



OGDEN VALLEY PLANNING COMMISSION PLANNING MEETING AGENDA

July 26, 2016
5:00 p.m.

Pledge of Allegiance

Roll Call:

1. Consent Agenda:
 - 1.1. UVR060116 Consideration and action on a request for final approval of Reflections Subdivision (6 Lots) located at approximately 5650 E 1900 N in the Agricultural Valley (AV-3) Zone and Shoreline (S-1) Zone (Cortney Valentine, Agent)
 - 1.2. UVE050516 Consideration and action on a request for final approval of East Lake Meadows Subdivision (5 Lots) located at approximately 8600 E 500 S in the Agricultural Valley (AV-3) Zone and Forest Valley (FV-3) Zone (Brad Dobson, Owner)
2. Petitions, Applications and Public Hearings
 - 2.1. Administrative Items
 - a. Old Business:
 1. Election: Vice Chair for 2016
 2. Rules of Order: Approval of the Rules of Order
 - 2.2. Legislative Items
 - a. Old Business: Public Meeting:
 1. ZTA 2016-03: A public hearing to consider and take action on a request to amend the CV-2 Zone within the Weber County Land Use Code, to provide for residential units when approved by a development agreement.
 2. ZTA 2016-01 Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7), and Hillside Development Review Procedures and Standards (§108-14), to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.
3. Public Comment for Items not on the Agenda
4. Remarks from Planning Commissioners
5. Planning Director Report
6. Remarks from Legal Counsel
7. Adjourn to Convene to a Work Session
 - WS1. DISCUSSION: Review and Discuss Public Utility Substation or Structure Amendments

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting



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



Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of Reflections Subdivision (6 lots) at approximately 5650 East 1900 North.

Agenda Date: Tuesday, July 26, 2016

Applicant: Cortney Valentine, agent

File Number: UVR 060116

Property Information

Approximate Address: 5650 East 1900 North, Eden UT

Project Area: 25.673 acres

Zoning: Agricultural Valley AV-3 and Shoreline S-1

Existing Land Use: Agricultural

Proposed Land Use: Residential and agriculture

Parcel ID: 20-002-0081

Township, Range, Section: T6N, R1E, Section 2

Adjacent Land Use

North: Residential	South: Pineview Res.
East: School	West: Agriculture

Staff Information

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

Report Reviewer: RK

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 Agricultural Valley (AV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 10 Shoreline (S-1 Zone)
- Weber County Land Use Code Title 106 (Subdivision)

Background

The applicant is requesting final plat approval of Reflections Subdivision (6 lots) at approximately 5650 East 1900 North in the AV-3 and S-1 Zones.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan in a manner that does not detract from the Valley's rural character and natural setting. Subdivisions that meet the requirements of applicable Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

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



Zoning:

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

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

Lot area, frontage/width and yard regulations: The proposed 25 acre subdivision is proposed as three lots (4-6) meeting the minimum 5 acre lot area and 300 foot lot width requirements of the S-1 Zone, and three lots (1-3) which are split by a zoning boundary. These three lots (1-3) meet the minimum 3 acre lot area and 150 lot width requirements of the AV-3 Zone, as more than 2/3rds of the lot area is in the less restrictive AV-3 Zone. The homes on Lots 1, 2, and 3 will be required to be built in the AV-3 zone, which is 350 feet south of 1900 North.

Access: Lots 1, 2, and 3 in the proposed subdivision all front and can have access from 1900 North, although access for Lots 1 and 2 could also access from the private right of way as they function as corner lots. Road dedication is required for 1900 North with a road width of 80 feet as identify by the Ogden Valley Transportation Element Map adopted into the General Plan.

Culinary water and sanitary sewage disposal: A feasibility letter has been provided for the culinary and wastewater systems for the proposed subdivision. The culinary water for the proposed subdivision will be provided by Eden Water Works and wastewater is controlled by individual septic systems.

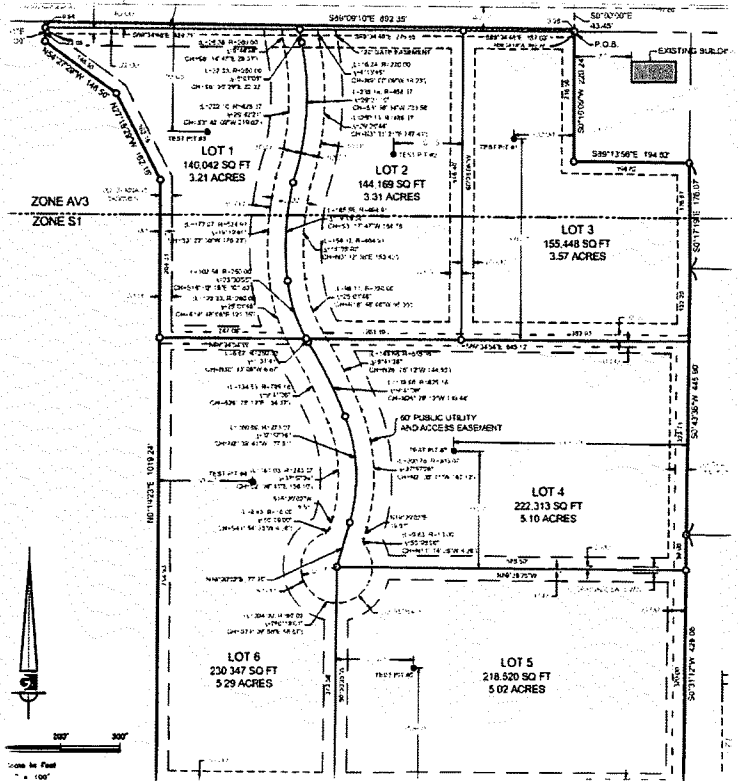
Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed and approved the proposal. All review agency comments have been attached as Exhibit B.

Additional design standards and requirements: As this is a rural subdivision in an agricultural area of the Ogden Valley the applicant is requesting that a recommendation be made to the Weber County Commission to defer the street improvements of curb, gutter, and sidewalk along 1900 North even though the property is near the school. A trail currently exists on this property next to the roadway.

As the lot lines of the subdivision follow the center line of the right of way easement, it has been suggested that an additional front setback be required to 60 feet in lieu of the standard 30 feet. This would allow for the homes to align in a normal fashion along the private access.

Tax clearance: The 2015 property taxes have been paid.

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



Summary of Considerations

Does the subdivision meet the requirements of the Land Use Code?

- The subdivision meets the requirements for a subdivision and the zones it is located in.

Staff Recommendation

Staff recommends final plat approval of Reflections Subdivision (6 lots). This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Requirements of the Weber County Engineering Division.
2. Requirements of the Weber-Morgan Health Department.
3. Requirements of the Weber Fire District.
4. Requirements of the Weber County Surveyor's Office.
5. Requirements of the Weber County Recorder.
6. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all applicable County codes.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Subdivision Plat
- B. Agency review comments

Photo of the proposed subdivision



Notice map for the proposed subdivision

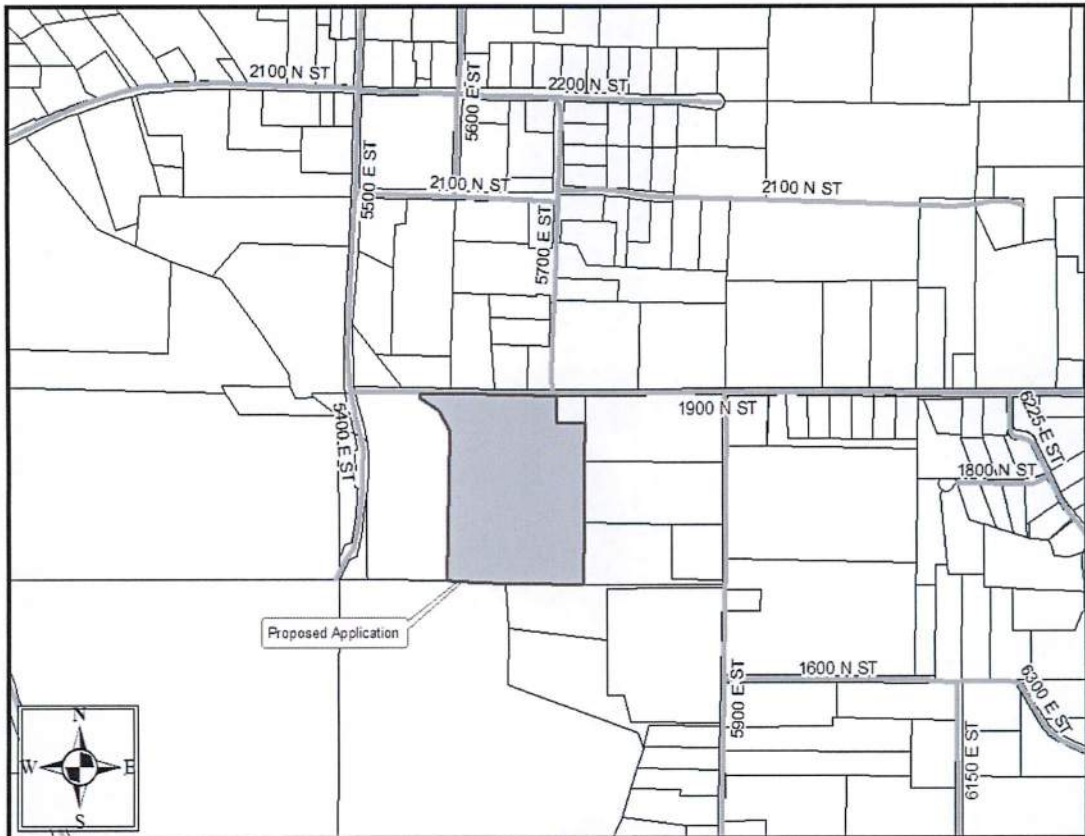


Exhibit A

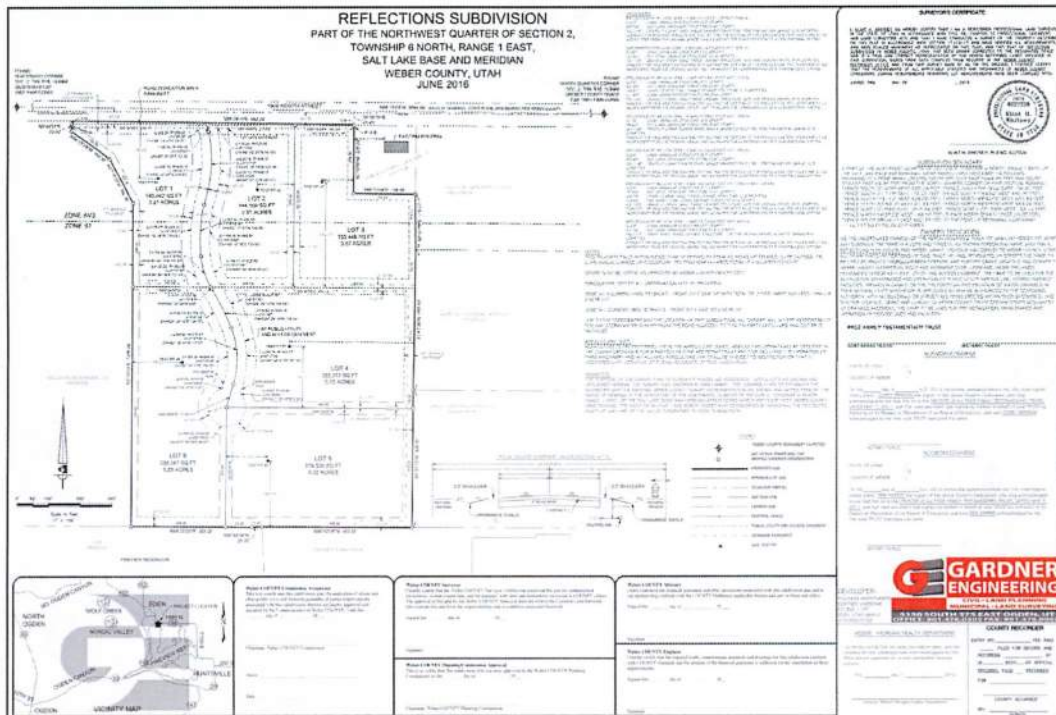


Exhibit B-Review Agencies Comments

Engineering Review 4

Project: Reflections Subdivision

User: Blane Frandsen

Department: Weber County Engineering Division

Created: 2016-07-19

Approved: Approved

Notes: The SWPPP re-submittal has been received and is acceptable.

Weber County Surveyor's Review 2

Project: Reflections Subdivision

User: Bahy Rahimzadegan

Department: Weber County Surveyor's Office

Created: 2016-07-18

Approved: Approved

Notes: This plat has been approved by the Weber County Surveyor's office; a review must be submitted prior to any changes done to the currently approved plat.



Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of East Lake Meadows Subdivision (5 lots) at approximately 8600 East 500 South.

Type of Decision: Administrative

Agenda Date: Tuesday, July 26, 2016

Applicant: Brad Dobson, owner

File Number: UVE 050516

Property Information

Approximate Address: 8600 East 500 South, Huntsville UT

Project Area: 19.02 acres

Zoning: Agricultural Valley AV-3 and Forest Valley FV-3

Existing Land Use: Agricultural

Proposed Land Use: Residential and agriculture

Parcel ID: 21-026-0120 and 21-026-0120

Township, Range, Section: T6N, R2E, Section 16 and 17

Adjacent Land Use

North: Residential	South: N. Branch of the S. Fork of the Ogden River
East: Residential	West: Residential

Staff Information

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

Report Reviewer: RK

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 Agricultural Valley (AV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 Forest Valley (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivision)

Background

The applicant is requesting final approval of East Lake Meadows Subdivision consisting of five lots. The proposed subdivision is 19 acres located at approximately 8600 East 500 South near Huntsville. Currently a home exists on the property and will be on Lot 5 consisting of 7.01 acres. A zoning boundary splits this property approximately where an irrigation ditch crosses through the subject property placing it into the AV-3 and FV-3 Zones.



Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan in a manner that does not detract from the Valley's rural character and natural setting. Subdivisions that meet the requirements of applicable Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

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

Zoning:

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

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

Lot area, frontage/width and yard regulations: The proposed subdivision meets the minimum 3 acre lot area and 150 foot lot width requirements of the AV-3 and FV-3 Zones (LUC §104-8 and 104-14). Each lot meets each zones requirement, as the two zones have the same area and width standards.

Access: The lots in the proposed subdivision all front and can have access from 500 South or 8600 East. Both roads require road dedication and road widths of 66 feet.

Sensitive lands: Lot 5 is adjacent to the North Branch of the South Fork of the Ogden River and will require a 75 foot area of non disturbance for the high water mark of the river.

Flood Plain: Most of the proposed subdivision is located in Zone "X", however an area along the river is in Zone "AE" as determined by the FEMA maps. This Zone "AE" is typically referred to as the floodplain, and has a one percent chance of flooding.

Culinary water and sanitary sewage disposal: A feasibility letter has been provided for the culinary and wastewater systems for the proposed subdivision. The culinary water for the proposed subdivision will be provided by a private wells and wastewater is controlled by individual septic systems.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed and approved the proposal. All review agency comments have been attached as Exhibit B.

Additional design standards and requirements: As this is a rural subdivision in an agricultural area of the Ogden Valley the applicant is requesting that a recommendation be made to the Weber County Commission to defer the street improvements of curb, gutter, and sidewalk on both 8600 East and 500 South.

Tax clearance: The 2015 property taxes have been paid.

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



Summary of Considerations

Does the subdivision meet the requirements of the Land Use Code?

- The subdivision meets the requirements for a subdivision and the zones it is located in.

Staff Recommendation

Staff recommends final plat approval of East Lake Meadows Subdivision. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Requirements of the Weber County Engineering Division.
2. Requirements of the Weber-Morgan Health Department.
3. Requirements of the Weber Fire District.
4. Requirements of the Weber County Surveyor's Office.
5. Requirements of the Weber County Recorder.
6. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all applicable County codes.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Subdivision Plat
- B. Agency review comments

Photo of the proposed subdivision



Notice map for the proposed subdivision

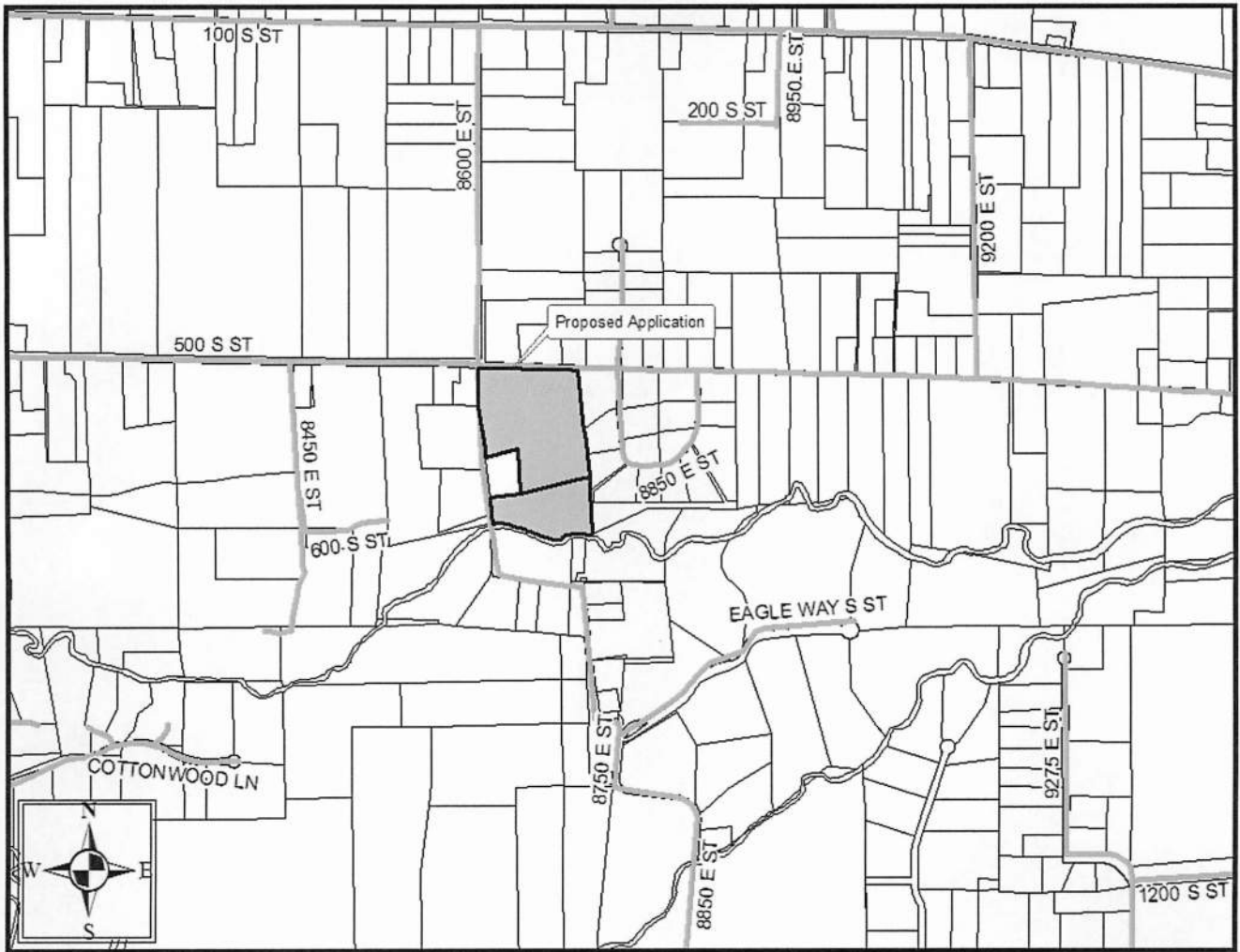


Exhibit B-Review Agencies Comments

Engineering Review

Project: East Lake Meadows Subdivision

User: Blane Frandsen

Department: Weber County Engineering Division

Created: 2016-06-08

Approved: Not Approved

Notes: In the response letter you state that 8600 East is already a dedicated 66 foot street. I only see dedications for the west half of the street from the Eagleston and Brian Allen Subdivisions and nothing north of the Eagleston subdivision to 500 South. Please provide information regarding the dedication along the east side of the street and the full dedication north of the Eagleston subdivision to 500 South.

Weber County Surveyor 1st Review

Project: East Lake Meadows Subdivision

User: Bahy Rahimzadegan

Department: Weber County Surveyor's Office

Created: 2016-06-02

Approved: Not Approved

Notes: In reviewing the above referenced plat, we have marked areas that still require attention. We have included a copy of the plat marked with these changes. If you have any questions or comments we are here to serve and help you in any possible way to expedite the approval process for this subdivision.

We can be reached at the Weber County Surveyors Office at (801) 399-8075. Thank you.

RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
November 19, 2013

A. ORGANIZATION

1. Appointment of Chair and Vice Chair

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

2. Chair - Duties

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

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

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

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

3. Duties of the Vice Chair

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

4. Temporary Chair

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

5. Secretary - Duties

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

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

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

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

2. Preparation

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

3. Members Shall Attend Meetings

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

Planning Commission members shall attend required training.

4. Conflict of Interest

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

(a) Disqualification

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

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

(b) Disclosure of Potential Conflict of Interest

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

(c) Ex Parte Contacts

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

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

(d) Planning Commission Members Wishing to Give Comment

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

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

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

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

C. MEETINGS

1. Place

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

2. Regular Meetings

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

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

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

3. Special Meetings

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

4. Meetings - Matters Considered
Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.
5. Quorum
Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.
6. Work Sessions
A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.

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

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.
7. Open Meetings Law
All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.
8. Length of Meetings
At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business
The order of business in the Commission shall be as follows:
 - (a) Chair opens the meeting and welcomes those in attendance
 - (b) Pledge of Allegiance
 - (c) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
 - (d) Approval of minutes of prior meetings
 - (e) Planning Director reads opening meeting statement
 - (f) Chair asks commissioners if there are any exparte communications or conflicts of interest to disclose
 - (g) Consent Agenda
 - (h) Petitions, Applications and Public Hearings
 1. Administrative Items

- a. Old Business
- b. New Business
- 2. Legislative Items
 - a. Old Business
 - b. New Business
- (i) Public Comment for Items not on the Agenda
- (j) Planning Commission Remarks
- (k) Planning Director Report
- (l) Legal Counsel Remarks
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

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

3. Deadline for Agenda

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

4. Special Order of Business

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

E. ORDER AND DECORUM

1. Order of Consideration of Items

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

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

asked while the public hearing is open. The Chair outlines possible actions: approval, disapproval, continue, or approval with conditions.

2. Consideration of Items

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

The Chair of the Planning Commission shall have authority to:

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

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

3. Time Limits

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

4. Conduct of Persons before the Commission

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

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

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

F. PROCEDURE - MOTIONS

1. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion; however, any Planning Commissioner may second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact

supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion.

2. Withdrawing or Modifying a Motion

- (a) When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, "Chair, I withdraw the motion."
- (b) If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.
- (c) If a motion is modified before being stated by the Chair, the second may withdraw his/her second.
- (d) After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

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

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

4. Motion must be Germane

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

5. Motions to Deny

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

6. Substitute Motions

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

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending

measure shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.

8. Friendly Amendments

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

G. PROCEDURE - RECONSIDERATION

1. Motion to Reconsider

A motion to reconsider must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. This type of motion proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

H. PROCEDURE - DEBATE

1. Interruptions and Questions

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

I. PROCEDURE - VOTING

1. Roll Call on Final Passage

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

2. Minute Approval

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

3. Voting or Changing Vote Before Decision Announced

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

4. Voting or Changing Vote After Decision Announced

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

5. **Commission Members Required to Vote - Late Voting**
No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.
6. **Tie Votes**
If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.
7. **Explaining Vote**
After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.
8. **Not to Vote Unless Present**
No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

J. DOCUMENTS OF THE COMMISSION

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

K. AMENDMENT

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

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

L. RECORDING OF RULES - COPIES TO BE FURNISHED

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

December 10, 2013

Pen Hollist, Chair
Ogden Valley Planning Commission

Andrew Favero, Chair
Western Weber Planning Commission



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 Title 104 (Zones), Chapter 21 (Commercial Valley Zones CV-1 and CV-2) to allow dwelling units in the zone if they were previously approved as part of a development agreement, and to provide specific standards governing them.

Agenda Date: Tuesday, July 26, 2016
Staff Report Date: Wednesday, July 20, 2016
Applicant: Weber County Planning Division
File Number: ZTA 2016-03

Staff Information

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

Applicable Ordinances

§101-1-7: Definitions
 §104-21: Commercial Valley Zones CV-1 and CV-2

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The Wolf Creek Development Agreement of 2002 assigned a number of units to the CV-2 zone.¹ However, the CV-2 zone has never allowed dwelling units, nor did the development agreement specify that these units were intended to be located in other zones. A conflict exists between the development agreement and the zone.

Given the recent master plan amendment efforts of the developer(s), and the community engagement that they conducted, it seems that maintaining the allowance for these units in the CV-2 zone (especially now that they are assigned to specific lots)² is prudent. Because of the allowances in the development agreement, the developer(s) probably have some level of vesting in the existence of these units in the zone. The attached proposed text amendment for the CV-[X] zones eliminates the conflict between the development agreement and the zone, and provides development restrictions for the dwelling units that are intended to help keep the zone primarily commercial in nature. The proposal also clarifies certain points of the zone.

The applicant initially requested that the CVR-1 zone be changed to provide site development standards similar to the CV-2 zone, as those site development standards better provide for their future development style. If they were successful at getting the CVR-1 zone amended, they planned to then rezone property in their ownership to the

¹ The 2002 Zoning Development Agreement for the Wolf Creek Development assigned (Weber County Recorder Entry #1883524) 250 units to the CV-2 zone. It did not specify whether these units are allocated directly to that zone or intended to be used elsewhere.

² In 2015, an amendment to the Zoning Development Agreement of Wolf Creek was recorded (Weber County Recorder Entry #2768159) that re-allocated the development's remaining density amongst various parcels. Two parcels that are currently zoned CV-2 received a total of 75 of the remaining units.

CVR-1 zone. However, given the amount of changes that would have been required to the CVR-1 zone to accomplish their desires, and the general applicability of those changed standards on other property zoned CVR-1, staff recommended that the applicant consider changing the request to simply amend the CV-2 zone (which their property is currently zoned) to allow their desired use. Staff felt this would be simpler for the applicant, staff, and the Planning Commission.

Staff is recommending approval of the proposed text amendment.

Policy Analysis

Policy considerations. Because the 2002 development agreement assigned dwelling units to the CV-2 zone, it can probably be construed that the developer has vested rights to locate them in that zone. Further, the recent 2015 development agreement amendments³ clarify to which specific parcels each of these original units are now assigned. The fact that the development agreement conflicts with the zone is a problem that the County should've better resolved with the adoption of the initial agreement, but absent that resolution, the applicant is requesting that the Planning Commission consider a resolution now.

In conducting an evaluation of the effect of the request, staff had two primary concerns:

1. The possibility that this could create a loophole in the CV-2 zone that could unintentionally create new density; and
2. The possibility that allowing residential units on property governed by the CV-2 zone could yield development that runs contrary to the intent of the commercial valley zones.

To remediate these concerns, the proposed text amendment specifies that dwelling units are only allowed in the CV-2 zone when specifically assigned to a property by a previously approved development agreement (meaning a development agreement approved prior to the date of the adoption of this change), and only if the buildings provide street oriented commercial space with an emphasis on creating a complete street.

These requirements will help create development that has a village "feel" by placing buildings closer to the street, providing commercial shop space at the street level, and providing for pedestrian facilities along commercial frontage.

Conformance to the General Plan

The current and proposed Ogden Valley General Plan mentions the creation of villages or "nodes" in strategic locations throughout the valley. Providing the proposed changes will help create those villages.

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

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

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

Staff Recommendation

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

1. The changes are necessary to reduce conflicting provisions within the Land Use Code and between a previously approved development agreement.

³ In 2015, an amendment to the Zoning Development Agreement of Wolf Creek was recorded (Weber County Recorder Entry #2768159) that re-allocated the development's remaining density amongst various parcels. Two parcels that are currently zoned CV-2 received a total of 75 of the remaining units.

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

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

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change [Redlines] – Commercial Valley Zones.
- C. 2002 Wolf Creek Development Agreement, with annotations.
- D. 2015 Wolf Creek Development Agreement Amendment, with annotations.

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

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

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 102-1: General provisions

§ 104-27: Natural hazards overlay districts

§ 108-7: Supplementary and qualifying regulations

§ 108-14: Hillside development review procedures and standards

Key to reading track changes:

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

Language that has been added is shown in blue underline

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

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

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

1 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2

2

3 Sec. 104-21-1. - Purpose and intent.

4 (a) The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the
 5 various types of commercial activity needed to serve the people and commerce of the
 6 Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial
 7 zones, uses based upon the type of activity which are compatible and complementary, as
 8 well as the intensity of land utilization and accessory use needs.

9 (b) The CV-1 Zone (Neighborhood Commercial) has been established for the purpose of
 10 providing shopping facilities and services within neighborhoods in the Ogden Valley,
 11 primarily for the convenience of people living in a neighborhood. The types of goods and
 12 services which may be offered for sale have been limited to "convenience goods" such as
 13 groceries, drugs, and personal services such as a barber and beauty shop, distinguished by
 14 the fact that the principal patronage of the establishments originates within the surrounding
 15 neighborhood. Consequently, other uses such as automobile sales, furniture, and other
 16 stores, in which the principal patronage originates outside the surrounding neighborhood,
 17 have been excluded from the CV-1 zone. The maximum size of a CV-1 zone node shall be
 18 approximately five (5) acres exclusive of minimum lot widths and areas.

19 (c) The CV-2 Zone (General Commercial) has been established for the purpose of providing a
 20 broad range of commercial services and goods to serve a larger region of the county like
 21 the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates
 22 throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to
 23 be a commercial hub or node of activity. These areas, as outlined in the General Plan, are
 24 to be near the traditional town centers of the Ogden Valley and not to be strung out along
 25 the highways. Uses in the CV-2 Zone may provide goods and services not typically found
 26 amongst commercial areas within resorts including automobile sales and service, sporting
 27 goods, service stations, hotels, and professional offices.

28

29 Sec. 104-21-2. - Site development standards.

30 The following site development standards shall apply in the Commercial Valley Zones CV-1
 31 and CV-2:

	CV-1	CV-2
Minimum lot area	none	none
Minimum lot width	none	none
Minimum yard setbacks		
Front	20 ft. unless the requirements listed in (B-4) Section 104-21-4(c) Special regulations number 3 are is met.	

Side	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Side facing street on corner lot	20 feet unless the requirements listed in section 104-21-4(c) Special regulations number 3 are met.	
Rear	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Building height		
Minimum	1 story	1 story
Maximum	35 feet	
Maximum lot coverage	60% of lot area by buildings or accessory buildings	

32

33 _____

34 Sec. 104-21-3. - Sign regulations.

35 The height, size, and location of the permitted signs shall be in accordance with the
 36 regulations set forth in title 110, chapter 21, Ogden Valley signs, of this Land Use Code.

37 Sec. 104-21-4. - Special regulations.

38 (a) Hereinafter specified permitted and conditional uses shall be allowed only when the
 39 following conditions are complied with: All manufacturing uses shall be done within a
 40 completely enclosed building in an effort to mitigate objectionable nuisances such as odor,
 41 dust, smoke, noise, heat, or vibration.

42 (b) A car wash shall be permitted subject to the following restrictions:

43 (1) Operation or use shall limited to the hours between 6:00 a.m. and 10:00 p.m. in CV-1
 44 Zone.

45 (2) There shall not be more than four washing bays for a manual spray car wash in CV-1
 46 Zone.

47 (3) In both the CV-1 and CV-2 zones the off-street vehicle spaces or queues required shall
 48 be as follows:

49 a. One bay car wash, four spaces in the approach lane;

50 b. Two bay car wash, three spaces in the approach lane for each wash bay;

51 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

52 (c) Complete street.

- 53 (1) A complete street is a transportation facility that is planned, designed, operated, and
 54 maintained to provide safe mobility for all users including bicyclists, pedestrians, transit
 55 vehicles, and motorists, appropriate to the function and context of the facility.
- 56 (2) A complete street design is required when the front setback is less than 20 feet, and
 57 ~~may~~ shall include a ten foot pedestrian pathway or sidewalk, pedestrian lightings,
 58 shade trees, clear view of intersection, and, when applicable, may also include safe
 59 street crossings for pedestrians. The complete street design ~~is to~~ shall be approved by
 60 the planning commission.

61 (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in
 62 Section 104-21-5, and only when specifically assigned to the property as part of a
 63 previously approved development agreement for a master planned development. When
 64 fronting on a public or private street, buildings that contain dwelling units shall comply with
 65 the following:

- 66 (1) The building front shall provide street-facing commercial space, at the street level,
 67 that is accessible from the street, for the entire length of the building's street
 68 frontage;
- 69 (2) The building front shall not be setback any greater than 20 feet at any point from the
 70 property line that runs parallel to the public or private street;
- 71 (3) The building shall be subject to the requirements of Chapter 108-1 and Chapter 108-
 72 2; and
- 73 (4) The lot's street frontage shall be developed as a complete street, as specified in
 74 Section 104-21-4(c).

75 _____
 76 Sec. 104-21-5. - Uses.

77 In the following list of possible uses, those designated in any zone as "P" will be a permitted
 78 use. Uses designated as "C" will be allowed only when authorized by a conditional use permit
 79 obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" shall
 80 not be allowed in that zone.

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P	P
Animal hospital	N	C
Antique, import or souvenir shop	N	P

Archery shop and range, provided it is conducted within an enclosed building	N	P
Art and artists gallery or supply store	P	P
Assisted living facility including convalescent or rest home	P	P
Athletic, recreational equipment, and sporting goods sales/ rentals, excluding sale or repair of motor vehicles, motor boats or motors	N	P
Auction establishment	N	C
Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building	N	C
Automobile, new or used sales/service	N	C
Awning sales and service	N	P
Bakery	C	P
Bank or financial institution not including payday loan services	P	P
Barbershop	P	P
Beauty shop	P	P
Bed and breakfast dwelling	P	P
Bed and breakfast inn	N	P
Bed and breakfast hotel	N	C
Brewery, micro in conjunction with a restaurant	N	P
Bicycle sales and service	P	P
Billiard parlor	N	C
Boarding house	N	C
Boat sales and service	N	C

Boat and personal water craft rentals as an accessory use to boat sales and service	N	C
Book store, retail	P	P
Bowling alley	N	C
Business office	P	P
Butcher shop, excluding slaughtering	C	P
Cafe	P	P
Camera store	P	P
Candy store, confectionery	P	P
Car rental agency	N	P
Car wash, automatic	N	C
Car wash, manual spray	C	P
Catering establishment	C	P
Church	P	P
Clinics, medical or dental	P	P
Clothing and accessory store	N	P
Communication equipment building	N	P
Convenience store	C	P
Costume rental	N	P
Data processing service and supplies	N	P
Day care center	C	P
Delicatessen	P	P

Diaper service, including cleaning	N	P
Drapery and curtain store	N	P
Drug store	P	P
Dry cleaning	P	P
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.	P	P
Educational institution	N	P
Electrical and heating appliances and fixtures sales and service	N	P
Electronic equipment sales and service	N	P
Employment agency	N	P
Fabric and textile store	C	P
Farm implement sales	N	C
Feed and seed store, retail	N	P
Flooring sales and service, carpet, rug and linoleum	N	P
Florist shop	C	P
Fitness, athletic, health, recreation center, or gymnasium	N	P
Fruit and vegetable store or stand	P	P
Furniture sales and repair	N	P
Fur apparel sales, storage or repair	N	P
Garden supplies and plant materials sales	C	P
Gift store	P	P

Glass sales and service	N	P
Government office buildings	N	P
Greenhouse and nursery	N	P
Grocery store	C	P
Grooming for small animals	P	P
Gunsmith	P	P
Hardware store	N	P
Health food store	P	P
Hobby and crafts store	P	P
Hotel	N	C
House cleaning and repair	N	P
Household appliance sales and incidental service	N	C
Ice cream parlor	P	P
Insulation sales	N	P
Interior decorator and designing establishment	P	P
Jewelry store sales and service	P	P
Laboratory, dental or medical	N	P
Laundromat	P	P
Lawn mower sales and service	N	P
Library	P	P
Linen store	N	P

Liquor store	N	C
Locksmith	P	P
Lodge or social hall	N	P
Meat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering	N	C
Medical supplies	N	P
Miniature golf	N	C
Monument works and sales	N	P
Mortuary	N	C
Motel	N	C
Motorcycle and motor scooters sales and service	N	C
Museum	C	P
Music store	C	P
Office supply	N	P
Ornamental iron sales or repair	N	C
Paint or wallpaper store	N	P
Park and playground	P	P
Parking lot or garage as a main use	N	C
Pest control and extermination	N	P
Pet and pet supply store	N	P
Pharmacy	P	P

Photo studio	P	P
Plumbing shop	N	P
Post office	C	P
Pottery, sales and manufacture of crafts and tile	N	P
Printing, copy sales and services	N	P
Private liquor club	N	C
Professional office	N	P
Public utilities substation	C	C
Radio and television sales and service	C	P
Radio or television broadcasting station	N	P
Real estate agency	C	P
Reception center or wedding chapel	N	C
Recreational vehicle storage	N	C
Rental, equipment	N	P
Restaurant	C	P
<u>Dwelling unit, if in compliance with Section 104-21-4(d).</u>	<u>N</u>	<u>P</u>
Restaurant, drive-in	N	C
Restaurant, drive-through	N	C
Second-hand store	N	P
Self storage, indoor units for personal and household items	N	C
Service station, automobile excluding body, fender, and upholstery work	P	P

Service station, automobile with 1 bay automatic car wash as an accessory use	C	P
Sewing machine sales and service	N	P
Shoe repair	P	P
Shoe store	N	P
Snow plow and removal service	N	C
Snowmobile, ATV sales and repair	N	C
Soil and lawn service	N	P
Spa	N	P
Tailor shop	P	P
Tavern, beer pub	N	C
Taxidermist	N	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	P
Theater, indoor	N	P
Tobacco shop	N	P
Toy store, retail	N	P
Trade or industrial school	N	C
Travel agency	C	P
Upholstery shop	C	P
Vendor, short-term	P	P
Ventilating equipment sales and service	N	C

Video sales and rental	P	P
Window washing establishment	N	P

81 _____

2002-139

WEBER COUNTY

ZONING DEVELOPMENT AGREEMENT

PARTIES: The parties to this Zoning Development Agreement ("Agreement") are Wolf Creek Properties, L.C. ("petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement shall be the date that this document is signed by all parties and recorded.

RECITALS: Whereas, the petitioner seeks approval for the amended Master Plan for the Wolf Creek Resort which includes the re-zoning of property within the Wolf Creek Resort, generally located in the Eden area of the Ogden Valley, and more specifically as described in the legal descriptions attached hereto and incorporated herein by this reference ("the property"); and, as shown on the attached Master Plan Map, within the unincorporated area of Weber County, Utah for the purpose of continuing the future development of the Wolf Creek Resort as follows:

<u>ZONE</u>	<u>DENSITY</u>	<u>TOTAL ACRES</u>	<u>UNDEVELOPED ACRES</u>	<u>UNITS</u>
O-1	***Open Space	1731.45	1731.45	0
CV-2	Limited Commercial	21.12	21.12	250
FR-3	*6.0 DU/acre	160.47	136.92	704
RE-15	**1.75 DU/acre	517.56	444.35	664
RE-20	1.5 DU/acre	46.94	35.75	28
FV-3	1 DU/3 acres	40.00	40.00	13
AV-3	0	84.74	84.74	0
FRC-1	1	9.11	9.11	1
<u>TOTAL</u>		n/a	<u>2503.44</u>	<u>1660</u>
<u>PROJECT TOTAL</u>		<u>2611.39</u>		<u>2152</u>

250 "units" assigned to the CV-2 zone.

* DU/acre is an average for all parcels zoned FR-3
** DU/acre is an average for all parcels zoned RE-15
***An additional 190.00 acres of open space will be required within zones FR-3, RE-15 and FV-3.
Total Open Space including AV-3 = 2006.19 acres

Limits uses in the CV-2 zone. Does not specify where else the 250 units are intended to go.

AND WHEREAS, the 21.12 acres re-zoned to the CV-2 designation shall be limited to the following uses:

- Arts and Crafts Store
- Health and Fitness Club
- Café
- Medical/Dental Office
- Sporting Goods Store
- Dry Cleaning Pick up Station
- Ice Cream and Coffee Shop
- Pet Grooming and Supplies
- Legal Office
- Music and Video Store
- Real Estate Agency
- Travel Agency
- Art Gallery
- Bank
- Community Center/Meeting Room
- Deli/Small Grocery Store
- Salon/Barber Shop
- Florist Shop
- Local Artist Shop
- Insurance Agency
- Book Store
- Office Supply
- Restaurant
- Interior Decorator Establishment
- Bed and Breakfast Inn
- Bed and Breakfast Hotel
- Liquor Store
- Beer Parlor, sale of draft beer
- Antique, import or souvenir
- Hotel, Condo/Hotel
- Temporary building for uses incidental to Construction work. Such buildings shall be Removed upon the completion of the work.

WHEREAS, the developer agrees to submit a Landscape Plan for the Sewer Pond area which includes plans for the irrigation and maintenance for such landscaping, shall be approved administratively and installation of such landscaping materials shall be completed within six (6) months of the signing and recordation of this document; and

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of Zoning Regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing adopted Land Use Master Plans of all or part of the County; and

WHEREAS, the Petitioner has requested that certain property be re-zoned for purposes of allowing the Petitioner to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the Petitioner considers it to its advantage and benefit for the County to review its petition for re-zoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's General Plan and for the area and the existing land use surrounding the property.

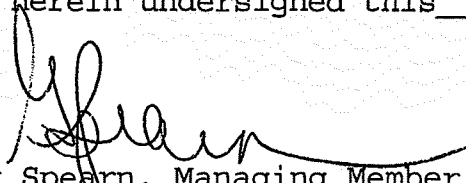
NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties, the parties hereto mutually agree and covenant as follows:

1. The County will re-zone the property described in attached legal descriptions and as described above, for the purpose of allowing the Petitioner to construct the allowed uses on the property.
2. The petitioner shall develop the subject property based on development plans submitted and reviewed as proscribed in the Weber County Zoning and Subdivision Ordinances and any other applicable State or Federal law or regulation.
3. No other uses shall be approved until or unless this Agreement and the approved Master Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue Land Use and Conditional Use Permits for only those uses determined to be within the general land use types listed above and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner:

A written petition by the petitioner, filed with the County seeking to void or materially alter any of the provisions of this Agreement.

- 9. In the event that any of the conditions constituting default by the petitioner, occur, the County finds that the public benefits to accrue from re-zoning as outlined in this Agreement will not be realized. In such a case, the County shall examine the reasons for the default and proposed major change of plans, and either approve a change in the Master Plan or initiate steps to revert the zoning designation to its former zone.
- 10. The parties may amend or modify the provisions of this Agreement, the Master Plan and list of use types only by written instrument and after considering the recommendation of the Planning Commission, which may hold a public meeting to determine public feeling on the proposed amendment or modification.
- 11. This Agreement with any amendments shall be in full force and effect until all construction and building occupancy has taken place as per approved development plans or until the property covered herein has been reverted to its former zone designation as a result of default.
- 12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
- 13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.
- 14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

Approved by the parties herein undersigned this 11th day of October, 2002



Greg Spearn, Managing Member
Wolf Creek Properties, L.C.

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)

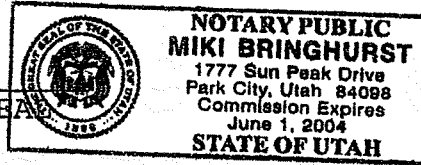
Et 1883524 BK2276 PG992

) ss

COUNTY OF WEBER)

On this 11th Day of October, 2002,
Orly Spear personally appeared before me, duly sworn, did say that he is the Managing Member of the corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.

Miki Bringhurst
NOTARY PUBLIC



My commission expires 6-1-04

Kenneth A. Bischoff
~~Glen H. Burton, Chair~~ Kenneth A. Bischoff, Vice Chair
Weber County Commission

ATTEST:

Linda G. Lunceford
Linda G. Lunceford, CPO
Weber County Clerk/Auditor

Documents Attached:

Exhibit A: Copy of legal descriptions

E# 1883524 BK2276 P6993

[Handwritten mark]

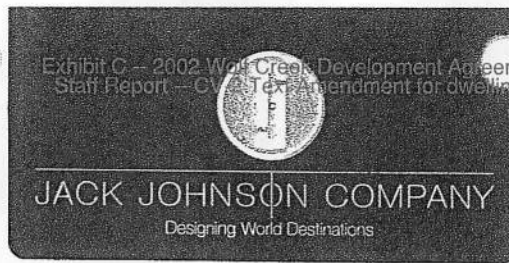


Exhibit "A"

**PARCEL 1
ZONING RE-15
Revised June 19, 2002**

A Parcel of land located in the East 1/2 of the East 1/2 of the Southwest 1/4 and the Southeast 1/4 of Section 16 and the West 1/2 of the Southwest 1/4 of Section 15, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at a point which is on the South line of Section 16, Township 7 North, Range 1 East, Salt Lake Base and Meridian, said point being North 89°27'02" West 1316.85 feet from the Southeast Corner of said Section 16; and running thence North 89°27'02" West along said Section Line 1316.85 feet to the South quarter Corner of said Section 16; thence North 89°28'18" West 658.36 feet; thence North 00°23'41" East 2657.13 feet to the center of section line; thence South 89°11'52" East along said center of section Line, 3289.73 feet to the East Quarter Corner of said Section 16; thence South 89°27'00" East 1485.00 feet along the Center of Section Line of Section 15, Township 7 North, Range 1 East, Salt Lake Base and Meridian; thence South 00°20'34" West to the Northwest corner and continuing along the west line of Snowflake No. 3, 2648.55 feet to the South line of said Section 15; thence North 89°12'43" West along the Section Line, 1485.03 feet to the aforesaid Southeast Corner of Section 16 ; thence North 00°20'34" East along the Section line, 1321.19 feet; thence North 89°19'28" West, 1316.37 feet; thence South 00°21'50" West, 1324.09 feet more or less to the point of beginning.

Containing 250.38 acres, more or less.

E# 1883524 BK2276 PG994

Parcel 1 of 15

In-Person .. 1777 Sun Peak Drive · Park City · Utah 84098

Telephone · 435.645.9000 · Facsimile · 435.649.1620

Digital .. www.jackjohnson.com



JACK JOHNSON COMPANY
Designing World Destinations

**PARCEL 2
ZONING FV-3
Revised June 19, 2002**

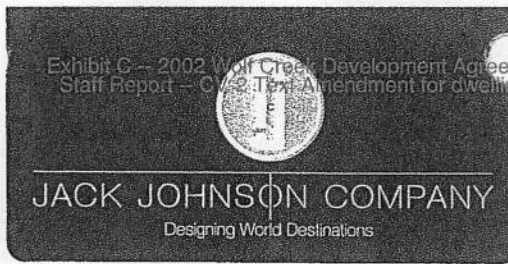
A Parcel of land located in the Southeast ¼ of the Southeast ¼ of Section 16, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and more particularly described as follows:

Beginning at the Southeast Corner of Section 16, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence North 89°27'02" West along the Section Line, 1316.85 feet; thence North 00°21'50" East 1324.09 feet; thence South 89°19'28" East 1316.37 feet to the East line of said Section 16; thence South 00°20'34" West along the Section Line 1321.19 feet more or less to the point of beginning.

Containing 40.0 acres more or less.

EA 1883524 BK2276 PG995

Parcel 2 of 15



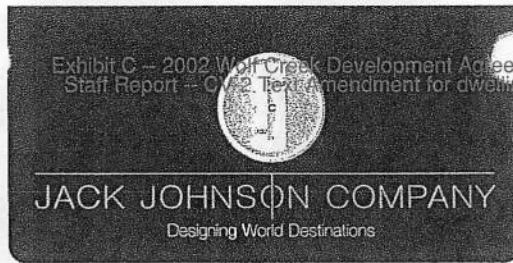
PARCEL 3
ZONING FR-3
Revised September 04, 2002

Beginning at a point which is North 00°20'47" East 400.01 feet along the Section line from the West Quarter Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian (Basis of Bearing North 00°20'47" East 2678.81 feet as measured between said West Quarter Corner and the Northwest Corner of said Section 22); and running thence North 00°20'47" East along said Section line 2278.80 feet to the Northwest Corner of said Section 22; thence South 89°12'25" East 2206.55 feet as measured along the north line of said Section 22 to a point on the westerly right of way of Wolf Creek Drive and a non-tangent point of curvature of a 523.37 foot radius curve to the left, the center of which bears South 87°01'34" East; thence and running along said westerly right of way line the following three (3) courses: 1) thence southerly along the arc of said curve 173.70 feet through a central angle of 19°00'55"; 2) thence South 16°02'29" East 147.73 feet to a point of curvature of a 642.00 foot radius curve to the right, the center of which bears South 73°57'31" West; 3) thence southerly along the arc of said curve 126.78 feet through a central angle of 11°18'51" to the north line of the Wolf Creek Phase II Subdivision; thence along said north line the following three (3) courses: 1) thence North 84°39'13" West 310.56 feet; 2) thence North 03°39'13" West 155.00 feet; 3) thence South 74°03'11" West 474.66 feet to the westerly boundary of the Wolf Creek Phase II subdivision; thence along said westerly line the following six (6) courses: 1) thence South 15°07'47" West 370.00 feet; 2) thence South 12°46'17" West 334.70 feet; 3) thence South 86°20'43" East 214.60 feet; 4) thence North 31°36'02" East 168.90 feet; 5) thence South 76°45'43" East 79.20 feet; 6) thence South 07°10'07" West 127.60 feet; thence South 07°09'42" West 20.03 feet to the west line of the Wolf Creek Phase I subdivision; thence along said west line of Wolf Creek Phase I the following three (3) courses: 1) thence South 07°09'58" West 200.00 feet; 2) thence South 05°41'08" West 677.20 feet; 3) thence South 08°45'08" West 352.00 feet; thence North 87°41'19" West 393.67 feet to the Northeast corner of the Fairway Oaks Phase II subdivision; thence North 89°16'03" West 685.81 feet along the north line of said Fairway Oaks Phase II to the northeast corner of the Fairway Oaks Phase I subdivision; thence along the north line of said Fairway Oaks Phase I the following seven (7) courses: 1) thence North 89°16'05" West 191.19 feet; 2) thence South 57°23'41" West 60.16 feet; 3) thence West 108.60 feet; 4) thence North 05°10'41" West 36.25 feet to a point of curvature of a 500.00 foot radius curve to the left, the center of which bears South 84°49'19" West; 5) thence northerly along the arc of said curve 56.02 feet through a central angle of 06°25'11"; 6) thence South 78°24'08" West 60.00 feet; 7) thence North 89°14'39" West 73.37 feet to the point of beginning.

Containing 89.59 acres, more or less.

Parcel 3 of 15

8*
E# 1883524 BK2276 P6996



PARCEL 4
ZONING FRC-1
Revised September 04, 2002

A Parcel of land located in the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at the North Quarter Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence South 88°07'11" East 379.00 feet along the Section line; thence South 00°07'44" West 623.00 feet; thence North 89°33'41" West 383.01 feet to the quarter section line; thence North 00°30'27" East 196.01 feet along said quarter section line; thence South 87°15'14" West 306.16 feet along the north line of Wolf Creek Phase II to the easterly right of way line of Wolf Creek Drive and a point of curvature of a 708.00 foot radius non tangent curve to the left; the center of which bears South 87°16'42" West; thence along said easterly right of way line the following 3 courses: 1) thence northerly along the arc of said curve 164.59 feet through a central angle of 13°19'11"; 2) thence North 16°02'29" West 147.73 feet to a point of curvature of a 457.37 foot radius curve to the right, the center of which bears North 73°57'31" East; 3) thence northerly along the arc of said curve 154.31 feet through a central angle of 19°19'49", to the North line of said Section 22; thence South 89°12'25" East 394.36 feet as measured along the North line of said Section 22 and the South line of Snowflake No. 2 (and extension) to the point of beginning.

Containing 9.11 acres, more or less.

1883524 BX2276 P6997

Parcel 4 of 15



JACK JOHNSON COMPANY
Designing World Destinations

**PARCEL 5
ZONING FR-3
Revised June 19, 2002**

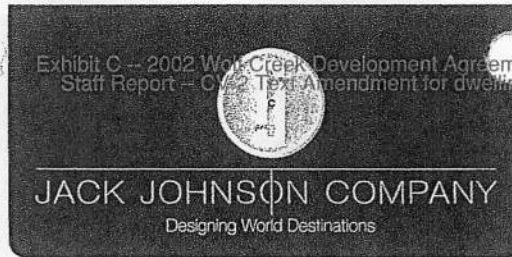
A Parcel of land located in the South 1/2 of the Northwest 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Fairway Oaks At Wolf Creek Phase 1, Entry No. 1492803, Book 45, Page 34 and Fairway Oaks At Wolf Creek Phase 2, Entry No. 1577548, Book 48, Page 31.

Containing 9.8 acres more or less

E# 1883524 BK2276 P6998

Parcel 5 of 15



PARCEL 6

PARCELS FOR ZONING RE-15

Revised June 19, 2002

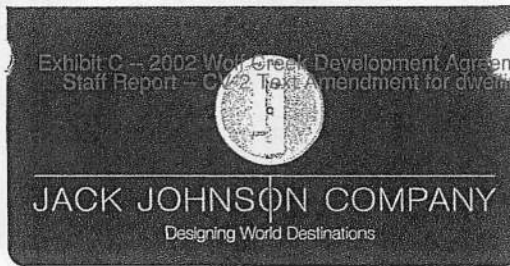
A Parcel of land located in the East ½ of the Northwest ¼ and the West ½ of the Northeast ¼ of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Wolf Ridge Phase 1, Entry No. 131497 and Wolf Ridge Phase 2 Subdivision, Entry No. 1362086.

Containing 10.9 acres more or less

ET 1883524 BK2276 PG999

Parcel 6 of 15



**PARCEL 7
ZONING RE-20
Revised June 19, 2002**

A Parcel of land located in the North ½ of the Southeast ¼ and the South ½ of the Northeast ¼ of Section 22 Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Wolf Ridge Phase 3, Entry No. 1338495 and Wolf Ridge Phase 4, Entry No. 1338496.
Containing 11.19 acres, more or less

Together with the following described Parcel:

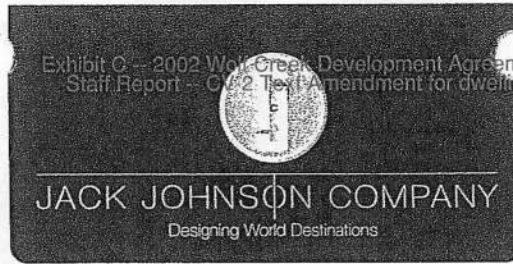
Beginning at a point on the northerly right of way of Elkhorn Drive which is North 89°50'09" East 1072.87 feet from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian (basis of bearing is North 89°14'39" West from the Center to the West Quarter Corner of said Section 22) and running thence North 27°32'20" East 1078.00 feet; thence North 03°26'20" West 424.00 feet; thence North 68°09'06" East 359.00 feet; thence South 56°48'29" East 565.00 feet; thence South 02°23'14" West 849.00 feet; thence South 15°42'37" West 400.40 feet; thence South 13°24'49" West 481.87 feet to said northerly right of way of Elkhorn Drive and a point of curvature of a 1496.00 foot radius non tangent curve to the left, the center of which bears South 36°16'03" West; thence westerly along said northerly right of way and the arc of said curve 310.41 feet through a central angle of 11°53'18"; thence North 65°37'15" West 830.00 feet more or less along said northerly right of way to the point of beginning.

Containing 35.75 acres, more or less.

Containing 46.94 acres total, more or less.

ET 1883524 BK2276 PG1000

Parcel 7 of 15



PARCEL 8
PARCEL ZONING RE-15
Revised September 4, 2002

A Parcel of land located in the West 1/2 of Section 23 and the North 1/2 of the Northwest 1/4 of Section 26, and the Northeast 1/4 and Southeast 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Elkhorn Subdivision Phase 1 (Entry No. 1415848), Elkhorn Subdivision Phase 1A (Entry No. 1449010), Elkhorn Subdivision Phase 2- Lots 24 Through 28 Amended (Entry No. 1531449), Elkhorn Subdivision Phase 3 (Entry No. 1572366), and Elkhorn Subdivision Phase 4 (Entry No. 1691677). Containing 62.31 acres more or less.

Together with the following described Parcel:

Beginning at a point on the South Line of Elkhorn Phase 4, Entry No. 1691677, said point being East 3319.98 feet and South 2187.95 feet from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian (basis of bearing North 89°14'39" West from the Center of said Section 22 to the West Quarter of said Section 22) and running thence along the Boundary of said Elkhorn Phase 4 the following seventeen (17) courses: 1) thence South 64°18'02" East 143.88 feet; 2) thence South 64°05'34" East 107.47 feet; 3) thence South 57°53'09" East 126.51 feet; 4) thence South 49°24'26" East 63.32 feet; 5) thence South 50°06'38" East 878.91 feet; 6) thence South 45°20'49" East 60.21 feet; 7) thence South 50°20'55" East 139.47 feet; 8) thence North 40°24'15" East 190.43 feet; 9) thence North 50°06'38" West 89.48 feet; 10) thence North 39°53'22" East 130.00 feet; 11) thence North 50°06'38" West 121.32 feet; 12) thence North 39°53'22" East 66.83 feet; 13) thence North 49°33'31" West 125.01 feet; 14) thence North 06°44'36" East 176.13 feet; 15) thence North 50°28'53" West 816.79 feet; 16) thence North 70°55'39" West 280.22 feet; 17) thence South 28°54'59" West 147.15 feet to the Easterly Boundary of Elkhorn Phase 3, Entry No. 1572366; thence along said Easterly Boundary the following three (3) courses: 1) thence North 67°04'42" West 98.99 feet; 2) thence North 36°18'19" West 176.96 feet; 3) thence North 24°31'00" West 345.10 feet to the Elkhorn Phase 1 Boundary, Entry No. 1415848; thence along said Boundary the following six (6) courses; 1) thence North 37°54'53" East 181.56 feet; 2) thence North 48°24'42" West 226.68 feet; 3) thence North 82°17'10" West 63.68 feet; 4) thence North 67°26'40" West 128.35 feet; 5) thence North 05°52'06" East 106.09 feet; 6) thence North 84°41'43" West 75.38 feet to the Northeasterly Corner of Lot 8, Elkhorn Subdivision Phase 1A, Entry No. 1449010; thence Along the Northerly and Westerly Boundary of said Lot 8, the following two (2) courses: 1) thence North 51°37'08" West 142.52 feet; 2) thence South 32°53'34" West 127.51 feet to the Northerly Boundary of said Elkhorn Phase 1, said point also being a non-tangent point of curvature of a 666.00 foot radius curve to the left, the center of which bears South 32°40'18" West; thence along said Northerly Boundary the following two (2) courses: 1) thence Northwesterly along the arc of said curve 72.40 feet through a central angle of 06°13'43" to a point of reverse curvature of a 1463.00 foot radius curve to the right, the center of which bears North 26°26'35" East; 2) thence Northwesterly along the arc of said curve 55.89 feet through a central angle of 02°11'20" to the Westerly Line of said Section 23; thence North 00°09'12" West along the Section Line 420.09 feet; thence North 31°12'57" West 426.98 feet; thence North 26°48'28" East 958.00 feet; thence South 50°52'00" East 2118.00 feet; thence South 67°30'12" East 422.00 feet; thence South 44°20'14" East 596.11 feet; thence South 00°21'47" West 1495.41 feet; thence South 00°21'31" West 1325.17 feet; thence North 89°48'12" West 2647.25 feet to the West line of said Section 26; thence North 00°27'52" East 1150.49 along said West line to the South line of Elkhorn Phase 3, Entry No. 1572366, thence along the South and Easterly Boundary of said Elkhorn Phase 3 the following nine (9) Courses: 1) thence South 89°07'48" East 132.34 feet; 2) thence North 89°51'02" East 189.94 feet; 3) thence North 01°26'25" West 130.53 feet; 4) thence North 17°10'22" West 157.52 feet; 5) thence North 58°18'49" East 68.60 feet; 6) thence North 38°47'54" East 172.79 feet; 7) thence North 28°21'04" East 73.83 feet; 8) thence North 45°52'46" East 143.92 feet; 9) thence North 55°13'30" East 124.26 feet to the point of beginning.

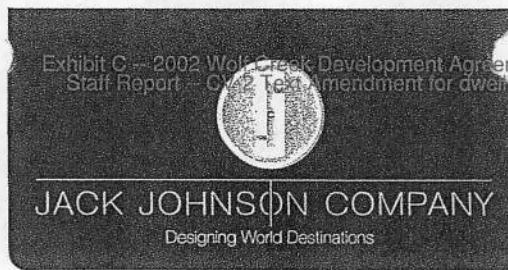
Containing 194.24 acres, more or less.

E# 1883524 BK2276 PG1001

Containing 256.28 acres total, more or less.

Parcel 8 of 15 Person · 1777 Sun Peak Drive · Park City · Utah 84098

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PARCEL 9
ZONING FR-3
Revised September 04, 2002

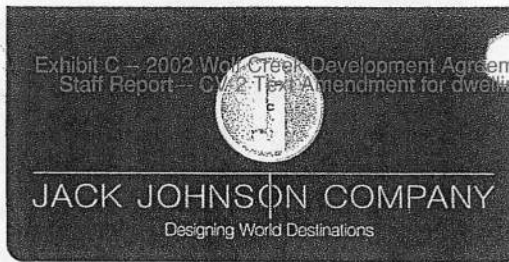
A Parcel of land located in the South half of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at a point which is South 89°07'33" East along the Section Line 1525.56 feet from the Southwest Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence North 01°21'04" East 444.20 feet to a non-tangent point of curvature of a 865.42 foot radius curve to the right, the center of which bears South 58°38'05" East; thence Northeasterly along the arc of said curve 269.13 feet through a central angle of 17°49'05"; thence North 49°11'00" East 373.26; thence South 43°11'12" East 344.51 feet to the Northerly Boundary of Moose Hollow Phase 1, Entry No. 1615983; thence along said Northerly Boundary the following seven (7) courses: 1) thence North 86°29'18" East 217.81 feet; 2) thence North 44°23'05" West 61.46 feet; 3) thence North 43°31'56" East 51.84 feet; 4) thence North 73°06'35" East 87.04 feet; 5) thence South 59°25'25" East 80.30 feet; 6) thence North 66°37'30" East 132.31 feet; 7) thence South 52°14'55" East 150.50 feet; thence North 47°19'55" East 48.92 feet; thence North 21°50'08" East 346.42 feet; thence North 03°30'06" West 349.55 feet; thence North 45°38'40" East 261.99 feet; thence South 49°01'02" East 478.23 feet; thence South 28°21'48" West 612.53 feet; thence North 68°21'50" West 135.45 feet; thence North 79°53'09" West 98.00 feet to a non-tangent point of curvature of a 260.00 foot radius curve to the right, the center of which bears North 79°53'10" West; thence Southwesterly along the arc of said curve 194.97 feet through a central angle of 42°57'56" to the Northerly Boundary of said Moose Hollow Phase 1; thence along said Northerly Boundary the following six (6) courses: 1) thence South 52°16'42" East 7.10 feet; 2) thence South 37°21'01" East 72.00 feet; 3) thence South 52°22'27" West 17.73 feet to a point of curvature of a 442.10 foot radius curve to the left, the center of which bears South 37°37'33" East; 4) thence Southwesterly along the arc of said curve 71.08 feet through a central angle of 09°12'43"; 5) thence South 37°54'44" East 214.64 feet; 6) thence South 28°21'48" West 398.31 feet to the South Line of said Section 22; thence North 89°09'42" West along said South line 173.93 feet to the South Quarter Corner of said Section 22; thence North 89°07'33" West along said South line 653.89 feet; thence North 00°52'26" East 140.48 feet; thence North 29°51'11" East 256.00 feet; thence North 56°51'11" East 148.65 feet to the West Line of Moose Hollow Phase 2, Entry No. 1719847; thence along said West Line the following two (2) courses: 1) thence North 13°27'12" West 28.25 feet; 2) thence North 45°18'01" East 180.35 feet to the Southerly Line of said Moose Hollow Phase 1; thence South 86°29'27" West along said Southerly Line 68.68 feet; thence South 54°45'04" West 297.24 feet; thence South 37°39'42" West 342.00 feet; thence South 06°03'38" West 150.02 feet to said Southerly Line of said Section 22; thence North 89°07'33" West along the Section Line 320.88 feet to the point of beginning.

Containing 28.84 acres more or less

† 1883524 BK2276 PG1002

Parcel 9 of 15



**PARCEL10
ZONING FR-3
Revised June 19, 2002**

A Parcel of land located in the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 22, township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

All of Wolf Star 1A, Entry No. 863595, Wolf Star 1B, Entry No. 871503 and Wolf Star 1C, Entry No.883019.
Containing 5.35 acres more or less.

Together with the Parcel more particularly described as follows:

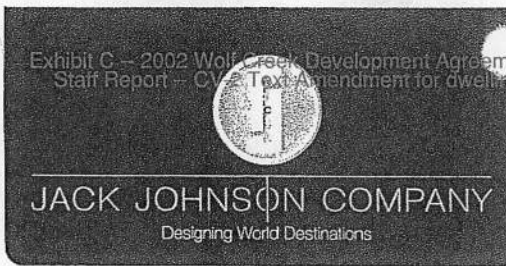
Beginning at the Southwest Corner of Wolf Ridge Phase 2, Entry No. 1362086, said point being South 00°30'27" West along the Center Section Line 2305.27 feet and East 33.03 feet from the North Quarter Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence along the Southerly Line of said Wolf Ridge Phase 2 North 54°20'39" East 359.81 feet; thence North 67°45'45" East 102.09 feet; thence North 54°39'47" East 322.44 feet; thence South 89°20'13" East 303.68 feet; thence South 50°20'13" East 365.00 feet; thence South 38°39'47" West 292.63 feet; thence South 19°54'40" West 90.01 feet to the Northeast Corner of Wolf Star 1B; thence along the North Line of said Wolf Star 1B, Entry No. 871503, North 73°18'19" West 249.77 feet to the Northeast Corner of Wolf Star 1C, Entry No.883019; thence along the Boundary of said Wolf Star 1C the following four (4) courses: 1) thence North 73°18'19" West 330.13 feet; 2) thence South 11°20'13" East 222.32 feet; 3) thence South 10°39'47" West 114.60 feet to a non-tangent point of curvature of a 633.00 foot radius curve to the left, the center of which bears South 08°37'06" East; 4) thence Southwesterly along the arc of said curve 160.59 feet through a central angle of 14°32'08" to the Northerly Right of Way line of Wolf Creek Drive, said point also being a non-tangent point of curvature of a 207.59 foot radius curve to the left, the center of which bears South 51°06'06" West; thence along said Northerly Right of Way line the following four (4) courses: 1) thence Northwesterly along the arc of said curve 64.34 feet through a central angle of 17°45'28"; 2) thence North 56°39'22" West 244.00 feet to a point of curvature of a 76.41 foot radius curve to the right, the center of which bears North 33°20'38" East; 3) thence Northwesterly along the arc of said curve 40.90 feet through a central angle of 30°40'00"; 4) thence North 25°59'22" West 128.00 feet to the point of beginning.

Containing 10.99 acres more or less

Containing 16.34 acres total, more or less.

ET 1883524 BK2276 PG1003

Parcel 10 of 15



PARCEL 11
ZONING FR-3
Revised June 19, 2002

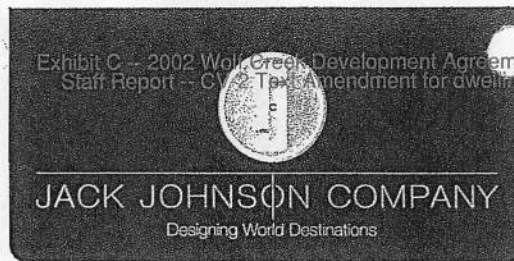
A Parcel of land located in the East ½ of the Southwest ¼ and the West ½ of the Southeast ¼ of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South 00°17'28" West 1435.63 along the Center Section Line and West 158.34 from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence North 86°36'42" East 295.00 feet; thence South 03°57'32" East 258.00 feet; thence South 69°32'24" West 320.98 feet; thence North 79°07'31" West 116.21 feet to the easterly line of Tax Parcel 22-016-0015 belonging to Stanley A Ulvin, etal; thence along the easterly and northerly lines of said Tax Parcel 22-016-0015 the following 2 courses: 1) thence North 44°36'27" East 301.00 feet; 2) thence North 43°11'12" West 159.00 feet to the point of beginning.

Containing 2.0 acres more or less

Parcel 11 of 15

ET 1883524 BK2276 PG1004



**PARCEL 12
ZONING CV-2
Revised June 19, 2002**

A Parcel of land located in the East ½ of the Southwest ¼ of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South 00°17'28" West 1435.63 along the Center Section Line and West 158.34 from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian and running thence North 43°11'12" West 141.00 feet to the Easterly Right of Way of Wolf Creek Drive and a non-tangent point of curvature of a 2669.00 foot radius curve to the right, the center of which bears North 46°26'45" West; thence along said Easterly Right of Way the following four (4) courses: 1) thence Southwesterly along the arc of said curve 30.01 feet through a central angle of 00°38'39"; 2) thence South 44°11'54 West 169.28 feet to a point of curvature of a 2224.06 foot radius curve to the right, the center of which bears North 45°48'06" West; 3) thence Southwesterly along the arc of said curve 101.51 feet through a central angle of 02°36'54"; 4) thence South 46°48'48" West 113.90 feet; thence North 38°35'21" West 339.54 feet; thence North 43°07'37" East 337.00 feet; thence North 19°48'10" West 518.00 feet; thence North 69°15'29" East 250.50 feet to the westerly Line of Wolf Creek Village II Phase 3-Supplement, Entry No. 1525078; thence along the boundary of Wolf Creek Village II Phase 1, Entry No. 1134999, Wolf Creek Village II Phase 2, Entry No. 1525077 and said Wolf Creek Village II Phase 3, the following four (4) courses: 1) thence South 42°42'39" East 335.42 feet; 2) thence South 87°55'56" East 110.25 feet; 3) thence South 42°55'56" East 180.00 feet to the westerly right of way of Wolf Creek Drive and a non-tangent point of curvature of a 2603.00 foot radius curve to the left, the center of which bears North 56°47'02" West; 4) thence Northeasterly along said easterly right of way and the arc of said curve 120.58 feet through a central angle of 02°39'15"; thence South 58°07'47" East 386.51 feet; thence South 31°37'35" West 466.00 feet; thence South 86°36'42" West 295.00 feet to the point of beginning

Containing 14.6 acres more or less

Parcel 12 of 15

ET 1883524 BK2276 PG1005



PARCEL 13
ZONING FR-3
Revised June 19, 2002

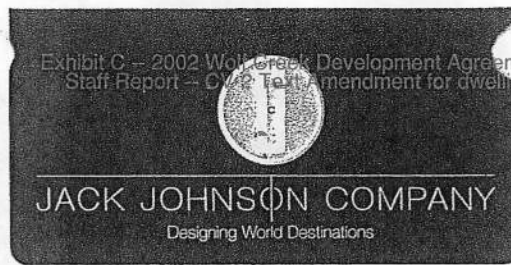
A Parcel of land located in the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South 00°17'28" West 919.69 feet along the Center Section Line and West 14.06 from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian, said point of beginning also being the most Southerly Corner of Wolf Creek Village II Phase 2, Entry No. 1525077 and running thence along the Westerly Boundary of said Wolf Creek Village II Phase 2 and Wolf Creek Village II Phase 3-Supplement, Entry No. 1525078 the following three (3) courses: 1) thence North 42°55'56" West 180.00 feet; 2) thence North 87°55'56" West 110.25 feet; 3) thence North 42°42'39" West 335.42 feet; thence South 69°15'29" West 250.50 feet; thence North 54°06'05" West 189.81 feet; thence North 30°12'28" West 187.57 feet; thence North 36°02'13" West 292.66 feet; thence North 42°52'48" East 51.82 feet; thence North 72°39'34" East 39.43 feet; thence South 74°52'58" East 351.54 feet to the Northwest Corner of Worldmark Phase 2, Entry No. 1678925; thence South 74°52'58" East 227.73 feet along the North Line of said Worldmark Phase 2; thence North 28°48'42" East 261.03 feet; thence South 71°39'11" East 398.00 feet; thence South 16°24'05" West 231.25 feet to the Northerly Line of Worldmark Phase 1, Entry No. 1663019; thence along the Boundary of said Worldmark Phase 1 and said Wolf Creek Village II Phase 2-Supplement and Wolf Creek Village II Phase 1, Entry No. 877444 and said Wolf Creek Village II Phase 2 the following three (3) Courses: 1) thence South 74°52'58" East 321.81 feet; 2) thence South 25°52'48" West 233.58 feet to a point of curvature of a 2603.00 foot radius curve to the right, the center of which bears North 64°07'12" West; 3) thence Southeasterly along the arc of said curve 333.29 feet through a central angle of 07°20'10" to the point of beginning.

Containing 13.9 acres more or less

Parcel 13 of 15

E# 1883524 BK2276 PG1006



**PARCEL 14
PARCEL ZONING CV-2
Revised June 19, 2002**

A Parcel of land located in the Southwest ¼ of the Northeast ¼ and the Southeast ¼ of the Northwest ¼ and the Northeast ¼ of the Southwest ¼ and the Northwest ¼ of the Southeast ¼ of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at the center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian and running thence North 00°30'27" East along the center of section line 51.68 feet; thence North 55°48'19" West 349.10 feet; thence North 64°16'42" East 347.28 feet to the Easterly Right of Way of Wolf Creek Drive, said point being a non-tangent point of curvature of a 1349.43 foot radius curve to the left, the center of which bears North 65°14'53" East; thence along said Easterly Right of Way the following seven (7) courses: 1) thence Southeasterly along the arc of said curve 29.15 feet through a central angle of 01°14'15"; 2) South 25°59'22" East 127.63 feet to a point of curvature of a 76.41 foot radius curve to the left, the center of which bears North 64°00'38" East; 3) thence Southeasterly along the arc of said curve 40.90 feet through a central angle of 30°40'00"; 4) thence South 56°39'22" East 244.00 feet to a point of curvature of a 207.59 foot radius curve to the right, the center of which bears South 33°20'38" West; 5) thence Southerly along the arc of said curve 218.12 feet through a central angle of 60°12'10" to a point of compound curvature of a 751.74 foot radius curve to the right, the center of which bears North 86°27'12" West; 6) thence Southwesterly along the arc of said curve 293.02 feet through a central angle of 22°20'00"; 7) thence South 25°52'48" West 69.45 feet; thence North 74°52'58" West 388.99 feet; thence North 16°24'05" East 231.25 feet; thence North 26°35'10" East 84.50 feet; thence North 46°04'06" West 55.43 feet to the point of beginning.

Containing 6.52 acres more or less

Parcel 14 of 15

87
E# 1883524 BK2276 PG1007



PARCEL 15
PARCEL ZONING AV-3
Revised June 19, 2002

A Parcel of land located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South $00^{\circ}21'36''$ West 302.91 feet along the Section Line from the Northwest corner of Section 27 Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence South $76^{\circ}50'35''$ East, 869.71 feet; thence South $67^{\circ}43'30''$ East 786.80 feet; thence South $39^{\circ}57'20''$ East 349.86 feet; thence South $36^{\circ}22'06''$ East 1396.70 feet; thence North $89^{\circ}59'19''$ East 23.96 feet to the center of section line; thence along the center of section line South $00^{\circ}16'53''$ West 278.44 feet; thence South $69^{\circ}22'19''$ West 1300.49 feet; thence North $21^{\circ}06'41''$ West 1563.00 feet; thence South $66^{\circ}18'19''$ West 294.41 feet; thence South $12^{\circ}44'00''$ West 393.55 feet; thence South $89^{\circ}59'19''$ West 524.49 feet to the west line of Section 27; thence North $00^{\circ}21'36''$ East 1669.85 feet to the point of beginning.

Containing 84.74 acres more or less

Parcel 15 of 15

ET 1883524 BK2276 PG1008



WHEN RECORDED, RETURN TO:

04-DEC-15 820 AM FEE \$0.00 DEP TN
REC FOR: WEBER COUNTY PLANNING
LEANN H KILTS, WEBER COUNTY RECORDER
PG 3 OF 13
2015

Dated: _____, 2015 Space Above for Recorder's Use Only

AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT

RECITALS

WHEREAS, Weber County, Utah (the "County") and Wolf Creek Properties, L.C., a Utah limited liability company ("Original Developer"), entered into that certain Zoning Development Agreement dated October 11, 2002 and recorded on October 22, 2002 as Entry No. 1883524, in Book 2276, beginning at page 990 in the office of the Weber County Recorder (the "Development Agreement");

WHEREAS, the Development Agreement, among other things, allocates available density for the development of the Wolf Creek Resort located in the Eden area of the Ogden Valley located within the County (the "Resort");

Specifies that we are dealing with zoning density.

WHEREAS, the actual allocation of density for the Resort is based on zoning classification and available acreage within the zones, and the actual placement of units within the over-all development of the Resort was left to the Original Developer to propose to the County, under the County's land use code; and

WHEREAS, the Resort has been partially developed with assigned density allocations as contemplated by the Development Agreement, but there remains undeveloped areas within the Resort that have not been developed and for which density allocations are available;

WHEREAS, the parties signing this Amendment with the County (the "Successor Developers") have succeeded to the interests of the Original Developer to that portion of the Resort that is legally described on Exhibit "A" attached to and incorporated by reference in this Amendment (the "Subject Property"); and

WHEREAS, the Successor Developers wish to amend and clarify certain provisions of the Development Agreement to reflect changes in the ownership of the Subject Property and to assign to each Successor Developer's portion of the Subject Property (each a "Developer Parcel") a portion of the remaining density entitlements for the Resort that can be supported by the zoning classification of each Developer Parcel but subject to the remaining unassigned density allocations that were available to the Original Developer under the terms of the Development Agreement; and

WHEREAS, the Ogden Valley Planning Commission, in a Public Hearing on December 2, 2014, received public comment on this proposal and unanimously recommended approval to the Weber County Commission.

4. MASTER PLAN AMENDMENTS

Successor Developers must submit to the Ogden Valley Township Planning Commission proposed drawings for any Amendments to the existing Master Plan covering the Development Parcels within twelve (12) months after the date of this Amendment.

5. EFFECT OF AMENDMENTS

Except for the specific provisions of the Development Agreement clarified and amended hereby, the Development Agreement shall remain in full force and effect and shall be applicable to the parties and the Resort. In the case of conflict between the provisions of this Amendment and the Development Agreement, the provisions of this Amendment shall govern in all respects.

[Signatures appear on the following pages.]

NOW THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties do hereby amend the Development Agreement as follows:

1. ZONING CLASSIFICATION OF THE RESORT

- 1) A map depicting the Resort and showing ownership of each remaining Developer Parcel affected by this Amendment, its approximate acreage and zoning classification is attached to and incorporated by reference in this Amendment as Exhibit "B."
- 2) The County and the Successor Developers acknowledge that the ownership of the Subject Property has changed from the Original Developer to the Successor Developers.

2. DENSITY ALLOCATIONS FOR SUBJECT PROPERTY

The following table summarizes the zoning classification, Development Parcel owner and the total units available to each of the Development Parcels affected by this Amendment, with notice to the County and agreed to by the Successor Developers, and includes the reallocation of 58 units from Parcel 3 to Parcel 1 now owned by America First Federal Credit Union ("America First"):

DEVELOPMENT PARCEL/UNITS			
Zoning Parcel No. (see Exhibit "A")	Zone(s)	Successor Developer	Total Units Assigned
Parcel 1	RE-15	America First	413
Parcel 3	FR-3	WCU, LLC	73
Parcel 4	FR-1	WCU, LLC	1
Parcel 8	RE-15	Eden Village	13
Parcel 10	FR-3	Capon Capital	61
Parcel 12	CVR-1	WCU, LLC	101
Parcel 12	CVR-1	WCU, LLC	61
Parcel 12	CV-2	KRK Wolf Creek	40
Parcel 14	CV-2	KRK Wolf Creek	35
			798

Each Successor Developer may use the total assigned units on its Development Parcel(s) as shown on the above-table. Each Successor Developer shall be required to follow the approval process set forth in the County's land use code before commencing any construction on its Development Parcel, including preliminary and final plat approval.

3. ASSIGNMENT

The Development Parcels, or portions thereof, may be sold, assigned, or otherwise transferred by the Successor Developers to parties, individuals, or entities, together with the assigned density allocations set forth in paragraph 2 above. In no event shall the transfer of units result in an allocation to any Development Parcel, or portion thereof, that exceeds the maximum number of units otherwise available to such Development Parcel, or portion thereof, under this agreement and the County's land use code, unless the master plan for Wolf Creek is amended as required by Section 4 of this agreement.

Assigns remaining density from the 250 CV-2 units of the 2002 development agreement to these CV-2 lots. See attached graphics for their locations

Signed and Dated this 3rd day of February, 2015.

WEBER COUNTY, UTAH

By: [Signature]
Title: Commission Chair

STATE OF UTAH)
: ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 3rd day of February 2015, by Kerry W Gibson, who is the Webber County Commission Chair of WEBER COUNTY, UTAH.

[Signature]
NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:



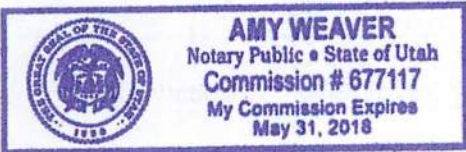
The following parties hereby execute this AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT, dated 14 April, 2015:

AMERICA FIRST FEDERAL CREDIT UNION

By: [Signature]
Title: EVP

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 14 day of April, 2015, by Bex Rollo, who is a EVP of AMERICA FIRST FEDERAL CREDIT UNION.



[Signature]
NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:
5/31/2018

KRK WOLF CREEK, LLC, a Utah limited liability company

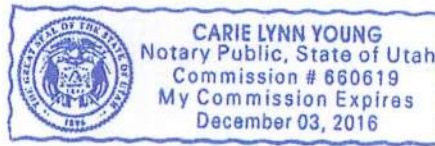
By: Robert Olsen
Title: manager

STATE OF UTAH)
) : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 15th day of September, 2015, by Robert Olsen, who is a manager of KRK WOLF CREEK, LLC, a Utah limited liability company.

Carie Lynn Young
NOTARY PUBLIC
Residing at Wendover, Utah County, Utah

My Commission Expires:
December 3, 2016



EDEN VILLAGE, L.L.C., a Utah limited liability company

By: [Signature]
Title: PTGS / M&V

STATE OF UTAH)
COUNTY OF Weber) : ss.

The foregoing instrument was acknowledged before me this 2 day of Dec, 2015, by Russ Wolf, who is the Manager of EDEN VILLAGE, L.L.C., a Utah limited liability company.

[Signature]
NOTARY PUBLIC
Residing at Ogden County, Utah

My Commission Expires:
11-24-2019

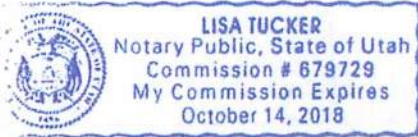


WCU, LLC, a Utah limited liability company

By: [Signature]
Title: Managing member

STATE OF UTAH)
 : ss.
COUNTY OF Weber)

The foregoing instrument was acknowledged before me this 2nd day of Dec., 2015, by John L. Lewis, who is the managing member of WCU, LLC, a Utah limited liability company.



Lisa Tucker
NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:
10/14/18

CAPON CAPITAL, LLC, a Utah limited liability company

By: _____
Title: Managing member

STATE OF UTAH)
 : ss.
COUNTY OF Weber)

The foregoing instrument was acknowledged before me this 2nd day of Dec., 2015, by John Lewis, who is the Managing member of GALT CAPITAL, LLC, a Utah limited liability company.



Lisa Tucker
NOTARY PUBLIC
Residing at Weber County, Utah

My Commission Expires:
10/14/18

PARCEL 1
BOUNDARY DESCRIPTION

A PART OF THE SOUTH HALF OF SECTION 16, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 15, AND A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND RUNNING THENCE ALONG THE EAST LINE OF SAID SECTION 16 NORTH 00°20'34" EAST 1328.34 FEET; THENCE NORTH 89°38'07" WEST 1316.70 FEET; THENCE SOUTH 00°20'47" WEST 1324.09 FEET TO THE SOUTH LINE OF SAID SECTION 16, THENCE ALONG THE SOUTH LINE OF SAID SECTION 16 NORTH 89°27'25" WEST 1974.97 FEET TO THE EAST BOUNDARY LINE OF SHEEP CREEK CLUSTER SUBDIVISION PHASE 1; THENCE ALONG THE EAST LINE OF SHEEP CREEK CLUSTER SUBDIVISION PHASES 1, 2, AND 3 NORTH 00°23'38" EAST 2655.42 FEET TO THE NORTH LINE OF SAID SOUTH HALF; THENCE ALONG SAID NORTH LINE OF SAID SOUTH HALF SOUTH 89°28'10" EAST 3287.33 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 88°40'09" EAST 1486.52 FEET; THENCE SOUTH 00°20'39" WEST 2642.21 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER NORTH 89°12'43" WEST 1484.21 FEET TO THE POINT OF BEGINNING.

PARCEL 3
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22 AND RUNNING THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH 89°12'43" EAST 1484.21 FEET; THENCE SOUTH 89°10'46" EAST 289.74 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND THE NORTH RIGHT-OF-WAY LINE OF A FUTURE 80.00 FOOT RIGHT-OF-WAY; THENCE ALONG THE NORTH LINE OF SAID 80.00 FOOT RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) ALONG THE ARC OF A 390.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 221.36 FEET, HAVING A CENTRAL ANGLE OF 32°31'14", CHORD BEARS SOUTH 74°31'40" WEST 218.40 FEET; (2) SOUTH 58°16'30" WEST 508.21 FEET; (3) ALONG THE ARC OF A 560.00 FOOT RADIUS CURVE TO THE RIGHT 330.58 FEET, HAVING A CENTRAL ANGLE OF 33°49'23", CHORD BEARS SOUTH 75°10'44" WEST 325.80 FEET; (4) NORTH 87°54'34" WEST 302.48 FEET; (5) ALONG THE ARC OF A 1540.00 FOOT RADIUS CURVE TO THE LEFT 524.05 FEET, HAVING A CENTRAL ANGLE OF 19°29'50", CHORD BEARS SOUTH 82°20'31" WEST 521.53 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER NORTH 00°21'24" EAST 491.93 FEET TO THE POINT OF BEGINNING.

PARCEL 4
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.
ALL OF THE NORTHWEST QUARTER OF SAID SECTION 22 LYING NORTH OF WOLF CREEK SUBDIVISION NO. 2 AND EAST OF WOLF CREEK DRIVE (A.K.A. 5100 EAST STREET) MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER SOUTH 00°24'17" WEST 437.73 FEET TO THE NORTH LINE OF SAID WOLF CREEK SUBDIVISION NO. 2; THENCE ALONG THE NORTH LINE OF SAID WOLF CREEK SUBDIVISION NO. 2 SOUTH 87°15'11" WEST 290.35 FEET TO THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE; THENCE ALONG SAID EAST RIGHT-OF-

WAY LINE THE FOLLOWING THREE (3) COURSES: (1) ALONG THE ARC OF A 725.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 164.21 FEET, HAVING A CENTRAL ANGLE OF 12°58'40", CHORD BEARS NORTH 09°16'38" WEST 163.86 FEET; (2) NORTH 15°45'58" WEST 152.69 FEET; (3) ALONG THE ARC OF A 440.36 FOOT RADIUS CURVE TO THE RIGHT 149.70 FEET, CHORD BEARS NORTH 06°01'35" WEST 148.98 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER SOUTH 89°12'43" EAST 376.69 FEET TO THE POINT OF BEGINNING.

PARCEL 8
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 26, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE NORTHWEST CORNER OF TRAPPERS RIDGE AT WOLF CREEK P.R.U.D. PHASE 5 ALSO BEING ON THE BOUNDARY LINE OF ELKHORN SUBDIVISION PHASE 3 SAID POINT BEING LOCATED NORTH 89°57'13" EAST 319.29 FEET ALONG THE NORTH OF SAID NORTHWEST QUARTER AND SOUTH 00°00'00" EAST 34.80 FEET FROM THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE ALONG THE BOUNDARY LINE OF ELKHORN BOUNDARY PHASE 3 THE FOLLOWING SIX (6) COURSES: (1) NORTH 17°10'22" WEST 157.52 FEET; (2) NORTH 58°18'49" EAST 68.60 FEET; (3) NORTH 38°47'54" EAST 172.79 FEET; (4) NORTH 28°21'04" EAST 73.83 FEET; (5) NORTH 45°52'46" EAST 143.92 FEET; (6) NORTH 55°13'30" EAST 124.26 FEET TO THE SOUTHWEST CORNER OF ELKHORN SUBDIVISION PHASE 4; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID ELKHORN SUBDIVISION PHASE 4 THE FOLLOWING FIVE (5) COURSES: (1) SOUTH 64°18'02" EAST 143.88 FEET; (2) SOUTH 64°05'34" EAST 107.47 FEET; (3) SOUTH 57°53'09" EAST 126.51 FEET; (4) SOUTH 49°24'26" EAST 63.32 FEET; (5) SOUTH 50°06'38" EAST 473.71 FEET TO THE NORTH LINE OF SAID TRAPPERS RIDGE SUBDIVISION PHASE 8; THENCE ALONG THE NORTH LINE OF SAID PHASE 8 SOUTH 88°09'13" WEST 1106.18 FEET TO THE POINT OF BEGINNING.

PARCEL 10
BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE AND THE SOUTH LINE OF WOLF CREEK SUBDIVISION PHASE 2 BEING LOCATED NORTH 00°24'17" EAST 379.42 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER AND NORTH 90°00'00" EAST 30.87 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; RUNNING THENCE ALONG SAID SOUTH LINE NORTH 54°20'36" EAST 359.81 FEET; THENCE NORTH 67°45'45" EAST 102.09 FEET; THENCE NORTH 54°39'47" EAST 322.44 FEET; THENCE SOUTH 89°20'13" EAST 303.68 FEET; THENCE SOUTH 50°20'13" EAST 365.00 FEET; THENCE SOUTH 38°39'47" WEST 292.63 FEET; THENCE SOUTH 19°54'40" WEST 90.01 FEET TO THE NORTH LINE OF WOLF STAR P.R.U.D. PHASE 1 PLAT B; THENCE ALONG THE NORTH LINE OF SAID WOLF STAR P.R.U.D. PHASE 1 PLAT B AND THE NORTH LINE OF WOLF STAR P.R.U.D. PHASE 1 PLAT C NORTH 73°18'19" WEST 579.90 FEET; THENCE ALONG THE WEST BOUNDARY LINE OF SAID PLAT C THE FOLLOWING TWO (2) COURSES: (1) SOUTH 11°20'13" EAST 222.32 FEET; (2) SOUTH 10°39'47" WEST 114.60 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ELKHORN DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE ALONG THE ARC OF A 633.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 160.59 FEET, HAVING A CENTRAL ANGLE OF 14°32'08", CHORD BEARS SOUTH 74°06'50" WEST 160.16 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) ALONG THE ARC OF A 207.59 FOOT RADIUS CURVE NON-TANGENT TO THE LEFT 64.34 FEET, HAVING A CENTRAL ANGLE OF 17°45'29", CHORD BEARS NORTH 47°46'38" WEST 64.08 FEET; (2)

NORTH 56°39'22" WEST 244.00 FEET; (3) ALONG THE ARC OF A 76.41 FOOT RADIUS CURVE TO THE RIGHT 40.90 FEET, HAVING A CENTRAL ANGLE OF 30°40'00", CHORD BEARS NORTH 41°19'22" WEST 40.41 FEET; (4) NORTH 25°59'22" WEST 128.00 FEET TO THE POINT OF BEGINNING.

PARCEL 12
BOUNDARY DESCRIPTION

A PART OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE BEING LOCATED SOUTH 00°24'17" WEST 1346.93 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND NORTH 90°00'00" WEST 232.82 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; RUNNING THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) ALONG THE ARC OF A 943.25 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 11.87 FEET, HAVING A CENTRAL ANGLE OF 00°43'16", CHORD BEARS NORTH 37°34'48" EAST 11.87 FEET; (2) NORTH 37°13'11" EAST 62.30 FEET; (3) ALONG THE ARC OF A 3633.87 FOOT RADIUS CURVE TO THE LEFT 196.11 FEET, HAVING A CENTRAL ANGLE OF 03°05'32", CHORD BEARS NORTH 35°40'25" EAST 196.09 FEET; (4) ALONG THE ARC OF A 2669.04 FOOT RADIUS CURVE TO THE LEFT 443.53 FEET, HAVING A CENTRAL ANGLE OF 09°31'16", CHORD BEARS NORTH 32°29'17" EAST 443.02 FEET; THENCE SOUTH 31°00'04" EAST 358.42 FEET; THENCE SOUTH 31°37'35" WEST 111.01 FEET; THENCE SOUTH 60°36'55" EAST 4.76 FEET; THENCE SOUTH 83°21'49" EAST 37.30 FEET; THENCE SOUTH 34°17'37" WEST 213.48 FEET; THENCE SOUTH 00°31'06" WEST 253.28 FEET; THENCE SOUTH 89°56'50" WEST 118.57 FEET; THENCE SOUTH 00°27'18" WEST 98.78 FEET; THENCE SOUTH 70°55'49" WEST 263.65 FEET; THENCE NORTH 79°07'31" WEST 98.41 FEET; THENCE NORTH 44°17'09" EAST 300.74 FEET; THENCE NORTH 43°29'21" WEST 271.81 FEET TO THE POINT OF BEGINNING.

PARCEL 14
BOUNDARY DESCRIPTION

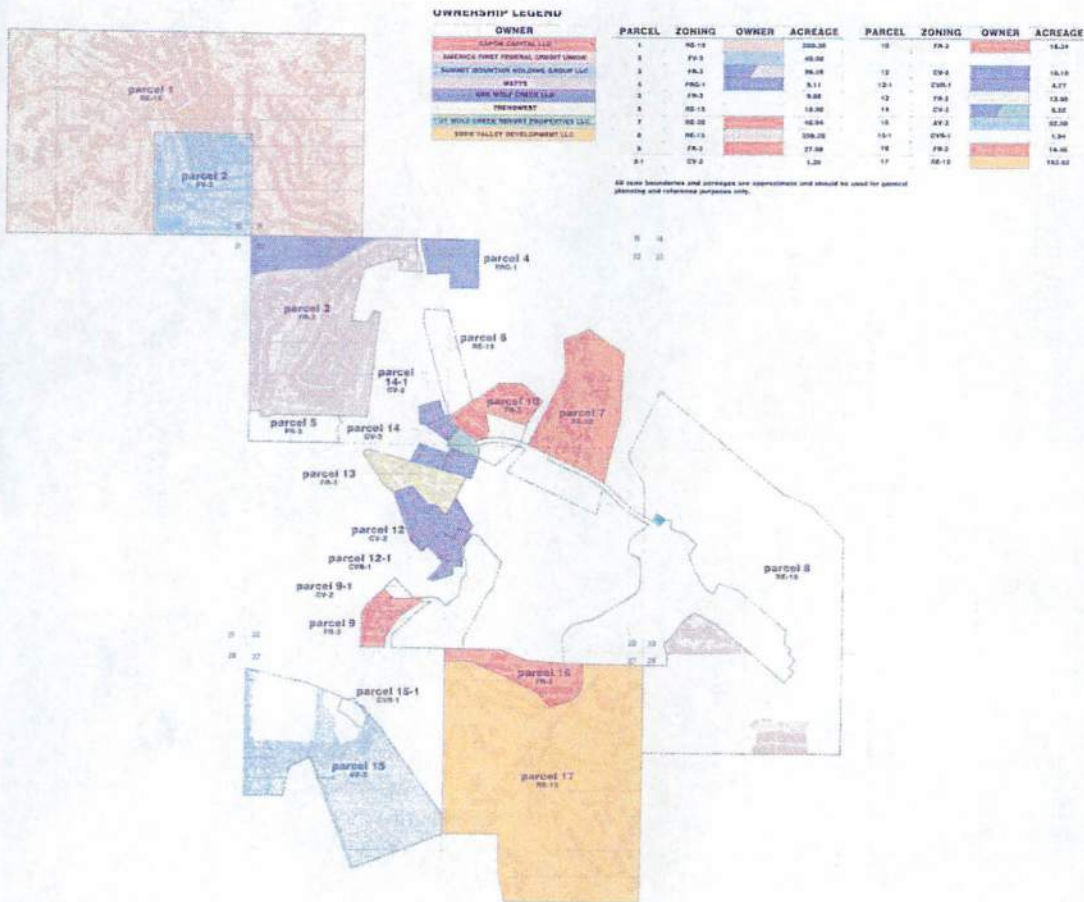
A PART OF THE NORTH HALF OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE BEING LOCATED NORTH 00°24'17" EAST 222.03 ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22 AND NORTH 90°00'00" EAST 60.76 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE SOUTH 38°48'58" WEST 184.37 FEET; THENCE NORTH 55°40'31" WEST 368.67 FEET; THENCE NORTH 83°42'40" WEST 23.32 FEET; THENCE NORTH 04°59'10" WEST 61.40 FEET; THENCE NORTH 69°10'50" EAST 328.85 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) SOUTH 23°30'13" EAST 127.65 FEET; (2) SOUTH 26°07'32" EAST 7.04 FEET; (3) SOUTH 35°39'22" EAST 149.42 FEET TO THE POINT OF BEGINNING.

WOLF CREEK RESORT

EXHIBIT "B"

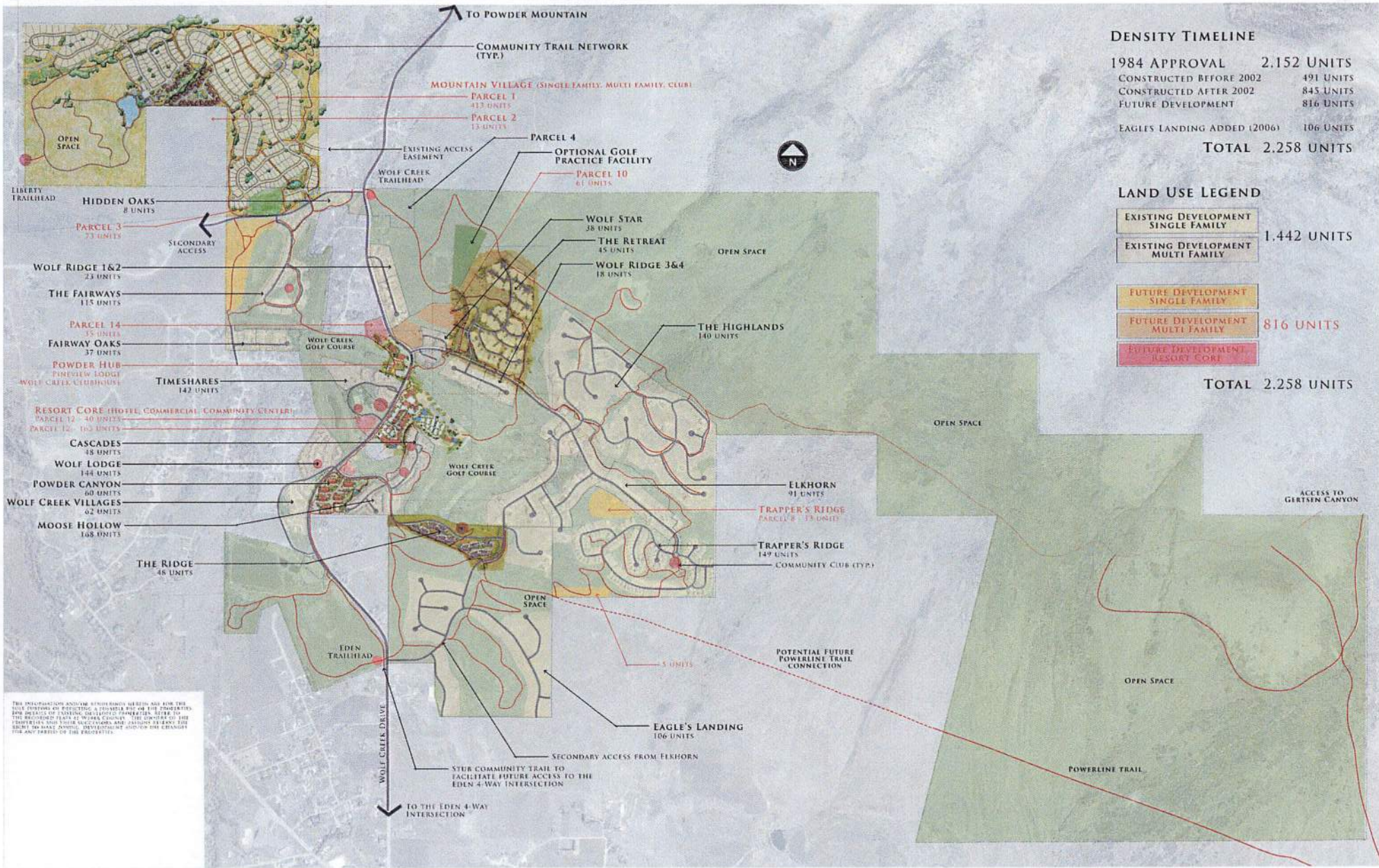
RESORT ZONING MAP



WOLF CREEK RESORT

WOLF CREEK RESORT

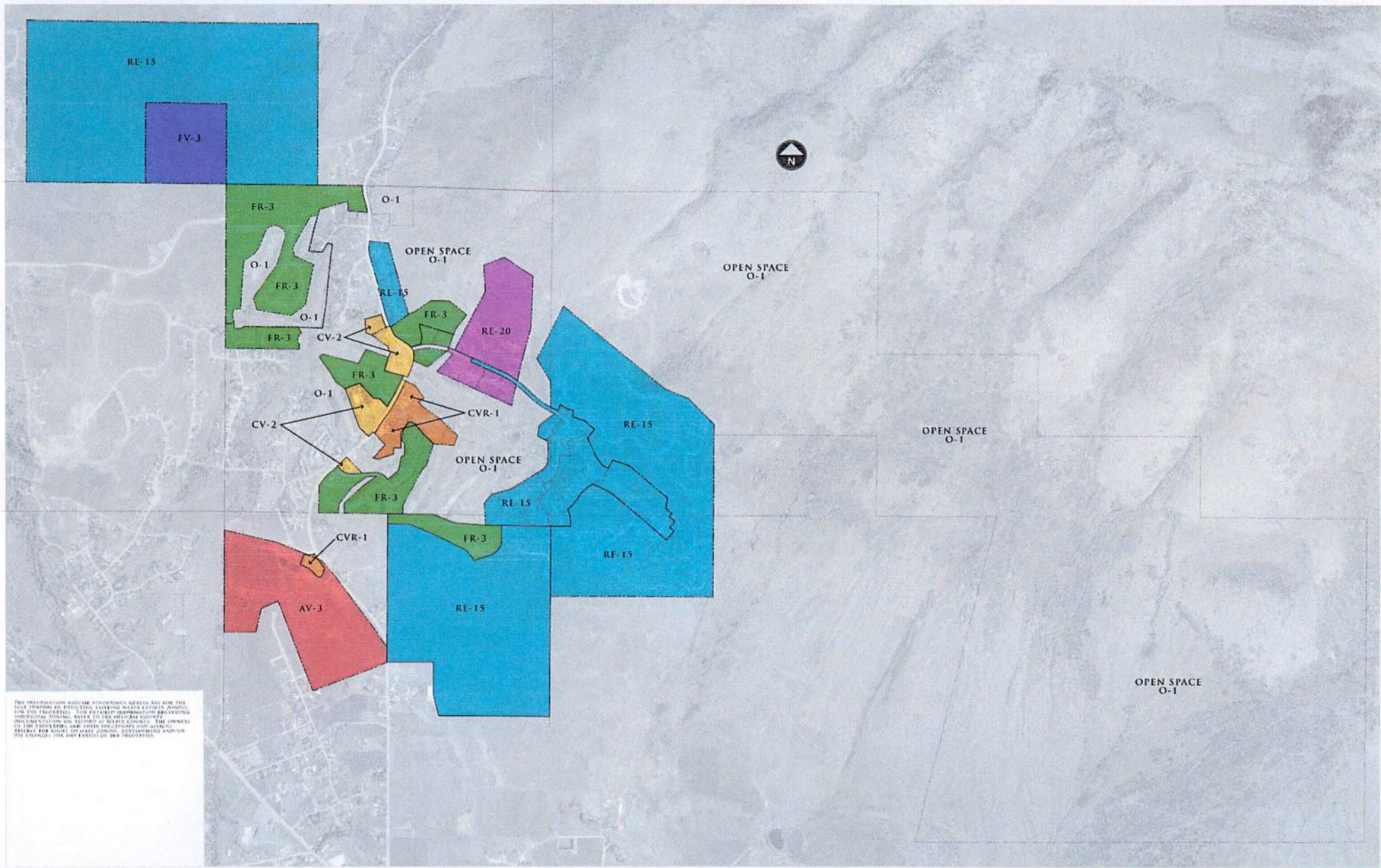
FEBRUARY 2016



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WOLF CREEK RESORT

FEBRUARY 2016



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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: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7) and Hillside Development Review Procedures and Standards (§108-14) to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

Agenda Date: Tuesday, July 26, 2016
Staff Report Date: Wednesday, June 29, 2016
Applicant: Weber County Planning Division
File Number: ZTA 2016-01

Staff Information

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

Applicable Ordinances

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

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

Weber County has many various natural hazards. The natural hazards overlay ordinance¹ was created decades ago in an attempt to address mitigation measures for building on potentially hazardous sites. Hazard study areas are identified based on the best hazards mapping

¹ See LUC §104-27.

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

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

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

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

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

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

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

Policy Analysis

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

³ See LUC §104-7-4.

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

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

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

A brief synopsis of the changes is provided below.

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

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

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

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

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

Conformance to the General Plan

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

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

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

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

Staff Recommendation

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

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

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

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change [Redlines] – Natural Hazards Code.
- C. Code Change [Clean] – Natural Hazards Code. [Omitted from paper packet due to length. See Miradi project file for complete packet: <https://miradi.co.weber.ut.us/projects/view/2339>].
- D. Comparison of only the current and proposed Natural Hazards ordinances.
- E. Land Use Code Revision Process Flowchart.

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

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

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 102-1: General provisions

§ 104-27: Natural hazards overlay districts

§ 108-7: Supplementary and qualifying regulations

§ 108-14: Hillside development review procedures and standards

Key to reading track changes:

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

Language that has been added is shown in blue underline

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

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

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

1 Title 101 - GENERAL PROVISIONS

2 ...

3 Sec. 101-1-7. - Definitions.

4 ...

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

9 ...

10 Geologic and Geotechnical terms.

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

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

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

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

21 Area of deformation. See "zone of deformation."

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

25 Critical facilities. The term "critical facilities" means:

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

28 (2) Essential facilities, such as:

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

30 b. Fire and police stations;

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

34 d. Emergency vehicle shelters and garages;

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

36 f. Standby power generating equipment for essential facilities;

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

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

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

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

42 (4) Special occupancy structures, such as:

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

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

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

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

50 e. Jails and detention facilities;

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

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

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

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

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

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

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

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

Comment [c3]: New standard.

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

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

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

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

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

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

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

91 | Liquefaction. The term "liquefaction" means a process by which certain water saturated soils
92 | lose bearing strength because of ground shaking and increase of groundwater pore pressure.
93 | Liquefaction potential categories depend on the probability of having an earthquake within a 100-
94 | year period that will be strong enough to cause liquefaction in those zones. High liquefaction
95 | potential means that there is a 50% probability of having an earthquake within a 100-year period that
96 | will be strong enough to cause liquefaction. Moderate means that the probability is between 10% and
97 | 50%, low means that the probability is between 5% and 10%, and very low means less than 5%.

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

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

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

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

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

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

116 | ...

117 | **Title 102 - ADMINISTRATION**

118 | **CHAPTER 1. - GENERAL PROVISIONS**

119 | **Sec. 102-1-1. - Purpose and intent.**

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

122 | **Sec. 102-1-2. - ~~Administrative~~ Planning director authority.**

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

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

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

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

130 (3) ~~H~~home occupations ~~with or without visiting clientele,~~, as provided in Section 108-13-2;

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

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

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

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

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

145 ...

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

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

162 ...

163 Title 104 - ZONES

164 ...

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

166 Sec. 104-27-1. - Purpose and intent.

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

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

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

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

Field Code Changed

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

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

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

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

177 The following potential hazards have been identified:

178 (1) — Surface fault ruptures.

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

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

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

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

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

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

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

206 (2) ——— Landslide/tectonic subsidence.

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

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

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

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

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

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

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

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

256 (3)—— Rock fall.

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

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

275 (4)—— Debris flows.

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

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

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

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

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

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

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

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

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

298 (5) — Liquefaction areas:

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

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

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

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

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

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

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

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

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

326 (6) — Flood. The floodplain standards are written to minimize the loss of life and property when floods
327 do occur, not to ban development outright from the floodplain. The Federal Emergency Management
328 Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for
329 major drainages in Weber County. FEMA recommends that no new development be permitted in the
330 100-year floodplain unless:

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

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

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

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

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

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

348 ~~(7) Other hazardous areas:~~

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

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

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

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

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

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

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

367 ~~Critical facilities means:~~

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

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

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

372 ~~b. Fire and police stations;~~

- 373 e. Tanks or other structures containing housing or supporting water or other fire suppression
374 materials or equipment required for the protection of essential or hazardous facilities, or special
375 occupancy structures;
- 376 d. Emergency vehicle shelters and garages;
- 377 e. Structures and equipment in emergency preparedness centers;
- 378 f. Standby power generating equipment for essential facilities;
- 379 g. Structures and equipment in government communication centers and other facilities required
380 for emergency response;
- 381 (3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of
382 toxic or explosive substances to be dangerous to the safety of the general public if released; or
- 383 (4) Special occupancy structures, such as:
- 384 a. Covered structures whose primary occupancy is public assembly (capacity greater than 300
385 persons);
- 386 b. Buildings for schools through secondary or day care centers (capacity greater than 50 students);
- 387 c. Buildings for colleges or adult education schools (capacity greater than 50 students);
- 388 d. Medical facilities with 50 or more resident incapacitated patients, but not included above;
- 389 e. Jails and detention facilities;
- 390 f. All structures with occupancy greater than 5,000 persons;
- 391 g. Structures and equipment in power generating stations and other public utility facilities not
392 included above, and required for continued operation;
- 393 h. Unique or large structures whose failure might be catastrophic, such as dams holding over ten
394 acre feet of water.
- 395 Debris flow means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like
396 fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris
397 fan surface.
- 398 Engineering geologist means a geologist who, through education, training and experience, is able to
399 assure that geologic factors affecting engineering works are recognized, adequately interpreted and
400 presented for use in engineering practice and for the protection of the public. This person shall have at
401 least a four-year degree in geology, engineering geology, or a related field from an accredited university
402 and at least three full years of experience in a responsible position in the field of engineering geology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

444 -
 445 (b) — Review of report. In order to fulfill the purposes of this chapter, the planning commission (for
 446 conditional uses, site plan review, design review and subdivisions) shall review any proposed
 447 development which requires preparation of a natural hazards report under this chapter to determine
 448 the possible risks to the safety of persons or property from natural hazards.

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

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

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

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

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

470 **Sec. 104-27-5. — Disclosure required.**

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

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

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

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

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

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

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

495 **Sec. 104-27-6. — Exemptions from filing natural hazard report.**

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

498 **Sec. 104-27-7. — Costs to be the responsibility of the developer/applicant.**

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

503 **Sec. 104-27-8. — Change of use.**

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

507 **Sec. 104-27-9. — Variances.**

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

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

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

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

- 517 ~~(3) — The importance of the services of the proposed facility to the community and the need for the~~
518 ~~facility to be functional following a significant event of geologic activity;~~
- 519 ~~(4) — The necessity of the facility to be in the proposed location or proposed design;~~
- 520 ~~(5) — Considering alternate locations and designs available;~~
- 521 ~~(6) — The ability of the community to provide emergency services to the facility in the event of a~~
522 ~~catastrophe;~~
- 523 ~~(7) — The degree of benefit received from the variance relative to the hazards posed to the facility's~~
524 ~~neighbors, visitors, and owners.~~
- 525 ~~(c) — Presumption relative to approval. Generally, the standards of this chapter shall not be varied~~
526 ~~unless an equally safe method of use and construction can be approved.~~
- 527 ~~(1) — The amount of variance approved shall be only the minimum amount required to provide relief.~~
- 528 ~~(2) — A variance shall be granted only if it will not result in a threat to public safety, cause~~
529 ~~extraordinary public expense, or create a nuisance.~~
- 530 ~~(3) — A variance shall be granted only if it will not result in a threat to public safety, cause~~
531 ~~extraordinary public expense, or create a nuisance.~~
- 532 ~~(4) — In a continuum beginning with hay barns and agricultural structures and going to high rise~~
533 ~~apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for structures~~
534 ~~with a high percentage of time when the structure is utilized by humans or is occupied by a large~~
535 ~~number of people.~~
- 536 **Sec. 104-27-10. — Disputes; boundaries or mapped hazards.**
- 537 ~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be~~
538 ~~determined by use of the scale appearing on the map. Where there is a conflict between the boundary~~
539 ~~lines illustrated on the map and actual field conditions, or where detailed investigations show that the~~
540 ~~mapped hazards are not present within a particular area, the dispute shall be settled as follows:~~
- 541 ~~(1) — The person disputing the hazard study area boundary or the mapped hazards present within a~~
542 ~~particular area shall submit technical and geologic evidence to support such claim to the planning~~
543 ~~commission in the form of a site-specific natural hazards report.~~
- 544 ~~(2) — The planning commission may request the Utah Geological Survey, the U.S. Forest Service,~~
545 ~~and/or other experts to review the evidence prior to making a decision concerning the dispute.~~
- 546 ~~(3) — The cost of the review shall be paid by the person disputing the map.~~

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

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

552 ...

553 **Title 106 - SUBDIVISIONS**

554 ...

555 **CHAPTER 1. - GENERAL PROVISIONS**

556 ...

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

558 ...

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

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

567 ...

568 **Title 108 - STANDARDS**

569 ...

570 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

571 ...

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

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

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

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

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

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

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

579 (4) No additional lot shall be created; and

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

583 ...

584 **CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS**

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

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

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

- 599 (1) A minimum amount of grading which preserves the natural contours of the land.
- 600 (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard
601 results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the
602 natural scenic beauty.
- 603 (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills
604 and avoid permanent scarring of hillsides.
- 605 (4) Placement of building sites in such a manner as to permit ample room for adequate defensible
606 area as defined by the fire code, landscaping and drainage between and around the buildings.
- 607 (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with
608 respect to building sites and to road cross-sections.
- 609 (6) Lot and structure designs and location which will be appropriate in order to reduce ~~geologic and~~
610 ~~environmental hazards, as required in of title 104, chapter 27, Natural Hazards Overlay District,~~
611 ~~as well as~~ grading and natural topographic disturbance.
- 612 (7) Cluster type development or other new concepts and techniques, where appropriate, in order to
613 eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- 614 (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain
615 necessary cut and fill slopes in order to stabilize them with plant roots or other materials,
616 thereby preventing erosion and to conceal the raw soil from view.

617 ...

618 **Sec. 108-14-3. - Applicability.**

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

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

624 (b) The planning division shall not issue any land use permits, and the building official shall not issue
625 any building permits until detailed plans and engineered drawings have been submitted to, and
626 approved by the hillside development review board. Any condition attached to such approval by said
627 board shall be a condition required with the issuance of land use permit. All parcels, subdivisions,
628 lots, roads and accesses may come under consideration of the review board if requested by the
629 owner, developer, or review agency. Other circumstances may warrant a review as found in the Title
630 108 Chapter 22 – Natural Hazard Areas. ~~"Natural Hazards Overlay Districts" of title 104, chapter 27.~~

631

632 **Sec. 108-14-4. - Procedure.**

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

- 636 (1) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- 637 (2) Site plan with contours.
- 638 (3) Cross sections of improvements.
- 639 (4) Retaining wall designs with engineers stamp (if applicable).
- 640 (5) Geotechnical report (site specific for structures) and, ~~if applicable, an outside review of the~~
641 ~~geological report if deemed necessary.~~ verification of compliance with the requirements of Title
642 108, Chapter 22 - Natural Hazard Areas.
- 643 (6) Other studies and/or information deemed necessary by the members of the board.
- 644 (7) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution
645 prevention plan (SWPPP) shall be required at the time of application. Erosion control
646 landscaping on cuts, fills and other locations, considered necessary by the review board, shall
647 be provided in order to prevent erosion.
- 648 (8) A landscape plan as per ~~section~~Section 108-14-10.

649 ...

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

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

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

661

662 ...

663 **Sec. 108-14-11. - Appeals.**

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

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

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

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

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

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

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

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

680 a. one qualified professional designated by the County;

681 b. one qualified professional designated by the applicant; and

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

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

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

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

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

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

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

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

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

706 b. ~~One expert designated by the applicant; and~~

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

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

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

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

...

CHAPTER 22. - NATURAL HAZARD AREAS

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

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

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

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

The following potential hazards have been identified:

(1) Surface-fault ruptures.

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

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

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

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

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

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

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

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

761 (2) Landslide.

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

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

785 (3) Tectonic subsidence.

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

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

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

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

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

815 (4) Rock fall.

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

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

834 (5) Debris flows.

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

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

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

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

- 855 3. An analysis of the stream channel to determine if the channel will supply additional
856 debris, impede flow, or contain debris flows in the area of the proposed development.
- 857 4. An analysis of manmade structures upstream that may divert or deflect debris flows.
- 858 5. Recommendations concerning any channel improvements, flow modifications and
859 catchment structures, direct protection structures or floodproofing measures, if
860 necessary, in order to protect the development.

861 (6) Liquefaction areas.

- 862 a. Earthquake ground shaking causes a variety of phenomena which can damage structures
863 and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to
864 increase the pressure in the pore water between soil grains, which decreases the stresses
865 between the grains. The loss of intergranular stress can cause the strength of some soils
866 to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When
867 liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures
868 such as septic tanks and storage tanks may rise, and even gentle slopes may fail as
869 liquefied soils and overlying materials move down slope.
- 870 b. Areas of potential liquefaction have been delineated and the following regulations and
871 mitigation measures have been adopted in order to reduce the hazard and consequences.
872 Areas of moderate to high liquefaction potential need not be avoided. Structural measures
873 and site modification techniques are available to reduce a hazard. A site specific
874 liquefaction study and report shall be required pursuant to Section 108-22-3, and shall be
875 prepared by an engineering geologist and/or a state licensed geotechnical engineer and
876 shall comply with the following:
- 877 1. Standard soil foundation study, for the proposed development, shall include
878 liquefaction potential evaluation based upon depth to groundwater, soil types and
879 ground failure hazard.
- 880 2. If liquefiable soils are present, standard penetration tests and/or cone penetration
881 tests shall be required to determine critical accelerations needed to induce
882 liquefaction.
- 883 3. The study and report shall include an accurate map of the area showing any proposed
884 development, the location of bore holes and/or test pits, the site geology, and location
885 and depths of any liquefiable soils noted, along with the probability of critical
886 accelerations needed to induce liquefaction in these soils being exceeded for
887 appropriate time periods.
- 888 4. The report shall include recommendations for hazard reduction techniques.

889 (7) Flood.

- 890 a. The floodplain standards are written to minimize the loss of life and property when floods
891 do occur, not to ban development outright from the floodplain. In the event the following
892 provisions conflict with those in Title 22 of the Weber County Code, the most restrictive
893 shall apply. The Federal Emergency Management Agency (FEMA) has produced official
894 floodplain maps, depicting areas of potential stream flooding for major drainages in Weber
895 County.
- 896 b. FEMA recommends that no new development be permitted in the 100-year floodplain
897 unless:
- 898 1. Detailed engineering study and reports, as required by Section 108-22-3, prepared by
899 a state-licensed engineer, show that the proposed development will not increase the
900 flood hazard to other property in the area. Recommendations shall be made for
901 floodproofing or other mitigation techniques for development within flood hazard
902 areas. (Site investigations for proposed development in lake-flooding areas near
903 Great Salt Lake need only indicate the site elevation. Development proposals in areas

- 904 with elevations less than 4,218 feet will be reviewed with respect to lake-flooding
905 potential and compatibility of proposed use.)
- 906 2. The proposed development is elevated above the 100-year flood base elevation.
- 907 3. For federally-insured loans, flood insurance is purchased from a company
908 participating with the Federal Insurance Administration or a like private carrier.
- 909 c.. The study and report, as may be required by Section 108-22-3, shall consider the
910 following:
- 911 (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a
912 hazard on all active alluvial fans identified on debris flow hazard maps. The
913 hazard from such flooding shall be addressed and appropriate hazard reduction
914 measures taken.
- 915 (ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped
916 as areas of sheet flow flooding. The hazard from such flooding shall be addressed
917 and appropriate hazard reduction measures taken.
- 918 (8) Other hazards.
- 919 a. As in many counties in the Western United States, development in the County is
920 constrained by the presence of natural and manmade hazards. These hazards include, but
921 are not limited to, avalanche, slope movement, soils categorized as having severe building
922 limitations and slopes exceeding 30 percent.
- 923 b. Not all hazardous sites and conditions have been identified in the County. As a hazard or
924 potential hazard becomes known, the County has discretion to require any study and
925 report that is necessary to understand how the hazard or potential hazard may impact
926 development. The study or report shall provide appropriate hazard mitigation measures.
- 927 **Sec. 108-22-3. - Studies and reports required.**
- 928 (a) Requirement for a study and report. Unless waived by the Planning Director or County Engineer
929 for unique circumstances, or otherwise exempted in Section 108-22-5, any application for
930 development on a parcel of land within a natural hazard study area shall be submitted to the
931 planning division with two hard copies and one electronic (pdf) copy of a site-specific natural
932 hazard study and report, where required for such development according to the following chart:

933

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

- 934 (1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case
 935 of a snow avalanche hazard, the study and report shall be prepared by an experienced
 936 avalanche expert. The study and report shall be signed by the preparer and shall also include
 937 the qualifications of the preparer.
- 938 (2) Each natural hazard study and report shall be site-specific and identify, to the extent
 939 practicable, all known or suspected potential natural hazard(s) originating on-site or off-site
 940 which present a reasonable likelihood of adversely affecting the particular property.
- 941 (3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals
 942 200 feet or larger), showing the location and type of hazard with delineation of the
 943 recommended setback distances from the hazard and the recommended location for structures.
- 944 (4) Each natural hazard study and report shall address the potential adverse effects of the hazard
 945 on the proposed development and occupants thereof in terms of the reasonable likelihood of
 946 potential damage.
- 947 (5) Each natural hazard study and report shall contain recommendations for avoidance or
 948 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1000 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel:
1001 (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.
1002 (2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision
1003 plat shall be required, which provide:
1004 a. Notice that the parcel is located within a natural hazard study area;
1005 b. Notice that a natural hazard study and report is available for public inspection in the
1006 County Planning Division Office;
1007 c. Notice that a hazard has been identified on the parcel and the type and severity of the
1008 hazard;
1009 d. The professional who prepared the report, with his or her contact information; and
1010 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the
1011 Land Use Authority.

1012 (b) When a natural hazard report is not required, but where the parcel is located within a natural hazard
1013 study area, notice that the parcel is located within such an area shall be recorded running with the
1014 land and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to the
1015 County Engineer and County Attorney.

1016 (c) The natural hazard ordinance codified in this chapter and natural hazard map represent only those
1017 potentially hazardous areas known to the County, and shall not be construed to include all possible
1018 potential hazard areas. The natural hazards listed in this chapter may be amended as new
1019 information becomes available. The provisions of this chapter do not in any way assure or imply that
1020 areas outside its boundaries will be free from the possible adverse effects of a natural hazard. This
1021 chapter shall not create liability on the part of the County, any officer or employee thereof for any
1022 damages from a natural hazard that result from reliance on this chapter or any administrative
1023 requirement or decision lawfully made thereunder.

1024 **Sec. 108-22-5. - Exemptions from natural hazard study and report.**

1025 A proposed structure that is not a structure designed for human occupancy shall not be required to
1026 provide a natural hazard report, except a report shall be provided for a critical facility if required by
1027 Section 108-22-3.

1028 **Sec. 108-22-6. - Costs to be the responsibility of the developer/applicant.**

1029 Any of the above described technical reports and/or studies shall be performed by qualified
1030 professionals on behalf of the applicant. The cost of outsourced qualified professionals used by the
1031 County to aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other
1032 costs incurred in providing technical reports or testimony by qualified professionals or expert witnesses
1033 shall be solely the responsibility of the applicant and not the County.

1034 **Sec. 108-22-7. - Change of use.**

1035 No change in use which results in the conversion of a building or structure not designed for human
1036 occupancy to one designed for human occupancy shall be permitted unless the building or structure
1037 complies with the provisions of this chapter.

1038 **Sec. 108-22-8. - Conflict between boundaries of study area or identified hazard.**

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

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

1039 Where there is a conflict between the boundaries of an identified natural hazard study area and
1040 actual field conditions, or where detailed investigations show that the identified hazard is not present
1041 within a particular area, the conflict shall be settled as follows:

1042 (1) The person disputing the natural hazard study area boundary shall submit technical and
1043 geologic evidence to support such claim to the County Engineer in the form of a site-specific
1044 natural hazard report.

1045 (2) The County Engineer may request outsourced qualified professionals to review the evidence
1046 and make a recommendation prior to making a final written decision concerning the dispute.
1047 The cost of the outsourced qualified professional's review shall be paid by the person disputing
1048 the boundary.

1049 (3) The County Engineer may allow modifications to the boundary only if the evidence clearly and
1050 conclusively establishes that the natural hazard study area boundary location is incorrect, or
1051 that the identified hazard is not present within a particular area.

1052

1053 **Sec. 108-22-9. - Appeals.**

1054 (a) Except as allowed in subsection (b) of this Section, an appeal of any written decision in the
1055 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of
1056 Adjustment, of this Land Use Code.

1057 (b) When a written decision provided under this chapter contains technical aspects, an applicant may
1058 request the County to assemble a panel of qualified professionals to serve as the appeal authority for
1059 the sole purpose of determining those technical aspects².

1060 (1) The technical aspects of the administration and interpretation of this chapter are decisions
1061 related to:

1062 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific
1063 types of information presented in a study or report;

1064 b. the review and recommendation of an acceptable study or report for the Land Use
1065 Authority's consideration;

1066 c. the interpretation or application of any technical provisions of a study or report that is
1067 required by this chapter; or

1068 d. the modification of a natural hazard study area boundary.

1069 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under
1070 this subsection, the County shall assemble the panel consisting of:

1071 a. one qualified professional designated by the County;

1072 b. one qualified professional designated by the applicant; and

1073 c. one qualified professional chosen jointly by the County's designated qualified professional
1074 and the applicant's designated qualified professional.

1075 (3) A member of the panel may not be associated with the application that is the subject of the
1076 appeal.

1077 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

1078 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment
1079 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

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

1 **Title 101 - GENERAL PROVISIONS**

2 ...

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

4 ...

5 Building parcel designation. The term "building parcel designation" means two or more lots within an
6 approved subdivision are recognized as one lot for building purposes.

7 ...

8 Geologic and Geotechnical terms.

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

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

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

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

19 Area of deformation. See "zone of deformation."

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

23 Critical facilities. The term "critical facilities" means:

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

26 (2) Essential facilities, such as:

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

28 b. Fire and police stations;

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

32 d. Emergency vehicle shelters and garages;

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

34 f. Standby power generating equipment for essential facilities;

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

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

- 40 (4) Special occupancy structures, such as:
- 41 a. Covered structures whose primary occupancy is public assembly (capacity greater
- 42 than 300 persons);
- 43 b. Buildings for schools through secondary or day care centers (capacity greater than 50
- 44 students);
- 45 c. Buildings for colleges or adult education schools (capacity greater than 50 students);
- 46 d. Medical facilities with 50 or more resident incapacitated patients, but not included
- 47 above;
- 48 e. Jails and detention facilities;
- 49 f. All structures with occupancy greater than 5,000 persons;
- 50 g. Structures and equipment in power-generating stations and other public utility facilities
- 51 not included above, and required for continued operation;
- 52 h. Unique or large structures whose failure might be catastrophic, such as dams holding
- 53 over ten acre feet of water.

54 Debris flow. The term "debris flow" means a mass of rock fragments, soil, and mud which, when

55 wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if

56 present on an alluvial/debris fan surface.

57 Engineering geologist. The term "engineering geologist" means a geologist who, through

58 education, training and experience, is able to assure that geologic factors affecting engineering

59 works are recognized, adequately interpreted and presented for use in engineering practice and for

60 the protection of the public. This person shall have:

- 61 (1) At least a four-year degree in geology, engineering geology, or a related field from an
- 62 accredited university; and
- 63 (2) At least three full years of experience in a responsible position in the field of engineering
- 64 geology.
- 65 (3) A Utah State Professional Geologist's license.

66 Engineering geology. The term "engineering geology" means the application of geological data

67 and principles to engineering problems dealing with naturally occurring rock and soil for the purposes

68 of assuring that geological factors are recognized and adequately interpreted in engineering practice.

69 Fault. The term "fault" means a fracture in the earth's crust forming a boundary between rock or

70 soil masses that have moved relative to each other (also see "active fault").

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

72 along a fault.

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

74 surface.

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

76 traces.

77 Geotechnical report. The term "geotechnical report" means a technical report or study prepared

78 by a geotechnical professional who is qualified in the field of expertise examined and analyzed in

79 such a report. A person shall be considered "qualified" upon presentation of credentials providing

80 recognition in the professional field, an academic degree from an accredited college or university in

81 geology, geotechnics and/or geotechnical engineering.

82 Landslide. The term "landslide" means a general term for the down slope movement of a mass

83 of soil, surficial deposits or bedrock.

84 Liquefaction. The term "liquefaction" means a process by which certain water saturated soils
85 lose bearing strength because of ground shaking and increase of groundwater pore pressure.
86 Liquefaction potential categories depend on the probability of having an earthquake within a 100-
87 year period that will be strong enough to cause liquefaction in those zones. High liquefaction
88 potential means that there is a 50% probability of having an earthquake within a 100-year period that
89 will be strong enough to cause liquefaction. Moderate means that the probability is between 10% and
90 50%, low means that the probability is between 5% and 10%, and very low means less than 5%.

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

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

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

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

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

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

109 ...

110 **Title 102 - ADMINISTRATION**

111 **CHAPTER 1. - GENERAL PROVISIONS**

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

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

115 **Sec. 102-1-2. - Planning director authority.**

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

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

121 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one
122 acre, as provided in Section 108-1-2;

123 (3) Home occupation, as provided in Section 108-13-2;

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

125 (5) Small subdivisions, as provided in Section 106-1-8(f) of this Land Use Code; and

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

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

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

135 ...

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

137 After reviewing the evidence and considering the application, the Land Use Authority, as designated
138 by this Land Use Code, shall make its findings and decision. It shall then send a notice of decision to the
139 applicant at the address or e-mail address given in the application. A notice of decision can be a written
140 notice of decision, a copy of the written administrative approval signed by the planning director or
141 designee, or a copy of the approved minutes. A decision by the Land Use Authority is final at the time the
142 notice of decision is sent. If a notice of decision is not sent, and the decision was made in a meeting
143 where minutes are kept, the decision shall be final on the date the minutes from the meeting are
144 approved by the Land Use Authority. The planning division shall also mail notice of any decisions to any
145 person or agency who, in writing, requested such notification before the decision was rendered. Unless
146 the Land Use Authority's final decision specifies otherwise, the Land Use Authority's decision is subject to
147 requirements and conditions stated in the staff report and, if applicable, listed in the meeting minutes.

148 ...

149 **Title 104 - ZONES**

150 ...

151 **CHAPTER 27. - RESERVED**

152 ...

153 **Title 106 - SUBDIVISIONS**

154 ...

155 **CHAPTER 1. - GENERAL PROVISIONS**

156 ...

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

158 ...*(g) Additional provisions.* The Land Use Authority may impose conditions of approval as may be
159 necessary to assure compliance with this Land Use Code. Unusual site specific conditions or
160 restrictions applied to the development of a lot or lots attributed to topography, geologic or
161 environmental conditions or potential hazards, location, or other site specific conditions or restrictions
162 authorized by this Land Use Code shall be identified in the actual location of the condition or
163 restriction on the subdivision drawing. A notice of the unusual site specific condition or restriction
164 shall be recorded to run with the lot or lots affected.

165 ...

166 **Title 108 - STANDARDS**

167 ...

168 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

169 ...

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

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

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

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

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

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

177 (4) No additional lot shall be created; and

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

181 ...

182 **CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS**

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

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

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

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

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

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

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

- 205 (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with
206 respect to building sites and to road cross-sections.
- 207 (6) Lot and structure designs and location which will be appropriate in order to reduce grading and
208 natural topographic disturbance.
- 209 (7) Cluster type development or other new concepts and techniques, where appropriate, in order to
210 eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- 211 (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain
212 necessary cut and fill slopes in order to stabilize them with plant roots or other materials,
213 thereby preventing erosion and to conceal the raw soil from view.

214 ...

215 **Sec. 108-14-3. - Applicability.**

- 216 (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or
217 exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an
218 application request for land use and building permits. Hillside Review is required as part of the
219 preliminary subdivision review. This requirement may be waived by the Planning Director and the
220 County Engineer on a case-by-case basis.
- 221 (b) The planning division shall not issue any land use permits, and the building official shall not issue
222 any building permits until detailed plans and engineered drawings have been submitted to, and
223 approved by the hillside development review board. Any condition attached to such approval by said
224 board shall be a condition required with the issuance of land use permit. All parcels, subdivisions,
225 lots, roads and accesses may come under consideration of the review board if requested by the
226 owner, developer, or review agency. Other circumstances may warrant a review as found in the Title
227 108 Chapter 22 – Natural Hazard Areas.

228 **Sec. 108-14-4. - Procedure.**

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

- 232 (1) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- 233 (2) Site plan with contours.
- 234 (3) Cross sections of improvements.
- 235 (4) Retaining wall designs with engineers stamp (if applicable).
- 236 (5) Geotechnical report (site specific for structures) and, if applicable, verification of compliance
237 with the requirements of Title 108, Chapter 22 - Natural Hazard Areas.
- 238 (6) Other studies and/or information deemed necessary by the members of the board.
- 239 (7) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution
240 prevention plan (SWPPP) shall be required at the time of application. Erosion control
241 landscaping on cuts, fills and other locations, considered necessary by the review board, shall
242 be provided in order to prevent erosion.
- 243 (8) A landscape plan as per Section 108-14-10.

244 ...

245 **Sec. 108-14-9. – Reserved.**

246 ...

247 **Sec. 108-14-11. - Appeals.**

- 248 (a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the
249 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of
250 Adjustment, of this Land Use Code.
- 251 (b) When a written decision provided under this chapter contains technical aspects, an applicant may
252 request the County to assemble a panel of qualified professionals to serve as the appeal authority for
253 the sole purpose of determining those technical aspects¹.
- 254 (1) The technical aspects of the administration and interpretation of this chapter are decisions
255 related to:
- 256 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific
257 types of information presented in a study or report;
 - 258 b. the review and recommendation of an acceptable study or report for the Land Use
259 Authority's consideration; or
 - 260 c. the interpretation or application of any technical provisions of a study or report that is
261 required by this chapter.
- 262 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under
263 this subsection, the County shall assemble the panel consisting of:
- 264 a. one qualified professional designated by the County;
 - 265 b. one qualified professional designated by the applicant; and
 - 266 c. one qualified professional chosen jointly by the County's designated qualified professional
267 and the applicant's designated qualified professional.
- 268 (3) A member of the panel may not be associated with the application that is the subject of the
269 appeal.
- 270 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.
- 271 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment
272 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

273 ...

274 **CHAPTER 22. – NATURAL HAZARD AREAS**

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

- 276 (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines
277 and standards, in order to protect the health, welfare and safety of the citizens of the County, and to
278 minimize potential effects of natural and manmade hazards by identifying known hazardous areas.
279 This portion of the chapter specifies the areas for which an environmental analysis shall be
280 performed prior to development, the content of the analysis and the procedure by which
281 development applications requiring the analysis are reviewed and processed.
- 282 (b) The County recognizes individual property rights and shall make every effort to balance the right of
283 the individual property owner with the health, welfare, safety and the common good of the general
284 public.

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

286 The following potential hazards have been identified:

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

287 (1) Surface-fault ruptures.

- 288 a. Surface faulting has been identified as a potential hazard in the County. Maps have been
289 produced delineating the known area where a hazard may exist from surface fault ruptures.
290 Broad subsidence of the valleys accompanying surface faulting may affect areas several
291 miles away from the fault. These effects are not considered here, but are covered in
292 subsection 3 of this section.
- 293 b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake
294 which produces surface faulting, offsets of six feet or more may occur on the main trace of
295 the fault zone. This offset will result in formation of a near-vertical scarp, generally in
296 unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle
297 of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may
298 also form, generally exhibiting a lesser amount of offset, but sometimes as much as
299 several feet. The zone between these two faults may be complexly faulted and tilted with
300 offset along minor faults of several inches or more.
- 301 c. Based upon this data, it is difficult, both technically and economically, to design a structure
302 to withstand six feet or more of offset through its foundation. Thus, avoidance of the main
303 traces of the fault is the principal risk reduction technique that can be reasonably taken.
- 304 d. No critical facility (excluding transportation lines or utilities which by their nature may cross
305 active faults) or structure designed for human occupancy shall be built astride an active
306 fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study
307 and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some
308 areas adjacent to the main trace but still within the zone of deformation, avoidance may not
309 be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may
310 occur and structural measures may be taken to reduce casualties and damage. However,
311 structural damage may still be great, and buildings in the zone of deformation may not be
312 safe for occupants following a large earthquake.
- 313 e. Due to the scale used to map these zones, there is not enough detail to delineate all fault
314 traces and zones of deformation at a particular location, therefore, site specific plans,
315 studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use
316 Code, for development in or adjacent to the delineated areas.
- 317 f. Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in
318 the setback may be considered if the report presents evidence to justify a reduction
319 acceptable to the Land Use Authority, after recommendation from the County Engineer.

320 (2) Landslide.

- 321 a. Landslides, historically, have been one of the most damaging geologic processes occurring
322 in Weber County. Most active landslides, and most older slides, have been mapped. The
323 maps identify areas of landslides and slopes which are potentially unstable under static
324 (non-earthquake) conditions, and are especially vulnerable under conditions of high to
325 abnormally high precipitation, heavy snowmelt, or excessive water application due to
326 irrigation or septic system discharge. Landslides can damage structures, roads, railroads
327 and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and
328 water mains, all of which can add water to the slide plane and promote further movement.
329 Flooding may also be caused.
- 330 b. Many methods have been developed for reducing a landslide hazard. Proper planning and
331 avoidance is the least expensive measure, if landslide-prone areas are identified early in
332 the planning and development process. Care in site grading with proper compaction of fills
333 and engineering of cut slopes is a necessary follow-up to good land use planning. Where
334 avoidance is not feasible, various engineering techniques are available to stabilize slopes,
335 including de-watering (draining), retaining structures, piles, bridging, weighting or
336 buttressing slopes with compacted earth fills and drainage diversion. Since every landslide
337 and unstable slope has differing characteristics, any development proposed within an

338 identified landslide hazard area shall require the submittal and review of a study and
339 report, as provided in Section 108-22-3. The study and report shall address slope stability
340 (including natural or proposed cut slopes), evaluate slope-failure potential, effects of
341 development and recommendations for mitigative measures. Slope stability analysis shall
342 include potential for movement under static, development-induced and earthquake-induced
343 conditions as well as likely groundwater conditions.

344 (3) Tectonic subsidence.

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

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

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

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

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

374 (4) Rock fall.

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

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

393 (5) Debris flows.

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

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

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

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

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

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

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

420 (6) Liquefaction areas.

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

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

- 436 1. Standard soil foundation study, for the proposed development, shall include
437 liquefaction potential evaluation based upon depth to groundwater, soil types and
438 ground failure hazard.
- 439 2. If liquefiable soils are present, standard penetration tests and/or cone penetration
440 tests shall be required to determine critical accelerations needed to induce
441 liquefaction.
- 442 3. The study and report shall include an accurate map of the area showing any proposed
443 development, the location of bore holes and/or test pits, the site geology, and location
444 and depths of any liquefiable soils noted, along with the probability of critical
445 accelerations needed to induce liquefaction in these soils being exceeded for
446 appropriate time periods.
- 447 4. The report shall include recommendations for hazard reduction techniques.

448 (7) Flood.

- 449 a. The floodplain standards are written to minimize the loss of life and property when floods
450 do occur, not to ban development outright from the floodplain. In the event the following
451 provisions conflict with those in Title 22 of the Weber County Code, the most restrictive
452 shall apply. The Federal Emergency Management Agency (FEMA) has produced official
453 floodplain maps, depicting areas of potential stream flooding for major drainages in Weber
454 County.
- 455 b. FEMA recommends that no new development be permitted in the 100-year floodplain
456 unless:
- 457 1. Detailed engineering study and reports, as required by Section 108-22-3, prepared by
458 a state-licensed engineer, show that the proposed development will not increase the
459 flood hazard to other property in the area. Recommendations shall be made for
460 floodproofing or other mitigation techniques for development within flood hazard
461 areas. (Site investigations for proposed development in lake-flooding areas near
462 Great Salt Lake need only indicate the site elevation. Development proposals in areas
463 with elevations less than 4,218 feet will be reviewed with respect to lake-flooding
464 potential and compatibility of proposed use.)
- 465 2. The proposed development is elevated above the 100-year flood base elevation.
- 466 3. For federally-insured loans, flood insurance is purchased from a company
467 participating with the Federal Insurance Administration or a like private carrier.
- 468 c.. The study and report, as may be required by Section 108-22-3, shall consider the
469 following:
- 470 (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a
471 hazard on all active alluvial fans identified on debris flow hazard maps. The
472 hazard from such flooding shall be addressed and appropriate hazard reduction
473 measures taken.
- 474 (ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped
475 as areas of sheet flow flooding. The hazard from such flooding shall be addressed
476 and appropriate hazard reduction measures taken.

477 (8) Other hazards.

- 478 a. As in many counties in the Western United States, development in the County is
479 constrained by the presence of natural and manmade hazards. These hazards include, but
480 are not limited to, avalanche, slope movement, soils categorized as having severe building
481 limitations and slopes exceeding 30 percent.
- 482 b. Not all hazardous sites and conditions have been identified in the County. As a hazard or
483 potential hazard becomes known, the County has discretion to require any study and

484 report that is necessary to understand how the hazard or potential hazard may impact
485 development. The study or report shall provide appropriate hazard mitigation measures.

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

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

492

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

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

- 493 (1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case
 494 of a snow avalanche hazard, the study and report shall be prepared by an experienced
 495 avalanche expert. The study and report shall be signed by the preparer and shall also include
 496 the qualifications of the preparer.
- 497 (2) Each natural hazard study and report shall be site-specific and identify, to the extent
 498 practicable, all known or suspected potential natural hazard(s) originating on-site or off-site
 499 which present a reasonable likelihood of adversely affecting the particular property.
- 500 (3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals
 501 200 feet or larger), showing the location and type of hazard with delineation of the
 502 recommended setback distances from the hazard and the recommended location for structures.
- 503 (4) Each natural hazard study and report shall address the potential adverse effects of the hazard
 504 on the proposed development and occupants thereof in terms of the reasonable likelihood of
 505 potential damage.
- 506 (5) Each natural hazard study and report shall contain recommendations for avoidance or
 507 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 559 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel:
- 560 (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.
- 561 (2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision
562 plat shall be required, which provide:
- 563 a. Notice that the parcel is located within a natural hazard study area;
- 564 b. Notice that a natural hazard study and report is available for public inspection in the
565 County Planning Division Office;
- 566 c. Notice that a hazard has been identified on the parcel and the type and severity of the
567 hazard;
- 568 d. The professional who prepared the report, with his or her contact information; and
- 569 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the
570 Land Use Authority.

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

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

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

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

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

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

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

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

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

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

- 601 (1) The person disputing the natural hazard study area boundary shall submit technical and
602 geologic evidence to support such claim to the County Engineer in the form of a site-specific
603 natural hazard report.
- 604 (2) The County Engineer may request outsourced qualified professionals to review the evidence
605 and make a recommendation prior to making a final written decision concerning the dispute.
606 The cost of the outsourced qualified professional's review shall be paid by the person disputing
607 the boundary.
- 608 (3) The County Engineer may allow modifications to the boundary only if the evidence clearly and
609 conclusively establishes that the natural hazard study area boundary location is incorrect, or
610 that the identified hazard is not present within a particular area.

611 .

612 **Sec. 108-22-9. - Appeals.**

- 613 (a) Except as allowed in subsection (b) of this Section, an appeal of any written decision in the
614 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of
615 Adjustment, of this Land Use Code.
- 616 (b) When a written decision provided under this chapter contains technical aspects, an applicant may
617 request the County to assemble a panel of qualified professionals to serve as the appeal authority for
618 the sole purpose of determining those technical aspects².
- 619 (1) The technical aspects of the administration and interpretation of this chapter are decisions
620 related to:
- 621 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific
622 types of information presented in a study or report;
- 623 b. the review and recommendation of an acceptable study or report for the Land Use
624 Authority's consideration;
- 625 c. the interpretation or application of any technical provisions of a study or report that is
626 required by this chapter; or
- 627 d. the modification of a natural hazard study area boundary.
- 628 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under
629 this subsection, the County shall assemble the panel consisting of:
- 630 a. one qualified professional designated by the County;
- 631 b. one qualified professional designated by the applicant; and
- 632 c. one qualified professional chosen jointly by the County's designated qualified professional
633 and the applicant's designated qualified professional.
- 634 (3) A member of the panel may not be associated with the application that is the subject of the
635 appeal.
- 636 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.
- 637 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment
638 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

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

1 | CHAPTER ~~27-22~~ - NATURAL HAZARDS OVERLAY DISTRICTS HAZARD AREAS

2 | Sec. ~~104-27108-22-1~~ - Purpose and intent.

- 3 | (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines
4 | and standards, in order to protect the health, welfare and safety of the citizens of the ~~county~~County,
5 | and to minimize potential effects of natural and manmade hazards by identifying known hazardous
6 | areas. This portion of the chapter specifies the areas for which an environmental analysis shall be
7 | performed prior to development, the content of the analysis and the procedure by which
8 | development applications requiring the analysis are reviewed and processed.
- 9 | (b) The ~~county~~County recognizes individual property rights and shall make every effort to balance the
10 | right of the individual property owner with the health, welfare, safety and the common good of the
11 | general public.

12 | Sec. ~~104-27108-22-2~~ - Potential hazards.

13 | The following potential hazards have been identified:

14 | (1) Surface-fault ruptures.

- 15 | a. Surface faulting has been identified as a potential hazard in the ~~county~~County. Maps have
16 | been produced delineating the known area where a hazard may exist from surface fault
17 | ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas
18 | several miles away from the fault. These effects are not considered here, but are covered
19 | in subsection ~~b3~~ of this section.
- 20 | b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake
21 | which produces surface faulting, offsets of six feet or more may occur on the main trace of
22 | the fault zone. This offset will result in formation of a near-vertical scarp, generally in
23 | unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle
24 | of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may
25 | also form, generally exhibiting a lesser amount of offset, but sometimes as much as
26 | several feet. The zone between these two faults may be complexly faulted and tilted with
27 | offset along minor faults of several inches or more.
- 28 | c. Based upon this data, it is difficult, both technically and economically, to design a structure
29 | to withstand six feet or more of offset through its foundation. Thus, avoidance of the main
30 | traces of the fault is the principal risk reduction technique that can be reasonably taken.
- 31 | d. No critical facility (~~excluding transportation lines or utilities which by their nature may cross~~
32 | ~~active faults~~) or structure ~~designed~~ for human occupancy shall be built astride an active
33 | fault. ~~If a fault is discovered in the excavation for such a structure, a geologic hazard study~~
34 | ~~and report, as provided in Section 108-22-3 of this Land Use Code, is required.~~ In some
35 | areas adjacent to the main trace but still within the zone of deformation, avoidance may not
36 | be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may
37 | occur and structural measures may be taken to reduce casualties and damage. However,
38 | structural damage may still be great, and buildings in the zone of deformation may not be
39 | safe for occupants following a large earthquake.
- 40 | e. Due to the scale used to map these zones, there is not enough detail to delineate all fault
41 | traces and zones of deformation at a particular location, therefore, site specific plans ~~and~~
42 | ~~studies, and reports~~ shall be required, ~~as provided in Section 108-22-3 of this Land Use~~
43 | ~~Code,~~ for development in or adjacent to the delineated areas.
- 44 | f. ~~Upon submittal, review and planning commission approval of site specific plans and~~
45 | ~~studies with recommendations, produced by a qualified engineering geologist, Building~~
46 | setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the
47 | setback ~~will~~may be considered if the report presents evidence to justify a reduction

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

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

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

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

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

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

62 b. Many methods have been developed for reducing a landslide ~~hazards~~ hazard. Proper
63 planning and avoidance is the least expensive measure, if landslide-prone areas are
64 identified early in the planning and development process. Care in site grading with proper
65 compaction of fills and engineering of cut slopes is a necessary follow-up to good land use
66 planning. Where avoidance is not feasible, various engineering techniques are available to
67 stabilize slopes, including de-watering (draining), retaining structures, piles, bridging,
68 weighting or buttressing slopes with compacted earth fills and drainage diversion. Since
69 every landslide and unstable slope has differing characteristics, any development
70 proposed within ~~a designated~~ an identified landslide hazard area, ~~as delineated on the~~
71 ~~Sensitive Lands Overlay District maps,~~ shall require the submittal, ~~and review and approval~~
72 ~~by the planning commission,~~ of specific site studies, including grading plans, ~~cut/fill,~~ a study
73 and plans produced by a qualified engineering geologist ~~report, as provided in Section 108-~~
74 ~~22-3. The study and a Utah-licensed geotechnical engineer. The site specific study~~ report
75 shall address slope stability (including natural or proposed cut slopes), evaluate slope-
76 failure potential, effects of development and recommendations for mitigative measures.
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87 practical to avoid the use of potentially affected land except in narrow areas of hazard due
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89 facilities that are within areas of possible subsidence, it is advisable to consider the
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95 techniques such as raising structures above expected flood levels and dikes can be built.
96 Development adjacent to lakes or reservoirs shall be prohibited within three feet of
97 elevation above projected lake levels to protect against natural rises from wet periods,
98 storm waves and earthquake induced seiching, as well as hazards associated with tectonic
99 subsidence.

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

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

103 | ~~g~~e. The principal application of the identified tectonic subsidence areas is to make the public
104 | aware of the hazard and to indicate those areas where further study may be necessary.
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111 | As development advances higher onto the bench areas and into the canyons the risk from
112 | falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is
113 | water in outcrop discontinuities. Rock falls present a hazard because of the potential
114 | damage a large rock mass, traveling at a relatively high velocity, could cause to structures
115 | and personal safety. ~~Buildings shall be located so that structures are not positioned in an~~
116 | ~~area susceptible to rock falls.~~ When new developments cannot be designed around a rock
117 | fall path, and hazard reduction measures must be considered, a ~~site specific plan and~~
118 | ~~hazard study, with recommendations for mitigation, shall be produced by a qualified~~
119 | ~~engineering geologist, submitted for review and approval by the planning commission.~~
120 | Mitigation may study and report as provided in Section 108-22-3, is required. Mitigation
121 | shall require design by a Utah licensed geotechnical engineer, and may include rock
122 | stabilization techniques such as bolting, cable lashing, burying, and grouting
123 | discontinuities, removal or break-up of potential rock clasts, as well as deflection berms,
124 | slope benches, and rock catch fences to stop or at least slow down falling rocks.
125 | Strengthening a structure to withstand impact is an example of modifying what is at risk.
126 | Mitigation problems can arise when rock source areas are located on land not owned by
127 | the developer.

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

132 | (45) Debris flows.

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

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

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

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

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

- 151 | ~~(ii)2.~~ An analysis of the drainage basin's potential to produce debris flows based on the
152 | presence of debris slides and colluvium-filled slope concavities, and an estimate of
153 | the largest probable volumes likely to be produced during a single event.
- 154 | ~~(iii)3.~~ An analysis of the stream channel to determine if the channel will supply
155 | additional debris, impede flow, or contain debris flows in the area of the proposed
156 | development.
- 157 | ~~(iv)4.~~ An analysis of manmade structures upstream that may divert or deflect debris
158 | flows.
- 159 | ~~(v)5.~~ Recommendations concerning any channel improvements, flow modifications and
160 | catchment structures, direct protection structures or floodproofing measures, if
161 | necessary, in order to protect the development.
- 162 | ~~(vi) Upon approval of the county engineer, the report shall be presented to the~~
163 | ~~planning commission along with review comments for recommendation of~~
164 | ~~approval by the county commission.~~
- 165 | ~~(5) (6)~~ Liquefaction areas.
- 166 | a. Earthquake ground shaking causes a variety of phenomena which can damage structures
167 | and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to
168 | increase the pressure in the pore water between soil grains, which decreases the stresses
169 | between the grains. The loss of intergranular stress can cause the strength of some soils
170 | to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When
171 | liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures
172 | such as septic tanks and storage tanks may rise, and even gentle slopes may fail as
173 | liquefied soils and overlying materials move down slope.
- 174 | b. Areas of potential liquefaction have been delineated and the following regulations and
175 | mitigation measures have been adopted in order to reduce the hazard and consequences.
176 | Areas of moderate to high liquefaction potential need not be avoided. Structural measures
177 | and site modification techniques are available to reduce ~~hazards~~ a hazard. A site specific
178 | liquefaction study ~~and report~~ shall be required ~~pursuant to be prepared~~ Section 108-22-3,
179 | and shall be prepared by an engineering geologist and/or a state licensed geotechnical
180 | engineer ~~and shall comply with the following:~~
- 181 | ~~(i)1.~~ Standard soil foundation study, for the proposed development, shall include
182 | liquefaction potential evaluation based upon depth to groundwater, soil types and
183 | ground failure hazard.
- 184 | ~~(ii)2.~~ If liquefiable soils are present, standard penetration tests and/or cone penetration
185 | tests shall be required to determine critical accelerations needed to induce
186 | liquefaction.
- 187 | ~~(iii) Report3.~~ The study and report shall include ~~an accurate maps~~ map of the area
188 | showing any proposed development, the location of bore holes and/or test pits, the
189 | site geology, and location and depths of any liquefiable soils noted, along with the
190 | probability of critical accelerations needed to induce liquefaction in these soils being
191 | exceeded for appropriate time periods.
- 192 | ~~(iv)4.~~ The report shall include recommendations for hazard reduction techniques.
- 193 | ~~(v) The county engineer shall concur with the scope of the report, techniques and~~
194 | ~~methodology to be used in the preparation of the report and shall have input as~~
195 | ~~to the specific types of information to be included in the report.~~
- 196 | ~~(vi) Upon approval of the county engineer, the report shall be presented to the~~
197 | ~~planning commission along with review comments for recommendation of~~
198 | ~~approval by the county commission.~~

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

199 (67) Flood.

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

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

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

217 b2. The proposed development is elevated above the 100-year flood base elevation.

218 e3. For federally-insured loans, flood insurance is purchased from a company
219 participating with the Federal Insurance Administration or a like private carrier.

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

223 1-c. The study and report, as may be required by Section 108-22-3, shall consider the
224 following:

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

229 2-(ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped
230 as areas of sheet flow flooding. The hazard from such flooding shall be addressed
231 and appropriate hazard reduction measures taken.

232 (78) Other ~~hazardous areas~~hazards.

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

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

247 ~~Sec. 104-27.3. Supplementary hazards definitions.~~

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

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

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

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

256 ~~Critical facilities means:~~

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

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

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

261 ~~b. Fire and police stations;~~

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

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

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

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

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

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

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

273 ~~a. Covered structures whose primary occupancy is public assembly (capacity greater than~~
274 ~~300 persons);~~

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

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

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

279 ~~e. Jails and detention facilities;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

314 ~~Sec. 104-27-4. - Studies~~ Sec. 108-22-3. - Study and reports required.

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

321

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

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

- 322 (1) ~~The~~Each natural ~~hazards hazard study and report and studies~~ shall be prepared by an
 323 engineering geologist. In the case of a snow avalanche hazard, the study and report shall be
 324 prepared by an experienced avalanche expert. The study and report shall be signed by the
 325 preparer and shall also include the qualifications of the preparer.
- 326 (2) ~~The~~Each natural hazard study and report shall be site-specific and identify, to the extent
 327 practicable, all known or suspected potential natural ~~hazards~~hazard(s) originating on-site or off-
 328 site which present a reasonable likelihood of adversely affecting the particular property.
- 329 (3) ~~The~~Each natural hazard study and report shall include a detailed site map (scale: one inch
 330 equals 200 feet or larger), showing the location and type of ~~the~~ hazard with delineation of the
 331 recommended setback distances from the hazard and the recommended location for structures.
- 332 (4) ~~The~~Each natural hazard study and report shall address the potential adverse effects of the
 333 hazard on the proposed development and occupants thereof in terms of ~~risk and the reasonable~~
 334 likelihood of potential damage.
- 335 (5) ~~The~~Each natural hazard study and report shall contain recommendations for avoidance or
 336 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

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

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

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Special Study Area	Surface Fault Rupture Special Study Area
Critical facilities	Yes	Yes	Yes
Industrial or commercial >2 stories/>5,000 sq. ft.	Yes	Yes	Yes
Multifamily (4 or more units) and all other industrial or commercial	Yes	Yes	Yes
Residential subdivisions	No**	Yes	Yes
Residential, single lots/multifamily (less than 4 units/acre)	No**	Yes	Yes
**Although no special study is required, disclosure is required as described in section 104-27-7.			

342 | -

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

- 348 | (1) Prior to consideration by the ~~planning commission~~Land Use Authority of any such development,
 349 | the ~~planning director shall~~County Engineer may submit the ~~study and report to the Utah~~
 350 | ~~Geological and Mineral Survey, the U.S. Forest Service, and/or any other experts, if applicable,~~
 351 | site specific plan, to outsourced qualified professionals for review and recommendation. Any
 352 | cost for the review shall be paid by the applicant prior to any ~~planning commission~~Land Use
 353 | Authority action.
- 354 | (2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions,
 355 | or specific types of information presented in the study and report if industry standards of care
 356 | were not used. All conclusions of the study and report shall be supported by adequate data.
- 357 | (3) The County Engineer shall prepare a final review and recommendation of an acceptable study
 358 | and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. It's been moved here to provide better visibility. It was previously tucked into §104-27-2, which is an inconsistent place for its meaning and application.
2. It has been modified to avoid the word "certify." In the geology and engineering world this word has a different meaning than the code anticipates.
3. It has been modified to put the general public and the private market on notice that the private market needs to be willing to accept full accountability for their work. This is an attempt to help shift "good development practices" from needing complete governmental control, and place it on the private market folks who are actually experts in their field.
4. It is an effort to keep the project geologist in the loop during development design – and to keep designs complying with the geologists recommendations. A reoccurring flaw in relying on the private market to provide optimal geologic hazards safety without significant governmental oversight is that there are not the appropriate checks and balances. Often times development designers do not completely consider the geologists recommendations and infrastructure failures can result. In lieu of significant governmental control over geology review, this section requires that the government check that the project geologist has checked the work and is satisfied.

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

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

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

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

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

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

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

424 (4b) When a natural hazard report is not required, but where the parcel is located within a ~~mapped~~
425 ~~hazardous area, as shown on one of the~~ natural ~~hazards-overlay-map~~hazard study area, notice
426 that the parcel is located within such an area shall be recorded as a ~~deed~~ covenant running with the
427 land ~~in the county recorder's office~~ and noted on the subdivision plat (if applicable), and shall be
428 written in a form satisfactory to the ~~county-engineer~~County Engineer and ~~attorney~~County Attorney.

429 (5c) The natural ~~hazards~~hazard ordinance codified in this chapter and natural ~~hazards-map~~hazard map
430 represent only those ~~potentially~~ hazardous areas known to the ~~county~~County, and shall not be
431 construed to include all possible potential hazard areas. The natural hazards listed in this chapter
432 ~~and associated maps~~ may be amended as new information becomes available. The provisions of
433 this chapter do not in any way assure or imply that areas outside its boundaries will be free from the
434 possible adverse effects of a natural ~~hazards~~hazard. This chapter shall not create liability on the part
435 of the ~~county~~County, any officer or employee thereof for any damages from a natural ~~hazards~~hazard
436 that result from reliance on this chapter or any administrative requirement or decision lawfully made
437 thereunder.

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

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

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

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

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

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

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

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

- 454 (a) ~~Ability to grant. The county board of adjustment, when deciding appeals for variances of distance or~~
455 ~~area within the Natural Hazards Overlay Zone shall follow both the standards of title 102, chapter 3~~
456 ~~of the Weber County Land Use Code and the standards stated below.~~
- 457 (b) ~~Items to consider. In deciding whether to grant a variance and what conditions to attach to its~~
458 ~~approval, the board of adjustment shall consider:~~
- 459 (1) ~~The likelihood during a significant seismic or other geologic event that materials may be moved~~
460 ~~onto adjacent land areas causing injury to persons or property;~~
- 461 (2) ~~The degree of susceptibility to damage by seismic or other geologic activity for the building~~
462 ~~design or use proposed;~~
- 463 (3) ~~The importance of the services of the proposed facility to the community and the need for the~~
464 ~~facility to be functional following a significant event of geologic activity;~~
- 465 (4) ~~The necessity of the facility to be in the proposed location or proposed design;~~
- 466 (5) ~~Considering alternate locations and designs available;~~
- 467 (6) ~~The ability of the community to provide emergency services to the facility in the event of a~~
468 ~~catastrophe;~~
- 469 (7) ~~The degree of benefit received from the variance relative to the hazards posed to the facility's~~
470 ~~neighbors, visitors, and owners.~~
- 471 (c) ~~Presumption relative to approval. Generally, the standards of this chapter shall not be varied unless~~
472 ~~an equally safe method of use and construction can be approved.~~
- 473 (1) ~~The amount of variance approved shall be only the minimum amount required to provide relief.~~
- 474 (2) ~~A variance shall be granted only if it will not result in a threat to public safety, cause~~
475 ~~extraordinary public expense, or create a nuisance.~~
- 476 (3) ~~A variance shall be granted only if it will not result in a threat to public safety, cause~~
477 ~~extraordinary public expense, or create a nuisance.~~
- 478 (4) ~~In a continuum beginning with hay barns and agricultural structures and going to high rise~~
479 ~~apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for~~
480 ~~structures with a high percentage of time when the structure is utilized by humans or is~~
481 ~~occupied by a large number of people.~~
- 482 ~~Sec. 104-27-10. - Disputes; 108-22-8. - Conflict between boundaries of study area or identified hazard.~~
483 ~~or mapped hazards.~~
- 484 ~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be~~
485 ~~determined by use of the scale appearing on the map.~~
- 486 Where there is a conflict between the ~~boundary lines illustrated on the map~~ boundaries of an
487 identified natural hazard study area and actual field conditions, or where detailed investigations show that
488 the ~~mapped hazards are~~ identified hazard is not present within a particular area, the ~~dispute~~ conflict shall
489 be settled as follows:
- 490 (1) The person disputing the ~~natural hazard study area boundary or the mapped hazards present~~
491 ~~within a particular area~~ boundary shall submit technical and geologic evidence to support such
492 claim to the ~~planning commission~~ County Engineer in the form of a site-specific natural
493 ~~hazard~~ hazard report.
- 494 (2) The ~~planning commission~~ County Engineer may request the ~~Utah Geological Survey, the U.S.~~
495 ~~Forest Service, and/or other experts~~ outsourced qualified professionals to review the evidence
496 ~~and make a recommendation~~ prior to making a final written decision concerning the dispute.

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

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

503 ~~(5) Any.~~

504 Sec. 108-22-9. - Appeals.

505 (a) ~~Except as allowed in subsection (b) of this Section, an appeal of any written decision of the~~
506 ~~planning commission may application of this chapter shall be appealed to in accordance with Title~~
507 ~~102, Chapter 3 – Board of Adjustment, of this Land Use Code.~~

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

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

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

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

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

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

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

523 a. ~~one qualified professional designated by the County;~~

524 b. ~~one qualified professional designated by the applicant; and~~

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

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

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

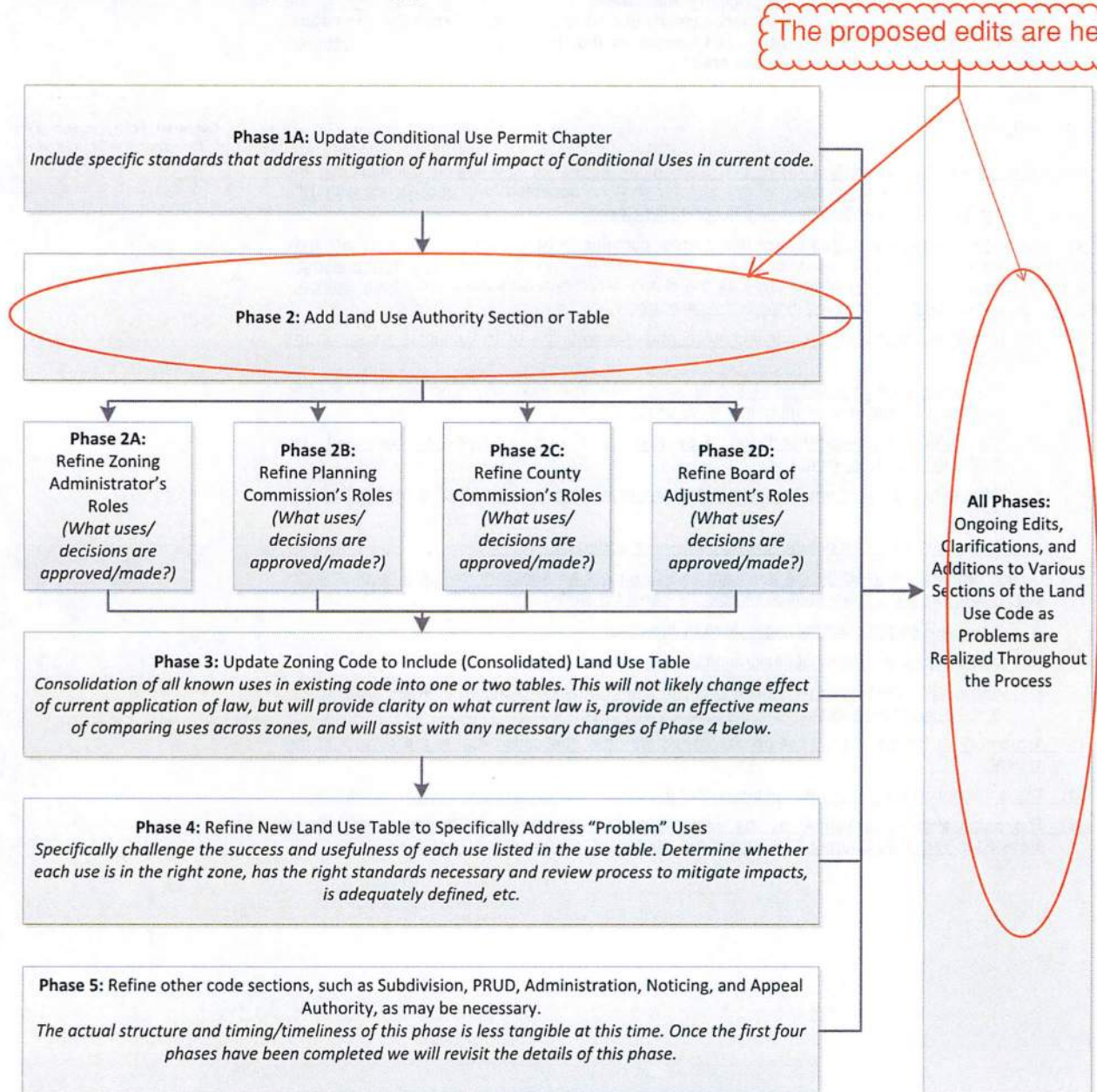
530 (5) ~~The panel shall be governed by the same appeal provisions of the Board of Adjustment~~
531 ~~provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.~~

532

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

Weber County Land Use Code Revision Process Workflow

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





Weber County Planning Division

MEMORANDUM

To: Western Weber and Ogden Valley Planning Commissions
From: Charles Ewert, AICP
Date: July 5, 2016
Subject: Amendments to the site development standards for public utility stations and structures.

In work session we will briefly discuss forthcoming modifications to the site development standards for utility facilities. A draft of the proposed amendment is attached.

These amendments are intended to address the land demands of a public utility. Often, these facilities do not require the same acreage as the typical uses allowed in the zone. The current code allows a reduction to lot area. With the smaller lot area there is usually the need for smaller setbacks. The code currently only allows reduced setbacks for the rear of the lot, and only in certain zones.

This proposal considers the possibility of further reducing all setbacks for utility structures, provided that they are "unmanned" utility structures.

The biggest concern staff has regarding reduced setbacks is the need to maintain visual continuity and safety along public rights-of-way. The proposal addresses this.

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

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

4 ...

5 Quasi-public. The term "quasi-public" means the use of premises by a public utility, such as utility
6 substations and transmission lines (see also "utility"); a permanently located building or structure, together
7 with its accessory buildings and uses, commonly used for religious worship, such as churches and
8 monasteries.

9 ...

10 Utility.[c1] The term "utility" means utility facilities, lines, and rights of way related to the provision,
11 distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary
12 water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information,
13 telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-
14 public."

15 ...

16 **CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS ~~AND OR~~ STRUCTURES**

17 **Sec. 108-10-1. - Location.**

18 The location and arrangement of public buildings and public utility substations ~~and or~~ structures will
19 comply with requirements set forth in this chapter and will be in accordance with construction plans
20 submitted to and approved by the planning commission.

21 **Sec. 108-10-2. - Site development standards for public utility substation or structures: ~~—Minimum lot~~
22 ~~area.~~**

23 ~~None.~~

24 The lot area, width, depth, setback, and street frontage regulations for unmanned culinary or
25 secondary water system facility, storage tank, or well house; unmanned sanitary sewer system facility;
26 unmanned oil or natural gas pipeline regulation station; unmanned telecommunication, television,
27 telephone, fiber optic, electrical facility; or other unmanned utility service regeneration, transformation, or
28 amplification facility are as follows:

29 1. Lot area and lot width. No minimum lot area or width, provided that the lot or parcel shall contain
30 an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any
31 necessary accessory use, any landscaping required by this land use code, and the required setbacks.

32 2. Front yard setback. Front yard setback requirement may be reduced to no less than ten feet (10')
33 if findings can be made that the typical setback is not necessary to:

34 a. Maintain a clear view of intersecting streets, as provided for in Section 108-7-7;

35 b. Maintain vehicle and pedestrian safety along an adjacent right-of-way; and

36 c. Maintain visual continuity of building facades in the vicinity.

37 4. Side yard setback. The side yard setback requirement shall comply with the typical setback
38 specified in the applicable zone regulating the property.

39 5. Rear yard setback. The rear yard setback requirement may be reduced to the following:

40 a. In a residential zone: five feet.

- 41 b. In an agricultural zone: ten feet.
- 42 c. In a forest zone: 20 feet
- 43 d. In a zone not specifically listed above: typical zone setback as provided for in the specific zone
- 44 chapter.
- 45 6. Frontage. No frontage is required along a public right-of-way if clear and legal access exists from
- 46 a public right of way to the site for the purpose of the utility use.

47

48

49 ~~Sec. 108-10-3. - Same—Minimum yards.~~

50 ~~Each public utility substation shall maintain the minimum yards required for a dwelling in the same~~

51 ~~zone except that the rear yard may be reduced to the following:~~

- 52 ~~(1) In a residential zone: five feet.~~
- 53 ~~(2) In an Agricultural Zone: ten feet.~~
- 54 ~~(3) In a Forest Zone: 20 feet.~~

55 ~~Sec. 108-10-4. - Same—Street access.~~

56 ~~Each public utility substation shall be located on a lot, which has adequate access from a street,~~

57 ~~alley, right of way, or easement.~~

58 **Sec. 108-10-5. - Public buildings—Minimum lot area.**

59 Each public building shall be located on a lot of not less than 20,000 square feet in all residential

60 estate, agriculture, and forest zones.

61 **Sec. 108-10-6. - Same—Minimum yards.**

62 Each public building shall meet the minimum yard requirements for a public building in the zone in

63 which it is located.

64 **Sec. 108-10-7. - Same—Width of lot.**

65 Each public building shall have a minimum width of lot of 100 feet.

66 **Sec. 108-10-8. - Same—Frontage.**

67 Each public building shall have frontage on a public street.

68 ...

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

70 ...

71 **Sec. 104-29-2. - Development standards.**

72 ...

- 73 (h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <i>As required in Chapter 26, Public Utility</i>
...			
(2)	Minimum lot width		
...			
	c.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <i>As required in Chapter 26, Public Utility</i>
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <i>As required in Chapter 26, Public Utility</i>
...			
	b.	Side yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <i>As required in Chapter 26, Public Utility</i>

...			
	c.	Rear yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> As required in Chapter 26, Public Utility
...			
	(4)	Maximum building height	
...			
	c.	Public utility substation	35 feet, unless otherwise <u>provided in Section 108-7-5: Exceptions to height limitations.</u> exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations

74 ...