approval shall have eighteen (18) months from the date of the preliminary approval by the Planning Commission to receive a recommendation for final approval of the subdivision, or the first phase.

The Planning Director upon repayment of the subdivision application fees and the plan being brought into compliance with County ordinances, and State and Federal laws current at the time of the extension may grant an extension of preliminary approval for an additional time of up to eighteen (18) months. The extension request shall be submitted, and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extension will be granted. The Planning Director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.

(Amd. Ord. #2002-3,

3/05/02)

- (B) Time Limitation for Final Approval. A final subdivision plat or a phase of a subdivision that receives a recommendation for final approval from the Planning Commission shall be offered to the County Commission for final approval and recording within one (1) year from the date

of the Planning Commission's recommendation for final approval. After one (1) year from that date, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The Planning Director may grant a onetime extension for final subdivision approval for a maximum of one (1) year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. An additional time extension may be granted if the hardship is determined to be a county cause delay.

- (C) Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become non-conforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

26-1-9 Final Plat Requirements and Approval Procedure

Until all preliminary requirements outlined in the agencies review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.

(A) Final Plat Required.

1. After compliance with the provisions of Section 26-1-5 of this Ordinance, the applicant shall submit five (5) full size, 24 x 36, one (1) reduced size, 11 x 17 copy of the final plat, and one (1) 8 1/2x11 copy of the final plat, meeting the remaining requirements listed in this ordinance and any additional requirements set by the Land Use Authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Zoning Ordinance. Digital copies shall be submitted as listed for preliminary plan.

(Amd. Ord. #4-86, 3/10/86; #2007-1, 1/09/07)

2. The final plat and accompanying information shall be submitted to the Planning Division at least thirty-five (35) days prior to a regularly scheduled Planning Commission meeting.

(Amd Ord. #2002-3, 3/05/02)

(B) Final Plat Requirements.

(Amd. Ord. #2-88, 1/8/88)

1. Digital copies shall be submitted until the County Engineer and Surveyor gives their approval for a Subdivision Mylar to be submitted. The final plat shall be a sheet of Mylar with the dimensions of twenty four (24) by thirty six (36) inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half (1/2) inch or a maximum of one and one half (1 1/2) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a Licensed Land Surveyor licensed in the State of Utah. All lines, dimensions, and markings shall be made on Mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than one hundred (100) feet to the inch unless approved by the County Surveyor and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in sub-paragraph "h" of this paragraph, duly authorized and required to sign and shall contain the following information:

- a. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat.

(Amd. Ord. #2-88, 1/8/88)

- b. Where a subdivision complies with the Cluster Subdivision provisions the final plat shall indicate underneath the subdivision name the words, "Cluster

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Subdivision”.

(Amd. Ord. #2002-3, 3/05/02)

- c. A north point or arrow, which shall make the top of the sheet either north or east, however, exceptions, may be approved by the County Surveyor, the scale of the drawing, and the date of the survey noted in the heading. (Meaning the date, year, and month, the survey markers were placed).
- d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines should be slightly heavier than street and steer lines slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown. If the curve is a non-tangent curve, the chord bearing and distance must be shown or noted as well. The words “Basis of Bearings” must be shown on the plat between two existing, described government monuments, which are recognized by, or on file in the office of the County Surveyor. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.S.C. 57.10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

(Amd. Ord. #4-86, 3/10/86; #2-88, 1/8/88)

- e. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the County Surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the County Surveyor and conform as far as practicable to the adopted street numbering system of Weber County, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The County Surveyor must approve these allowable situations. Where streets are given a number as the primary identifier, a street name may be assigned as a secondary identifier.

(Amd. Ord. #15-71 11/30/71; #4-86, 3/10/86)

- f. A house number indicating the street address for each lot in the subdivision shall be assigned by the County Surveyor marked on each lot to face the street frontage. Corner lots shall have a house number assigned for both frontages. Homes that are built on approved flag lots or rights of way shall have the address assigned and posted-at the access point from a County Road or private road. (Amd. Ord. #3-73, 11/30/73; #3-82, 1/26/83; #4-86, 3/10/86; #2002-3, 3/05/02)
- g. Parcels of land to be dedicated as Public Park or to be permanently reserved for private and/or public common area shall be numbered and labeled in accordance with policies of the County Recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:

1. Description of land included in the subdivision;
 2. Private licensed land surveyor's "Certificate of Survey", which meets the minimum requirements of UCA 12-27a-603; (Amd Ord. #4-86, 3/10/86)
 3. Owner's dedication certificate;
 4. Notary public's acknowledgment;
 5. Planning Director Certificate of approval, The Planning Director shall sign for the Township Planning Commission Chair
 6. County Engineer's certificate of approval; (Amd. Ord. #3-82, 1/26/82)
 7. County Attorney's certificate of approval;
 8. Board of County Commissioners' certificate of acceptance;
 9. County Clerk's certificate of attest;
 10. County Surveyor's Certificate of Approval; (Amd. Ord. #4-86, 3/10/86)
 11. Weber-Morgan Health Department Certificate of Approval. (Amd. Ord. #3-96, 10/09/96)
- i. A three (3) inch by three (3) inch space in the lower right hand corner of the drawing for recording information.
 - j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot corners may be permanently referenced in curbs after completion of the streets construction. The subdivision boundary corners, lot corners, and centerline street monuments shall be noted on the final plat in conformance with the County ordinances. (Amd. Ord. #2-88, 1/8/88)
 - k. The map shall contain a written narrative, which complies with state code (17-23-17), and county ordinance, Chapter 12 Technical requirements for surveys.
 - l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.
 - m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holders.
 - n. If no preliminary plans are required a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
 - a. All easements.
 - b. Reference (the entry number and or book and page number) to all deeds in chain of title.
 - c. All boundary line agreements.
 - d. All rights of way whether the parcel is subject to or has reserve rights.
 - e. All current owners.
 - f. All outstanding liens, taxes, etc.
2. A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
 3. Remaining Parcel:
When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: REMAINING AGRICULTURAL PARCEL NOT APPROVED FOR DEVELOPMENT. The remaining parcel boundary need not be labeled with bearings or distances in a description of the

remainder parcel required. Remaining parcels are not part of the subdivision.

4. For subdivisions that include lots of a "restricted" category or lots with "buildable areas", the following shall be required on the final plat:
(Amd. Ord. #9-72, 4/04/72)

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted (R) Lots". Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions Chapter 36B of the Zoning Ordinance. Approval of a Restricted Lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Ordinance shall be done to determine if a lot is buildable.
(Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

b. For lots approved with "buildable areas" such buildable areas shall be designated on the final plat by short dashed lines with dimensions and with distances to at least two lot lines to accurately indicate the location of such buildable area and by placing the words " buildable area" within the dashed lines and by including the following notification on the plat:

"Notice to Purchasers of Lots with Designated buildable areas. Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

5. Subdivisions located in areas, which are zoned for Agriculture (A-1, A-2, A-3, and AV-3), shall have the following statement on each page of the final plat:

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

6. Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.

7. On Subdivision Plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent (within 30 feet) to the tract of land to be subdivided shall be shown on the plat.

(C) Final Improvement Plans. The applicant shall furnish to the County Engineer at the same time of submittal of the Final Plat a complete set of drawings signed and stamped by a Utah Licensed Civil Engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All such utility and road construction shall be in accordance with the adopted Public Works Standards of Weber County. A digital copy of the plans shall be submitted.

1. Letters agreeing to provide service, including the level of service from applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.

(D) Approval of Final Plat. (Amd. Ord. #2002-3, 3/05/02)

1. After final approval, the Planning Division shall submit the plat for signatures to the County Surveyor, County Health Department, and County Engineer.

After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under \$10,000. Financial guarantees can be granted a time extension by the County Engineer and or the Planning Director if the change in the financial guarantee is less than \$10,000 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the County Recorder at the expense of the applicant. (Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

2. No street improvements or utilities shall be installed until approval of the improvement plans by the County Engineer. No lots shall be purchased, sold, exchanged, nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded. (Amd. Ord. #3-82, 12/6/82)

(E) Final Plat Approval - Small Subdivisions. The Land Use Authority in this section the Planning Director, is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions, which warrant its submittal to the Planning Commission. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by, the Planning Division. If the subdivision is not offered for recording within this period, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. (Amd. Ord. #4-86, 3/10/86; #98-32, 11/26/98; 2007-1, 1/09/07)

(F) Additional Documents. Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic, environmental conditions, or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing, and shall be recorded as a protective covenant attached to the lot or lots affected (Amd. Ord. #6-91, 4/18/91)

(G) Tax Clearance: The County may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.

(H) A copy of the subdivision Mylar shall be filed as a Record of Survey in the County Surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

Section 2:

Chapter 6 of the Weber County Subdivision Ordinance: PENALTY, VALIDITY, AND REPEALER

The Title Blocks for the signatures of the approving authority for subdivisions is hereby amended as follows:

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ____ day of _____ 20__.

Weber County Planning Director for the Township Planning Commission Chair

Section 3:

The Weber County Zoning Ordinance Chapter 1 **GENERAL PROVISIONS** of the Weber County Zoning Ordinance is hereby by amended by adding the following definition to section 1-6. **Definitions:**

flood insurance rate maps in any given year.

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this 7 day of August, 2012, by the Weber County Board of Commissioners.

Commissioner Gibson	Voting _____
Commissioner Dearden	Voting _____
Commissioner Zogmaister	Voting _____

Chair

ATTEST:

Ricky Hatch, CPA Weber County Clerk

4. Petitions, Applications and Public Hearings:

Old Business

4.1. Rules of Order: Consideration and action recommending approval of the Planning Commission Rules of Order

Rob Scott said they had a study session on this topic and have made various changes as a result of those discussions, there are some requests by our legal counsel to eliminate testimony or testify which they have accomplished that and they have also added a phrase dealing with the topic of ex parte communication. With that staff recommends that you consider adopting those amendments and approve the Rules of Order.

MOTION: Commissioner Borklund moved to approve Rules of Order with the noted changes. Commission Favero seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (6-0)

4.2. ZTA2010-08: Consideration and action recommending approval of the Weber County Zoning Ordinance Chapter 1 (General Provision – Filing preliminary and final plats)

Jim Gentry said that this had been discussed at a previous work sessions and this is before you for approval with the noted changes from the previous work session. He went through the staff report and indicated all the changes and what updates were made on those and which were administrative approvals. Another change is having escrows under \$10,000.00 will be approved by the County Engineer but anything over \$10,000.00 would have to go the County Commission for approval. What they are trying to do is streamline the process, making it easier and quicker for people to get through the subdivision process. It will also help the Planning Commission have more time to work on General Plan issues and ordinances. They did work with the Fire District, Engineering, Health Department, Building Inspections, and Recorders when they made these changes and all of them had input on this as well and they have all agreed to this. This is proposal that is before you, and staff recommends approval of the proposed amendments to Chapter 1 and if there is a unanimous recommendation it will go on to the County Commission for approval.

MOTION: Commissioner Borklund recommend approval to the ordinance amendment Chapter 1 as proposed. Andreotti seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (6-0)

5. Public Comments: There were no public comments.

6. Planning Commissioner's Remarks: Chair Hansen said he wanted to thank Rob and staff for bringing Lance Peterson, who did a good presentation. He would like to recommend that when they get some design work or proposals to have him come back so they could hear the new information.

7. Staff Communications:

7.1. Planning Director's Report: Rob Scott said they have an APA Conference coming up and Commissioner Borklund will be attending the APA conference. He would also like to give condolences to Commissioner Meibos' family for their loss.

7.2. Legal Counsel's Remarks: There were no remarks from Legal Counsel.

Adjourn: Adjourn to the County Commission Chambers for a Work Session

8. Work Session Agenda Items:

WS.1. Update & Discussion: Agri-Tourism

Scott Mendoza said there were two drafts in their packets but he would be using the second one with the red corrections because there are some notes that were written on that. On Page 1, through the bottom of the page, it starts with Acreage, Agri-tourism Activity Center. In the pre-meeting, he explained that they had students from Weber State take a look at the draft and start developing some proposed site plans to see how well that worked. One of their questions was how are they to know what was the Agri-Tourism Area and what was the other area. In the draft we would only allow 20% of the farm to be covered in commercial or Agri-Tourism activities, minus the pumpkin patches and corn mazes that we would accept those areas out of that 20% calculation. We needed to tell them what

Commissioner Graves said there has been talk about the requirement of dealing with the canal. Eric Langvardt explained that their engineer's plan is to pipe it back and come across as shown in the utility plan. They are not sure if the turn lane would be required by UDOT. To clarify for Commissioner Miller, Mr. Langvardt said they are not planning a connection off the beach as per the Forest Service. They have talked to Meg at Weber Pathways about having a 10 ft. hard surface trail as part of the Pineview Loop.

Ray Bertoldi, Bertoldi Architects, said from a site plan aspect they reduced density and they looked at every building the same way in sense of its overall mass. They took a hard look at the rooflines, and the shadows of the buildings, and they would like to incorporate some flat roofs. The highest building would be 23 ft. Many of the pitched roofs drain down into the spaces and the varied rooflines allow them to control water. They would not have any drip lines where people walk and makes for a safer environment. He agrees that the storage units will be the nicest storage units around. Mr. Bertoldi said they would integrate different types of siding in the project and will use earth colors. They will have asphalt shingles as well as metal roofing.

Ray Bertoldi indicated that the hard surface water drains to the detention area. On the east commercial building, they have integrated a gable style roof over part of the building and then a lower portion a flatter roof on the front store side that would be protected. They would utilize the grade of the property on the buildings.

Chair Parson said he is concerned where the water travels down from Hwy 39 to the natural drainage. John Reeve said there is an existing ditch there.

Commissioner Hollist asked about basements. Mr. Bertoldi said the units would not all have basements but they will all be subterranean.

Commissioner Warburton thanked Mr. Bertoldi and Mr. Langvardt for their enjoyable presentation.

Steve Clarke said he told Mr. Bertoldi before the meeting that this is a more comfortable plan than those they have seen before.

MOTION: Commissioner Warburton move to approve of CUP 2012-02 a request to amend the Edgewater Beach Resort PRUD (CUP 2003-12) site plan with CUP 2012-02 conditioned upon all staff and other agency recommendations. Commissioner Montgomery seconded the motion.

Commissioner Warburton said the plan is keeps to the general plan and that she believes this is a good project for the valley. Commissioner Howell indicated his concerns regarding parking. Commissioner Graves asked if everyone is comfortable with the setback from the highway. Commissioner Miller said the argument of the commercial needing to be closer to the highway in order to be valuable made good sense.

Commissioner Graves asked if everyone was comfortable with the canal. He is comfortable.

Commissioner Hollist said he would like to see the canal piped the entire distance for the safety of the children. Mr. Langvardt indicated that it would be a good idea.

John Reeve indicated that he has spoken with Greg Graves and they are of the same mind regarding the canal. Commissioner Graves indicated that he is president of the canal company that pipes that ditch. The agreement to pipe that ditch has always be part of any plan for this property.

Commissioner Graves said he would like to see a little more landscaping on the west side. It does a good job at buffering the buildings, but he believes that they need a little more buffering from the property to the west.

VOTE: A vote was taken and Chair Parson said the motion carried with all members present voting aye (Vote 7-0).

Old Business:**2.2. ZTA 2010-8 Consideration and Action on an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats).**

Jim Gentry presented a staff report and indicated that his chapter outlines the requirements for submitting preliminary and final subdivision plats. Meetings have been held for approximately eight months with the Fire District, Engineering, Environmental Health, Surveyor/Recorder, and the Building Inspection Division. The purpose of these meetings was to bring the subdivision reviewing process current with state code and to make administering the Subdivision Ordinance more efficient and productive. Policy issues have been discussed with the County Commission.

There is no requirement under state code regarding public notice. Staff is proposing that anything over five lots notice would be sent to property owners.

Under the small subdivision definition it lists the number of lots that can be approved administratively by the Planning Division. Staff is suggesting the numbers are increased as follows:

- a) A subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned, or b) An amended subdivision consisting of ten (10) or fewer lots and for which no new streets will be created or realigned; or c) A subdivision phase consisting of ten (10) or fewer lots which has a valid preliminary approval by the Planning Commission and meets all conditions of that preliminary approval, including proposed street layouts.

In a recent Advisory Opinion issued by the Office of Property Rights Ombudsman, the following statement was made: "to require a planning commission to review and decide on every application for a permitted use is at best, a waste of time and resources, and at worst, a potential violation of the County Land Use and Management Act, in that the policy decision regarding the use will be made again and again despite the ordinance.

Jim Gentry indicated that where people are amending a subdivision the administrative approval of ten lots could come into play. With ten lots, you would need a stub street because it would exceed the maximum block length.

The reason for the title report is to reduce the hours spent by different departments researching the six items listed below and a title report helps protect future buyers.

Changes to Subdivision Time Limitations were made to give the planning director administrative authority to approve time extensions if they meet the requirements of the ordinance. Instead of allowing subdivision to never expire (since closure is needed) staff is allowing one additional time extension for preliminary approval. Preliminary time extension beyond two will have to be approved by the planning director. Any extension request beyond the two needs to be based on other issues besides financial, economic, or self-imposed hardship. Time extensions for final approval remain the same.

Commissioner Warburton asked staff if the appeal process would come into play either way, and Mr. Gentry replied yes.

Commissioner Howell asked if once there is an easement shown on the subdivision plat is it there forever. Jim Gentry indicated yes until it is vacated or ordered to be removed by the courts.

Commissioner Warburton said on 26-1-2 the planning commission should make a recommendation on any variances. Jim Gentry said the appeals would be heard by the planning commission first.

Commissioner Hollist said he believes that he has changed his opinion. Much of what they do is react, and they try to apply the best judgment that they have. He believes that their neighbors are counting on them to have the vision of what is to occur in the future. He believes that is where their concentration should be. He believes that they should leave to the staff as much as they possibly can and only get involved only if there is a variance or a large amount of acreage.

Commissioner Warburton said she also agrees that developing ordinances is where their efforts should go. Commissioner Howell said that his concern of the ten lots was the amount of property it could conceivably be. Commissioner Warburton said that is the beauty of developing a master plan and having guidelines. Commissioner Graves said that even if it a large piece, it is just one house with a lot of open space. Jim Gentry said that it is getting harder to find large tracts on existing roads today.

Commissioner Warburton said on Page 1-9, she said if they are not required to notify by state law. She is all about including the public so if they are going to take the notice away, she would like the Planning Commission to have a lesson on Miradi as well as lessons for the public. She believes it is a great idea to educate the public.

Commissioner Miller said she believes that they really have to learn it. Staff will set it up with Justin Morris so that the Planning Commissioners can learn the program.

Steve Clarke said he feels obligated to speak about administrative approval. A great many people in the Ogden Valley have a deep mistrust of county government. They often feel that county government is out to do things behind their back and to their detriment. He believes that the Planning Commission sits in a position of trust and believes they owe it to the citizens to learn as much as they can about the items they are to make recommendations or decisions for. He believes that the Planning Commission should look at making the best use of their time.

On Page 1-8 26-1-5-6-113 said it is his understanding that prior to this change, all the title work has been done by the staff. If in fact they are now asking the developer for the title report, is that cost deducted from the old filing fee for subdivision developers?

Regarding Miradi, said he learned today to not expect too much because computerized tools have their limits. It is a good tool, but he believes property owners should still be noticed.

Commissioner Howell said communication is the key. He believes that if they get more information into the Ogden Valley newspaper or the Standard about the current issues, he believes that would be a great tool. Commissioner Warburton indicated that the Ogden Valley News would print this information free.

Jim Gentry as part of the application currently, the county surveyor is doing the surveying work and it takes an exorbitant time to research the entire property history. It puts the liability back on the title company and not on the county. The fees that we do cost never covers the entire cost for the reviews, the County Commission structured the fees that way.

MOTION: Commissioner Hollist moved to recommend approval to the Commission of Zoning Text Amendment ZTA 2010-8, an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats) subject to items contained in the staff report packet. Commissioner Graves seconded the motion. A vote was taken and Chair Parson said the motion carried with a unanimous vote of all members present voting aye.

3. Public Comments:
4. Planning Commissioner's Remarks:

Commissioner Hollist said Sean Wilkinson as well as Steve Clarke attended the Wasatch 2040. By Year 2040, they would receive a 65% population increase. He does not know if real estate will handle a 65% increase. It will therefore squish out into the Wasatch Back, namely Snyderville and the Park City Area, Tooele, Ogden Valley, Brigham City and points north, etc. He believes that they need to really start and move aggressively to implement their vision. His vote is to move aggressively to do the planning. He likes the idea of using the Bear River model for updating their General Plan and obtaining public input. He believes that there will never be more than three access points to the Ogden Valley. If they can stop the people coming from the Salt Lake area in commercial nodes in the Ogden Valley and provide them an acceptable plan for immediate access shopping, etc. rather than have the people spill out all across landscape haphazardly.

Commissioner Graves said staff has been looking at this and has been responding. He believes they need to be a little patient.

Commissioner Warburton asked why isn't there a county presence on the Wasatch 2040, and Rob Scott said the Wasatch 2040 project grant is more of a Salt Lake County orientation. The real impact of that project will be mostly in Salt Lake County.

Commissioner Howell said in areas with enormous growth all the infrastructure is concentrated in certain areas. As a result, the growth will go up instead of sprawl.

Commissioner Hollist said in one of the questions of the Wasatch 2040 plan to have metropolitan centers, urban centers, town centers, etc., all of which goes up, was, "How many of you would be willing to live in one of these vertical communities?" Thirty percent responded that they were willing. Commissioner Hollist said he believes they should have their definition of what "up" means.

Commissioner Graves said he believes they will get into that with the node study.

5. Staff Communications:

5-1. Planning Director's Report

Rob Scott said there would be a work session this next week. Chair Parson said he would be gone next week.

5-1. Legal Counsel's Remarks

Chris Allred said gave an update on the residential facilities issue and discussions they had a lengthy discussion with Dan McDonald where he asked for a model ordinance. He replied no. He did say that there were a couple of good city ordinances out there. The landscaping is changing right now with the cases pending in the 10th Circuit. Maybe they should start initially with one of the good city ordinances and just tweak it from there.

Green Valley went to the District Court (it went to three different judges) (one was a friend of the applicant, another had to recuse himself, and the final judge was Judge Hadley. He ruled that it was a school and they had no other say. Essentially, the District Court said under the broad definition of school, it did constitute a school. The petitioner could appeal to the appeals court or to the State Supreme Court.

Commissioner Warburton said the ruling was on their ordinances as written not based on ADA or other regulations. Chris Allred replied yes.

6. Adjourn

The meeting was adjourned and a work session convened at this time.

WS1. Revisions to the Agricultural AV-3 Zone

Jim Gentry indicated from the staff report that indicated that staff is proposing some revisions to the Agricultural AV-3 Zone. He reviewed the proposed changes with the Planning Commissioners.

Commissioner Warburton asked what is meant by *permanent structure*. There was a discussion about not being able to build a hay barn on a one-acre parcel in an agricultural zone.

- It was decided to change the ordinance language to allow mobile butchering including packaging.

Concerns were raised regarding 5B-2 and the livestock feed lot only allowed September through April.

Page 5B-4 Dog Training/Breeding, why are they allowing only 10 pups, where a litter could be 12 or more pups. What is the harm?

MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY

Tuesday, August 7, 2012 - 10:00 a.m.
2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

COMMISSIONERS PRESENT: Craig L. Dearden, Chair, Jan M. Zogmaister and Kerry W. Gibson.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Fernelius, of the Clerk/Auditor's Office, took minutes.

- A. WELCOME - Chair Dearden
- B. PLEDGE OF ALLEGIANCE - Fátima Fernelius
- C. THOUGHT OF THE DAY - Commissioner Gibson

D. REPORT ON THE COUNTY SEAT PUBLIC AFFAIRS TV PROGRAM

Chad Booth, producer of The County Seat, updated the Commission on the television program outlining the issues covered in this season, which include jail funding, condition of probation, county road funding, local county issues with Senator Hatch and congressman Bishop, indigent defense, planning and zoning, the election process, droughts and wildfire management. Mr. Booth invited the Commission and other elected officials to make suggestions of topics that they would like discussed. Commissioner Gibson expressed appreciation for the work in this worthwhile cause to educate citizens about their county government.

E. PRESENTATIONS OF THE "CRYSTAL BOWL AWARDS" TO RECOGNIZE CITIZENS OR GROUPS THAT HAVE MADE SIGNIFICANT CONTRIBUTIONS IN WEBER COUNTY

Commissioner Zogmaister noted that National County Government Week started in 1991 to raise awareness of the role of counties. Weber County's goal is to protect and enhance the health, welfare and safety of citizens and this is the criteria the county uses to honor a citizen and a County department/agency. Commissioner Zogmaister explained the symbolism of the quartz crystal bowl, which produces pure and powerful sounds that resonate, which is also symbolic of the people that amplify community service. Larry Slater was honored for his volunteerism with the Friends of the Weber-Morgan Children's Justice Center and the County Roads Department was honored for all the hard work during the 2011 severe flooding season. Lance Peterson, of County Emergency Services, showed a slide presentation depicting the Road Department's hard work, dedication and heroic efforts during the severe flooding problems throughout the county. They worked tirelessly at all hours and helped prevent further damage, and their efforts are ongoing. The commissioners expressed thanks for their dedication. Kelly Hipwell, of the County Roads Department, thanked the Commission for their recognition noting that staff put in a lot of hard work and long hours. The whole community came together.

F. CONSENT ITEMS:

1. Purchase Orders for \$694,792.33
2. Warrants #288521 - #288651 for \$1,837,369.00
3. Warrants #287942-#288149 for \$1,385,123.63 dated July 24, 2012
4. Minutes for meeting held on July 31, 2012

Commissioner Gibson moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

G. ACTION ITEMS:

1. CONTRACT WITH BUCK CONSULTANTS TO PROVIDE AN ESTIMATE OF THE TOTAL COST OF COUNTY RETIREES HEALTH INSURANCE BENEFIT FOR CURRENT & FUTURE RETIREES - CONTRACT C2012-166

Dan Olsen, County Comptroller, stated that the contract is for \$15,000, the same price as two years ago.

Commissioner Zogmaister moved to approve Contract C2012-166 with Buck Consultants to provide an estimate of the total cost of County retirees' health insurance benefit for current and future retirees; Commissioner Gibson seconded, all voting aye.

2. INTER-AGENCY AGREEMENT AMENDMENT WITH THE STATE OF UTAH, DEPARTMENT OF WORKFORCE SERVICES (DWS), TO EXTEND THE PERIOD OF PERFORMANCE FOR AN ADDITIONAL 12 MONTHS - CONTRACT C2012-167

Dan Olsen, County Comptroller, noted that two years ago the county entered into an agreement with DWS for the county to act as a conduit of State funds that go to the Ogden Community Foundation. The State simply wishes to extend that contract to 6/30/2013.

Commissioner Gibson moved to approve Contract C2012-167, Inter-Agency Agreement Amendment with the State of Utah, Department of Workforce Services, to extend the period of performance for an additional 12 months; Commissioner Zogmaister seconded, all voting aye.

3. APPROVAL OF A TEMPORARY EXEMPTION FOR TWO SPECIAL EVENT OFF-SITE SIGNS

Rob Scott, County Planning Division Director, noted that last week the County Commission discussed amending the Ogden Valley Sign Ordinance and Steve Clarke, representing the Community Foundation of Ogden Valley, requested two off-site signs for a special event. The ordinance provides for granting temporary exceptions allowing the County Commission to determine if such an exception is justified due to an extraordinary, emergency or act of God situation and the health, safety, convenience or welfare of citizens will not be substantially affected. Justification may include that the Commission is in the process of reviewing an ordinance amendment to allow for these signs. The county's code enforcement officer received a telephone call from a citizen stating that signs had already been put up over the weekend, and the county verified it. Commissioner Zogmaister noted that the county was trying to accommodate the request, had placed the item on the agenda for action today and expressed displeasure that the signs went up without approval, asking that Mr. Scott convey that to the petitioner.

Commissioner Gibson moved to approve a temporary exemption for two special event off-site signs; Commissioner Zogmaister seconded, all voting aye.

4. APPROVE THE WEBER COUNTY 2012 POLLING LOCATIONS

Jennifer Morrell, County Elections Director, stated that after reviewing feedback from poll workers, facility managers, voters, and others associated with the June Primary, it has become necessary to amend the list of polling locations. Voter turnout is anticipated at 75% in November, about a threefold increase from June. It is essential to have the appropriate facilities that are ADA compliant, have adequate parking, and can accommodate the number of poll workers, voters, and voting machines. The county has used many schools but because they are overcrowded and do not have the space to accommodate the process some church buildings will be used.

Commissioner Zogmaister moved to approve the Weber County 2012 polling locations; Commissioner Gibson seconded, all voting aye.

5. SECOND READING TO AMEND AN ORDINANCE (TITLE 25, SEWERS) TO INCREASE SEWER FEES

Chad Meyerhoffer, of County Engineering, noted that the first reading occurred last week. The Central Weber Sewer District has increased its fees from \$30 to \$37/month and the county collects the fees. Commissioner Zogmaister asked if any feedback was received since the letters were mailed with the billings and Mr. Meyerhoffer had not, however, County Property Management received 1-2 calls but not in opposition to the increase. The county's portion increased by 90 cents. No ordinance had been prepared and this item will be handled next week.

6. CONTRACT WITH THE STATE OF UTAH, ATTORNEY GENERAL'S OFFICE, FOR SERVICES AS APPROPRIATED BY THE UTAH STATE LEGISLATURE AND ADMINISTERED BY THE UTAH ATTORNEY GENERAL'S OFFICE-CHILDREN'S JUSTICE (CJC) DIVISION - CONTRACT C2012-168

Rod Layton, Children's Justice Center Director, presented this annual contract noting that the State funds some of the CJC program. The contract amount is \$223,076. Chair Dearden noted that the contract amount on the Contract Summary sheet showed \$223,246 and Mr. Layton will look into it. Commissioner Zogmaister moved to approve Contract C2012-168 with the State of Utah, Attorney General's Office, for services as appropriated by the Utah State Legislature and administered by the Utah Attorney General's Office, Children's Justice Division; Commissioner Gibson seconded, all voting aye.

7. RATIFY CONTRACT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR WEBER COUNTY TO PAY THE 6.77% MATCH AND ANY OVERRUNS. THE FEDERAL MATCH IS \$1,230,837 AND THE COUNTY WILL PAY \$89,379. THIS IS MONEY THAT WE RECEIVED TO FIX PARTS OF THAT ROAD THAT WAS DAMAGED DURING THE 2011 SPRING RUNOFF. - CONTRACT C2012-169

Jared Andersen, County Engineer, noted that Old Snowbasin Road has been closed for over one year and this contract is for federal funds to repair parts of it that were damaged during the 2011 Spring flooding. Commissioner Gibson had previously signed this contract. Commissioner Gibson moved to ratify Contract C2012-169 with Utah Department of Transportation for Weber County to pay the 6.77% (\$89,379) match and any overruns for the Old Snowbasin Road project; Commissioner Zogmaister seconded, all voting aye.

8. VACATION OF LOT 25 OF THE LEGENDS AT HAWKINS CREEK, A CLUSTER SUBDIVISION, INCLUDING ALL PUBLIC UTILITIES THEREIN AND FOR FINAL APPROVAL OF THE LEGENDS AT HAWKINS CREEK 2ND AMENDMENT A CLUSTER SUBDIVISION (1 LOT) - ORDINANCE 2012-13

Ben Hatfield, of the County Planning Division, noted that when this subdivision was originally platted some lots had steep slope and were classified as restricted lots and some were left in question. For the final plat they did not remove the buildable area requirements, restricting those lots unnecessarily. The new owners wish to build a home that sits outside of the currently defined buildable area and this is to enlarge it.

Commissioner Zogmaister moved to adopt Ordinance 2012-13 vacating lot 25 of The Legends at Hawkins Creek a Cluster Subdivision, including all public utilities therein, and granting final approval of The Legends at Hawkins Creek 2nd Amendment a Cluster Subdivision; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Zogmaisteraye
Commissioner Gibsonaye
Chair Deardenaye

9. ACTION ON A PUBLIC HEARING TO AMEND THE WEBER COUNTY SUBDIVISION ORDINANCE, CHAPTER 1, GENERAL PROVISION-FILING OF PRELIMINARY AND FINAL PLANS, CHAPTER 6, PENALTY, VALIDITY, AND REPEALER (SIGNATURE BLOCK SECTION), AND COUNTY ZONING ORDINANCE, CHAPTER 1, GENERAL PROVISIONS, SECTION 1-6, DEFINITIONS - ORDINANCE 2012-14

Jim Gentry, of the County Planning Division, noted that the public hearing was held last week. This item was held to give the County Engineer an opportunity to review a section of the ordinance relating to the definition of "floodplain" which has now occurred and a minor clarification was made. Commissioner Gibson moved to adopt Ordinance 2012-14 amending the Weber County Subdivision Ordinance, Chapter 1, General Provision-Filing of Preliminary and Final Plans, Chapter 6, Penalty, Validity, and Repealer (signature block section), and the County Zoning Ordinance, Chapter 1, General Provisions, Section 1-6, Definitions; Commissioner Zogmaister seconded.

Roll call vote:

Commissioner Zogmaister.....aye
Commissioner Gibson.....aye
Chair Dearden.....aye

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, AUGUST 14, 2012, 10 A.M.

I. PUBLIC COMMENTS: None

J. ADJOURN

Commissioner Gibson moved to adjourn; Commissioner Zogmaister seconded, all voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code.
Agenda Date:	Tuesday, October 27, 2015
Applicant:	Summit Mountain Holding Group, L.L.C.
Representative:	Paul Strange, Summit Mountain Holding Group – Eden, Utah
File Number:	ZTA 2015-03

Staff Information

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

Subject Codes

- Weber County Land Use Code, Section 101-1-7 (Definitions).
- Weber County Land Use Code, Title 104, Chapter 29 (Ogden Valley Destination and Recreation Resort Zone).
- Weber County Land Use Code Title 108, Chapter 1 (Design Review).
- Weber County Land Use Code, Title 108, Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Design Standards).
- Weber County Land Use Code Title 108, Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations).
- Weber County Land Use Code Title 108, Chapter 19 (Accessory Apartments).
- Weber County Land Use Code, Title 110, Chapter 2 (Ogden Valley Signs).

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.

Request and Staff Review

The applicant is requesting that Weber County amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29); the Design Review Chapter (Title 108, Chapter 1); the Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); the Accessory Apartments Chapter (Title 108, Chapter 19); and the Ogden Valley Signs Chapter (Title 110, Chapter 2) within the Weber County Land Use Code. See pages 1 and 2 (more specifically those sections, titles, and chapters highlighted) of Exhibit A for the applicant's list and descriptions of the proposed code amendments.

On June 2, 2015 and June 23, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission during work sessions. Based on input received from the Planning Commission, the applicant has prepared a final version of the proposal. Refer to pages 2 through 5 of this staff report for a summary and brief Planning Division review of all proposed changes. Refer to Exhibits B-H for these items written into the County Land Use Code.

The following describes the requested amendments based on the Ogden Valley Planning Commission's input, and provides a Planning Division Staff review:

1. Requested Amendment to Title 101 (General Provisions), Section 101-1-7 (Definitions)

This amendment changes the definition of "lockout sleeping room" in the Ogden Valley Destination and Recreation Resort Zone only and adds to the type of units allowed to have "lockout sleeping rooms" in that zone. This amendment also creates a new "detached lockout" sleeping room definition. See page 1 of Exhibit B for proposed language.

Planning Division Review

Currently, lockout sleeping rooms are only allowed when attached to a condominium dwelling unit or a condominium rental apartment. This amendment would allow an "attached" lockout sleeping room to be built onto, or in conjunction with, any type of dwelling, hotel, or any other residential accommodation in the Resort Zone. This amendment can increase the number of residential-type units (and other nightly accommodation units) without diminishing the total number of dwelling units or commercial square feet approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet can have impacts related to traffic and public services.

A "Detached Lockout", according to the proposed definition is an accessory use to another main residential use and can operate in the same manner as a hotel room. This new use, if approved and adopted, will account for .33 of a dwelling unit when calculating density for Resort Zone projects.

2. Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-2 (Development Standards)

This amendment removes Ogden Valley Destination and Recreation Resort Zone buffers where the developer owns the land adjacent to the zone boundary, or where the adjacent land owner approves a conceptual plan or site plan that shows encroachments into what otherwise would be a buffer area located at the perimeter of a resort. This amendment also changes minimum lot sizes, lot widths, setbacks, and maximum building heights. See pages 4 and 8-11 of Exhibit C for proposed language.

Planning Division Review

Required buffer areas are not intended to apply to land that is part of a resort but "technically" is located across a county line. The proposed language clarifies the intent and allows flexibility when affected parties agree that no buffer is necessary.

The proposed changes, to the site development standards, provide more neighborhood design flexibility and limit the proposed increase to the maximum building heights (75 feet) of multi-family, commercial, and mixed-use structures, to elevations above 6,200 feet. Some development areas at Powder Mountain are visible from the Ogden Valley floor; however, the areas are visible at a distance of approximately 5½ to 7 miles. Development areas, above 6,200 feet at Snowbasin, are not visible from the Valley floor. See Exhibit I for a map showing the 6,200 foot elevation in the Ogden Valley.

3. Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-7 (Seasonal Workforce Housing)

This amendment allows workforce housing units to be located on property contiguous to the resort where today the code requires that employee housing be located entirely within the resort. See page 16 of Exhibit C for proposed language.

Planning Division Review

The DRR-1 Zone requires that a majority of a resort's seasonal workforce housing be located within the resort. The Planning Division does not intend to limit seasonal workforce housing to resort property that is located in Weber County only. With this amendment, housing may be located on property adjacent to a resort boundary and

the proposed language clarifies that workforce housing can be constructed across a county line when “technically” located within the resort and is approvable by the proper land use authority. The proposed language clarifies the overall intent of the Resort Zone and allows flexibility when the resort owns adjacent property.

4. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-8 (Land Uses)**

This amendment allows some flexibility and makes a clarification for buffers related to heli-ports and adds approximately 12 new permitted uses with 4 of the most noteworthy being Accessory Dwelling Units; Additional Kitchens; Detached Lockouts; and Liquor, wine, and beer manufacturing, blending, distilling, packaging, and sales. It also changes several conditional uses to permitted uses. See pages 16-22 of Exhibit C for changes to the land use table.

Planning Division Review

One standard, related to heli-ports, requires that all landing areas be set back from a property line at least 200 feet. Weber County does not intend to limit heli-ports to resort property that is located in Weber County only. Heli-ports, that meet all applicable standards, may be located on property that is in the resort but “technically” located near or across a county line. The proposed language clarifies the intent and allows flexibility when the resort owns adjacent property or when affected parties agree.

The uses that are currently listed as conditional uses, in the DRR-1 Zone, are also listed as conditional uses in other Ogden Valley commercial and resort development zones.

Proposed uses such as Accessory Dwelling Units and Additional Kitchens can increase the number of residential-type and other nightly accommodation units without diminishing the total number of dwelling units approved as part of a Destination and Recreation Resort development agreement. Any increase to the number and type of dwellings or other accommodations, can have impacts related to traffic and public services.

5. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-10 (Second Kitchen)**

This amendment creates a new section that states that the construction of a second full kitchen, in a home that is built within the Destination and Recreation Resort Zone, does not require the recording of a Second Kitchen Covenant where today all houses, with second full kitchens, require the recoding of the Covenant. See page 23 of Exhibit C for the proposed new section and language.

Planning Division Review

The construction of a single-family dwelling with a full second kitchen has the potential of operating and having similar, if not the same, impacts as two dwellings. Because the County’s subdivision code prohibits having two homes on one lot, Weber County as a policy, has been allowing the construction of a second full kitchen in one dwelling when the owner signs and records a covenant acknowledging and agreeing to operate his or her dwelling as one dwelling. The Second Kitchen Covenant would not prohibit an Accessory Apartment when granted an approval through the conditional use permitting process.

A use such as an Additional Kitchen, without the execution of a Second Kitchen Covenant, can increase the number of residential-type and other nightly accommodation units without diminishing the total number of dwelling units approved as part of a Destination and Recreation Resort development agreement. Any increase to the number and type of dwellings or other accommodations can have impacts related to traffic and public services.

6. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-11 (Miscellaneous Improvements)**

This amendment creates a new section that defines “miscellaneous improvements” and states that they are allowed to be built and/or extend into areas outside of a designated building envelope. See page 23 of Exhibit C for the proposed new section and language.

Planning Division Review

Locating “miscellaneous improvements” outside of a building envelope is appropriate in cases where the building envelope is an aesthetic consideration imposed by the developer. As proposed, “Miscellaneous Improvements” may be addressed appropriately in a case where a building lot is “Restricted” (or has a building envelope or non-buildable area due to slopes or other geological issues identified on the lot) and is subject to the County’s Hillside Development Review Chapter.

The most appropriate way to address improvements that can be built outside of a building envelope is to create and utilize plat notes, describing what is allowed, on each individual dedication plat.

7. Requested Amendment to Title 108 (Standards), Chapter 1 (Design Review), Section 108-1-2 (Application and Review)

This amendment grants the planning director administrative authority to approve land use or development applications in the Ogden Valley Destination and Recreation Resort Zone. The administrative authority is limited to sites above 6,200 feet in elevation and project footprints of less than 75,000 square feet. See page 1 of Exhibit D for proposed language.

Planning Division Review

Currently, the planning director has the administrative authority to approve design review applications when a new building's footprint is less than 10,000 square feet and the site is less than one acre. Authorizing the planning director to approve larger buildings (up to 75,000 square feet is proposed) constructed at an elevation above 6,200 feet is reasonable because the planning commission will have already conceptually approved the development through an approved DRR-1 Zone land use plan.

8. Requested Amendment to Title 108 (Standards), Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Design Standards)

This amendment creates a new sub-section that exempts Destination and Recreation Resorts Zone development projects (that are located above an elevation of 6,200 feet) from certain standards related to general landscaping and all standards related to landscaping, screening, and buffering parking lots and/or vehicular use areas. See page 2 of Exhibit E for proposed language. See (yellow high-lighted sections) pages 3 through 7 of Exhibit E for "exempted" sections. See Exhibit I for a map showing the 6,200 foot elevation in the Ogden Valley.

Planning Division Review

Currently, the above listed landscaping requirements apply to all commercial projects located at any elevation. Allowing DRR-1 Resort Zone projects the flexibility (when located above an elevation of 6,200 feet) to mimic existing and surrounding landscapes can create a more genuine alpine experience while reducing water consumption rates associated with more formal landscape designs. Also, offering DRR-1 Resort Zones more flexibility does not detract from established commercial projects on the Valley floor and can act as an incentive to landowners considering DRR-1 Resort Zoning.

9. Requested Amendment to Title 108 (Standards), Chapter 8 (Parking and Loading), Section 108-8-12 (Ogden Valley Destination and Recreation Resort Zone)

This amendment creates a new section that allows the planning commission to modify any provision within Chapter 8 by approving an overall parking plan. This only applies to projects located in the Ogden Valley Destination and Recreation Resort Zone, where the Planning Commission has already approved a master plan. Also, the proposed parking plan is required to be consistent with the previously approved master plan and provide a mechanism for revocation in the event that a parking plan does not operate in a manner that was presented and approved by the planning commission. See page 8 of Exhibit F for proposed language.

Planning Division Review

Currently, the planning commission has the authority to "adjust the required number of parking spaces" if in its determination there is an unusual or unique circumstance or condition that warrants an adjustment.

Where the planning commission already has the ability to make an adjustment to the number of parking spaces, it is reasonable for the planning commission to allow itself the discretion to approve a parking plan when consistent with a previously approved master plan.

10. Requested Amendment to Title 108 (Standards), Chapter 19 (Accessory Apartments), Section 108-19-2 (Conditional Use)

This amendment clarifies that the number of required parking spaces, associated with an accessory apartment, may be subject to parking modifications provided by the planning commission through an approval of a parking plan that meets the requirements as described in Section 108-8-12 (proposed amendment #9) above. See page 1 of Exhibit G for proposed language.

Planning Division Review

Currently, an approved accessory apartment is required to have two parking spaces. This amendment is necessary if the planning commission is willing to allow modifications to the requirements of the parking chapter as described above in proposed amendment #9 above.

11. Requested Amendment to Title 110 (Signs), Chapter 2 (Ogden Valley Signs), Section 110-2-5 (Allowable Signs by District)

This amendment creates a new sub-section and would give the Planning Commission the ability to modify any provision in the current Ogden Valley Sign Code and to approve a master sign plan for areas within a Destination and Recreation Resort Zone that sit above an elevation of 6,200 feet. To enable any code modifications the Planning Commission has to have previously approved a resort master plan and the sign plan has to be consistent with that plan. See page 3 of Exhibit H for the proposed new section. See Exhibit I for a map showing the 6,200 foot elevation in the Ogden Valley.

Planning Division Review

Currently, there is no provision for modifying any standard in the Ogden Valley Sign Code. If the proposed new section were to be adopted, the Planning Commission would have the ability to approve any sign code modifications if the Commission were to find that a proposed sign plan is consistent with a previously approved master plan.

This request is reasonable due to the elevation limitation and the variety of resort signage needs.

12. Requested Amendment to Title 110 (Signs), Chapter 2 (Ogden Valley Signs), Section 110-2-8 (Prohibited Signs)

This amendment would clarify that “off-site” signs are allowed for properties that do not have frontage on a road but do have access through another property that has frontage. The “off-site” signs would only be permitted on the adjacent property that provides the access. See page 4 of Exhibit H for proposed language.

Planning Division Review

Currently, the Ogden Valley Sign Code allows a multi-tenant or multi-building project to construct one Entrance Ground Sign (advertising all businesses in the building or in the project) measuring 14 feet tall and 12 feet wide. This sign-type is typically located on a property that has street frontage which creates a situation where the Entrance Ground sign could be considered an “off-site” sign.

The proposed amendment is consistent with existing standards and clarifies that a multi-building commercial project, even though it has multiple/separate building lots, can utilize an Entrance Ground Sign when parties agree.

Summary of Planning Commission Considerations

- Do the proposed amendments conform to the Ogden Valley General Plan?
- Do the proposed amendments preserve the overall purpose and intent of the Ogden Valley Destination and Recreation Resort Zone and other chapters listed in this proposal?

Section. 104-29-1. - Purpose and intent.

The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts that lie within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.

Conformance to the General Plan

- The Recreation Element of the Ogden Valley General Plan (pg. 152) states that *“the future of Ogden Valley’s character is dependent on the future development success of its resort areas.”* To preserve the Valley’s character, the Plan also states that Weber County should adopt a *“variety of progressive resort development guidelines.”*
 - The proposed amendment can be thought of as *“progressive”* and is consistent with guidance given in the Ogden Valley General Plan due to its ability to encourage creative building design. Also, flexibility in design guidelines can act as an incentive for a developer to acquire a relatively large amount of property and develop it according to the requirements and standards provided in Ogden Valley Destination and Recreation Resort Zone.
- The Recreation Element (pg. iv) describes that, during a one year planning process, Valley residents provided input and expressed a desire to not generate any additional units beyond what exists under current zoning.
 - Certain proposals within this amendment can provide additional opportunities that This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units or commercial square feet approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet can have impacts related to traffic and public services.

Staff Recommendation

Based on the proposal’s conformance to the Ogden Valley General Plan and the review provide above, the Planning Division Staff suggests that the Planning Commission recommend that the Weber County Commission approve and adopt the above described amendments with the exception of the following:

1. Proposed amendment (#1 above) to the definition of *“lockout sleeping room”*. This amendment would allow an *“attached”* lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation in the Destination and Recreation Resort Zone where today a *“lockout sleeping room”* is limited to condominium units only. This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units (or commercial square feet) approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet (at any existing or future Destination and Recreation Resort) can have additional and, in the case of existing Resort Zones, unanticipated impacts related to traffic and public services.
2. Proposed removal of the existing limitation of 2 lockout sleeping rooms per condominium unit as shown on page 17 of Exhibit C. This amendment would allow an unlimited number of lockout sleeping rooms to be constructed.
3. Proposed addition of the use *“Accessory Dwelling Unit”* to the list of permitted uses shown on page 18 and 22 of Exhibit C.
4. Proposed addition of the use *“Additional Kitchens”* to the list of permitted uses shown on page 22 of Exhibit C.
5. Proposed addition of *“Section 104-29-10 – Second Kitchens”* shown on page 23 of Exhibit C.

Exhibits

- A. Text Amendment Application Form.
- B. Proposed Section 101-1-7 (Definitions) within the Weber County Land Use Code.
- C. Proposed Ogden Valley Destination and Recreation Resort Zone Chapter (Title 104, Chapter 29).
- D. Proposed Design Review Chapter (Title 108, Chapter 1).
- E. Proposed Ogden Valley Architectural, Landscape, and Screening Design Standards Chapter (Title 108, Chapter 2).
- F. Proposed Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8).
- G. Proposed Accessory Apartments Chapter (Title 108, Chapter 19).
- H. Proposed Ogden Valley Signs Chapter (Title 110, Chapter 2).
- I. Ogden Valley 6,200 Foot Elevation Map.

Weber County General Plan or Text Amendment Application

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

Date Submitted	<i>Received By (Office Use)</i>	<i>Added to Map (Office Use)</i>
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Property Owner Contact Information

Name of Property Owner(s) Summit Mountain Holding Group, L.L.C., SMHG Landco, LLC, SMHG Phase 1 LLC		Mailing Address of Property Owner(s) Paul Strange 3923 N. Wolf Creek Drive Eden, Utah 84310
Phone 801-987-0570	Fax	
Email Address paul@summit.co		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Ordinance Proposal

Ordinance to be Amended
101-1-7, 104-29-2, 104-29-7, 104-29-8, 104-29-10[NEW], 104-29-11[NEW], 108-1-2, 108-8-5, 108-19-6 [NEW], 110-2-5, 110-2-8

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

Sec. 101-1-7. - Definitions:

Make amendment to definition of "lockout sleeping room" and make changes to types of dwellings allowed to have "lockout sleeping rooms" in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Sec. 104-29-2. - Development standards

1. Amend to remove Ogden Valley Destination and Recreation Resort Zone buffers where the Developer owns the land adjacent to the zone boundary or where the adjacent land owner approves.

2. Adjust lot sizes, lot widths, setbacks and building heights.

See attached redline.

Sec. 104-29-7. - Seasonal workforce housing.

Amend to allow workforce housing units to be on property contiguous to the resort.

See attached redline.

Sec. 104-29-8. - Land uses.

Amend to permit additional uses.

See attached redline.

Sec. 104-29-10. - Second Kitchen.

Create section to clarify that second kitchens do not require a second kitchen covenant in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Ordinance Proposal (continued...)

Sec. 104-29-11. – Miscellaneous Improvements.

Create section to allow for miscellaneous improvements outside of the building envelope.

See attached redline.

Sec. 108-1-2. - Application and review:

Make change to allow additional discretion for approval by the Planning Commission in the Ogden Valley Destination and Recreation Resort

Zone. See attached redline.

Sec. 108-2-3. - Applicability. New Section

Make change to exempt the Ogden Valley Destination and Recreation Resort Zone (above 6,200 ft) from certain sections of the Ogden Valley Architectural, Landscape and Screening Design Standards. See attached redline.

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

Make change to allow the Planning Commission to approve a parking plan in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the parking plan is consistent with the master plan.

See attached redline.

Sec. 108-19-6. – Destination and Recreation Resort Zone.

Create New Section 108-19-6 that permits Accessory Apartments in the Ogden Valley Destination and Recreation Resort Zone and provide additional discretion for the developer.

See attached redline

Sec. 110-2-5. - Allowable signs by zoning district.

Make change to allow the Planning Commission to approve a sign plan above 6,200 feet in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the sign plan is consistent with the master plan.

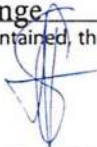
See attached redline.

Sec. 110-2-8. - Prohibited signs.

Make change to allow commercial signs on adjacent property where access to a parcel that has a business is via the adjacent parcel.

Applicant Affidavit

I (We), Paul Strange, depose and say that I (we) am (are) the interested member(s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.



(Signature)

(Signature)

Subscribed and sworn to me this _____ day of _____, 20 _____

(Notary)

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:

Detached Lockout. In the Ogden Valley Destination and Recreation Resort Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with Single, Two, Three, Four, Multi-Family dwellings, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A detached lockout is accessory to the main use and shall not be sold independently from the main unit. Unless specifically addressed in the Development Agreement for the specific Ogden Valley Destination and Resort Zone, a detached lockout shall be considered 1/3 of a dwelling unit when figuring density on a parcel of land.

Lockout sleeping room. The term "lockout sleeping room" means a sleeping room in a condominium dwelling unit or condominium rental apartment with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking interior access. ~~A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~ In the Ogden Valley Destination and Recreation Resort Zone, the term "lockout sleeping room" means an attached sleeping room (or multiple rooms) in to Single, Two, Three, Four, Multi-Family dwellings, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. ~~A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~

1 CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

2

3 Sec. 104-29-1. - Purpose and intent.

4 The purpose of this chapter is to provide flexible development standards to resorts that are dedicated
 5 to preserving open space and creating extraordinary recreational resort experiences while promoting the
 6 goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county
 7 and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that
 8 allows landowners to voluntarily transfer development rights to areas that are more suitable for growth
 9 when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural
 10 parcels. Resorts ~~that lie~~ within an approved destination and recreation resort zone shall, by and large,
 11 enhance and diversify quality public recreational opportunities, contribute to the surrounding community's
 12 well-being and overall, instill a sense of stewardship for the land.

13 (Ord. of 1956, § 44-1)

14 Sec. 104-29-2. - Development standards.

15 (a) *General design and layout.* A destination and recreation resort shall have a general design that
 16 concentrates a mixture of recreational, commercial and residential uses within and immediately
 17 adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas
 18 outside of the village core may include recreational and resort supporting uses/facilities and
 19 intermittently dispersed/clustered employee, single-family and multifamily dwellings.

20 (b) *Minimum area.* The minimum area requirement for a destination and recreation resort shall be 1,000
 21 contiguous acres located within the Ogden Valley. The resort area may be made up of multiple
 22 property owners making application under one contiguous and cohesive plan including lands under
 23 contract or agreement with a local, state or federal agency. Lands under such contract or agreement
 24 shall not count towards the minimum area requirement.

25 (c) *Maximum permitted units.* Current zoning is not considered when determining the maximum number
 26 of dwelling units allowed within a destination and recreation resort zone. The maximum number of
 27 units allowed within the zone (resort) shall be dependent upon:

- 28 (1) An applicant's willingness to acquire and/or transfer development rights to the resort;
- 29 (2) An applicant's desire to accrue additional discretionary units in the form of transfer incentive
 30 matching units (TIMUs) and/or density bonus units (DBUs); and
- 31 (3) An applicant's ability to demonstrate a substantial public benefit and exhibit an exceptional
 32 vision and development plan superior to that allowed by current or conventional zoning.

33 a. The preservation of open space and the maintenance of the Ogden Valley's rural character
 34 and its natural systems are very important goals, therefore, it shall be required that an
 35 applicant make an initial transfer of development rights, to the resort, from elsewhere within
 36 the valley. This initial transfer will establish a base number of units, referred to as
 37 transferred base units (TBUs), that may be used in a request to receive additional transfer
 38 incentive matching units (TIMUs) and/or density bonus units (DBUs). These units,
 39 requested in addition to the TBUs, are an alternative source of development rights and are
 40 considered to be performance based units that may be awarded through a resort's
 41 voluntary participation in the transfer incentive and bonus unit options listed below. These
 42 options are intended to provide flexibility and the voluntary means of increasing resort
 43 development rights through thoughtful and effective mitigation of resort development
 44 impacts and supporting Ogden Valley community interests and objectives as specifically
 45 referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs,
 46 the units transferred to the resort shall be from an elevation of 6,200 feet and below. Units
 47 transferred from an elevation above of 6,200 feet are permitted; however, those units shall

48 not be eligible to receive TIMUs and/or DBUs. Refer to sections 104-29-3 through 104-29-5
 49 for transferable development right eligibility and procedures for calculating and transferring
 50 units to a destination and recreation resort zone.

51 b. In the event that a previously approved master planned resort makes application to
 52 become (or makes application to amend) a destination and recreation resort zone, the
 53 resort may retain the remaining dwelling unit rights associated with a previously approved
 54 and executed zoning development agreement given that the resort can meet all other
 55 requirements of this chapter and demonstrate a substantial public benefit while exhibiting
 56 an exceptional vision and development plan superior to that allowed by current or
 57 conventional zoning. If a previously approved master planned resort chooses to increase
 58 densities beyond what remains as part of a previously approved and executed zoning
 59 development agreement, the resort shall be obligated to acquire and incorporate additional
 60 contiguous acreage into its boundary and/or acquire additional density in the form of
 61 transferable development rights, transfer incentive matching units and/or density bonus
 62 units.

63 1. Density related to additional acreage brought into the resort shall be calculated in
 64 conformance with the standards found in section 104-29-2, with the exception of those
 65 in section 104-29-4(a)(6) and (a)(7).

66 2. Density related to additional acreage, brought into the resort, which is the subject of a
 67 previously approved master plan, zoning development agreement and/or other
 68 agreement with the county relating to (or calculating) density, shall be calculated
 69 consistent with terms and conditions set forth in the previously approved master plan
 70 or agreement. Other (density and non-density) terms and conditions may, at the
 71 discretion of the Ogden Valley planning commission and the county commission, be
 72 altered, modified or otherwise amended and included in any rezone approval in order
 73 to promote the health, safety and welfare of the residents of the county.

74 3. Density related to transferable development rights shall be calculated in conformance
 75 with the standards found in sections 104-29-3 through 104-29-6

76 (d) *Transfer incentive matching units.* Each transferred base unit (TBU), that qualifies to receive transfer
 77 incentive matching units, shall only be applied to one of the following six categories.

78 (1) For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or other
 79 parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39,
 80 and 2200 North Street) surrounding the Reservoir, the county may match that number at a rate
 81 ranging from 0.0—2.0 units to each transferred unit, depending upon the percentage of units
 82 transferred as shown in the table below. To be eligible to receive the matching units associated
 83 with these parcels, the transferring parcel shall be configured as it was prior to the 2005
 84 adoption of the Ogden Valley general plan recreation element and shall be subject to the
 85 following.

86 (2) For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline of
 87 Pineview Reservoir, the county may match that number at a rate of three units to each
 88 transferred unit. To be eligible to receive the matching units associated with these parcels the
 89 following two conditions must be met:

90 a. All units, except one unit for every five acres within the parcel, shall be transferred.

91 b. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the
 92 Ogden Valley general plan recreation element.

93 (3) For every unit transferred to a resort from an area within the Important Wildlife Area, as shown
 94 on the adopted Ogden Valley Sensitive Lands Map, the county may match that number at a rate
 95 of 2.0 units to each transferred unit.

96 (4) For every unit transferred to a resort from an area within a Ridge Line Area that skylines as
 97 viewed from any scenic corridor at a distance of less than 2.5 miles, (as described in the

- 98 adopted Ogden Valley Sensitive Lands Ordinance), the county may match that number at a rate
 99 of 2.0 units to each transferred unit.
- 100 (5) For every unit transferred to a resort from an area not previously listed but lying below an
 101 elevation of 5,500 feet, the county may match that number at a rate of 1.5 units to each
 102 transferred unit.
- 103 (6) For every unit transferred to a resort from any other areas within Ogden Valley, with the
 104 exception of units transferred from an elevation of 6,200 feet and above, the county may match
 105 that number at a rate of 1.0 unit to each transferred unit.
- 106 (e) *Density bonus units.* Any bonus units awarded by the county shall be calculated by multiplying the
 107 total of all TBUs plus the number of transfer incentive units earned, by a bonus percentage that is
 108 based upon an accumulation of each of the listed bonus options. The maximum bonus percentage
 109 shall not exceed 60 percent. Actions which qualify for density bonus units and their maximum bonus
 110 percentages are as follows:
- 111 (1) Develop a resort that can demonstrate (based upon substantial evidence and by means of a
 112 professional and empirical study) how it meets the purpose and intent of this chapter (e.g.,
 113 utilize sustainable design practices that mitigate development impacts, preserve open space
 114 and convey a sense of stewardship for the land, contribute to the surrounding community's
 115 character and economic well-being, diversify and enhance quality public recreational
 116 opportunities): up to a ten percent bonus may be granted.
- 117 (2) Develop a resort that can demonstrate, (based upon substantial evidence and by means of a
 118 professionally prepared traffic impact analysis) that due to proposed transferring of development
 119 rights to the resort, an 80 percent reduction in (potential) future traffic congestion throughout the
 120 Ogden Valley and/or at key intersections such as the SR39/SR158 (spillway) intersection,
 121 SR158/Hwy. 162 (Eden four-way stop) intersection and the SR39/Hwy. 166 (Huntsville
 122 Crossroads) intersection will occur: up to a ten percent bonus may be granted.
- 123 (3) For an additional ten percent or more of conservation open space preserved within the resort in
 124 excess of the minimum required by this chapter: up to a one time maximum of five percent
 125 bonus may be granted.
- 126 (4) Provide a developed and (public land agency) approved access to public lands: up to a five
 127 percent bonus may be granted.
- 128 (5) Preservation of an Ogden Valley agricultural parcel (within or outside of the resort boundary)
 129 through the recordation of an agricultural preservation easement and agricultural preservation
 130 plan proposed by the developer and approved by the county in consultation with the state
 131 agriculture extension office: up to a ten percent bonus may be granted for parcels containing 50
 132 acres or more; however; a 20 percent bonus may be granted for preserving an agricultural
 133 parcel containing 100 acres or more.
- 134 (6) Preservation of an Ogden Valley historical site (within or outside of the resort boundary) through
 135 the recordation of a historical preservation easement and historical preservation plan proposed
 136 by the developer and approved by the county in consultation the state historic preservation
 137 office: up to a 20 percent bonus may be granted.
- 138 (7) Establishment, promotion and implementation of an innovative program or project that
 139 substantially furthers Ogden Valley community interests and objectives as specifically referred
 140 to in the Ogden Valley general plan: up to a 30 percent bonus may be granted.
- 141 (8) Donation and/or permanent preservation of a site determined to be desirable and necessary, to
 142 a local sewer, cemetery or other district, for the perpetual location and operation of a public
 143 facility: up to a five percent bonus may be granted.
- 144 (9) Donation and/or permanent preservation of a site determined to be desirable and necessary, to
 145 a local park or other county-approved entity, for the perpetual location and operation of a public
 146 cultural or recreational facility: up to a 20 percent bonus may be granted.

- 147 (f) *Maximum permitted units.* The following formula demonstrates how to calculate the maximum
 148 permitted units at a destination and recreation resort: The maximum number of permitted units shall
 149 diminish as development occurs at a rate of one unit per one residential lot/unit developed and a rate
 150 of one unit for every 5,000 square feet of commercial space developed. Commercial area within
 151 hotel lobbies and conference rooms/facilities are excluded from this calculation.
- 152 (g) *Buffer area.* A buffer area, approved by the Ogden Valley planning commission, shall be provided at
 153 the perimeter of the resort boundary where commercial and/or multifamily buildings and associated
 154 parking are proposed to lie within close proximity to lands that are not a part of the resort, except
 155 where at the location of the use the Developer (as defined in the applicable Zoning Development
 156 Agreement) owns at least 200 feet of property extending from the resort boundary or where the
 157 Developer has received approval from the owner of any property within 200 feet of the resort
 158 boundary. The following minimum standards shall apply:
- 159 (1) DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per
 160 three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every
 161 one foot that a resort building exceeds the height of 35 feet.
 - 162 (2) DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one
 163 unit per three acres: a minimum width of 100 feet with an additional ten feet of buffer for every
 164 one foot that a resort building exceeds the height of 35 feet.
 - 165 (3) DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer
 166 required.
 - 167 (4) No buffer area is required at or around a resort's interior lot or parcel boundaries or where a
 168 resort shares a common boundary with a local, state or federal agency that has entered into a
 169 contract or agreement for the use of adjacent local, state or federal lands.
- 170 (h) *Development standards.*
- 171 (1) *General design and layout.* A destination and recreation resort shall have a general design that
 172 concentrates a mixture of recreational, commercial and residential uses within and immediately
 173 adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas
 174 outside of the village core may include recreational and resort supporting uses/facilities and
 175 intermittently dispersed/clustered employee, single-family and multifamily dwellings.
 - 176 (2) *Minimum area.* The minimum area requirement for a Destination and recreation resort shall be
 177 1,000 contiguous acres located within the Ogden Valley. The resort area may be made up of
 178 multiple property owners making application under one contiguous and cohesive plan including
 179 lands under contract or agreement with a local, state or federal agency. Lands under such
 180 contract or agreement shall not count towards the minimum area requirement.
 - 181 (3) *Maximum permitted units.* Current zoning is not considered when determining the maximum
 182 number of dwelling units allowed within a destination and recreation resort zone. The maximum
 183 number of units allowed within the zone (resort) shall be dependent upon; (1) an applicant's
 184 willingness to acquire and/or transfer development rights to the resort; (2) an applicant's desire
 185 to accrue additional discretionary units in the form of transfer incentive matching units (TIMUs)
 186 and/or density bonus units (DBUs); and (3) an applicant's ability to demonstrate a substantial
 187 public benefit and exhibit an exceptional vision and development plan superior to that allowed
 188 by current or conventional zoning.
- 189 a. The preservation of open space and the maintenance of the Ogden Valley's rural character
 190 and its natural systems are very important goals, therefore, it shall be required that an
 191 applicant make an initial transfer of development rights, to the resort, from elsewhere within
 192 the valley. This initial transfer will establish a base number of units, referred to as
 193 transferred base units (TBUs), that may be used in a request to receive additional transfer
 194 incentive matching units (TIMUs) and/or density bonus units (DBUs). These units,
 195 requested in addition to the TBUs, are an alternative source of development rights and are
 196 considered to be performance based units that may be awarded through a resort's
 197 voluntary participation in the transfer incentive and bonus unit options listed below. These

198 options are intended to provide flexibility and the voluntary means of increasing resort
 199 development rights through thoughtful and effective mitigation of resort development
 200 impacts and supporting Ogden Valley community interests and objectives as specifically
 201 referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs,
 202 the units transferred to the resort shall be from an elevation of 6,200 feet and below unless
 203 located within an important wildlife habitat area and/or ridgeline area as defined by the
 204 Weber County Zoning Ordinance. Units transferred from an elevation above of 6,200 feet
 205 are permitted; however, those units, excepting those located with an important wildlife area
 206 and/or ridgeline area, shall not be eligible to receive TIMUs and/or DBUs. Refer to sections
 207 104-29-3, 104-29-4 and 104-29-5 of this chapter for transferable development right
 208 eligibility and procedures for calculating and transferring units to a destination and
 209 recreation resort zone.

210 b. In the event that a previously approved master planned resort makes application to
 211 become (or makes application to amend) a destination and recreation resort zone, the
 212 resort may retain the remaining dwelling unit rights associated with a previously approved
 213 and executed zoning development agreement given that the resort can meet all other
 214 requirements of this chapter and demonstrate a substantial public benefit while exhibiting
 215 an exceptional vision and development plan superior to that allowed by current or
 216 conventional zoning. If a previously approved master planned resort chooses to increase
 217 densities beyond what remains as part of a previously approved and executed zoning
 218 development agreement, the resort shall be obligated to acquire and incorporate additional
 219 contiguous acreage into its boundary and/or acquire additional density in the form of
 220 transferable development rights, transfer incentive matching units and/or density bonus
 221 units.

222 1. Density related to additional acreage, brought into the resort, shall be calculated in
 223 conformance with the standards found in section 104-29-4, with the exception of those
 224 in subsections 104-29-4(a)(6) and (7).

225 2. Density related to additional acreage, brought into the resort, which is the subject of a
 226 previously approved master plan, zoning development agreement and/or other
 227 agreement with Weber County, relating to (or calculating) density, shall be calculated
 228 consistent with terms and conditions set forth in the previously approved master plan
 229 or agreement. Other (density and non-density) terms and conditions may, at the
 230 discretion of the Ogden Valley Planning Commission and Weber County Commission,
 231 be altered, modified or otherwise amended and included in any rezone approval in
 232 order to promote the health, safety and welfare of the residents of Weber County.

233 3. Density related to transferable development rights shall be calculated in conformance
 234 with the standards found in sections 104-29-3 through 104-29-6

235 (4) *Transfer incentive matching units.* Each transferred base unit (TBU) that qualifies to receive
 236 transfer incentive matching units shall only be applied to one of the following six categories:

237 a. For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or
 238 other parcels located in between Pineview Reservoir and the main roadway (Highways
 239 158, 166, 39, and 2200 North Street) surrounding the Reservoir, Weber County may match
 240 that number at a rate ranging from 0.0—2.0 units to each transferred unit depending upon
 241 the percentage of units transferred as shown in the table below. To be eligible to receive
 242 the matching units associated with these parcels, the transferring parcel shall be
 243 configured as it was prior to the 2005 adoption of the Ogden Valley General Plan
 244 Recreation Element and shall be subject to the following table:

Percentage of Units	Match
Transferred from Parcel	

Less than 40%	0.0
40% to 55%	1.25
56% to 70%	1.5
71% to 85%	1.75
86% to 100%	2.0

245

246 b. For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline
 247 of Pineview Reservoir, Weber County may match that number at a rate of three units to
 248 each transferred unit. To be eligible to receive the matching units associated with these
 249 parcels, the following two conditions must be met:

250 1. All units, except one unit for every five acres within the parcel, shall be transferred.

251 2. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of
 252 the Ogden Valley General Plan Recreation Element.

253 c. For every unit (including those above an elevation above 6,200 feet) transferred to a resort
 254 from an area within the important wildlife area, as shown on the adopted Ogden Valley
 255 Sensitive Lands Map, Weber County may match that number at a rate of 2.0 units to each
 256 transferred unit.

257 d. For every unit (including those above an elevation above 6,200 feet) transferred to a resort
 258 from an area within a ridge line area that skylines as viewed from any scenic corridor at a
 259 distance of less than 2.5 miles, (as described in the adopted Ogden Valley Sensitive Lands
 260 Ordinance), Weber County may match that number at a rate of 2.0 units to each
 261 transferred unit.

262 e. For every unit transferred to a resort from an area not previously listed but lying below an
 263 elevation of 5,500 feet, Weber County may match that number at a rate of 1.5 units to each
 264 transferred unit.

265 f. For every unit transferred to a resort from any other areas within Ogden Valley, with the
 266 exception of units transferred from an elevation of 6,200 feet and above, Weber County
 267 may match that number at a rate of 1.0 unit to each transferred unit.

268 (5) *Density bonus units.* Any bonus units awarded by Weber County shall be calculated by
 269 multiplying the total of all TBUs plus the number of transfer incentive units earned, by a bonus
 270 percentage that is based upon an accumulation of each of the listed bonus options. The
 271 maximum bonus percentage shall not exceed 60 percent.

272 a. Develop a resort that can demonstrate (based upon substantial evidence and by means of
 273 a professional and empirical study) how it meets the purpose and intent of this chapter
 274 (e.g., utilize sustainable design practices that mitigate development impacts, preserve
 275 open space and convey a sense of stewardship for the land, contribute to the surrounding
 276 community's character and economic well-being, diversify and enhance quality public
 277 recreational opportunities); up to a ten percent bonus may be granted.

278 b. Develop a resort that can demonstrate, (based upon substantial evidence and by means of
 279 a professionally prepared traffic impact analysis) that, due to proposed transferring of

280 development rights to the resort, an 80 percent reduction in (potential) future traffic
 281 congestion throughout the Ogden Valley and/or at key intersections such as the
 282 SR39/SR158 (spillway) intersection, SR158/Highway 162 (Eden four-way stop) intersection
 283 and the SR39/Highway 166 (Huntsville Crossroads) intersection will occur; up to a ten
 284 percent bonus may be granted.

285 c. For an additional ten percent or more of conservation open space preserved within the
 286 resort in excess of the minimum required by this chapter; up to a one-time maximum of five
 287 percent bonus may be granted.

288 d. Provide a developed and (public land agency) approved access to public lands; up to a five
 289 percent bonus may be granted.

290 e. Preservation of an Ogden Valley agricultural parcel (within or outside of the resort
 291 boundary) through the recordation of an agricultural preservation easement and
 292 agricultural preservation plan proposed by the developer and approved by Weber County
 293 in consultation with the Utah State Agriculture Extension Office; up to a ten percent bonus
 294 may be granted for parcels containing 50 acres or more; however, a 20 percent bonus may
 295 be granted for preserving an agricultural parcel containing 100 acres or more.

296 f. Preservation of an Ogden Valley historical site (within or outside of the resort boundary)
 297 through the recordation of a historical preservation easement and historical preservation
 298 plan proposed by the developer and approved by Weber County in consultation the Utah
 299 State Historic Preservation Office; up to a 20 percent bonus may be granted.

300 g. Establishment, promotion and implementation of an innovative program or project that
 301 substantially furthers Ogden Valley community interests and objectives as specifically
 302 referred to in the Ogden Valley general plan; up to a 30 percent bonus may be granted.

303 h. Donation and/or permanent preservation of a site determined to be desirable and
 304 necessary, to a local sewer, cemetery or other district, for the perpetual location and
 305 operation of a public facility; up to a five percent bonus may be granted.

306 i. Donation and/or permanent preservation of a site determined to be desirable and
 307 necessary, to a local park or other county-approved entity, for the perpetual location and
 308 operation of a public cultural or recreational facility; up to a 20 percent bonus may be
 309 granted.

310 (6) [Calculating maximum permitted units.] The following formula demonstrates how to calculate the
 311 maximum permitted units at a destination and recreation resort:

$$\begin{aligned}
 & \text{Applicant's initial Transfer of Base Units (TBUs)} \\
 & + \text{ Transfer Incentive Matching Units (TIMUs) Awarded by Weber County} \\
 & \times \text{ Density Bonus Unit (DBUs) Percentage Awarded by Weber County} \\
 & \text{-----} \\
 & = \text{ Maximum Permitted Units}
 \end{aligned}$$

317 a. The maximum number of permitted units shall diminish as development occurs at a rate of
 318 one unit per one residential lot/unit developed and a rate of one unit for every 5,000 square
 319 feet of commercial space developed. Commercial area within hotel lobbies and conference
 320 rooms/facilities are excluded from this calculation.

321 (7) *Buffer area.* A buffer area, approved by the Ogden Valley Planning Commission, shall be
 322 provided at the perimeter of the resort boundary where commercial and/or multifamily buildings
 323 and associated parking are proposed ~~to lie~~ within close proximity to lands that are not a part of
 324 the resort, except where at the location of the use the Developer (as defined in the applicable
 325 Zoning Development Agreement) owns at least 200 feet of property extending from the resort

326 [boundary or where the Developer has received approval from the owners of any property within](#)
 327 [200 feet of the resort boundary](#). The following minimum standards shall apply:

- 328 a. DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit
 329 per three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer
 330 for every one foot that a resort building exceeds the height of 35 feet.
- 331 b. DRR-1 Zone abutting zones that allow residential uses with area requirements of less than
 332 one unit per three acres: A minimum width of 100 feet with an additional ten feet of buffer
 333 for every one foot that a resort building exceeds the height of 35 feet.
- 334 c. DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No
 335 buffer required.
- 336 d. No buffer area is required at or around a resort's interior lot or parcel boundaries or where
 337 a resort shares a common boundary with a local, state or federal agency that has entered
 338 into a contract or agreement for the use of adjacent local, state or federal lands.

339 (8) *Site development standards.*

a. <i>Minimum lot area</i>		
1.	Single-family residential/main building	6,000 sq. ft None.
2.	Two, three, four and multi-family, commercial and mixed use structure	None
3.	Public utility substation	As required in Chapter 26, Public Utility
4.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
b. <i>Minimum lot width</i>		
1.	Single-family residential/main building	60 feet None
2.	Two, three, four and multi-family, commercial and mixed use structure	None
3.	Public utility substation	As required in Chapter 26, Public Utility
4.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County

c. <i>Site setbacks.</i> Setbacks shall apply for the following specific uses:		
1. Front yard		
i.	Single, two, three and four-family dwelling	None (0 feet) 20 feet
ii.	Accessory building related to the above	None (0 feet) 20 feet
iii.	Multifamily, commercial and mixed use structure	None (0 feet)
iv.	Accessory building related to the above	None (0 feet) 20 feet
v.	Public utility substation	As required in Chapter 26, Public Utility
vi.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
2. Side yard		
i.	Single, two, three and four-family dwelling	8-3 feet with a total of two required side yards of not less than 18 feet
ii.	Accessory building	38 feet, except 3 feet when located at least 10 feet from the rear of the dwelling
iii.	Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel sides on an existing parcel in a commercial zone, lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.

	iv. Accessory building	None (0 feet); exception is the same as above
	v. Public utility substation	As required in Chapter 26, Public Utility
	vi. Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
3. Rear yard		
	i. Single, two, three and four-family dwelling	20-10 feet
	ii. Accessory building	3 feet, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot
	iii. Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel rears on an existing parcel in a commercial zone lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
	iv. Accessory building	None (0 feet); exception is the same as above
	v. Public utility substation	As required in Chapter 26, Public Utility
	vi. Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
d. <i>Maximum building height</i>		
	1. Single, two, three and four-family dwelling	35 feet
	2. Multifamily, commercial and mixed use structure	55 feet <u>at elevations lower than 6,200 feet above sea level. Any building designed to exceed a height of 55 feet shall require a conditional use permit unless otherwise exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations.</u> 75 feet at elevations of

		at least 6,200 feet above sea level.
3.	Public utility substation	35 feet, unless otherwise exempted in Section 108-7-5 Chapter 23 (23-5) , Supplementary and Qualifying Regulations
4.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County

340

341 (9) *Open space.* A minimum of 60 percent of the adjusted gross acreage, owned by the resort and
 342 located within the destination and recreation resort zone, shall be designated as open space. A
 343 portion of that open space shall consist of conservation open space in an amount equal to or
 344 greater than 30 percent of the resort's adjusted gross acreage. The area designated as
 345 conservation open space shall be encumbered by an irrevocable conservation easement
 346 meeting the general/applicable requirements described in section 104-29-6 of this chapter and
 347 shall be granted prior to beginning any construction within an overall project phase. The
 348 minimum number of acres encumbered by each easement shall be equal to or greater than the
 349 number of acres involved in each project phase until the total number, of required conservation
 350 open space acres, is met. Areas dedicated (platted and recorded) as open space within
 351 residential and nonresidential subdivisions may count towards the minimum open space
 352 requirement.

353 (Ord. of 1956, § 44-2)

354 Sec. 104-29-3. - Transferable development right (TDR) eligibility.

355 Real transfer from parcels contiguous or noncontiguous to the resort and not included as part of
 356 DRR-1 Zone. A landowner may transfer development rights from any lot of record or described parcel of
 357 land that is contiguous or noncontiguous to the resort and meets or exceeds the minimum (single-family
 358 dwelling) area requirement for the zone in which it located. A landowner may also transfer development
 359 rights from any parcel that has been described in a document (e.g., deed, sales contract or survey) and
 360 subsequently recorded in the office of the Weber County Recorder in between January 1, 1966 and June
 361 30, 1992. This parcel must have complied with the zoning requirements in effect at the time of its creation
 362 but not necessarily undergone or successfully completed the county subdivision process. Development
 363 rights transferred from parcels, as described above, shall be considered eligible to receive TIMUs and
 364 DBUs as described in section 104-29-2(c) (Maximum permitted units). A resort that transfers development
 365 rights shall do so by conforming to the requirements of this chapter and shall finalize and record all
 366 necessary transfers (for a particular phase or part thereof) prior to submitting any application for
 367 subdivision or plan approval for any site within the destination and recreation resort zone.

368 (1) At the discretion of the resort, development rights required to be transferred in order to establish
 369 an initial number of transferred base units (TBUs), as described in section 104-29-2(c)
 370 (Maximum permitted units), may be acquired through a purchase of real property or through
 371 private negotiation and purchase of transferable development rights only.

372 (2) Refer to section 104-29-4 (Calculating transferable density) for transferable density calculation
 373 requirements. Refer to section 104-29-5 (Transferable development right procedure) and
 374 section 104-29-6 (Transferable development right easement) for procedural and content
 375 requirements relating to a transfer of development right easement.

376 (Ord. of 1956, § 44-3)

377 Sec. 104-29-4. - Calculating transferable density.

378 (a) Transferable density calculation for real transfers. Except for the circumstances and/or conditions
 379 listed below, every lot of record; and every described parcel of land exceeding the minimum (single-
 380 family dwelling) area requirement, for the zone in which it is located; and every parcel/lot that has
 381 been described in a deed, sales contract or survey that was recorded in the office of the county
 382 recorder, in between January 1, 1966, and June 30, 1992, and met the zoning requirements in effect
 383 at the time of its creation but has not necessarily undergone and successfully completed the county
 384 subdivision process shall be granted transferable development rights based upon the parcel/lot's
 385 record description/area and current or other applicable zoning. Transferable development rights shall
 386 be excepted from and/or not granted to the following:

- 387 (1) Areas within a described parcel of land containing slopes of 40 percent or greater in forest
 388 zones and 30 percent or greater in all other zones.
- 389 (2) Areas within a described parcel of land and/or proposed irrevocable transfer of development
 390 right easement (ITDRE) reserved for future development or designated as a reserved future
 391 development area (RFDA) on an approved transferable development right site plan.
- 392 (3) Areas within a described parcel of land or lot of record restricted by conservation easement or
 393 similar instrument restricting residential or commercial development.
- 394 (4) Areas or tracts of land owned by federal government and/or state government agencies.
- 395 (5) Areas or tracts of land lying outside of the Ogden Valley area as defined by the Ogden Valley
 396 general plan, recreation element project area map adopted December 27, 2005 (OVGP; RE;
 397 Figure 1, pg 4).
- 398 (6) Lot of record subject to the payment of fees for operation and/or maintenance of common
 399 areas, open space, amenities and/or private facilities.
- 400 (7) Fractional and/or noncontiguous portions of a lot of record or parcel of land that does not meet
 401 or fully exceed the minimum (single-family dwelling) area requirement for the zone in which it is
 402 located.

403 (b) The following provides an example of calculating the development rights associated with a typical
 404 parcel of land that exceeds the minimum (single-family dwelling) area requirement.

405 (Ord. of 1956, § 44-4)

406 Sec. 104-29-5. - Transferable development right procedure.

407 (a) Real transfer from parcels contiguous or noncontiguous to the resort but not included as part of
 408 DRR-1 Zone. At the discretion of the resort, development rights required to be transferred in order to
 409 establish an initial number of transferred base units (TBUs), as described in section 104-29-2(c)
 410 (Maximum permitted units), may be acquired through a purchase of real property or through private
 411 negotiation and purchase of transferable development rights only. In either situation, the property
 412 owner or his representative who wishes to transfer development rights shall complete the following:

- 413 (1) *Registration.* A property owner or his representative who is interested in transferring
 414 development rights from their property shall register to do so by declaring his intent and desire,
 415 to transfer development rights, on an official county request to register transferrable
 416 development rights form. The transferrable development right register shall be maintained by
 417 the county planning division and shall be made available to any resort upon request.
- 418 (2) *Certification request.* A property owner or his representative who has chosen/agreed to make a
 419 real transfer of development rights to a proposed DRR-1 Zone shall obtain an Ogden Valley
 420 certificate of transferable development rights by providing the county planning division with the
 421 following:
 - 422 a. Payment of a certification fee.
 - 423 b. Complete county request to certify transferrable development rights form.

- 424 c. Map of the property in the form of a county recorder's plat or record of survey map filed in
425 accordance with USC 17-23-17.
- 426 d. Legal description, including total acreage, as it appears in the county recorder's office or as
427 it is described on a record of survey map on file in the county surveyor's office.
- 428 e. Transferable development right site plan, drawn to a scale no smaller than 100 feet to one
429 inch, that demonstrates the location and dimensions of all important features including, but
430 not limited to, reserved future development right areas, water bodies or courses,
431 easements and buildings within the subject parcel (transferring parcel) of land.
- 432 f. Slope analysis, performed by a professionally licensed engineer or land surveyor, that
433 identifies developable acreage as described in the section 106-2-9 of this Land Use Code.
434 This requirement may be waived by the county engineer upon finding that the subject
435 parcel of land (transferring parcel) is not affected by steep terrain as defined in section
436 106-2-9
- 437 g. Preliminary title report demonstrating that the subject parcel of land (transferring parcel)
438 has clear title; or a preliminary title report identifying any interested party making claim to
439 the property and/or any beneficiary of an easement or encumbrance that exists in the form
440 of a mortgage, deed of trust or other instrument that either secures the property and its
441 unrestricted value as collateral or restricts development in any manner.
- 442 h. Title report summary letter prepared by the property owner or his representative who has
443 chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone.
444 The letter shall, in the form of an outline, list all interested parties and provide contact
445 information and details describing interest and/or encumbrance types and order of
446 subordination if applicable.
- 447 i. Subordination agreement, provided by each and all interested parties with rightful claims
448 and/or beneficiaries of existing encumbrances, that clearly states that the interested party
449 and/or beneficiary acknowledges and agrees to a subordinate position to the grantee of an
450 irrevocable transfer of development right easement (ITDRE) and the enforcement of its
451 terms. The letter shall also clearly state that the interested party and/or beneficiary, by
452 exercising any right granted to them under a mortgage, deed of trust or other instrument,
453 cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of
454 the ITDRE.
- 455 j. Proposed transfer of development right easement meeting the requirements of section
456 104-848.
- 457 k. Proposed transfer of development rights deed.
- 458 (3) *Certification.* The county planning division, after consideration of all relevant information, shall
459 issue a certificate of transferable development rights, based on an official request and its
460 conformance to the standards of this chapter. The certificate shall state the number of
461 transferable development rights approved and available for transfer and shall be valid for a
462 period of time not to exceed 60 days from the date of issuance.
- 463 (4) *Transfer.* Prior to the expiration of a certificate of transferable development rights and prior to or
464 at the time of application for a specific land use (e.g., subdivision or site plan approval) within a
465 destination and recreation resort zone, all transfer documents, including an approved transfer of
466 development rights deed and an approved transfer of development right easement, shall be
467 executed by appropriated signature and recordation in the office of the county recorder.
468 Recording of the transfer of development rights deed and a transfer of development right
469 easement shall constitute a complete transfer, therefore, enabling resort land use applications
470 to be accepted and processed through the county planning division.

471 (Ord. of 1956, § 44-5)

472 Sec. 104-29-6. - Transferable development right easement.

473 Irrevocable transfer of development right conservation easement. To ensure consistency and the
 474 perpetual protection and preservation of a parcel's conservation values, a parcel that is the subject of a
 475 proposed development right transfer shall be encumbered by an irrevocable transfer of development right
 476 conservation easement that meets the requirements described in section 57-18-1 et seq. of Utah Code
 477 and consists of but is not be limited to the following content and/or requirements:

- 478 (1) *Title/form.*
 - 479 a. The easement shall be entitled as an "Irrevocable Transfer of Development Rights (TDR)
 - 480 Conservation Easement."
 - 481 b. The easement shall be in a form considered appropriate and acceptable to the office of the
 - 482 Weber County recorder.
- 483 (2) *Grantor/grantee.* The easement shall name Weber County and one other qualified conservation
 484 organization, which is authorized to hold interest in real property, as the grantees. The qualified
 485 conservation organization, named as grantee, shall meet the requirements described in section
 486 57-18-3 of Utah Code and shall require the approval of the county.
- 487 (3) *Recital.* The easement shall recite and explain all matters of fact, including a parcel/boundary
 488 description, which are necessary to make the transaction intelligible.
- 489 (4) *Nature of easement.* The easement shall explain its perpetual, irrevocable, inheritable and
 490 assignable nature.
- 491 (5) *Purpose.*
 - 492 a. The easement shall explain its purpose in terms of how it is intended to protect, preserve,
 - 493 enable the creation or continuation of an anticipated use and prevent certain conditions or
 - 494 uses upon the land that may diminish its open space qualities.
 - 495 b. It shall be acknowledged, within this section, that the above "statements of purpose" are
 - 496 intended to be a substantive provision of the easement and that any ambiguity or
 - 497 uncertainty regarding the application of the terms of the easement will be resolved so as to
 - 498 further its purpose.
- 499 (6) *Permitted uses and activities.*
 - 500 a. The easement shall list the property rights that have been retained by the grantor, including
 - 501 the right to allow or restrict public access, and shall acknowledge that these rights are
 - 502 consistent with the applicable zoning for the area in which the parcel is located.
 - 503 b. In the event that a residential development right has been retained on the subject parcel
 - 504 (transferring parcel), a statement shall be made, within this section, which explains the
 - 505 remaining number and type of development rights associated with the parcel. An exhibit
 - 506 shall also be referenced, within this section, which restricts and graphically demonstrates
 - 507 the general location of any future development.
- 508 (7) *Prohibited uses and activities.* The easement shall list the property rights that have been
 509 voluntarily relinquished by the grantor and acknowledge that any exclusion does not constitute
 510 an approved use or imply that uses may be inconsistent with the applicable zoning for the area
 511 in which the parcel is located.
- 512 (8) *Water rights.*
 - 513 a. Agricultural parcels, when the subject of an irrevocable transfer of development rights
 - 514 (TDR) conservation easement, shall maintain a sufficient right to water in order to preserve
 - 515 agricultural production, therefore, it shall be required that the easement state that the
 - 516 grantor is legally prohibited from conveying, transferring, encumbering, leasing or
 - 517 otherwise separating or changing any historic water use on the parcel.
 - 518 b. In the event that an agricultural parcel requires flexibility in its use of water to protect
 - 519 historic water rights, the grantor may make such statement that will allow the temporary
 - 520 lease of water rights for a period of time not to exceed two years. Such statement shall

521 acknowledge that the temporary lease will conform to all state requirements and will not
 522 permanently separate any historic water right from the agricultural parcel. Such statement
 523 shall also acknowledge that the grantees of the easement shall be notified prior to entering
 524 into any short-term water lease.

525 (9) *Monitoring and enforcement.*

526 a. The easement shall state that the grantee will have the right to enforce the terms of the
 527 easement by entering the property, provided that an advance notice of 24 hours is
 528 provided to the grantor, for the purpose of inspecting the property for suspected/reported
 529 violations. Additionally, it shall state that the grantee shall have the right to enter the
 530 property at least once a year, at a mutually agreed time for the purpose of inspection and
 531 compliance monitoring regardless of whether grantee has reason to believe that a violation
 532 of the easement exists. In order to establish a monitoring baseline, an exhibit shall also be
 533 referenced, within this section, which inventories, graphically demonstrates and photo
 534 documents relevant features and the existing condition of the parcel.

535 b. For the purposes of correcting any violation, condition or circumstance that is not
 536 consistent with the terms of the easement, it shall be stated that the grantee or assigns
 537 may, at their discretion, use any available legal or equitable remedy to secure and restore
 538 compliance with the standards set forth in the easement. Legal and/or equitable remedies
 539 may include but not be limited to injunctive relief, entering the property to perform
 540 restorative activities and/or recorded lien.

541 (10) *Termination and extinguishment.* The easement shall state under which conditions and/or
 542 circumstances that the easement could be terminated. These conditions may include but not be
 543 limited to grantee consent, court action or eminent domain.

544 (11) *Subordination.* Prior to granting the easement the grantor shall submit a title report and certify,
 545 within this section, that the subject parcel of land (transferring parcel) has clear title and is not
 546 encumbered by a mortgage, deed of trust or other instrument securing the property and its
 547 unrestricted value as collateral. If the subject property (transferring parcel) has been
 548 encumbered by a mortgage, deed of trust or other instrument that has secured the property and
 549 its unrestricted value as collateral, the grantor shall declare all encumbrances, within this
 550 section, and reference an exhibit, provided by any and all beneficiaries, that acknowledges and
 551 agrees to their subordinate position as it relates to the easement and the enforcement of its
 552 terms. The agreement/exhibit shall also clearly state that the beneficiary, by exercising any right
 553 granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify,
 554 extinguish or affect the grantee's right to enforce the terms of the easement.

555 (12) *Costs and liabilities.* The easement shall state that the grantor will continue to be responsible for
 556 and bear all costs and liabilities of any kind related to ownership, operation, upkeep and
 557 maintenance of the subject property (transferring parcel).

558 (13) *Conveyance or transfer of property.* The easement shall state that any document intended to
 559 transfer or convey the subject property (or any interest in the subject property) will specifically
 560 refer to the easement and disclose its perpetual nature and the fact that it runs with the land. It
 561 shall also state that any failure to comply with this requirement shall not adversely affect the
 562 grantee's right to enforce the terms of the easement in any way.

563 (14) *General provisions.* This section shall describe provisions for but not limited to easement
 564 amendments, controlling law and interpretation.

565 (Ord. of 1956, § 44-6)

566 Sec. 104-29-7. - Seasonal workforce housing.

567 (a) *Seasonal workforce housing.* A seasonal workforce housing plan shall be incorporated into the
 568 overall resort in order to provide a socially, economically and environmentally responsible
 569 development. To balance neighborhoods and promote a sense of community between visitors and

570 working residents, the resort shall locate a majority of seasonal workforce housing units within the
 571 resort or on property that is contiguous to the resort (and properly zoned for seasonal workforce
 572 housing) and offer a total number of units at a rate that meets or exceeds the following requirements
 573 based on the land use categories and calculations below:

574 (1) A specific development site that proposes a land use that requires the resort developer to
 575 project the full-time equivalent employee (FTEE) generation, shall divide the FTEE by 1.65 to
 576 account for the average number of seasonal employees estimated to reside in a seasonal
 577 workforce housing unit. This number equals the seasonal employee housing demand. The
 578 seasonal employee housing demand shall then be multiplied by ten percent to calculate the
 579 required number of seasonal workforce housing units. Fractional housing units shall be rounded
 580 up to the nearest whole unit.

581 (2) A specific development site that has an assigned employee generation value shall use that
 582 value to establish a FTEEs generated. The number of FTEEs shall then be divided by 1.65 to
 583 account for the average number of seasonal employees estimated to reside in a seasonal
 584 workforce housing unit. This number equals the seasonal employee housing demand. The
 585 seasonal employee housing demand shall then be multiplied by ten percent to calculate the
 586 required number of seasonal workforce housing unit(s). Fractional housing units shall be
 587 rounded up to the nearest whole unit.

588 (b) *Housing type.* Workforce housing may consist of structures such as; single-, two-, three- and four-
 589 family dwellings, multifamily dwellings and rental units. Rental units may be apartments, dormitories,
 590 boardinghouses and/or residence halls.

591 (c) *Housing affordability.* An annual report shall be generated and presented to the county planning staff
 592 that outlines a previous year's employment level, workforce housing need, housing type/availability
 593 and occupancy. The report shall also outline the methods guaranteeing perpetual affordability and
 594 the rental and/or mortgage payments as they relate to housing types. Housing payments, including
 595 utilities, shall not exceed 30 percent of the upper valley moderate income as defined in the county
 596 moderate income housing plan.

597 (d) *Density and affordable workforce housing.* Any increases in density caused by the development of
 598 workforce housing requirements shall be in addition to the allowable density approved at the time of
 599 the DRR-1 Zone application.

600 (Ord. of 1956, § 44-7)

601 _____

602 Sec. 104-29-8. - Land uses.

Use	Permitted (P) Conditional (C)
<i>Residential Uses</i>	
Single-family dwelling	P
Two-family dwelling (aka Duplex)	P
Three-family dwelling	P

Four-family dwelling	P	
Multi-family dwelling	P	
	Recreation lodge	P
	Lock-out sleeping room; maximum of two per dwelling unit.	P
	Condominium rental apartment (Condo-Tel)	P
	Private residence club	P
	Townhome	P
Residential facility for persons with a disability meeting the requirements of section 108-7-13	P	
Timeshare/fractional ownership unit	P	
Nightly rental of single family dwellings	<u>C</u>	
Hotel	P	
Bed and breakfast dwelling/B&B inn/B&B hotel	<u>CP</u>	
Accessory apartments	<u>CP</u>	
Workforce housing/dormitory/residence hall	P	
Hostel	P	
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	<u>CP</u>	
<u>Nightly Rentals of Single, Two, Three, Four, Multi-Family dwellings, recreation lodges, lock-out sleeping rooms, detached lockouts, condominiums, condominium rental apartments (Condo-Tel), private</u>	<u>P</u>	

<u>residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, bed and breakfast dwellings/B&B inns/B&B hotels, accessory apartments, workforce housing/dormitories/residence hall, hostel, campground, accessory dwelling units, and all or any portion of any other residential use.</u>	
<i>Commercial Uses</i>	
Bank/financial institution	P
Bakery	P
Drinking establishment	P
Grocer/neighborhood market	P
Delicatessen	P
Boutique (gift, flower, antique, clothing, jewelry)	P
Fueling station/gas station	P
Conference/education center	P
Wellness center (i.e., spa, fitness, etc.)	P
Art gallery and studios	P
Book store	P
Beauty/barber shop	P
Short-term vendor	P
Package liquor Store	P

Private club	P
Restaurant; excluding drive-thru window	P
Sporting goods/clothing store; including rental	P
<i>Other Uses</i>	
Arts theater and performance facility/auditorium/amphitheater	P
Agriculture	P
Childcare facilities	P
Church/place of worship	P
Clinic/medical facility	P
Community center	P
Developed recreation facility (i.e., swimming, golf course, ice skating, skate park, playground, tubing hill, tennis, etc.)	P
Dude ranch; including horse rental	P
Equestrian center	P
Gun club/skeet/sporting clay	C
Heliport, subject to the following standards:	<u>CC</u>
1.	A heliport must be located at an elevation of at least 6,200 feet above sea level.
2.	A heliport must be located at least 200 feet from any resort boundary, <u>except where the Developer (as defined in the applicable Zoning Development Agreement) owns at</u>

	<p><u>least 200 feet of property extending from the resort boundary at the planned location of the heliport or where the Developer has received approval from the owner of any property within 200 feet of the resort boundary at the planned location of the heliport.</u> The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the resort boundary provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.</p>
3.	The heliport landing surface must be dust-proof and free from obstructions.
4.	Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.
Home occupation; with no visiting clientele	P
Home occupation; with visiting clientele	C
Horses for private use, provided that not more than two are kept for each one acre of land exclusively devoted to the keeping of horses	P
Trails (nordic, hiking, biking, equestrian)	P
Laundromat	P
Museums	P
Nordic center	P
Office; professional and resort administrative	P

Office supply/shipping service	P
Parking areas and structures	P
Parks and playgrounds	P
Pharmacy	P
Public building	P
Public utility substation and structure	C
Real estate office	P
Recreation centers	P
Recreation vehicle storage	P
School; public or private school having a similar curriculum as a public school	P
Ski area and associated facilities, including lifts	P
Ski lodge and associated services	P
Small wind energy system; meeting the requirements of section 108-7-24	C
Solar energy installation; meeting the requirements of section 108-7-27	CP
Telecommunications tower	C
Yurt	P
Cluster subdivision excluding bonus density; meeting the requirements of title 108, chapter 3	P
PRUD excluding bonus density; meeting the requirements of title 108, chapter 5	Pursuant to Chapter 5.C

Welcome/information center	P
Wastewater treatment facility; meeting the requirements of the state division of water quality	<u>€ C</u>
Water pumping plants and reservoirs	<u>€ C</u>
<u>Accessory Dwelling Unit</u>	<u>P</u>
<u>Greenhouse, nursery or farm</u>	<u>P</u>
<u>Transit Facility</u>	<u>P</u>
<u>Additional Kitchens</u>	<u>P</u>
<u>Corral, stable or building for keeping of animals or fowl.</u>	<u>P</u>
<u>Household Pets</u>	<u>P</u>
<u>Private stables</u>	<u>P</u>
<u>Educational facilities</u>	<u>P</u>
<u>Liquor, wine and beer manufacturing, bottling, blending, distilling, packaging, sales and related activities</u>	<u>P</u>
<u>Temporary building or use incidental to construction work. Such building removed upon the completion or abandonment of the construction work.</u>	<u>P</u>
<u>Grazing and pasturing of animals.</u>	<u>P</u>
<u>Detached Lockouts</u>	<u>P</u>
Accessory building or use customarily incidental to a permitted use	P

604 -

605 Sec. 104-29-10. – Second Kitchen.

606 The Second Kitchen Covenant shall not be required for the construction of additional kitchens.

607

608 Sec. 104-29-11. – Miscellaneous Improvements.

609 “Miscellaneous Improvements” means improvements with a height less than six (6) feet such as
610 walkways, steps, patios, decks, exterior railings, and similar exterior Dwelling improvements; (b) exterior
611 landscaping décor such as planter, landscaping curbs, or any other similar exterior landscaping décor or
612 improvements; (c) hot-tubs, barbeque grills, firepits, firebowls, patio heaters, benches, picnic tables and
613 hammocks. In addition, without reference to height, overhangs, eaves, decks, stairs, access ramps and
614 retaining walls that are connected or attached to the structure shall constitute “Miscellaneous
615 Improvements.” Miscellaneous Improvements are permitted outside of the building envelope.
616 Notwithstanding the foregoing, Miscellaneous Improvements on lots subject to Hillside Review
617 (pursuant to Chapter 14) are also subject to Hillside Review.

618

619

620

621 (Ord. No. 2012-1, § 4, 1-3-2012)

1 CHAPTER 1. - DESIGN REVIEW

2

3 Sec. 108-1-1. - Purpose.

- 4 (a) The purpose and intent of design review by the planning commission is to secure the general
5 purposes of this chapter and the master plan and to ensure that the general design, layout and
6 appearance of buildings and structures and the development of property shall in no case be such as
7 would impair the orderly and harmonious development of the neighborhood or impair investment in
8 and occupation of the neighborhood.
- 9 (b) It shall not be the intent of this chapter to restrict or specify the particular architectural design
10 proposed or to specify the exterior detail or design, color, or materials proposed by the applicant,
11 except as such detail is of such magnitude as to affect the general appearance and compatibility of
12 the development with its surroundings or as guided by the Ogden Valley Architectural and
13 Landscape chapter.

14 (Ord. of 1956, § 36-1; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

15 Sec. 108-1-2. - Application and review.

- 16 (a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings,
17 recreation resort uses, public and quasi-public uses, business, commercial and manufacturing
18 buildings, structures and uses and their accessory buildings, shall be accompanied by architectural
19 elevations and site development plans to scale, which shall show building locations, major exterior
20 elevations, exterior building materials and color schemes, landscaping, prominent existing trees,
21 ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings,
22 streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed
23 and approved by the planning commission with the exception that small buildings or additions with a
24 total footprint of less than 10,000 square feet, and which impact an area of less than one acre may
25 be reviewed and approved by the planning director after meeting the requirements of all applicable
26 ordinances. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least
27 6,200 feet above sea level, the buildings with a total footprint of less than 75,000 square feet may be
28 reviewed and approved by the planning director after meeting the requirements of all applicable
29 ordinances and/or the intent of the applicable master plan. All of the above required architectural
30 and site development plans shall be reviewed and approved prior to the issuing of any land use,
31 occupancy or building permit.
- 32 (b) All documents submitted in the application shall be accompanied by a PDF file of the respective
33 document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.),
34 and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the
35 respective plans.

36 (Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

37 Sec. 108-1-3. - Exceptions.

38 For buildings and uses covered by conditional use permits or planned unit development approval,
39 design review shall be incorporated within such conditional use permit or planned unit development
40 approval and need not be a separate application, provided the requirements of this chapter are met.

41 Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements
42 as set forth in section 108-1-4.

43 (Ord. of 1956, § 36-3; Ord. No. 2012-19, pt. 12(§ 36-3), 12-18-2012; Ord. No. 2014-6, § 1, 4-1-
44 2014)

45 Sec. 108-1-4. - Considerations in review of applications.

46 The planning commission and/or the planning director shall consider the following matters and others
47 when applicable, in their review of applications and where the plan is found deficient, the plan design
48 shall be amended or conditions imposed to mitigate such deficiencies when considering:

49 (1) Considerations relating to traffic safety and traffic congestion.

50 a. The effect of the development on traffic conditions on abutting streets.

51 b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian
52 entrances, exits, drives, and walkways.

53 c. The arrangement and adequacy of off street parking facilities to prevent traffic congestion.

54 d. The location; arrangement, and dimensions of truck loading and unloading facilities. In the
55 case of a commercial or industrial development which includes an on-site owner/employee
56 residential use, all residential windows should face away from loading docks.

57 e. The circulation patterns within the boundaries of the development. In the case of a
58 commercial or industrial development which includes an on-site owner/employee
59 residential use, a separate ingress/egress may be required, depending on the size and/or
60 type of use, and for any multiple use complex.

61 f. The surfacing and lighting of off street parking facilities.

62 (2) Considerations relating to outdoor advertising. The number, location, color, size, height, lighting,
63 and landscaping of outdoor advertising signs and structures in relation to the creation of traffic
64 hazards, the blanketing of adjacent property signs and the appearance and harmony with other
65 signs and structures with the project and with adjacent development.

66 (3) Considerations relating to landscaping.

67 a. The location, height, and materials of walls, fences, hedges, and screen plantings to
68 ensure harmony with adjacent development, or to conceal storage areas, utility
69 installations, or other unsightly development.

70 b. The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as
71 described in subsection (3)g of this section, to prevent dust and erosion and provide a
72 visual break from the monotony of building materials, concrete and asphalt.

73 c. A minimum landscape space of ten percent of the project area shall be provided with
74 consideration of drought resistant and water conserving landscape materials, or as
75 required by the Ogden Valley Architectural and Landscape chapter.

76 d. The number and type of mature and planted size of all landscape plantings.

77 e. The method of irrigation and approximate location of the water meter, point of connection,
78 sprinkler and/or drip irrigation heads, and any blow-out or winterizing system. Water
79 conserving methods, such as bubblers and drip systems and electronic timer devices are
80 encouraged.

81 f. The location, type, and size of any existing trees over four-inch caliper that are to be
82 removed.

83 g. Landscape standards. Plant sizes at the time of installations shall be as follows:

84 1. Deciduous trees shall have a minimum trunk size of two inches caliper.

85 2. Evergreen trees shall have a minimum height of six feet as measured from top of root
86 ball.

- 87 3. All woody shrubs shall have a minimum height or spread of 18 inches, depending
 88 upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon
 89 containers will generally comply with this standard.
- 90 4. Vines shall be five-gallon minimum size.
- 91 5. Turf grass species, if used, shall be hardy to the local area. Application rates shall be
 92 high enough to provide even and uniform coverage within one growing season. Turf
 93 areas, where erosion is expected to occur under normal conditions, such as drainage
 94 swales, berms and/or slopes greater than 30 percent shall be planted with sod or
 95 other deep-rooting, water conserving plants for erosion control and soil conservation.
- 96 6. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping
 97 requirement.
- 98 7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree
 99 bark, or similar types of landscaping materials.
- 100 8. Water conserving landscaping methods and materials are recommended and
 101 encouraged.
- 102 h. Plants used in conformance with the provisions of this section shall be hardy and capable
 103 of withstanding the extremes of individual site microclimates. The use of drought tolerant
 104 and native plants is preferred within areas appropriate to soils and other site conditions. All
 105 irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to
 106 retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall
 107 not be placed under mulch.
- 108 i. The owner of the premises shall be responsible for the maintenance, repair, and
 109 replacement, within 30 days of removal, of all landscaping materials on the site. In cases
 110 where the 30-day time limit for replacement extends beyond the normal growing season,
 111 replacement shall be made at the beginning of the following growing season.
- 112 (4) Considerations relating to buildings and site layout.
- 113 a. Consideration of the general silhouette and mass of buildings including location of the site,
 114 elevations, and relation to natural plant coverage, all in relationship to adjoining buildings
 115 and the neighborhood concept.
- 116 b. Consideration of exterior design and building materials in relation to adjoining structures in
 117 height, bulk, and area openings, breaks in facade facing on a street or streets, line and
 118 pitch of roofs, and the arrangements or structures on the parcel.
- 119 (5) Considerations relating to utility easements, drainage, and other engineering questions.
 120 Provision within the development shall be made to provide for adequate storm water and
 121 surface water drainage, retention facilities, and for utilities to and through the property.
- 122 (6) Considerations relating to prior development concept plan approval associated with any
 123 rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit
 124 development approval.
- 125 a. Does any proposed phase or phasing sequence of an approved concept or preliminary
 126 development plan provide for logical workable independent development units that would
 127 function adequately if the remainder of the project failed to materialize?
- 128 b. Is this plan or phase thereof a more detailed refinement of the approved concept plan?
- 129 c. Are any modifications of a significant nature that first need to follow the procedure for
 130 amending the approved concept plan?

131 (Ord. of 1956, § 36-4; Ord. No. 19-94; Ord. No. 2002-5; Ord. No. 2003-13; Ord. No. 2009-3;
 132 Ord. No. 2014-6, § 1, 4-1-2014)

133 Sec. 108-1-5. - Conditions.

134 Design approval may include such other conditions consistent with the considerations of this, and/or
135 any other chapter of the Weber County Land Use Code, as the commission or planning director deem
136 reasonable and necessary under the circumstances to carry out the intent of the Land Use Code.

137 (Ord. of 1956, § 36-5; Ord. No. 2002-5; Ord. No. 2014-6, § 1, 4-1-2014)

138 Sec. 108-1-6. - Planning commission approval.

139 The planning commission, or the planning director, shall determine whether the proposed
140 architectural and site development plans submitted are consistent with this chapter and with the general
141 objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the
142 planning director may be appealed to the planning commission, and denial by the planning commission
143 may be appealed to the county commission.

144 (Ord. of 1956, § 36-6; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

145 Sec. 108-1-7. - Agreement for improvements.

146 Upon the grant of design approval, the developer shall enter into an agreement with the county
147 detailing the public and private improvements to be constructed on and off site and acknowledging his
148 responsibility for such installation within the time allowed. Financial guarantees for completing
149 improvements shall be deposited into an escrow account with the Weber County Engineering Division
150 when and where so required. Financial guarantees of \$25,000.00 or less may be approved by the county
151 engineer. Occupancy shall not occur until all improvements have either been installed or guaranteed.

152 (Ord. of 1956, § 36-7; Ord. No. 2014-6, § 1, 4-1-2014)

153 Sec. 108-1-8. - Time limitations on approval.

154 If construction of any development for which design approval has been granted has not been
155 commenced within 18 months from date of design review approval, the approval shall be deemed
156 automatically revoked. Upon application, an extension of time may be granted by the planning
157 commission.

158 (Ord. of 1956, § 36-8; Ord. No. 2014-6, § 1, 4-1-2014)

159 Sec. 108-1-9. - Transfer of approval upon change in use.

160 Design approval shall be deemed revoked if the buildings erected or the classification of their use or
161 the classification of the use of land for which the approval was granted is changed, unless the approval is
162 transferred by the planning commission. The planning director may authorize the transfer of design
163 approval provided that all requirements of the Weber County Land Use Code are met for the new use. If a
164 conflict arises concerning the interpretation of the Land Use Code, the planning director shall refer the
165 change in use to the planning commission for review and approval.

166 (Ord. of 1956, § 36-9; Ord. No. 2014-6, § 1, 4-1-2014)

167 Sec. 108-1-10. - Conformance to approval.

168 Development for which design approval has been granted shall conform to the approval and any
169 conditions attached thereto.

170 (Ord. of 1956, § 36-10; Ord. No. 2014-6, § 1, 4-1-2014)

171 Sec. 108-1-11. - Modification.

172 Upon request of the applicant, modifications in the approved plan may be made by the planning
173 commission or the planning director.

174 De minimis revisions. The planning director may approve revisions to an approved design review
175 plan that he/she determines are de minimis. Proposed revisions shall be considered de minimis if the
176 planning director determines the changes to be slight, inconsequential, and not in violation of any
177 substantive provision of this Code. The planning director's written approval of a de minimis revision(s)
178 shall be appended to the written decision of the planning commission. Revisions that are de minimis shall
179 not require public notice.

180 The planning commission may revoke or modify a design approval which does not conform to any
181 requirement of the approved permit.

182 (Ord. of 1956, § 36-11; Ord. No. 2014-6, § 1, 4-1-2014)

1 | CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

2

3 | Sec. 108-2-1. - Purpose and intent.

4 | The purpose and intent of the architectural, landscape and screening design standards is to preserve
5 | the rural, mountainous landscape that exists in the Ogden Valley, and also accommodate new growth in
6 | commercial and industrial uses. The design standards include the following specific purposes:

- 7 | (1) Provide for commercial, industrial development that is aesthetically pleasing and compatible
8 | with the rural nature and natural setting of the Ogden Valley.
- 9 | (2) Provide a variety of colors, textures and forms in the environment that blend together in a
10 | harmonious manner.
- 11 | (3) Protect and preserve the appearance, character and public health, safety and welfare of the
12 | Ogden Valley.
- 13 | (4) Minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare and
14 | other objectionable activities or impacts conducted or created by an adjoining or nearby uses.
- 15 | (5) Help control erosion, absorb solar radiation, divert and control winds, provide shade, frame
16 | views and reduce heating and cooling costs.
- 17 | (6) Provide visual cues for circulation, screen unsightly or undesired views, and help minimize the
18 | adverse effects of large expanses of paving.
- 19 | (7) Promote the efficient use of water and conservation of natural resources.

20 | (Ord. of 1956, § 18C-1)

21 | Sec. 108-2-2. - Definitions.

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

24 | Awning/canopy means, generally, external window or door coverings having arched, domed,
25 | rounded or flat forms that are mounted above the window or door and extend beyond the structure
26 | facade. Some awning types, particularly canvas, may be retractable.

27 | Earth-tone colors means non-bright colors representing natural, earth colors and values, including
28 | browns, blacks, grays, rusts, etc. White shall not be used as a predominant color, but may be used as an
29 | accent.

30 | Hedge means a single or multi-row arrangement of continuous shrubs, designed to act as a screen
31 | or buffer. Hedges may be formal, requiring a uniform species, regular spacing, and uniform maintenance,
32 | or informal, variety of species, irregular spacing, maintenance specific to the shrubs used.

33 | Landscaping means improvements made to enhance the appearance of the land by planting,
34 | grading, and outdoor constructions. Planting materials shall include, but not be limited to, grass,
35 | perennials, herbs, ground covers, shrubs, vines, hedges, and trees. Other landscaping materials may
36 | include rocks, pebbles, sand, organic and inorganic mulches, top soil, gravel, timbers and mowstrips.
37 | Paving for sidewalks, parking and roads is not included.

38 | Marquee means a permanent canopy, usually made of metal and glass, projecting over an entrance
39 | to a building or extending along and projecting beyond the buildings facade and generally designed and
40 | constructed to provide protection against the weather.

41 | Mowstrip means divider material used to separate turf grass from other landscape types, often made
42 | of wood, concrete, brick, plastic or metal.

43 Mulch means organic or inorganic matter used as a landscape covering over bare earth. Organic
 44 matter often used is chipped or shredded bark. Inorganic materials include gravel, rock or other rock
 45 products. Erosion matting, weed barriers or geotextile fabrics are not considered mulches.

46 Parkway means, if curb and gutter is present, the area within the public right-of-way which lies
 47 between the back of curb and the sidewalk or, if the sidewalk is adjacent to the curb and gutter, it is the
 48 area between the sidewalk and the property line. In areas where no curb and gutter is present, it is the
 49 area between the edge of pavement and the property line.

50 Shrubs means self-supporting, woody plant species without a trunk.

51 Trees means self-supporting woody plants having a trunk and canopy.

52 Vines means woody and herbaceous plants that generally grow by rambling over the ground or
 53 climbing on some structure for support.

54 (Ord. of 1956, § 18C-2; Ord. No. 2006-20; Ord. No. 2013-31, § 3, 12-10-2013)

55 Sec. 108-2-3. - Applicability.

56 (a) The architectural, landscape and screening design standards, as set forth in this chapter, shall apply
 57 to all commercial, industrial, manufacturing, public or quasi-public uses. It shall apply to multi-family
 58 dwellings of three or more units, including townhouses, condominiums, apartments and bed and
 59 breakfast inns. Single-family residential use and its approved accessory uses, agricultural uses,
 60 including agri-tourism, parking or vehicular uses which are under, on, or within buildings, and parking
 61 areas serving single-family and duplex uses shall be exempt.

62 (b) Yurts are exempt from the requirements of section 108-2-4(2), Minimum standards; architectural,
 63 Exposed fronts and street sides of buildings, but shall meet all other requirements of this chapter.

64
 65 (c) In the Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level,
 66 the following sections do not apply and the standards contained therein shall be left to the Developer
 67 (as defined in the applicable Zoning Development Agreement): Sec. 108-2-5, subsections (a), (b),
 68 (d), (e), (f), (h), (j); 108-2-6; 108-2-7.

69 (Ord. of 1956, § 18C-3; Ord. No. 2003-6; Ord. No. 2006-20; Ord. No. 2012-19, pt. 8(§ 18C-3),
 70 12-18-2012; Ord. No. 2013-31, § 4, 12-10-2013)

71 Sec. 108-2-4. - Minimum standards; architectural.

72 The following architectural design standards shall apply to exteriors of new and remodeled structures
 73 in the Ogden Valley area unless exempted in section 108-2-3.

74 (1) Color. External surfaces shall be predominantly natural, muted earth tones. White may be used
 75 as an accent color. Contrasting accent colors may be allowed by the planning commission. The
 76 roof of an addition to an existing structure, when matching existing colors, shall be exempt.

77 (2) Exposed fronts and street sides of buildings. Exposed fronts and street sides of buildings shall
 78 be constructed of non-reflective materials and shall be textured concrete, brick, stone and/or
 79 natural wood/wood-like materials. Concrete masonry units or block CMUs shall not be
 80 considered acceptable materials unless it is specially colored and textured. Vinyl and/or
 81 aluminum siding shall not be acceptable.

82 (3) Glass. Use of glass for displays and to allow visual access to interior spaces shall be allowed.
 83 Mirrored glazing is prohibited on any building. Tinted or solar absorption glazing may be used.

- 84 (4) Exposed metal. Exposed metal shall be painted, stained, or anodized in permitted colors and
85 shall be non-reflective. Copper, brass and wrought iron may remain untreated and allowed to
86 develop a natural patina.
- 87 (5) Awnings and canopies. Awnings and canopies shall not be backlit or used for signage.
- 88 (6) Metal windows. Metal as a window framing support or mounting material shall be painted,
89 stained, anodized or vinyl-clad in approved colors.
- 90 (7) Colored architectural elevations, colored signage plans and landscape plans. Colored
91 architectural elevations, colored signage plans and landscape plans shall be included with all
92 site plan submittals.
- 93 (8) Architectural detail. Architectural detail shall be provided at focal points on all building facades,
94 such as doorways, balconies, roof overhangs and dormers, such that monotonous horizontal
95 lines greater than 50 feet are avoided.

96 (Ord. of 1956, § 18C-4)

97 **Sec. 108-2-5. - Minimum standards and guidelines; general landscaping.**

- 98 (a) All commercial sites shall have a minimum of 20 percent of the total lot area landscaped and a
99 minimum of 80 percent of the landscaping shall be living plant materials.
- 100 (b) All commercial sites shall provide a planting area, excluding sidewalk, of at least 15 feet in width
101 along front and side property lines adjacent to street rights-of-way unless a zero foot setback and the
102 applicant meeting the requirements of complete streets within the project limits. Side and rear
103 property lines not adjacent to street rights-of-way shall have a planting area of not less than eight
104 feet in width.
- 105 (c) A maximum of 50 percent of the total landscaped area shall be planted in turf grass.
- 106 (d) A minimum planting area of at least ten feet in width shall be provided between any parking lot or
107 sidewalk and the front of the building. Minimum planting areas of at least five feet in width shall be
108 provided along the sides and rear of the building except where service areas, docks and entrance
109 points are located.
- 110 (e) All parkways shall be landscaped with a native grass mixture that is low growing. Manual or
111 automatic irrigation of parkway landscaping shall also be required. Irrigation equipment shall be
112 located outside of the parkway. Parkway landscaping shall not be included in the total area and turf
113 grass percentage requirements listed in subsections (a) and (c) of this section.
- 114 (f) All areas within the site which are not occupied by the primary and accessory uses, structures or
115 parking areas, shall also be landscaped. This includes future expansion areas for either building or
116 parking.
- 117 (g) All elements of the landscape plan, including planting, irrigation, screening, and paving shall be
118 installed as approved. If landscaping improvements are not to be completed until after the occupancy
119 of the primary building, a financial guarantee, not to exceed one year, shall be posted and approved
120 by the county attorney and the county commissioners.
- 121 (h) Plant material.
 - 122 (1) Quality. Plant materials used in conformance with the provisions of this chapter shall be healthy
123 and vigorous.
 - 124 (2) Size. Plant sizes at the time of installation shall be as follows:
 - 125 a. Deciduous trees. All deciduous trees shall have a minimum trunk size of two inches caliper.
 - 126 b. Evergreen trees. All evergreen trees shall have a minimum height of six feet.

- 127 c. Shrubs. All woody shrubs shall have a minimum height or spread of 18 inches, depending
 128 upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon
 129 containers will generally comply with this standard.
- 130 d. Vines. All vines shall be five-gallon size minimum unless otherwise specified.
- 131 e. Groundcovers. Areas in which groundcovers are specified in lieu of turf grass, in whole or
 132 in part, shall be planted densely enough such that the area will develop reasonably full and
 133 even coverage within two growing seasons after planting.
- 134 f. Turf grass. Turf grass species shall be hardy to the Ogden Valley and be of the type
 135 normally specified for this area. Turf may be planted by sodding, plugging, sprigging or
 136 seeding. Application rates for plugs, sprigs and seed shall be high enough to provide even
 137 and uniform coverage of turf within one growing season after planting. Turf areas where
 138 erosion is expected to occur under normal conditions, such as drainage swales and/or
 139 slopes greater than 30 percent, shall be planted exclusively with sod.
- 140 (3) Selection. Plants used in conformance with the provisions of this chapter shall be hardy and
 141 capable of withstanding the extremes of individual site microclimates typical of Ogden Valley.
 142 The use of drought tolerant and native plants is preferred within areas appropriate to site
 143 conditions.
- 144 (4) Installation. All plant materials shall be installed in accordance with the current professional
 145 planting procedures.
- 146 (5) Irrigation. All landscaped areas containing living plant material shall be provided with either a
 147 manual or automatic irrigation system.
- 148 (i) Maintenance.
- 149 (1) Responsibility. The owner of the premises shall be responsible for the maintenance, repair, and
 150 replacement of all landscaping materials on the site. Each owner is also responsible for
 151 maintenance of the parkway in front or to the side of the property.
- 152 (2) Materials. All plant materials shall be maintained in good condition so as to present a health,
 153 neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant
 154 material, refuse and/or debris.
- 155 (3) Replacement. All dead or removed plants shall be replaced with the same type and size of plant
 156 material as originally specified on the approved landscape plan. No substitutions shall be
 157 allowed without prior approval of the planning commission staff, whose decisions are
 158 appealable to the planning commission. Replacement shall be made within 30 days of the
 159 plant's demise or removal. In cases where the 30-day time limit for replacement extends beyond
 160 the normal growing season, replacement shall be made at the beginning of the following
 161 growing season.
- 162 (4) Fences, walls and hedges. Fences, walls and hedges shall be maintained in good repair.
- 163 (5) Irrigation systems. Irrigation systems shall be maintained in good operating condition to promote
 164 water conservation.
- 165 (j) Design guidelines.
- 166 (1) Scale. The scale and nature of landscaping materials shall be appropriate to the size of the
 167 structures to be landscaped. Large buildings should generally be complemented by larger
 168 plants and planting beds.
- 169 (2) Selection. Plants shall be selected for form, texture, color, habit and adaptability to local
 170 conditions.
- 171 (3) Evergreens. Evergreen plant materials shall be incorporated into the landscape to provide some
 172 year round structure and enhance screening and buffering.

- 173 (4) Softening. Plants shall be placed intermittently against long expanses of building walls, fences
174 and other barriers to create a softening effect and add variety.
- 175 (5) Mulch. Planting beds may be mulched with bark chips, decorative stone or similar materials.
176 Mulch shall not be used as a substitute for plant material.
- 177 (6) Water conservation. All irrigation systems shall be designed for efficient use of water. Use of
178 qualified professional irrigation designers is recommended.
- 179 (7) Energy conservation. Placement of plant materials shall be designed to reduce the energy
180 requirements for heating and cooling of the development. Summer shade and blocking of winter
181 winds should be considered.
- 182 (8) Berming. Earth berms and existing topographic features should be incorporated into the
183 proposed landscape where appropriate to enhance screening and provide variety in the ground
184 plane.
- 185 (9) Trails. Landscape and site design shall encourage pedestrian access and where applicable,
186 accommodate condition of public pathways.
- 187 (k) Manufacturing sites requiring conditional uses permits.
- 188 (1) In addition to the general landscape requirements and where a proposed conditional use
189 creates noise and/or dust emissions through its manufacturing or loading/transportation process
190 greater than surrounding uses, a landscaped buffer shall be required along the affected area
191 accommodating such uses. A landscaping buffer shall consist of a four-foot or taller earthen
192 berm incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a
193 minimum of three evergreen and three deciduous trees per 50 lineal feet and shall be sized at a
194 minimum of six feet in height for evergreen trees and three-inch caliper for deciduous trees.
- 195 (2) A mixture of shrubs shall also be planted on the berm with a minimum of 15 shrubs per 100
196 lineal feet of berm and have a minimum height of 36 inches at the time of installation.

197 (Ord. of 1956, § 18C-5; Ord. No. 2007-32; Ord. No. 2011-5, § 2, 3-15-2011)

198 **Sec. 108-2-6. - Minimum standards—Off-street parking.**

- 199 (a) All off-street parking areas or other vehicular use areas which are 20 feet or closer to any street
200 right-of-way shall have a continuous landscape area between the edge of parking and the right-of-
201 way. The minimum width of this landscape area shall be 15 feet. The minimum landscaping shall
202 consist of the following:
- 203 (1) Trees shall be planted and spaced at the equivalent of one tree per 50 lineal feet or fraction
204 thereof along the length of the landscape area. They may be spaced linearly or grouped in
205 clusters. Tree size shall be a minimum of two-inch caliper.
- 206 (2) In addition to trees, an evergreen or deciduous shrub border or hedge shall be planted along
207 100 percent of the length of the landscaped area. Shrubs used shall not be less than 18 inches
208 and not more than 48 inches in height at maturity. The remainder of the planting area shall be
209 landscaped with turf grass or groundcovers.
- 210 (3) A fence, permanent screen, or wall may also be installed within the landscaping area; however,
211 the non-living screening device shall not exceed four feet in height, and shall not replace the
212 plant material requirement. The minimum plantings specified shall be installed on the street side
213 of the screen. Additional plant materials may be planted on the parking area side of the screen.
- 214 (b) Off-street parking or other vehicular use areas which are further than 20 feet from any street right-of-
215 way shall also have a continuous landscape area between the edge of parking and the right-of-way.
216 The minimum landscaping shall consist of the following:

- 217 (1) Trees shall be planted and spaced at the equivalent of one tree per 50 linear feet or fraction
 218 thereof along the length of the landscape area. They may be spaced linearly or grouped in
 219 clusters. Tree size shall be a minimum of two-inch caliper.
- 220 (2) Earthen berms shall be constructed along the landscape area to provide some screening. Berm
 221 height may be continuous along the entire length, or vary somewhat to create variety. However,
 222 a maximum height of three feet shall be maintained for at least 75 percent of the entire length of
 223 the landscape area.
- 224 (3) In addition to trees, the landscape area shall be planted with low shrubs, groundcovers, or turf
 225 grass. The total combined height of earthen berms and plant materials, excluding trees, shall
 226 not exceed 48 inches. Planting schemes which minimize turf use, and promote xeriscape or
 227 water-conserving principles are strongly encouraged. The limit of 50 percent of the total site
 228 landscaping being turf grass shall still be applicable.
- 229 (c) Parking areas within 12 feet of a side or rear lot line shall have a continuous landscape area
 230 consisting of an evergreen and deciduous shrub border or hedge planted along 100 percent of the
 231 length of the landscaped area. The minimum width of this landscape area shall be eight feet as
 232 specified in this chapter. Shrubs used shall not be less than three feet in height at maturity.
 233 Combinations of shrubs and permanent fences or screens may also be considered by the planning
 234 commission.
- 235 (d) Necessary access ways from the public right-of-way through the continuous landscape area to the
 236 parking or other vehicular use areas shall be permitted. The width of said access ways, measured
 237 from back of curb to back of curb, or edge of pavement to edge of pavement if no curb is present)
 238 may be subtracted from the overall linear dimension used to determine the number of required trees.
- 239 (e) All property lying between the right-of-way and the off-street parking area, including the required
 240 landscaped area, shall be landscaped with turf grass, shrubs and/or groundcovers.
- 241 (f) Landscape exceptions.
- 242 (1) Existing hedges may be used to satisfy this landscaping requirement, provided they meet the
 243 specified requirements of this chapter.
- 244 (2) Areas where the clear sight distance regulations of this title apply.
- 245 (g) Parking areas having more than 15 spaces shall be required to provide interior landscaping within
 246 the boundaries of the parking lot or area that meets the following criteria:
- 247 (1) A minimum of five percent of the interior area shall be landscaped. Landscaped areas located
 248 along the perimeter of the parking area beyond the curb or edge of pavement shall not be
 249 included as interior landscaping.
- 250 (2) Interior parking area shall be calculated by adding the total area of all parking stalls and
 251 adjacent driveway aisles. Excluded are access entrances/driveways and drop-off or service
 252 zones and their accompanying driveway aisles.
- 253 (3) Each separate interior landscaped area shall contain a minimum of 120 square feet and shall
 254 have a minimum dimension of five feet as measured from back of curb to back of curb, or from
 255 edge of pavement to edge of pavement. Landscaped areas shall be dispersed throughout the
 256 parking area to effectively break up the expanse of paving.
- 257 (4) Landscape treatment shall consist of one tree per each 120 square feet of the minimum
 258 required interior landscape area. A minimum of 50 percent of the ground plane shall be planted
 259 with shrubs or groundcovers at the appropriate density to achieve complete coverage within two
 260 years. Mature shrub or groundcover height shall not exceed four feet as measured from the
 261 parking surface.
- 262 (5) Interior landscaped areas shall be protected by some type of permanent barriers.

263 (Ord. of 1956, § 18C-6)

264 Sec. 108-2-7. - Screening and buffering.

265 (a) Screening device materials.

266 (1) A non-plant material screening device may be constructed of textured, non-reflective metal,
 267 concrete, vinyl, wood, brick or stone. Chainlink fencing shall not be allowed. If painted or
 268 stained, the screening devices shall be of a neutral, muted earth tone color and have a
 269 nonreflective finish. This color shall be approved along with other colors during the site plan
 270 review or conditional use permit.

271 (2) A combination of earth berming or mounds and plant materials may be used as a screening
 272 device, and is recommended where practicable.

273 (b) Parking areas shall be screened or buffered from view along all street rights-of-way or along any
 274 property line, which is contiguous to a residential use or zoning district, or along those separated by
 275 an alley, as specified in this chapter.

276 (c) The side and rear screens or buffers of parking areas, whether plant material or non-living device
 277 shall be a minimum of size six feet in height as measured from the parking surface. The first 25 feet
 278 of the side lot line screen or buffer, as measured from the street right-of-way, shall not exceed four
 279 feet in height.

280 (d) Loading, delivery and service docks or bays shall be located in the rear or side yards of the property
 281 and shall be screened from view from the street right-of-way by a screening device at least six feet in
 282 height.

283 (e) Mechanical equipment, whether roof or ground mounted shall be screened from street and
 284 residential district view by a screening device.

285 (f) Trash dumpsters.

286 (1) Trash dumpsters shall be located in an area shown on the approved site plan. Specific approval
 287 of this item is required.

288 (2) All trash dumpsters shall be screened from street or public view by a six foot screening device
 289 on three sides. The fourth side shall be a gate constructed of opaque materials.

290 (3) The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six
 291 inches in thickness. The concrete pad shall match the adjacent grade and paving and provide
 292 for positive drainage.

293 (4) All dumpster enclosures or screens shall be illustrated and submitted with the site plan for
 294 review and approval.

295 (Ord. of 1956, § 18C-7)

296 Sec. 108-2-8. - Clear sight distance for landscaping and screening.

297 When an access way intersects with a public right-of-way, or when the subject property abuts the
 298 intersection of two or more public rights-of-way, all landscaping and screening within the triangular areas
 299 described below shall provide unobstructed cross-visibility at a level between two and eight feet in height.
 300 Trees may be planted inside the triangular areas, but shall be trimmed such that no limbs or foliage
 301 extend into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant materials,
 302 excepting turf grass, shall not be located closer than three feet from the edge of any access way
 303 pavement. The triangular areas referred to above are defined as follows:

304 (1) The area of property on either side of an access way formed by the intersection of each side of
 305 the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in
 306 length measured from the point of intersection and the third side (hypotenuse) being a line
 307 connecting the ends of these two sides.

308 (2) The area of property located at a corner formed by the intersection of two or more public rights-
309 of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a
310 length of 40 feet back from their intersection and the third side being a line connecting the ends
311 of these two sides.

312 (Ord. of 1956, § 18C-8)

313 Sec. 108-2-9. - Landscape plan.

314 A landscape plan shall be required whenever landscaping or alteration of landscaping is required by
315 this chapter. Such landscape plans shall be drawn in conformance with the requirements specified in this
316 chapter. Landscape plans shall be approved by the planning commission prior to the issuance of a
317 building permit. All landscape plans submitted for approval shall contain the following information, unless
318 specifically waived by the planning commission:

319 (1) The location and dimensions of all existing and proposed structures, property lines, easements,
320 parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths,
321 ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding
322 electrical equipment, tot lots and playground equipment, all recreational facilities, and other
323 freestanding structural features deemed necessary to accurately portray existing and proposed
324 site characteristics.

325 (2) The location, quantity, size and name (both botanical and common names) of all proposed plant
326 material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent
327 of mature size.

328 (3) The location, size and common names of all existing plant material (including trees and other
329 plants in the parkway) and whether they are to be retained or removed.

330 (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the
331 site. Where adjacent trees are growing in native or natural clumps or groves such that showing
332 individual tree locations is impractical, canopy outlines are acceptable.

333 (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot
334 intervals. Show any walls or retaining structures proposed, along with their respective
335 elevations. Proposed earth beaming shall be indicated using one-foot contour intervals.

336 (6) Water efficient irrigation system (separate plan required). This system shall indicate the
337 locations and types of all equipment, including sprinkler heads, control valves, quick-coupling
338 valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.

339 (7) Summary data table indicating the area of the site in the following classifications:

340 a. Total area of the site.

341 b. Total area and percentage of the site in landscape area.

342 c. Total area and percentage of the site in turf grass.

343 (Ord. of 1956, § 18C-9)

1 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

2

3 Sec. 108-8-1. - Purpose and intent.

4 The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in
5 order to provide orderly and adequate development of these needed amenities and in so doing, promote
6 the safety and well being of the citizens of the county. Subsequently, there shall be provided at the time of
7 the erection of any main building or at the time any main building is enlarged or increased, minimum off-
8 street parking space with adequate provisions for ingress and egress by standard sized automobiles.

9 (Ord. of 1956, § 24-1; Ord. No. 27-80; Ord. No. 2011-3, § 24-1, 2-15-2011)

10 _____

11 Sec. 108-8-2. - Parking spaces for dwellings.

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

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1½ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

14

15 (1) If any dwelling unit is increased by occupant use after the original building permit is issued, the
16 parking requirements shall reflect that increase.

17 (2) In addition to the above parking space requirements, three-fourths parking space shall be
 18 provided for each rental sleeping room in a dwelling unit.

19 (Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011)

20 _____

21 **Sec. 108-8-3. - Access to lots in subdivisions.**

22 Access to lots in subdivisions shall be across the front lot line abutting a public or private street or as
 23 otherwise approved by the land use authority.

24 (Ord. of 1956, § 24-2A; Ord. No. 27-80; Ord. No. 96-26; Ord. No. 2011-3, § 24-2A, 2-15-2011; Ord.
 25 No. 2012-7, § 3, 5-1-2012)

26 _____

27 **Sec. 108-8-4. - Parking space for non-dwelling buildings and uses.**

28 For new buildings and uses or for any enlargement or increase in seating capacity, floor area or
 29 guest rooms of any existing building there shall be provided:

Apartment hotel	One space per two sleeping units
Auditorium	One space per five fixed seats
Auto repair shop	One space per employee plus five spaces for client use
Bank	Not less than 30 spaces
Beauty shop	Two spaces per staff member
Beautician shop	Three spaces per staff member
Boardinghouse	Three spaces per four persons to whom rooms will be rented
Bed and breakfast inn	One space per each rental sleeping room and bed and breakfast hotel in addition to the owner/host required two spaces
Business office	One space per employee on highest shift
Cafe	One space per eating booth and table plus one space per three stools
Cafeteria	One space per eating booth and table plus one space per three stools
Car wash	Four spaces in approach lane to each wash bay

Chiropractor office	Four spaces per professional staff plus one space per subordinate staff
Church	One space per five fixed seats
Clinic	Four spaces per professional staff plus one space per subordinate staff
Club, private	At least 20 client spaces
Dance hall	One space per 200 square feet of floor space
Day care center	One space per employee plus one space per ten children
Dental office	Four spaces per professional staff plus one space per subordinate staff
Drive in food	One space per 100 square feet of floor establishment space but not less than ten spaces
Dry cleaner	One space per employee plus five spaces for client use
Educational institution (private)	Two spaces per three student capacity plus one space per staff member
Employment	One space per employee plus six spaces for client use
Finance office	One space per staff member plus three spaces for client use
Fraternity	Two spaces per four persons whom the building is designed to accommodate
Hospital	One space per two bed capacity
Hotel	One space per two sleeping units
Insurance office	One space per two staff members plus four spaces for client use
Laboratory	One space per employee on highest shift
Laundromat	One space per three coin operated machines
Legal office	One space per professional staff plus four spaces for client use

Library	At least 30 spaces
Lodginghouse	Three spaces per four persons to whom rooms will be rented
Lounge	At least 20 client spaces
Liquor store	At least 20 spaces
Medical office	Four spaces per professional staff plus one space per subordinate staff
Mortuary	At least 30 spaces
Motel	One space per sleeping or living unit
Museum	At least 30 spaces
Night club	At least 20 client spaces
Nursery for children	One space per employee plus four spaces for client use
Nursing home	One space per 2.5 bed capacity
Optometrist office	Four spaces per professional staff plus one space per subordinate staff
Photo studio	At least six spaces
Post office	At least 20 client spaces
Psychiatric office	Four spaces per professional staff plus one space per subordinate staff
Real estate office	One space per two employees plus four spaces for client use
Reception center	At least 30 spaces
Recreation center	One space per 200 square feet of recreation area
Rental establishment	At least four client spaces
Restaurant	One space per eating booth or table

Retail store	One space per 200 square feet of floor space in building
Retail store with drive-in window	One space per 200 square feet of floor space in building plus storage capacity of four cars per window on the property
Sanitarium	One space per two bed capacity
Service repair shop (general)	At least four client spaces
Stadium	One space per five fixed seats
Sorority	Two spaces per four persons whom the building is designed to accommodate
Tavern	At least 15 spaces
Terminal, transportation	At least 30 spaces
Theater	One space per five fixed seats
Travel agency	One space per employee plus four spaces for client use
Upholstery shop	One space per employee plus three spaces for client use
Used car lot	One space per employee plus four spaces for client use
Warehouse	Two spaces per three employees
Wedding chapel	At least 30 spaces
Wholesale Business	Two spaces per three employees plus three spaces for client use
For other uses not listed above	Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses

30

31 (Ord. of 1956, § 24-3; Ord. No. 27-80; Ord. No. 2011-3, § 24-3, 2-15-2011)

32 _____

33 Sec. 108-8-5. - Adjustments for unusual and unique conditions.

34 The planning commission may adjust the required number of spaces listed in this chapter if in its
 35 determination that unusual or unique circumstances or conditions relating to the operational
 36 characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and
 37 warranted.

38 (Ord. of 1956, § 24-4; Ord. No. 27-80; Ord. No. 2011-3, § 24-4, 2-15-2011)

39 Sec. 108-8-6. - Computation of parking requirements.

40 When measurements determining number of required parking spaces result in a fractional space,
 41 any fraction up to one-half shall be disregarded, and fractions including one-half and over shall require
 42 one parking space.

43 (Ord. of 1956, § 24-5; Ord. No. 27-80; Ord. No. 2011-3, § 24-5, 2-15-2011)

44 Sec. 108-8-7. - Parking lot design and maintenance.

45 (a) *Parking space location.* Parking space(s) as required by this chapter shall be on the same lot with
 46 the main building or, in the case of buildings other than dwellings, may be located no farther than
 47 500 feet therefrom.

48 (b) *Public parking lot standards.* Every parcel of land hereafter used as a public parking area shall be
 49 paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal,
 50 temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and
 51 ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to,
 52 a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism
 53 operations.

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

56 (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a
 57 residential zone, none of the front yard area required by the respective zones shall be used for
 58 parking but shall be left in open green space, except that access across and over the required front
 59 yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential
 60 uses in a residential zone, not more than 50 percent of the required side and rear yards shall be
 61 used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent
 62 amount of land elsewhere on the same lot as the building as open green space, patios, play areas or
 63 courts.

64 (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to
 65 the following provisions:

66 (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking
 67 space shall be not less than nine feet wide, the width being measured at a right angle from the
 68 side lines of the parking space.

69 (2) Adequate automobile access to and from parking area for interior block developments shall be
 70 provided. Minimum size of the access right-of-way shall be as follows based on the number of
 71 units to be served:

72 a. Up to and including four dwelling units, 16 feet.

73 b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-
 74 way access rights-of-way.

75 c. A greater size of access right-of-way shall be required as deemed necessary by the
76 planning commission, especially in cases where access right-of-way will create corner lots
77 from otherwise interior lots.

78 (3) All off-street parking spaces and associated access lanes shall be effectively screened on any
79 side adjoining any property in a residential zone by a masonry wall or fence not less than four
80 feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in
81 place of a wall or fence provided the hedge is continuous along adjoining property and at
82 maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be
83 maintained and replaced where necessary so that the hedge may become an effective screen
84 from bordering property within a maximum five-year period. Front yard and corner lot fences or
85 plantings shall maintain height requirements of their respective zones.

86 (4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.

87 (5) Parking requirements for dwellings will be located on the same lot with the dwelling.

88 (6) All private parking facilities must be improved with a hard surface such as concrete or asphalt
89 and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

90 (Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt.
91 10(§ 24-6), 12-18-2012)

92 **Sec. 108-8-8. - Off-street truck loading space.**

93 (a) On the same premises with every building or use involved in the receipt or distribution by vehicles of
94 materials or merchandise, there shall be provided and maintained on the lot adequate space for
95 standing, loading and unloading services in order to avoid undue interference with public use of
96 streets or alleys.

97 (b) Such space, unless otherwise adequately provided, shall include a ten-foot by 25-foot loading space
98 with 14 feet height clearance, for every 20,000 square feet or fraction thereof in excess of 3,000
99 square feet of building floor area used for purposes in subsection (a) of this section, or for every
100 20,000 square feet or fraction thereof in excess of 3,000 square feet of land use for purposes in
101 subsection (a) of this section.

102 (Ord. of 1956, § 24-7; Ord. No. 27-80; Ord. No. 2011-3, § 24-7, 2-15-2011)

103 **Sec. 108-8-9. - Business requiring automobile access.**

104 (a) Service stations, roadside stands, public parking lots, and all other businesses requiring motor
105 vehicle access shall meet the following requirements:

106 (1) Access to the station or other structure or parking lot shall be by not more than two roadways
107 for each 100 feet or fraction thereof of frontage on any street;

108 (2) No two of said roadways shall be not more than 34 feet in width and shall not be closer than 20
109 feet to the point of intersection of two property lines or at any street corner; and

110 (3) A curb, hedge or fence of not more than two feet in height shall be provided by the owner to
111 limit access to the permitted roadway.

112 (b) Exception. Service stations in commercial zones and uses in manufacturing zones may have a
113 maximum roadway width of 50 feet.

114 (Ord. of 1956, § 24-8; Ord. No. 27-80; Ord. No. 20-8; Ord. No. 14-92; Ord. No. 2011-3, § 24-8, 2-15-
115 2011)

116 **Sec. 108-8-10. - Vehicular traffic to commercial or manufacturing zones.**

117 Privately owned land within an area zoned for residential purposes shall not be used as a regular
118 means of vehicular passage to and from property in commercial or manufacturing zones.

119 (Ord. of 1956, § 24-9; Ord. No. 27-80; Ord. No. 2011-3, § 24-9, 2-15-2011)

120 Sec. 108-8-11. - Regulations governing accessory vehicle off-street parking within required side yard
 121 areas.

122 One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed
 123 in one required side yard of a dwelling provided that:

- 124 (1) The dwelling unit has the minimum number of required off-street parking spaces as stipulated
 125 by section 108-8-2
- 126 (2) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with
 127 no portion of the vehicle extending forward of the front face of the dwelling.
- 128 (3) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or
 129 a new approach must be installed for the new driveway.
- 130 (4) Any slab constructed must remain open and unobstructed to the sky.
- 131 (5) No vehicle shall be parked in the required side yard unless the parking area is improved with
 132 hard surface material such as concrete or asphalt.
- 133 (6) Any slab constructed for vehicle parking must be screened by a non-see through fence of not
 134 less than six feet in height along the length of the slab behind the front yard setback.
- 135 (7) All stormwater run off from the hard surface of slab must be directed so as to prevent drainage
 136 onto adjacent properties.

137 (Ord. of 1956, § 24-10; Ord. No. 27-80; Ord. No. 2011-3, § 24-10, 2-15-2011)

138 Sec. 108-8-12. - Off-site improvements required.

- 139 (a) The applicant for a use permit for all residential, commercial or industrial structures, all other
 140 business and uses, and public and semi-public buildings shall install high back curb, gutter and
 141 sidewalk and entrance ways to county public works standards and location, within public or private
 142 streets along the entire property line which abuts the street, except in agricultural, shoreline and
 143 forestry zones, and where county regulations exempt such curb, gutter or sidewalk installation.
- 144 (b) The planning commission may defer or exempt the installation of high back curb and gutter and/or
 145 sidewalk where topographies, timing or other unusual or special conditions exist, provided that the
 146 public health, safety and welfare is preserved.

147 (Ord. of 1956, § 24-11; Ord. No. 27-80; Ord. No. 13-86; Ord. No. 2011-3, § 24-11, 2-15-2011)

148

149 Sec. 108-8-12. – Ogden Valley Recreation and Resort Zone.

150 Within any Ogden Valley Recreation and Resort Zone where a master plan has been approved
 151 by the Planning Commission, the Planning Commission may modify any provision of this Chapter by
 152 approving a Parking Plan created by the Developer (as defined in the applicable Zoning Development
 153 Agreement) if the Planning Commission determines that the plan is consistent with the approved master
 154 plan. Such plan shall include provisions applying sufficient mitigation for parking and will provide a
 155 mechanism for revocation where the plan is not operating as presented.

156

1 CHAPTER 19. - ACCESSORY APARTMENTS

2

3 Sec. 108-19-1. - Purpose and intent.

4 The purpose of allowing accessory apartments within existing dwellings or by addition thereto,
 5 subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the
 6 county.

7 (Ord. of 1956, § 42-1)

8 Sec. 108-19-2. - Conditional use.

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

11 (1) *Relationship to principal use; appearance.* An apartment may be established only accessory to
 12 a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the
 13 principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main
 14 home, with an opening from the accessory apartment to the main home, into a common living
 15 area of the main home. The opening can be closed off by a door. Basement apartments meet
 16 this requirement with the common floor. The stairs which lead to the main floor and open up into
 17 the common living space of the main home can be closed off by a door. The accessory
 18 apartment opening into a garage or storage is not considered livable space. The outward
 19 appearance of the accessory dwelling shall be consistent with the design and character of the
 20 principal dwelling in its construction, materials and finish treatment. There shall be no more than
 21 one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox
 22 or utilities.

23 (2) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet
 24 and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms
 25 in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor
 26 area of the total structure.

27 (3) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional
 28 requirements of the zoning district for new construction. An apartment located within the
 29 perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such
 30 requirements. No apartment shall be located in a basement or cellar unless such basements or
 31 cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment
 32 shall be made only above or to the side or rear of the principal dwelling.

33 (4) *Access.* An accessory apartment shall have a minimum of one separate external door access
 34 from the principal dwelling located on either the side or the rear of the principal dwelling.

35 (5) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling:
 36 kitchen facilities, full bath, electric panel with separate disconnect, telephone service.

37 (6) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street
 38 parking spaces shall be provided for an accessory apartment in a designated location on the
 39 premises. Such spaces shall be on an area prepared to accommodate vehicle parking. In the
 40 Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by
 41 an approved parking plan pursuant to Sec. 108-8-12.

42 (Ord. of 1956, § 42-2)

43 Sec. 108-19-3. - General provisions.

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

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

61 (Ord. of 1956, § 42-3)

62 Sec. 108-19-4. - Application procedure.

63 The application for a conditional use permit for an accessory apartment shall follow the guidelines in
64 chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory
65 apartment:

- 66 (1) A person seeking to establish an accessory apartment shall file an application for a conditional
67 use permit and pay the associated filing fee. The application is to be accompanied by complete
68 floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the
69 existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the
70 application. The application shall then be reviewed and either approved or denied by the
71 township planning commission in which jurisdiction the property lies.
- 72 (2) Upon receipt of a conditional use permit and building permit, and prior to issuance of a
73 certificate of occupancy by the chief building official, the county zoning enforcement officer shall
74 inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

75 (Ord. of 1956, § 42-4)

76 Sec. 108-19-5. - Moderate income housing provision.

77 In the interest of furthering the goals of providing increased affordable housing stock, it is desirable
78 that provision for accessory apartments be established meeting the affordability guidelines established by
79 the county moderate income housing plan. Owners are encouraged to establish units in consideration of
80 such guidelines.

- 81 (1) To determine achievement of affordable housing designation, the owner shall provide a copy of
82 the initial rental agreement indicating either the monthly or annual rent of the unit at the time of
83 issuance of the certificate of occupancy.
- 84 (2) The planning division staff, pursuant to its established administrative requirements, shall review
85 rental agreements every two years as part of the conditional use approval in order to assure
86 that the affordability of the accessory apartment is upheld and to keep records on numbers and
87 availability of affordable housing.

88 (Ord. of 1956, § 42-5)

89

1 CHAPTER 2. - OGDEN VALLEY SIGNS

2

3 Sec. 110-2-1. - Purpose and intent.

4 The purpose and intent of the sign standards is to provide for reasonable display of all signage in the
 5 Ogden Valley to identify and advertise products, services, institutions, events, and business
 6 establishments for the information and convenience of the general public. These standards and criteria
 7 are designed to protect and promote the public health, safety, and general welfare of persons within the
 8 community. The standards are also designed to aid in the orderly development and promotion of business
 9 by providing regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use
 10 of signs while protecting and enhancing community character in the unincorporated portion of the Ogden
 11 Valley in Weber County, as described in the Ogden Valley General Plan.

12 It is the county's policy to regulate signs in a manner that is consistent with the free speech
 13 protections and provisions of the United States Constitution and of the Constitution of the State of Utah by
 14 enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and
 15 do not favor one form of speech over another.

16 (Ord. of 1956, § 32B-1; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013)

17 Sec. 110-2-2. - Applicability.

18 (a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use
 19 permit, and meeting the standards set forth in this section. Signs conforming to the requirements of
 20 this section which identify seasonal business may be removed for the seasons during which the
 21 business is not in operation, and may be reinstated without a new permit. All applications for land
 22 use permits shall be accompanied by plans, designs, specifications and drawings stating specifically
 23 all dimensions, lighting, colors and plan of installation stating clearances and setbacks. Land use
 24 permits expire six months after issuance if the sign is not erected or altered pursuant to the permit.

25 (b) *Maintenance and repainting exempt.* The repainting, changing of parts, and general maintenance of
 26 signs located on the site shall not be deemed alterations requiring a permit, except for
 27 nonconforming signs as set forth in section 110-2-4, Nonconforming signs.

28 (Ord. of 1956, § 32B-2; Ord. No. 2009-30)

29 Sec. 110-2-3. - Master signage plan.

30 A master signage plan shall be required to ensure compliance with standards and requirements of
 31 this Land Use Code when multiple signs are allowed and/or multiple tenants, businesses or other entities
 32 occupy a single building or storefront.

33 (1) *Approval of the master signage plan.* The master signage plan is subject to site plan approval,
 34 and once approved, all individual land use permits shall comply therewith.

35 (2) *Requirements.* Each master signage plan shall clearly indicate the location, size, illumination
 36 details, type and all dimensions, including height, of each sign on the property, as well as the
 37 distribution or allowed signage among multiple tenants, businesses or entities within a building
 38 or complex.

39 (Ord. of 1956, § 32B-3; Ord. No. 2009-30)

40 Sec. 110-2-4. - Nonconforming signs.

41 A sign may be reinstated which duplicates the original nonconforming sign in dimensions and
 42 location. Any changes in size or location shall require conformance to this chapter and the current lighting
 43 ordinance.

44 (Ord. of 1956, § 32B-4; Ord. No. 2001-32; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013)

45 Sec. 110-2-5. - Allowable signs by zoning district.

46 (a) *Valley Commercial CV-1, CV-2 and the Manufacturing MV-1 Zoning Districts.*

47 (1) *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per
 48 street frontage which shall not exceed five percent of the square footage of the front of the
 49 building (linear footage of the front of the building, multiplied by the height of the building;
 50 multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five
 51 percent of width of the unit multiplied by the height.

52 (2) *Ground/monument sign.* Each freestanding building or complex having primary or secondary
 53 entry from a street, shall be allowed one ground sign per frontage, not to exceed eight feet in
 54 height and 12 feet in width. The sign may be placed on a landscaped, mounded berm up to two
 55 feet from grade. Each individual building within the project area may have a ground monument
 56 sign and shall meet the requirements of this chapter, with the signs being approved as part of
 57 the master signage plan.

58 (3) *Entrance ground sign.* One entrance ground sign on a multiple building/tenant project may have
 59 a maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the
 60 ground monument sign that is allowed for one of the buildings in a multiple building/tenant
 61 project. The entrance ground sign shall be approved as part of the master signage plan.

62 (4) *Conditional use.* As a conditional use, commercial or manufacturing developments of multiple
 63 lots that are developed on an interior section of ground with lots having no frontage along major
 64 roads (collector or arterial) will be allowed an entrance ground sign meeting the requirements of
 65 this chapter, at the location where the local roads intersect the major road, which lead directly to
 66 the development. The entrance ground sign will announce the businesses within the
 67 development. Hotels/motels will be allowed "Vacancy/No Vacancy" on this sign.

68 (b) *Valley Commercial Resort (CVR-1), Agricultural Valley (AV-3), Forest Valley (FV-3), FR-1, FR 3, F-5,*
 69 *F-10, and F-40.*

70 (1) *Nonresidential uses.*

71 a. *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per
 72 street frontage which shall not exceed five percent of the square footage of the front of the
 73 building (linear footage of the front of the building, multiplied by the height of the building;
 74 multiplied by five percent) not including false fronts. If multiple units, each unit to be
 75 allowed five percent of width of the unit multiplied by the height.

76 b. *Ground/monument sign.* Each freestanding building or complex having primary or
 77 secondary entry from a street, shall be allowed one ground sign per frontage, not to
 78 exceed eight feet in height and 12 feet in width. The sign may be placed on a landscaped,
 79 mounded berm up to two feet from grade.

80 c. *Entrance ground sign.* One entrance ground sign on a multiple building project may have a
 81 maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the
 82 ground monument sign that is allowed for one of the buildings in a multiple building/tenant
 83 project. The entrance ground sign shall be approved as part of the master signage plan.

84 (2) *Residential uses.*

85 a. Single-family and residential units of less than eight units. One wall sign identifying the
 86 name of the owner and/or property, not to exceed six square feet is permitted.

87 b. Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square
 88 feet in area is permitted.

89 c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument
 90 sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a
 91 landscaped, mounded berm up to two feet from grade.

92 (c) *Destination and recreation resort zone.*

93 (1) *Nonresidential uses.*

94 a. *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per
 95 street frontage which shall not exceed five percent of the square footage of the front of the
 96 building (linear footage of the front of the building, multiplied by the height of the building;
 97 multiplied by five percent) not including false fronts. If multiple units, each unit to be
 98 allowed five percent of width of the unit multiplied by the height.

99 b. *Ground/monument sign.* Each freestanding building or complex having primary or
 100 secondary entry from a street, shall be allowed one ground sign per frontage, not to
 101 exceed six feet in height and ten feet in width. The sign may be placed on a landscaped,
 102 mounded berm up to two feet from finished grade. The planning commission may approve
 103 up to two ground/monument signs at each main resort entrance/portal when presented as
 104 part of a master signage plan as described in section 110-2-3

105 c. *Portable signs.* A-frame or sandwich signs not exceeding nine square feet may be placed
 106 outside of a particular subdivision, project or event site; however, the sign must remain
 107 within the resort boundary.

108 d. *Banners not to exceed 21 square feet each.* Each sign shall be safely secured to a
 109 permanent fixture and extend no closer than eight feet to the ground.

110 e. *Changeable copy signs.* Manual signs only meeting the requirements as listed in section
 111 110-2-10(b) (Special purpose signs—destination and recreation resort manual changeable
 112 copy signs).

113 (2) *Residential uses.*

114 a. Single-family and residential units of less than eight units. One wall sign identifying the
 115 name of the owner and/or property, not to exceed six square feet is permitted.

116 b. Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square
 117 feet in area is permitted.

118 c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument
 119 sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a
 120 landscaped, mounded berm up to two feet from grade.

121 (3) *Sign plan.*

122 Within any Ogden Valley Recreation and Resort Zone, at elevations of at least 6,200 feet
 123 above sea level, where a master plan has been approved by the Planning Commission, the
 124 Planning Commission may modify any provision of this Chapter by approving a Sign Plan
 125 created by the Developer (as defined in the applicable Zoning Development Agreement) if
 126 the Planning Commission determines that the plan is consistent with the approved master
 127 plan.

128 -(Ord. of 1956, § 32B-6; Ord. No. 2006-6; Ord. No. 2009-30)

129 Sec. 110-2-6. - Optional and alternative signs.

130 (a) *Canopy signs.* Canopy signs may be substituted for wall signs, subject to approval of the master
 131 signage plan. Any approved canopy sign shall have a minimum vertical clearance of eight feet from
 132 any walking surface.

133 (b) *Projecting signs.* Projecting signs that are perpendicular to a building may be substituted for wall
 134 signs, subject to approval of the master signage plan. No sign face of a projecting sign may project

135 more than four feet from the wall to which it is mounted. Any projecting sign shall have a minimum
 136 vertical clearance of eight feet from any walking surface.

137 (c) *Entrance/exit signs.* Entrance/exit signs are limited to two signs for each approved driveway opening
 138 for commercial uses and multi-tenant dwellings, and shall be limited to a maximum of three square
 139 feet per side, and shall be no higher than five feet above the ground at the top of the sign. Setbacks
 140 shall be ten feet from right-of-way. Content is limited to "Entrance" and "Exit."

141 (Ord. of 1956, § 32B-7; Ord. No. 2009-30)

142 Sec. 110-2-7. - Window signs.

143 Signs displayed in windows of buildings or storefronts are permitted. A sign permit is not required for
 144 their display, provided the following standards are met:

145 (1) *Size limit.* Window signage shall occupy no more than 25 percent of the area of the window in
 146 which the signs are displayed. In no event shall window signage exceed 16 square feet in any
 147 one window that would reduce air and/or light.

148 (2) *Prohibited features of window signs.* No window sign, not any other sign within a building or
 149 structure shall flash, rotate or be mechanically or electronically animated in any way so as to be
 150 visible from outside of the building or structure for purposes of public safety.

151 (Ord. of 1956, § 32B-8; Ord. No. 2009-30)

152 Sec. 110-2-8. - Prohibited signs.

153 The following signs and types of signs are prohibited in all zoning districts in the Ogden Valley of
 154 Weber County:

155 (1) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging, changing, rotating or
 156 otherwise moving signs, pennants, tethered "party or weather-type" balloons, holograms, light
 157 beams, lasers or other like decorations.

158 (2) *Moving appurtenances.* Moving mechanical or electrical appurtenances attached to a sign or
 159 otherwise intended to attract attention to a sign.

160 (3) *Rotating beacon lights.*

161 (4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type hot air balloons being
 162 used for passenger flight.)

163 (5) *Portable signs.* Changeable copy trailer, a-frame, sandwich, or portable signs, except as
 164 permitted in section 110-2-10, Special purpose signs and section 110-2-5(c), Destination and
 165 recreation resort zone.

166 (6) *Banners.* Banners, except as permitted in section 110-2-11, temporary sign usage, section 110-
 167 2-9 (19), other signs, and section 110-2-5(c), destination and recreation resort zone.

168 (7) *Changeable copy signs.* Electronic changeable copy signs. Manual changeable copy signs
 169 except as permitted in section 110-2-10, Special purpose signs.

170 (8) *Off-site signs.* All off-site, off-premises and directional signs which advertise businesses,
 171 establishments, activities, facilities, goods, products, or services not made, produced, sold or
 172 present on the premises or site where the sign is installed and maintained are prohibited, except
 173 as exempted in section 110-2-9, Other signs. Notwithstanding the foregoing, where access to a
 174 parcel is via an adjacent parcel, signs may be located on such adjacent parcel.

175 (9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may be allowed on
 176 vehicles, but they may not be illuminated or parked on a long-term basis to be used as a sign
 177 for the purpose of advertising a product or directing people to a business activity as listed in
 178 section 110-2-9, Other signs.

- 179 (10) *Luminous tube signs.* External gas filled luminous tubes, such as neon, argon or fluorescent,
180 signs or valances, unless inside a building or in a window and not to exceed four square feet in
181 area, except as listed in section 110-2-12, Sign materials and display standards, and may not
182 flash or blink.
- 183 (11) *Other temporary signs.* Any other device in the form of a sign, which is of a temporary nature, or
184 mobile, and not permanently affixed to a building or an upright support affixed firmly to the
185 ground, except as permitted in section 110-2-11, Temporary sign usage.
- 186 (12) *Roof signs.* Signs mounted on a roof or atop a parapet wall.
- 187 (13) *Billboards.*
- 188 (14) *Pole signs.* Except one pole sign per public, private, and charter school, consisting of not more
189 than a six-foot tall by ten-foot wide changeable reader board sign, located not less than ten feet
190 and not more than 15 feet above the sidewalk, may be permitted.
- 191 (15) *Public property signs.* It shall be unlawful for any person to fasten or attach, paint or place any
192 sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise
193 or to cause the same to be done in or upon the curbstone, lamp post, telephone pole, electric
194 light or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It
195 shall be unlawful to paste, place, paint or attach any sign defined in this chapter on any building,
196 street or property of the county. No sign shall be erected on or project over public property,
197 except as permitted in section 110-2-9, other signs, and section 110-2-11, temporary sign
198 usage.

199 (Ord. of 1956, § 32B-9; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013)

200 Sec. 110-2-9. - Other signs.

201 In addition to being regulated by other ordinances and state or federal law, the following signs are
202 only regulated in the following manner:

- 203 (1) *Addressing numbers.* Addressing numbers shall be no more than 12 inches in height.
- 204 (2) *Athletic field scoreboard signs.* Not to exceed 120 square feet in any zone. The planning
205 commission shall approve the location of all scoreboard signs in all zones except commercial
206 and manufacturing zones.
- 207 (3) *Business signs.* No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one
208 "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four
209 square feet in area, displayed for each business.
- 210 (4) *Gate or arch sign.* A gate or arch sign situated over the primary entry of a lot or parcel of land,
211 provided that the sign face does not exceed 30 square feet and that the sign provides a vertical
212 clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a
213 minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall
214 not exceed two feet. A land use permit, to assure standards are in compliance, and a building
215 permit for proper installation of footings and to ensure wind tolerance, are required.
- 216 (5) *Governmental flags.* Official governmental flags of the United States, the State of Utah or
217 Weber County, and which are properly displayed, and provided they are not mounted on a roof
218 or atop other signs. One corporate flag may be displayed along with a proper display of any or
219 all of the official flags listed in this subsection. Flagpole height may not exceed the maximum
220 height allowed in the zone for which it is being placed. If over the height allowed in the zone, the
221 flagpole shall have a conditional use permit approved by the planning commission.
222 Governmental uses, such as libraries and schools, shall be exempt from height requirements of
223 this sub-section.
- 224 (6) *Grand opening signs.* On a one-time basis, a business establishment shall be permitted one
225 banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.

- 226 (7) *Guidance signs.* Guidance and other informational signs authorized by the Utah Department of
 227 Transportation or other governmental agency.
- 228 (8) *Historical signs.* Historical name signs for sites and/or structures designated by the board of
 229 county commissioners as having historical significance to the county (and as identified in the
 230 Ogden Valley Master Plan).
- 231 (9) *Murals.* Murals, when depicted on the sides or rear of a building or storefront, provided that the
 232 mural has no connection or advertising context to any business conducted or any product or
 233 service offered therein.
- 234 (10) *Nameplate signs.* Nameplate signs not to exceed four square feet that identify the
 235 occupants/owners and/or home occupation of a residential property. Larger residential signs
 236 shall comply with the provisions of this Land Use Code.
- 237 (11) *Private warning signs.* Private warning signs, provided they do not exceed four square feet.
- 238 (12) *Signs on vehicles.* Signs for business identification which may include name, address, and
 239 telephone number, not to exceed two feet by three feet upon the side door of a vehicle.
- 240 (13) *Statuary and sculptures.* Freestanding statuary and sculptures which are considered to be
 241 works of art and which are placed on private property clearly for the benefit and interest of the
 242 general public.
- 243 (14) *Subdivision entry signs.* An approved, recorded subdivision may locate one entry sign at each
 244 entrance. The sign shall be of the monument type and meet all specifications/requirements for
 245 monument signs in section 110-2-5, Allowable signs by zoning district. The name of the
 246 subdivision shall be the only text included on said sign. The planning commission shall approve
 247 location and design style. A double entry sign may be approved by the planning commission
 248 where there is a divided center island entry street.
- 249 (15) *Traffic signs.* All signs erected in a public right-of-way by a public agency or in a private road
 250 right-of-way for the purpose of controlling or directing traffic.
- 251 (Ord. of 1956. § 32B-10; Ord. No. 2001-25; Ord. No. 2009-30; Ord. No. 2013-17. 6-18-2013)
- 252 **Sec. 110-2-10. - Special purpose signs.**
- 253 (a) *Manual changeable copy signs.* One reader board or changeable copy sign per business is
 254 permitted to be displayed, at one square foot of sign area per linear foot of building frontage, and
 255 may be either ground or wall sign by the following types of businesses:
- 256 (1) Theaters. Motion picture theaters and playhouses.
- 257 (2) Auditoriums and performing arts facilities.
- 258 (3) Convention facilities. Businesses with convention facilities.
- 259 (4) Gasoline stations. Businesses which sell motor fuels at retail cost, dispensed from pumps on
 260 premises.
- 261 (5) Grocery stores.
- 262 (6) Public, private or charter schools.
- 263 (b) *Destination and Recreation Resort Zone manual changeable copy sign.* One reader board or
 264 changeable copy sign, not exceeding 16 square feet, is permitted and may be displayed within a
 265 resort village area when the village area consists of six or more commercial buildings.
- 266 (c) *Movie poster signs.* Motion picture theaters, facilities for performing arts, and retail stores whose
 267 primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general
 268 public shall be permitted to display a maximum of two poster signs. Movie posters shall be displayed
 269 in a display case which shall be permanently affixed to the wall of the building or storefront. Movie
 270 posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be

271 lighted, and shall not exceed 12 square feet in area. The area of any movie poster sign conforming
 272 to this section shall not count toward the total signage allowed by section 110-2-5, Allowable signs
 273 by zoning district.

274 (Ord. of 1956, § 32B-11; Ord. No. 2009-30)

275 **Sec. 110-2-11. - Temporary sign usage.**

276 Temporary signs shall be permitted in accordance with standards set forth below, unless specified
 277 otherwise in this ordinance:

278 (1) *Setback standards for temporary signs.*

279 a. Temporary signs must be located completely on private property, except as exempted in
 280 section 110-2-9, other signs.

281 b. Signs must be placed ten feet behind the sidewalk, including those with grass strips
 282 between the street and the sidewalk, except for special event banners and special event
 283 directional signs.

284 c. On streets with no sidewalks and where it is not clear where the property line is located,
 285 signs must be placed ten feet behind the curb or pavement and not hang into the street;
 286 and

287 d. At intersections, they must be placed beyond the site distance triangle as found in section
 288 108-7-7, clear view of intersecting streets.

289 (2) *Temporary signs.* Temporary signs in this section shall in no way regulate the content of
 290 speech, only the place and manner in which it is permitted.

291 (3) *Additional standards.*

292 **Table 1**

Sign Type	Display Period	Removal Required 3 Days After	Land Use Permit or Special Event Permit Required
Occasion Signs			
Campaign signs	60 days prior to the election	Completion of the election	N
Construction signs	Duration of construction	Completion of construction	N
Property/real estate sign	Duration of listing	Closing/lease commencement date	N
Short-term vendors § 108-13-3	120 days	End of event	Y/LUP

Temporary outdoor sales § 108-13-4	Per state code if applicable or 30 days prior to the event	End of event	Y/LUP
Temporary real estate sales office	Duration of construction	Completion of construction	Y/LUP
Temporary real estate sales office wall sign	Duration of construction	Completion of construction	Y/LUP
Seasonal Signs			
Farmer's markets § 108-13-5	June through October	End of event	Y/LUP
Fruit and vegetable stand § 104-5-3 (8)	June through October	End of event	Y/LUP
Political sign	No limit	No limit	N
Event Signs			
Public event sign	30 days prior to the event	End of event	Y/SEP
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP
Public event directional sign	30 days prior to the event	End of event	Y/SEP
Special event sign	60 days prior to the event	End of event	Y/SEP
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP
Special event directional sign	1 day prior to the event	End of event	Y/SEP

Special event off-site sign	30 days prior to the event	End of event	Y/SEP
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293

294 **Table 2**

Types of Temporary Signs Permitted in Agricultural, Forest and Residential Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs (includes support structure)	Number of Signs Permitted per Sign Type
Occasion Signs			
Campaign sign	32 square feet	6 feet	No limit
Construction sign	32 square feet	6 feet	1 per street frontage
Property/real estate sign	8 square feet	6 feet	1 per street frontage
Temporary real estate sales office	32 square feet	6 feet	1 per street frontage
Temporary real estate sales office wall sign	20 square feet	N/A	1 sign attached to the office
Seasonal Signs			
Farmer's markets	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand	16 square feet	10 feet	1 per street frontage
Political sign	16 square feet	10 feet	1 per street frontage
Event Signs			
Public event sign	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or	12 square feet	N/A	1 per street frontage

sidewalks)			
Public event directional sign	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	16 square feet on-site	6 feet	No limit onsite signs, either ground or banner signs
Special event banner (on public property)	12 square feet	N/A	1 per street frontage
Special event directional sign	8 square feet offsite	4 feet	No limit off-premises directional signs
Special event offsite sign	32 square feet	10 feet	2 offsite per event either a ground sign or banner

295

296 **Table 3**

Types of Temporary Signs Permitted in Commercial, Manufacturing and Resort Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs	Number of Signs Permitted per Sign Type
Occasion Signs			
Campaign sign	32 square feet	8 feet	No limit
Construction sign	64 square feet	12 feet	1 per street frontage
Property/real estate sign	64 square feet	12 feet	1 per street frontage
Short-term vendors	16 square feet	6 feet if set in the ground or anywhere on the building	2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or

			kiosk
Temporary outdoor sales	16 feet	6 feet if set in the ground or anywhere on the building	2 per street frontage
Seasonal Signs			
Farmer's markets	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand	32 square feet	10 feet	1 per street frontage
Political sign	32 square feet	10 feet	1 per street frontage
Event Signs			
Public event sign	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	12 feet	N/A	1 per street frontage
Public event directional sign	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	16 square feet onsite	6 feet	No limit on-site signs, either ground or banner signs
Special event banner (on public property)	12 square feet	N/A	1 per street frontage
Special event directional sign	8 square feet offsite	4 feet	No limit off-premises directional signs
Special event offsite sign	32 square feet	10 feet	2 offsite per event either a ground sign or banner

297

298 (Ord. of 1956, § 32B-12; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013)

299 Sec. 110-2-12. - Sign materials and display standards.

300 (a) *Sign materials.* All materials used to construct signs, supports or fasteners shall conform to the
301 following standards:

302 (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone,
303 textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which
304 is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper,
305 brass, wrought iron, and other metals may remain untreated and allowed to develop a natural
306 patina.

307 (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick,
308 stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted,
309 anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass,
310 wrought iron, and other metals may remain untreated and allowed to develop a natural patina.
311 Support structures shall use natural, muted earth-tone colors including browns, black, grays,
312 rusts, etc. White shall not be used as a predominant color, but may be used as an accent.

313 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the
314 standards of this section.

315 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street
316 right-of-way, entrance or exit.

317 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices
318 shall be allowed to project or be located within a public right-of-way.

319 (3) *External illumination.* Signs may be unlighted or lighted externally, provided that the light is
320 shielded such that the light source causes no glare, and does not encroach upon neighboring
321 properties or on-coming traffic. No exposed light sources are permitted. Colored and flashing
322 lights are prohibited. All lighting shall be shielded and directed only at the sign surface.
323 Illumination source shall be included with the master sign plan.

324 (4) *Internal illumination.* Individual pan-channel letters with a plastic face or individual cut-out letters
325 (i.e., letters routed out of the face of an opaque cabinet sign) are permitted. The plastic face or
326 backing of the letters shall be ivory colored. Reversed pan-channel letters with an internal light
327 source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. The
328 light source for internally illuminated signs shall be white.

329 (5) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six
330 inches or more below the top of the parapet wall.

331 (6) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size,
332 form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the
333 effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or
334 impair driver visibility upon roads.

335 (7) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a
336 way that prevents free ingress or egress from any door, window or fire escape, and no sign
337 shall be attached to a standpipe or fire escape.

338 (8) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form
339 or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of
340 displaying a sign.

341 (9) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the
342 lowest edge of the overhang eight feet to the driving or walking surface below.

343 (10) *Sign setbacks.*

344 a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a
 345 minimum of ten feet from any property line. Signs fronting on state highways shall be set
 346 back ten feet from the right-of-way.

347 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,
 348 except for signs set by public agencies for safety purposes, such as the state department
 349 of transportation.

350 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in
 351 title 108, chapter 7 of the Weber County Land Use Code.

352 (11) *Landscaping.* The ground area around the base of all ground/monument signs shall be
 353 landscaped in accordance with the requirements of applicable chapters of the Weber County
 354 Land Use Code. The planning commission may exempt some monument/ground signs from this
 355 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly
 356 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be
 357 impractical.

358 (12) *No street frontage.* When a freestanding building, complex or storefront does not face a public
 359 street or approved private road, and is accessed via a pedestrian area or common parking and
 360 driveway area, the linear footage of building or storefront facing the pedestrian area or common
 361 parking area shall substitute for purposes of determining allowable signage.

362 (13) *Sign area.* The area of a sign shall be the measurement of the face of the sign that is designed
 363 to present a message or attract attention, plus the structural supports. The combined area of the
 364 sign face and structural supports shall not exceed the maximum height and width specified for
 365 signs in this chapter.

366 (Ord. of 1956, § 32B-13; Ord. No. 2009-30)

367 Sec. 110-2-13. - Dangerous or defective signs.

368 (a) *Removal or repair by owner.* Any sign which is found to be in a dangerous or defective condition
 369 shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of
 370 the owner to remove or repair a dangerous or defective sign, the planning director shall proceed with
 371 enforcement measures.

372 (b) *Removal by planning director.* The planning director may cause the removal of any sign that
 373 endangers the public safety or a sign for which no sign permit has been issued, if, after giving notice
 374 the owner has not remedied the violation.

375 (c) *Cost of removal.* The cost associated with the removal of a sign by the planning director shall be paid
 376 by the owner of the property on which the sign is located. If the cost is not paid within 30 days, the
 377 unpaid balance shall be considered a lien against the property and said lien shall be filed by the
 378 county attorney.

379 (Ord. of 1956, § 32B-14; Ord. No. 2009-30)

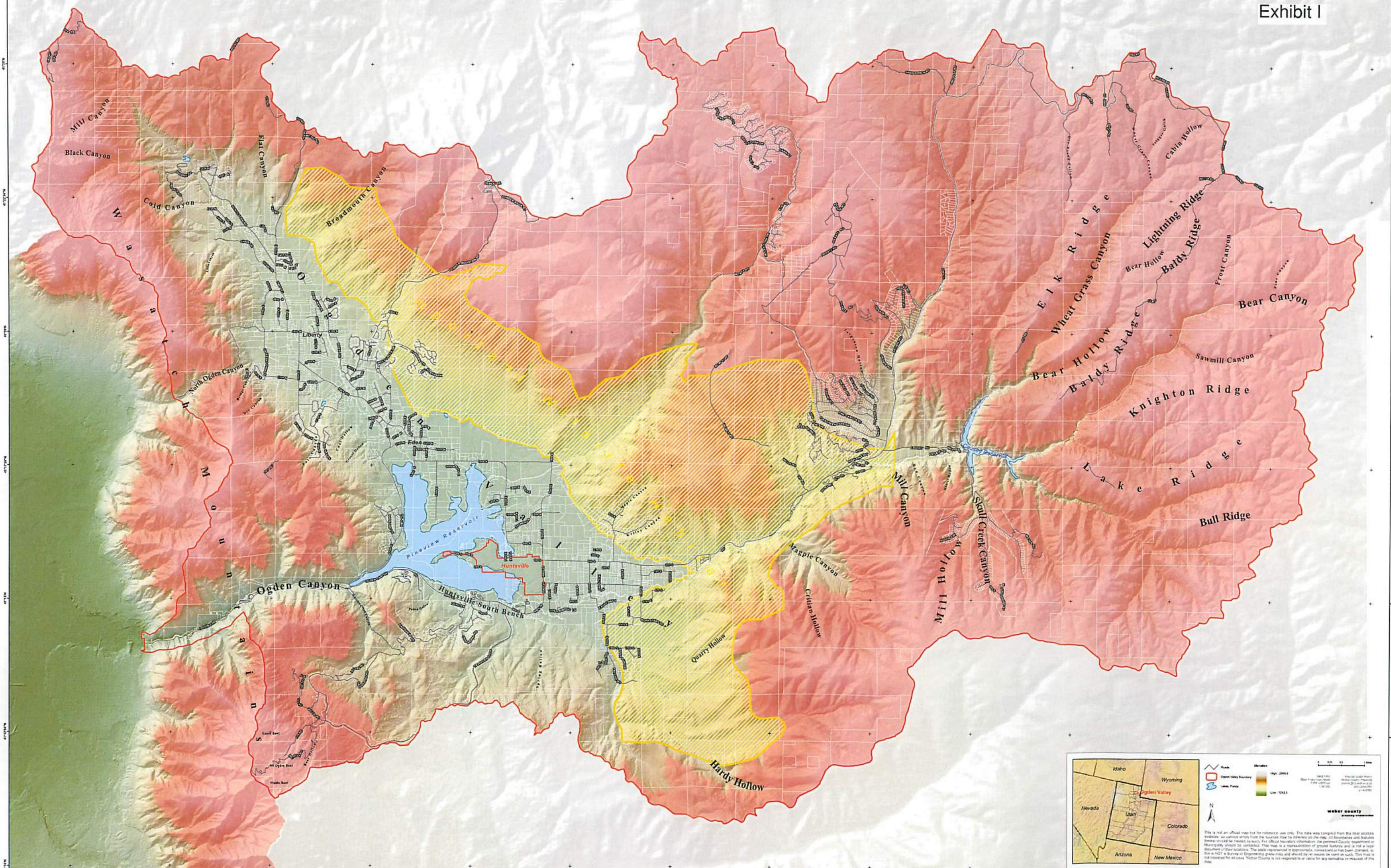
380 Sec. 110-2-14. - Construction standards.

381 Signs and sign structures shall be designed and constructed to resist wind and seismic forces as
 382 specified in the uniform building code, as adopted by the county. A building permit for the sign structure
 383 shall be required, as well as a land use permit. If there is any indication, in the opinion of the county
 384 engineer, that the proposed structure may not resist wind, seismic forces or other loads or stresses, a
 385 state registered engineer's certificate on the sign's structural plans shall be required.

386 (Ord. of 1956, § 32B-15; Ord. No. 2009-30)

Ogden Valley 6,200 Foot Elevation

Exhibit I



Legend

- Black line: Road
- Red outline: Ogden Valley Boundary
- Blue line: Lake, Pond

Elevation

High: 20000
Low: 10000

Scale

0 500 1000 Feet

Map of Utah

Idaho Wyoming
Nevada Utah Colorado
Arizona New Mexico

Webster County
Planning Commission

This is not an official map but for reference use only. The data was compiled from the best sources available. No warranty is made for accuracy. For official boundary information, the pertinent County Department or Municipality should be contacted. This map is a representation of ground features and is not a legal document of their location. The scale represented is approximate, not exact or has been distorted. It is not a Survey or Engineering grade map and should be used only for reference. This map is not intended for all uses. Webster County is not responsible or liable for any derivative or misuse of this map.