



OGDEN VALLEY PLANNING COMMISSION AMENDED PLANNING MEETING AGENDA

July 05, 2016
5:00 p.m.

Pledge of Allegiance

Roll Call:

1. Administrative Items:
 - a. New Business:
 1. CUP 2016-11 Consideration and action on a request for a conditional use permit to operate a recreational lodge on Lot 6 of the Sanctuary Subdivision, located at 9686 East Maple Ridge Road, within the Forest 40 (F-40) Zones. (Tim Charlwood, Applicant)
 2. CUP 2016-13 Consideration and action for an amendment to the Summit at Powder Mountain Phase 1 PRUD to include a 27 unit development identified as the Horizon Neighborhood at Powder Mountain PRUD and amend the future conceptual design from a 5 unit development with a lodge to a 12 unit development with a lodge on Lot 76 identified as Spring Park at Powder Mountain PRUD. (Summit Mountain Holding Group LLC, Applicant)
 3. CUP 2016-12 Consideration and action on a request for a conditional use permit for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development. The application includes the request to run concurrently for preliminary subdivision approval of The Bridges at Wolf Creek Resort, PRUD in the Forest Residential (FR-3) and Residential Estate (RE-15) Zone. (WCU LLC and Bridges Holding Company LLC, Applicants; Eric Householder, Agent)
2. Legislative Items:
 - a. New Business: Public Meeting:
 1. ZTA 2016-01 A public hearing to consider and take action on a request to amend Natural Hazards Overlay District and Hillside Development Procedures Standards within the Weber County Land Use Code.
 2. ZTA 2016-02 A public hearing to consider and take action on a request to amend the Planned Residential Unit Development (PRUD) Chapter (Title 108, Chapter 5) within the Weber County Land Use Code. (Brad Blanch, Applicant)
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 the CV-2 and CVR-1 Zone Text Amendment

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 to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration of, and action on, a Conditional Use Permit to operate a recreational lodge on lot 6 of the Sanctuary subdivision, at 9686 East Maple Ridge Road.

Agenda Date: Tuesday, July 05, 2016

Applicant: Tim Charlwood

File Number: CUP 2016-11

Property Information

Approximate Address: 9686 East Maple Ridge Road

Project Area: Lot area: 1,755,032.4 sqft. (40.29 Acres).
Building area: 7,440.25 sqft.

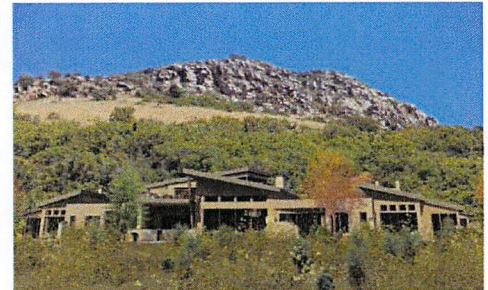
Zoning: F-40 (Forest 40)

Existing Land Use: Vacant subdivided land.

Proposed Land Use: Recreation Lodge

Parcel ID: 21-130-0003

Township, Range, Section: Township: 6 North, Range: 2 East, Section: 03 (Southwest Quarter Section)



Adjacent Land Use

North:	Vacant/Forest and Wildland/Rural Recreation	South:	Large (40 acre) Subdivision Lot
East:	Open Space/Common Area (Green Hills HOA)	West:	Large (40 acre) Subdivision Lot

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- §101-1-7 (Definitions)
- §104-9 (Forest Zones)
- §104-28 (Ogden Valley Sensitive Lands Overlay District)
- §108-1 (Design Review)
- §108-2 (Ogden Valley Architectural, Landscape and Screening Standards)
- §108-4 (Conditional Uses)
- §108-18 (Drinking Water Source Protection)

Summary and Background

This is a proposal for a 10 room recreation lodge, located on Lot 6 of the Sanctuary subdivision. Recreation lodge is listed as a conditional use in the F-40 zone. Standards that the Planning Commission should consider to apply to this conditional use include:

- Standards relating to safety for persons and property, including fire fighting considerations and traffic mitigation.
- Standards relating to infrastructure, amenities, and services, including public infrastructure and utility capacity.
- Standards relating to the environment, including site disturbance and retention of native vegetation.
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan, including screening of incompatible uses from view from other properties, quality architectural design, landscaping, and potential noise and light issues.

The Sanctuary was recorded in 2013 as an eight lot subdivision. At that time part of the subject parcel was designated for building purposes. This propose does not affect that. Subdivision approval also vetted access to the site, culinary and waste water feasibility for the site, and preliminary geologic information in the area.

With the findings and conditions listed herein, the proposal appears to comply with County ordinances. Staff is recommending approval with conditions.

Planning Commission Considerations

Request. The Planning Commission is being requested to review and approve a 10 room recreation lodge in the F-40 zone. The lodge will provide general vacation services, including overnight accommodations and meal preparation, and is intended to provide recreational opportunities both on and off the property.

Please review the applicant's summary in Exhibit A for a complete description of the proposal.

Zoning Analysis. The requested use is for a "Recreation Lodge." Recreation lodge is a term defined by Weber County's Land Use Code as follows:

The term "recreation lodge" means a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms, and facilities for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open yearround, offers summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based upon acreage and site plan review, and recommended by the planning commission. Limited day use may be allowed based upon site plan review and approval of the overall project as a conditional use by the planning commission.¹

Recreation lodge is permitted as a conditional use in the F-40 zone.² Pursuant to State Law and the County Land Use Code,³ if a use is listed in the zone as a conditional use it shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

Conditional Use Analysis. In determining "applicable standards" that can be applied to this use, the Planning Commission should consider the following guidance offered by the Land Use Code:

Sec. 108-4-5. - Conditional use standards.

(a) The land use authority may apply conditions of approval related to any of the standards of this section, provided that credible evidence exists that:

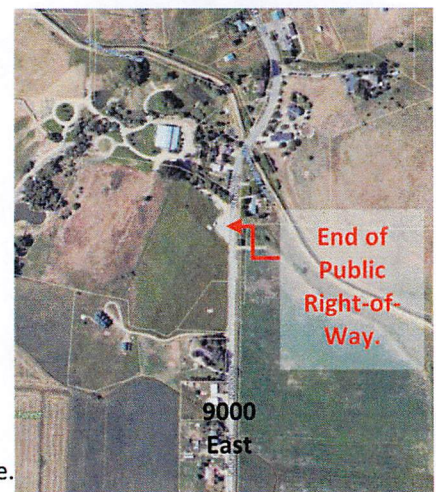
- (1) The application of the standard is relevant to the use; and*
- (2) The conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.*

(b) The land use authority shall consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.⁴

Based on applicable standards of the CUP code, staff recommends that the Planning Commission consider the following information when determining the reasonably anticipated detrimental effects of the use. Staff recommends reasonable conditions in this staff report that are intended to mitigate known potential detrimental effects.

Fire control. A specific analysis of fire control for the proposal has been conducted by the local Fire Marshal, and is attached as Exhibit B.

Access and circulation. The site is accessed through the Green Hills Subdivision along Maple Drive. The applicant asserts that an adjudicated right-of-way exists, with an access agreement,⁵ between the Green Hills HOA and himself, which



¹ See LUC §101-1-7, "Recreation Lodge."

² See LUC §104-9-3 to review this and other conditional uses allowed in the F-40 zone.

³ See UCA §17-27a-506. Conditional Uses; and LUC §108-4-4.- Decision Requirements.

⁴ See LUC §108-4-5. – Conditional Use Standards.

⁵ Civil case number 010905924, Judge Michael D. Lyon.

provides the opportunity to access the site across private property, as proposed. This agreement is a private agreement between the applicant and the HOA. Enforcement of it is the responsibility of the HOA and the applicant, and as such the County should offer no opinion as to its provisions. The County's public right-of-way ends at the end of 9000 East Street.

In determining how the use will affect traffic demand, the Planning Commission should focus on whether the use will cause any material degradation in the level of service of public road infrastructure. It is anticipated that this lodge will average above 50% vacancy rate, with occasional peak times at full occupancy. In Utah, the typical year-round single family dwelling that contains a household of 6 people generates about 32.7 vehicle trips per day (coming and going equals two trips)⁶ and possesses about two vehicles.⁷ In comparing the suggested average annual occupancy rate of the proposed use and the anticipation for the ordinance-based standard for the maximum peak parking demand of the proposed use (as specified below) it can be anticipated that the effect of the use on average traffic patterns in the area will be similar to a (very) large-family single-family dwelling, with occasions of variance depending on peak/off-peak lodging demands. This demand does not appear to be significant enough to materially degrade any public infrastructure and as such it does not merit special traffic accommodations like off-site road or right of way improvements.

Parking. Parking for the facility is proposed to be underground. County code does not specify the number of stalls for a recreational lodge, but offers guidance for a motel, a hotel, and a lodginghouse.⁸ A motel is required to have one space per sleeping or living unit (10 spaces for this proposal). A hotel is required to have one space per two sleeping units (five spaces for this proposal). A lodginghouse is required to have three spaces for every four persons to whom rooms will be rented (eight spaces for this proposal). Given the smaller scale of this use and the likelihood that maximum occupancy could occasionally occur, it seems most appropriate for the Planning Commission to apply the motel standard for this proposal. The parking facilities should provide ADA accessibility to the lodge.

*Architectural design.*⁹ The building is being designed by licensed architect James Carroll. Building materials include rock, stone, steel, aluminum, steel, glass, and quality synthetic stucco. Based on the images presented in the application it appears that the color will be muted earth tones. This complies with ordinance requirements. No specific color palette has been provided. The Planning Commission may want to condition approval on an appropriate color scheme.

The building height will be limited to 35 feet, as required by the F-40 zone.¹⁰ The structure appears to be located along a ridge, but is not visible from any two mile scenic corridors as provided for in the sensitive lands ordinance.¹¹ The nearest scenic corridor (7100 East) from which the building pad might be visible is approximately three miles away.

Lighting. No specific lighting plans have been proposed; however, the applicant has proposed that all lighting will be downward directional in a manner that does not disturb other properties. The Planning Commission may desire a condition of approval to ensure that all constructed exterior lighting is indeed downward direction and fully shielded so as not to produce unnecessary light pollution.

Deliveries. The applicant asserts that deliveries can be restricted to the underground parking facilities or to the side entrance of the lodge. Considering that deliveries will pass through residential areas to get to the site, the Planning Commission may desire to limit the size and frequency of the delivery vehicles. Staff recommendation provides for this.

Landscaping and irrigation. The applicant is proposing to generally leave the site in its current native state of vegetation. There is currently an area that has been cleared for the building, but the applicant asserts that the clearing was conservative. In the event construction activities lend the need for reseeding or replanting, the applicant has proposed to replant or seed with the same native vegetation in the immediate vicinity. The applicant indicates that he owns 1/5 acre-foot of water for irrigation purposes if needed, but no irrigation is anticipated due to retention of native vegetation. The remote location, size, and natural state of the property may render additional landscape considerations unnecessary.

Solid waste disposal. Solid waste disposal will be by means of private waste removal contract or owner removal. The waste receptacles will be located in the underground parking facilities away from public view. No outdoor dumpsters are proposed; therefore no dumpster screening should be required.

⁶ This is a generalized average based on national statistics. In Utah, according to <http://governor.utah.gov/>, a one person household in one Utah county generated 4.7 trips per day, while a six person household generated 32.7 trips per day.

⁷ Pulled from <http://www.smartgrowthamerica.org/documents/saltlakecitysprawl.pdf>

⁸ See LUC §108-8-4 for parking requirements.

⁹ See LUC §108-2-4 for general architectural standards.

¹⁰ See LUC §104-9-4 for height limitations.

¹¹ See LUC §104-28-4 for Scenic corridors ridgeline protection provisions.

Water source. Culinary water will be provide via well. The Health Department has provided feasibility for it. The Planning Commission should consider conditioning CUP approval on the demonstration of adequate water rights, water yield, and water quality, as administered by the Health Department.

Waste water. The applicant has proposed a packed bed media waste water system for waste water disposal. The Health Department will review the final design and functionality during building permit review, but they have offered general feasibility for the system during subdivision review and approval. They have updated that feasibility based on this proposal for 10 room lodging facility. For the purposes of waste water the Health Department is considering the use residential in nature, which they say is more restrictive than considering if for commercial lodging purposes.

Source Protection. The waste water system will be located in zone two of a source protection area of another well in the [relative] vicinity. Zone two prohibits typical septic and drain fields. The Health Department and the State Division of Drinking Water does not consider a packed-bed media system¹² the same as a typical drain field. The Health Department finds this waste water system suitable for this location. Approval should be conditioned on a packed-bed media system, and compliance with all state and Health Department regulations.

Flood plain. According to the FEMA flood data, the property is located in the "X" flood zone. The X flood zone denotes areas determined to be outside the 500-year floodplain, or determined to be outside the 1% and 0.2% annual chance floodplains.

Signage. No specific signage is being proposed for the property. There is an existing non-illuminated neighborhood identification sign made of timber and iron at the entrance of the lower approach road of the Sanctuary subdivision.

Geology. This site is in a geologic hazards study area.¹³ A hazard study was provided for the Sanctuary subdivision¹⁴ that offered general guidance and recommendations to building in the area. It found minimal concern. Considering that the report was not specific to the footing/foundation of this proposed lodge, the Planning Commission should consider the need for an update letter from the project geologist to verify that the general scope, conditions, and findings listed in the report are sufficient to provide for a reasonable degree of safety when developing the site. An update letter from Western Geologic is in the process at this time, and will be provided prior to building permit review.

Noise. Because the use involves short term lodging for persons not permanently vested in a quiet residential neighborhood experience, it could potentially produce intrusive noises during uninviting hours of the day. The Planning Commission should consider imposing quiet hours for the use in order to mitigate this concern.

Conformance to the General Plan

The Ogden Valley general plan recreation element supports recreation opportunities and uses. The allowance of recreation in the F-40 zone appropriately executes this desire.

Staff Recommendation

Staff recommends approval of the Sanctuary Recreation Lodge conditional use permit, file #CUP 2016-11, based on the following findings and conditions:

Conditions:

1. The limits of disturbance shall not exceed the building pad areas, as shown in the application. In the event building activities must exceed the building pad area, a de minimis planning division review of the changes shall be conducted.
2. That quiet hours shall be observed from 10 p.m. to 7 a.m. Daytime noises (related to the use of the lodge) that are unreasonable, obnoxious, or out of character for a quiet residential neighborhood are prohibited.
3. All exterior lighting shall be downward directional and fully shielded in a manner that obstructs the visible light source from view from adjacent properties. The intensity of outdoor lighting, including any landscape lighting, shall be minimized so as not to create unnecessary reflection on the mountain side. Exterior lighting shall be configured in a manner that has minimal visual impact when viewed from other properties. The building permit application shall include for staff approval the specifics of the light fixtures to be used.

¹² Pursuant to a letter dated October 28, 2013, sent to the Weber County Planning Director from The Director of the Department of Environmental Quality, Division of Drinking Water.

¹³ The Utah Geological Survey's Ogden 30x60 Geologic Quadrangle, updated in 2016, indicates that the building site is in the Zkc geologic unit. This unit requires a geologic hazards study and report.

¹⁴ See report from Western Geologic, LLC dated September 23, 2010, located in project file.

4. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to 49 CFR 565.15), except for package delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery or pickup per day between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided on the site. No loading or unloading shall be permitted offsite.
5. The applicant shall either submit an updated letter from a qualified geologist indicating that the findings of the general geologic hazards report(s) previously conducted are still valid for the specific building location, or an updated building-specific report shall be submitted with the building permit application that provides any necessary mitigation measures.
6. Storm water drainage shall comply with typical engineering standards, as approved by the County Engineering Division during building permit review.
7. CUP approval shall be subject to final review and approval by the Weber County Engineering Division during building permit review.
8. CUP approval shall be subject to final review and approval of the culinary water and waste water systems, commercial kitchen, and pool or spa (if applicable), in accordance with Health Department requirements.
9. The colors of the facility shall be limited to general muted earth tones that are found in abundance on the site such that all man-made facilities have minimal visual impact and blend with the natural state of the property.
10. There shall be sufficient parking spaces, pursuant to the Weber County parking standards of LUC §108-8, to provide for 10 onsite parking spaces. Parking provisions shall comply with ADA standards. The building permit application shall include a specific parking plan for staff verification.
11. The proposal shall maintain compliance with all other local, state, and federal laws.

Findings:

1. The proposed use is a recreational use and supports other recreational uses in the Ogden Valley, which is in compliance with the Ogden Valley Recreation Element of the General Plan.
2. The proposed use complies with the Land Use Code's definition of "Recreation Lodge."
3. Given the applicant's proposal and the conditions provided herein, the proposal reasonably mitigates the anticipated detrimental effects of the use.
4. That the applicant asserts that private legal access exists from the public right-of-way to the site. CUP approval is contingent on legal access to the site.

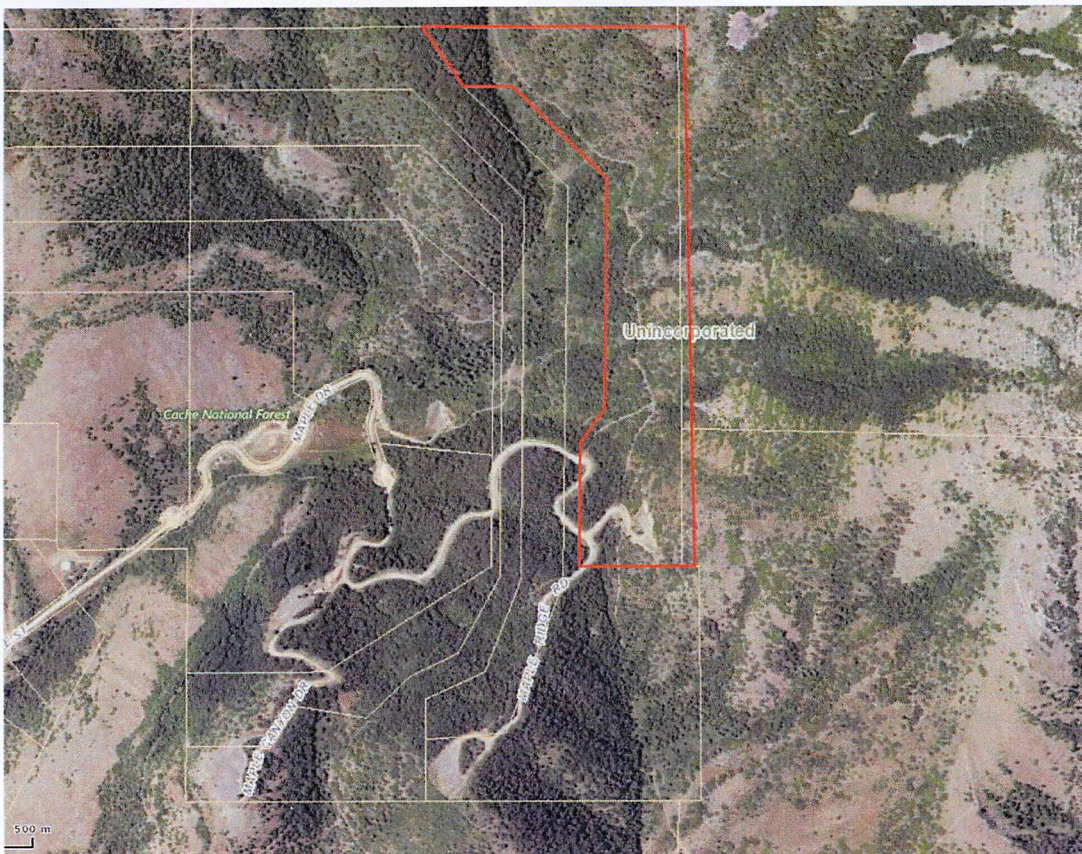
Exhibits

- A. Application
- B. Fire Marshal Review
- C. Engineering Review

Map 1



Map 2



Weber County Conditional Use Permit Application

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

Date Submitted / Completed 5/25/2016	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) TIMOTHY CHARLWOOD		Mailing Address of Property Owner(s) Po Box 980400 PARK CITY UTAH 84098-0400	
Phone 435 901 2337	Fax NIA		
Email Address (required) TIMCHARLWOOD@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) TIMOTHY CHARLWOOD		Mailing Address of Authorized Person Po box 980400 PARK CITY UTAH 84098-0400	
Phone 435 901 2337	Fax NIA		
Email Address TIMCHARLWOOD@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name THE SANCTUARY RECREATIONAL LODGE	Total Acreage 40	Current Zoning FR-40
Approximate Address THE SANCTUARY MAPLE DRIVE HUNTSVILLE UTAH 84317 LOT 6.		Land Serial Number(s) 21 126 0006

Proposed Use **RECREATIONAL RETREAT**

Project Narrative
SEE ATTACHED

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

THE RECREATIONAL LODGE IS INTENDED AS HIGH QUALITY RETREAT WITH IMMEDIATE ACCESS TO ENDLESS RECREATION IN A PROTECTED ENVIRONMENT, BOUND RESTRICTIVE EASEMENT STAFF WILL ENSURE THE RETREAT MAINTAINS STANDARDS SET HIGH IN THE INTERESTS OF OUR ENVIRONMENT AND GUESTS. THIS IS TO BE STRICTLY OBSERVED.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

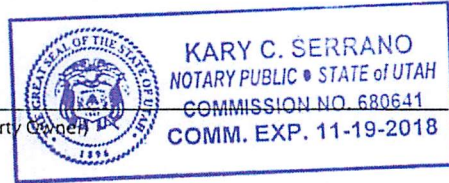
THE LODGE WILL COMPLY WITH ALL ZONING ORDINANCE UNDER FR-40

Property Owner Affidavit

I (We), [Signature], depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]

(Property Owner)



(Property Owner)

Subscribed and sworn to me this 25th day of May, 20

[Signature]
(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

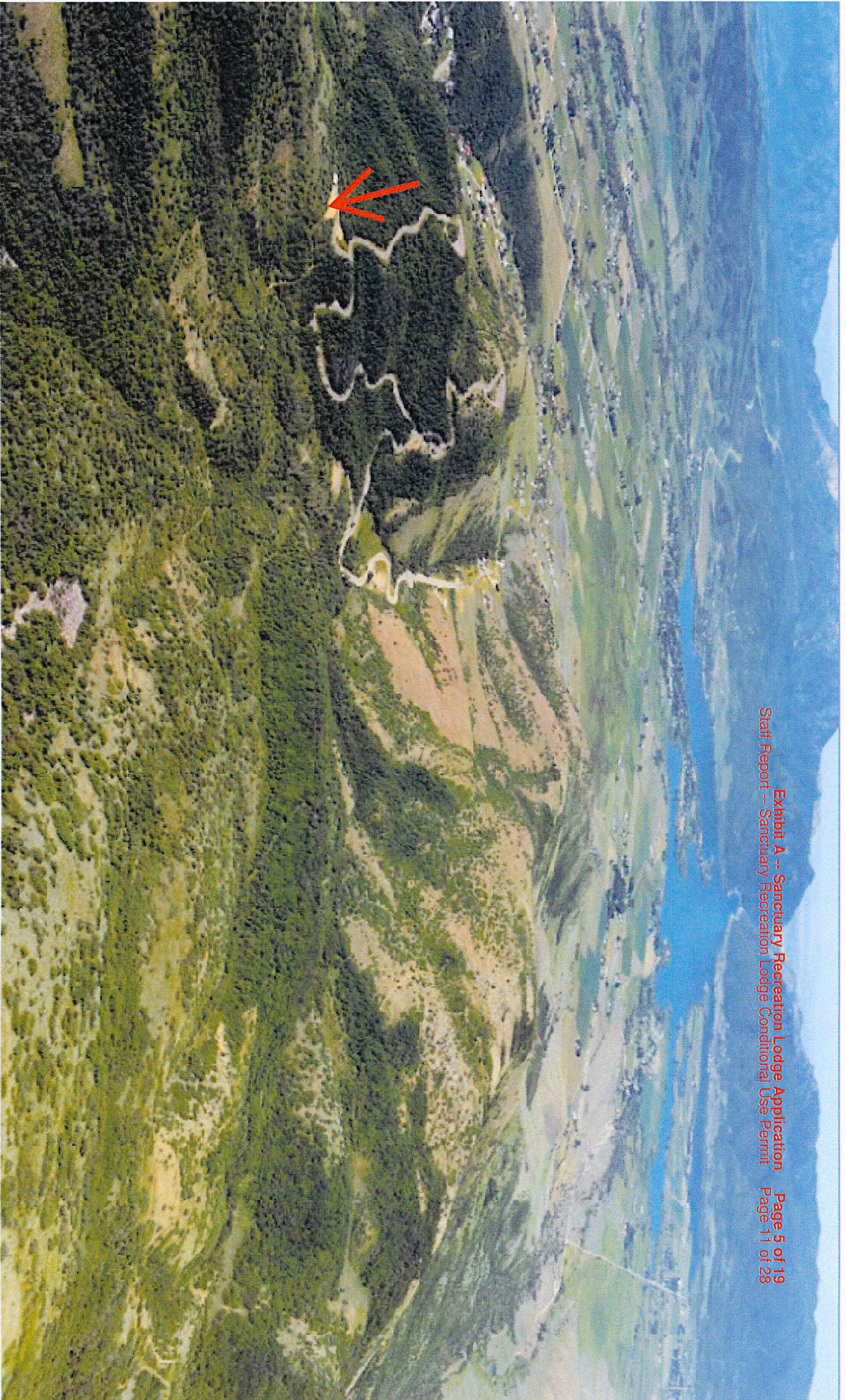


Tim Charlwood • (435) 901-2337 • timcharlwood@gmail.com • PO Box 980400, Park City, Utah, 84098

Sanctuary Recreational Lodge, Curtain Bluff, Lot 6 The Sanctuary

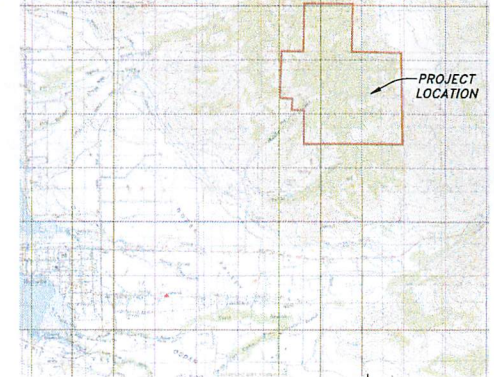
Owner; Tim Charlwood, PO Box 980400, Park City, Utah, 84098-0400.

An application for Recreational Lodge at Lot 6 with 40 acres within Sanctuary will comply with all FR-40 zoning standards. It is proposed to build a High quality Recreational Lodge that will blend into the environment designed by award winning architect James Carroll of Salt Lake City with a maximum of 7,500 square feet live-able area with maximum 10 Bedrooms with shared central open area with full kitchen and anticipated Chef services. It is proposed to have 10 under ground car spaces. Road access has been approved and built right to the Homesite at both upper and lower car park level with snow clearance all winter by Sanctuary HOA. Well approval has been granted and recorded. Septic to comply with Health Department standards with "Green" Packed Bed Mound System designed with no contamination. Geo Thermal heat/cool systems will be installed. Landscaping will be minimal as natural landscape is desired. Homesite with immediate landscape is in place retaining all natural vegetation. Outside of build-able is protected by an Easement and covering all our 469 acres of Open Space within Sanctuary for Home owners to share, no fencing is allowed to maintain natural Habitat. Recreation begins at this Homesite with two treed trails North and South established 10 years ago for equestrian, hiking, biking and Nordic skiing connecting to miles of environmental friendly trails built for Sanctuary use. A Heli-Ski pad is opposite the lower level car park that will accommodate other Sanctuary home owners vehicles if they choose to Heli-Ski. With over 100 Heli-Ski operations there have been no complaints, strict management control has been applied. Future use will be for Sanctuary home owners and guests only. The intention is to maintain a high quality retreat for guests to enjoy. Access through Green Hills Estate has been granted under an agreement that includes a contribution for roads, as a gesture of goodwill it has been proposed to Green Hills HOA to contribute with a double charge for any Homesite with Recreational Lodge permitted use within Sanctuary at time of building permit. This is to comply year round whether occupied or not. This conditional use has the approval of all Lots within Sanctuary being under same ownership. This property is far removed from any residence outside of Sanctuary with no disturbance potential. The building will comply with code including Disability Access and Fire Protection. The Recreational Lodge will be bound by restrictions of use applied under the Land Trust agreement with Ogden Valley Land Trust designed to protect the environment with minimal disturbance, these include No Hunting or Snowmobiles within Sanctuary. This is seen as a good support for all future Sanctuary Homeowners and their guests. A shared use Equestrian area for Sanctuary Homeowners has been designed to allow Horses to stay over night for guests working with local ranchers and is located within the lower Lot 3.



Preliminary Plat For
THE SANCTUARY NORTH
HUNTSVILLE, WEBER COUNTY, UTAH

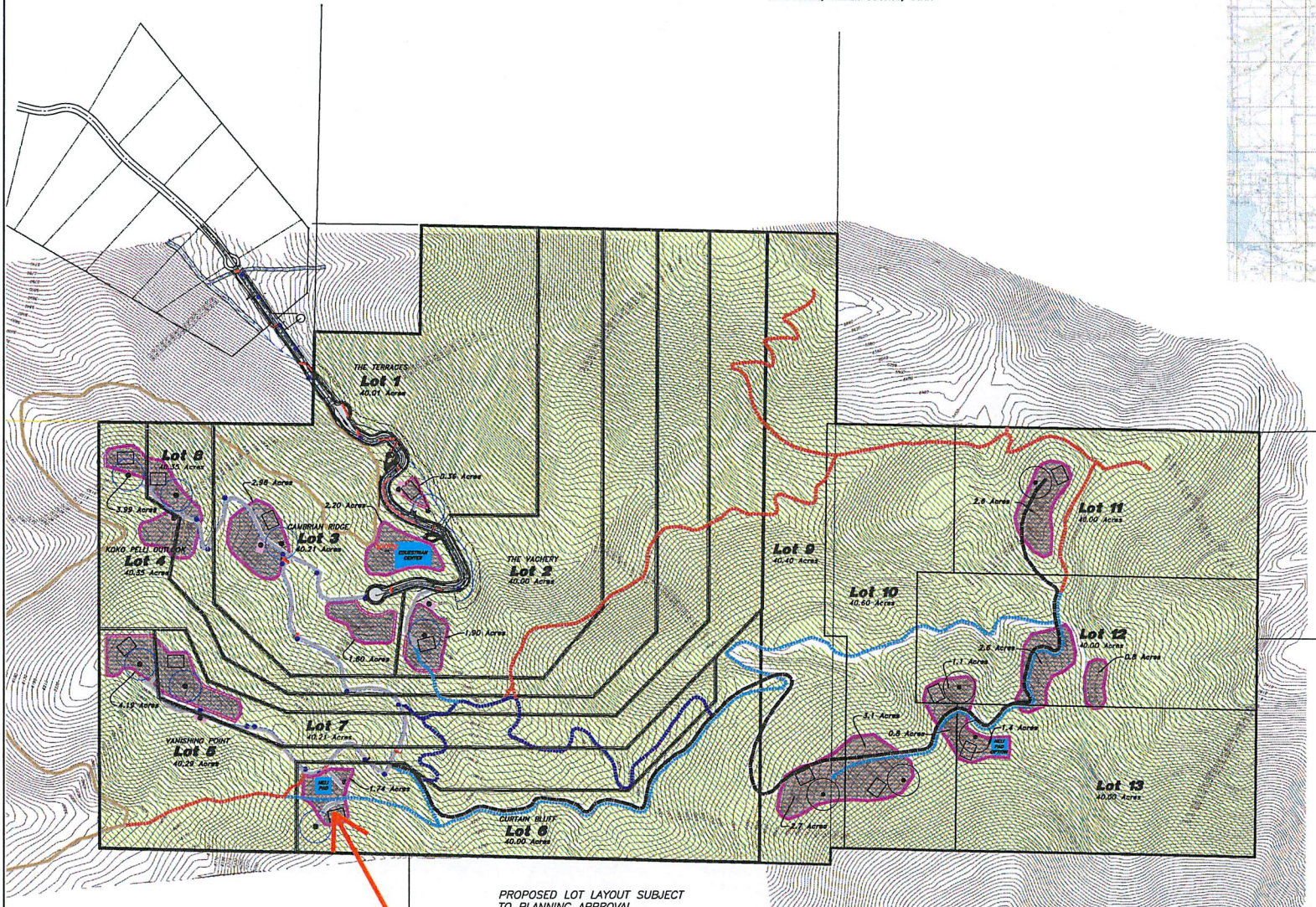
Exhibit A -- Sanctuary Recreation Lodge Application Page 6 of 19
Staff Report -- Sanctuary Recreation Lodge Conditional Use Permit Page 12 of 28



VICINITY MAP
NOT TO SCALE

LEGEND:

- 50' Private Roadway
- 50' Private Driveway Easement
- Exist. 12' wide Green Hills Loop Trail
- Exist. Trail or Road
- Winter Habitat Protected Trail (Motorized Vehicles Prohibited from Jan. 1st to Apr. 7th)
- Proposed 12' wide Equestrian/Nordic Trail
- Future 50' Private Road
- Minimum Building Envelope (75'x100')
- Limited Building Area (Less than 25% slope)
- Future Building Area (Less than 25% slope)
- Building Setbacks: Front = 75' min, Side = 40' min, Rear = 30' min.
- Well Site & 100' Radius Protection Zone
- Septic Site
- Check Dam
- Conservation Easement Area



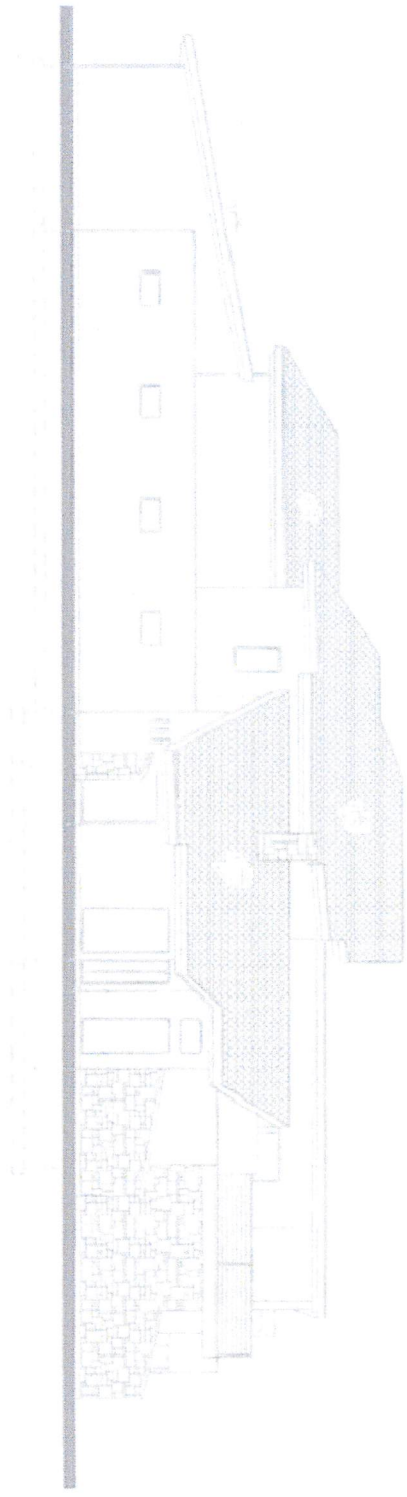
PROPOSED LOT LAYOUT SUBJECT
TO PLANNING APPROVAL

NOTE:
NO SNOWMOBILE OR SINGLE SEAT
ATV ALLOWED ON ANY TRAILS

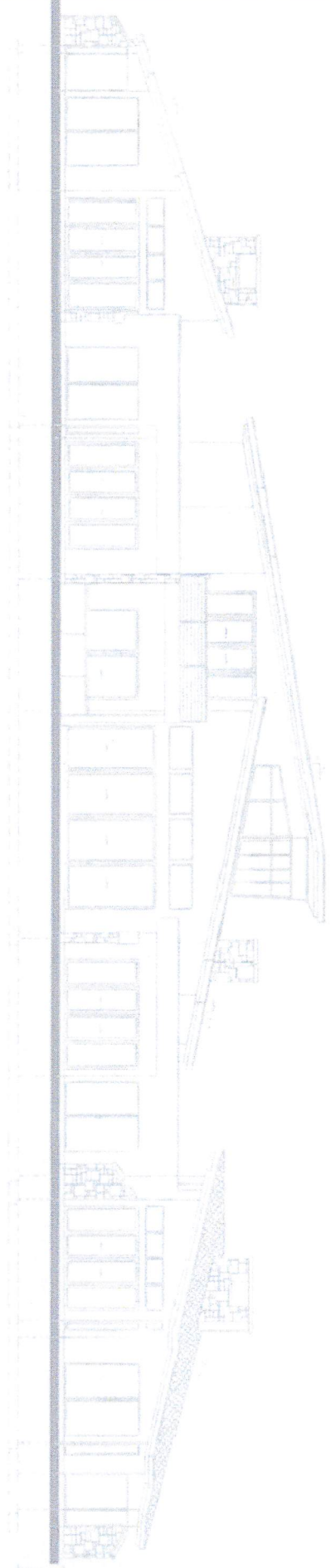
HAI HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
558 North Main Brigham City, Utah 84302
87 East 100 North Logan, Utah 84321
Brigham City Ogden (435) 752-9187
(435) 723-3481 (801) 399-4905 (435) 752-8272

Scale: 1" = 300'
0 300 600
Scale in Feet

14-113 14-113v13.dwg 050614



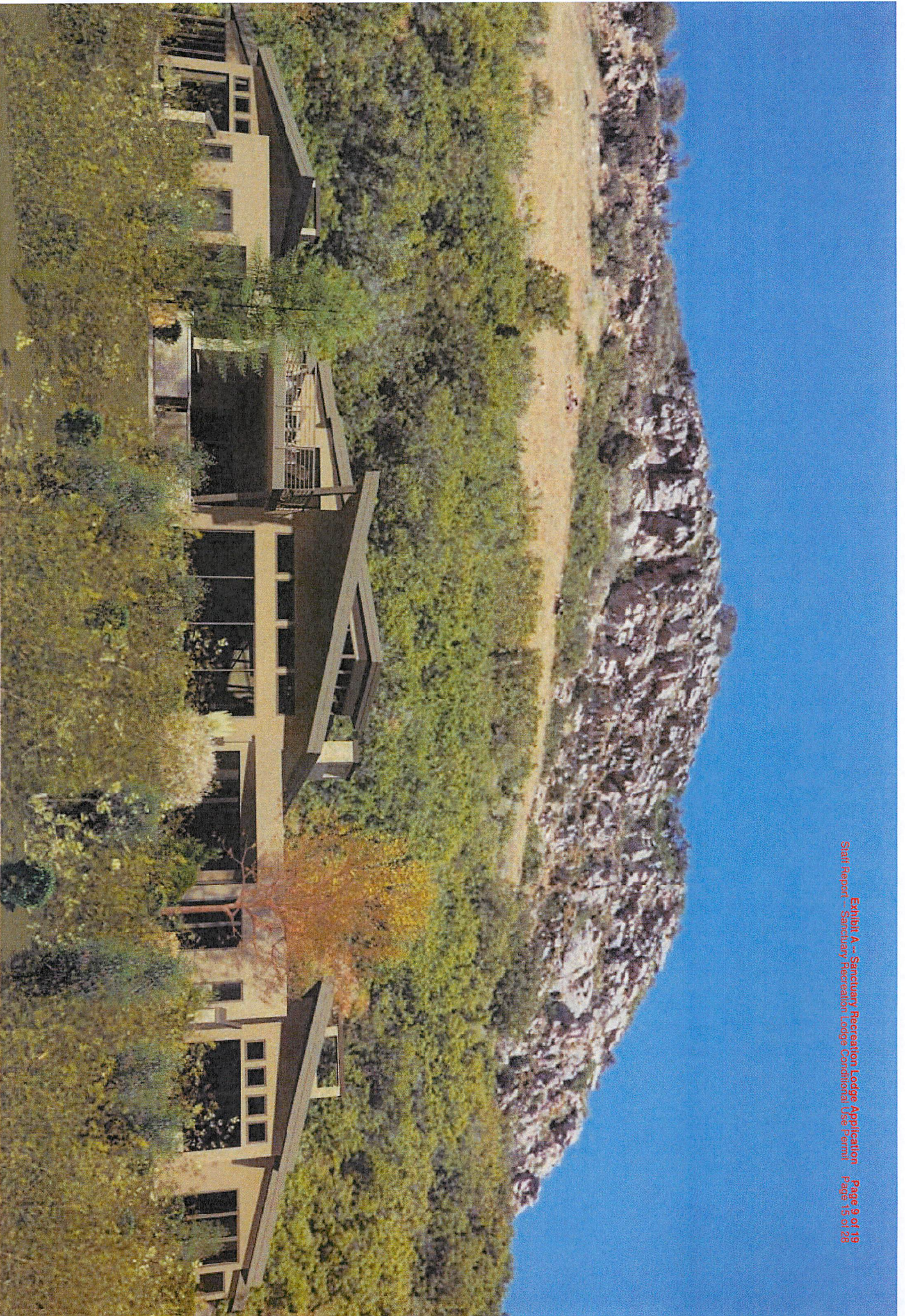
1
 ELEVATIONS
 SCALE 1/4" = 1'-0"



2
 ELEVATIONS
 SCALE 1/4" = 1'-0"

PROJECT: PRIVATE RESIDENCE DRAWN DATE: 09-24-2022 DRAWN BY: REVIEWED BY: REVIEWED DATE: PLOT DATE: DESCRIPTION: ELEVATIONS:	PRIVATE RESIDENCE		James L. Carroll & Associates "INNOVATORS OF AWARD WINNING DESIGN" 455 EAST 400 SOUTH SUITE #403 SALT LAKE CITY, UTAH 84111 (801) 359-8517 www.jamescarrollassociates.com
	LOT #		
	STREET NAME		
	CITY, STATE, ZIP CODE		
	A-1.1		





Ewert,Charles

From: Tim Charlwood [timcharlwood@gmail.com]
Sent: Wednesday, June 22, 2016 10:04 PM
To: Ewert,Charles
Subject: Sanctuary CUP

Charlie,

Building materials used to finish include rock, stone, steel, Aluminum, Quality synthetic stucco, steel, glass.

Designs by leading award winning architects.

Is that enough?

Thanks for all your help.

Tim









Ewert,Charles

From: Tim Charlwood [timcharlwood@gmail.com]
Sent: Sunday, June 19, 2016 1:11 PM
To: Ewert,Charles
Subject: [CAUTION link-attachment]CUP Sanctuary Lodge

Charlie,

No.1. I hope the images below provide enough for the CUP. this shows the footprint for the Lodge, Topo contours, underground parking is off the drive under Homesite footprint, no new landscaping as homesite prepared, no irrigation is planned any immediate disturbance will be replanted as natural native that exists with Maple, Elderberry and Sage, ground disturbance will be limited to building pad already cleared with minimum vegetation removal. Solid Waste units will be out of sight within underground area. Septic as indicated and approved will be packed bed mound system, Well as indicated already located in cleared area. Additional rocks from Sanctuary will be placed on area across the approach road to form a decorative feature with natural local seeding between rocks. Similar to those placed at Lot 1 photos below.

#####

Be the Human Firewall!

To prevent malicious software and viruses, NEVER open files
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No2. Solid Waste in covered area inside entrance to underground car park with screened door. No dumpster required.

No 3. Deliveries can be to underground car park on approach road or to side entrance of lodge.

No.4 Natural drainage to South, South West and North with Homesite on elevated plateau. Small French drain as recommended in Geological Study by Western Geologic outside foundation on East side.

Architectural and Design

No.1 Building materials will comply with LUC 108-2-4 parts (2), (4), (6), and (7). Highest quality used by architect James Carroll in award winning homes will be the standard used.

No.2 and 3. Well below ridge line with maximum height less than 35 feet from finished grade.

Lighting.

Will be downward facing not disturbing other properties.

Landscaping

No.1 The natural vegetation will be retained mainly Sage and Maple. Any damage vegetation will be replaced. The Homesite sits on an elevated rock plateau prepared years ago with natural vegetation remaining on all sides. Compliance with all the code listed will be applied.

No.2. No irrigation is intended, retaining a natural environment is planned. I acre foot water approved Well Rights Approval E 4906 through Sept 30th 2021.

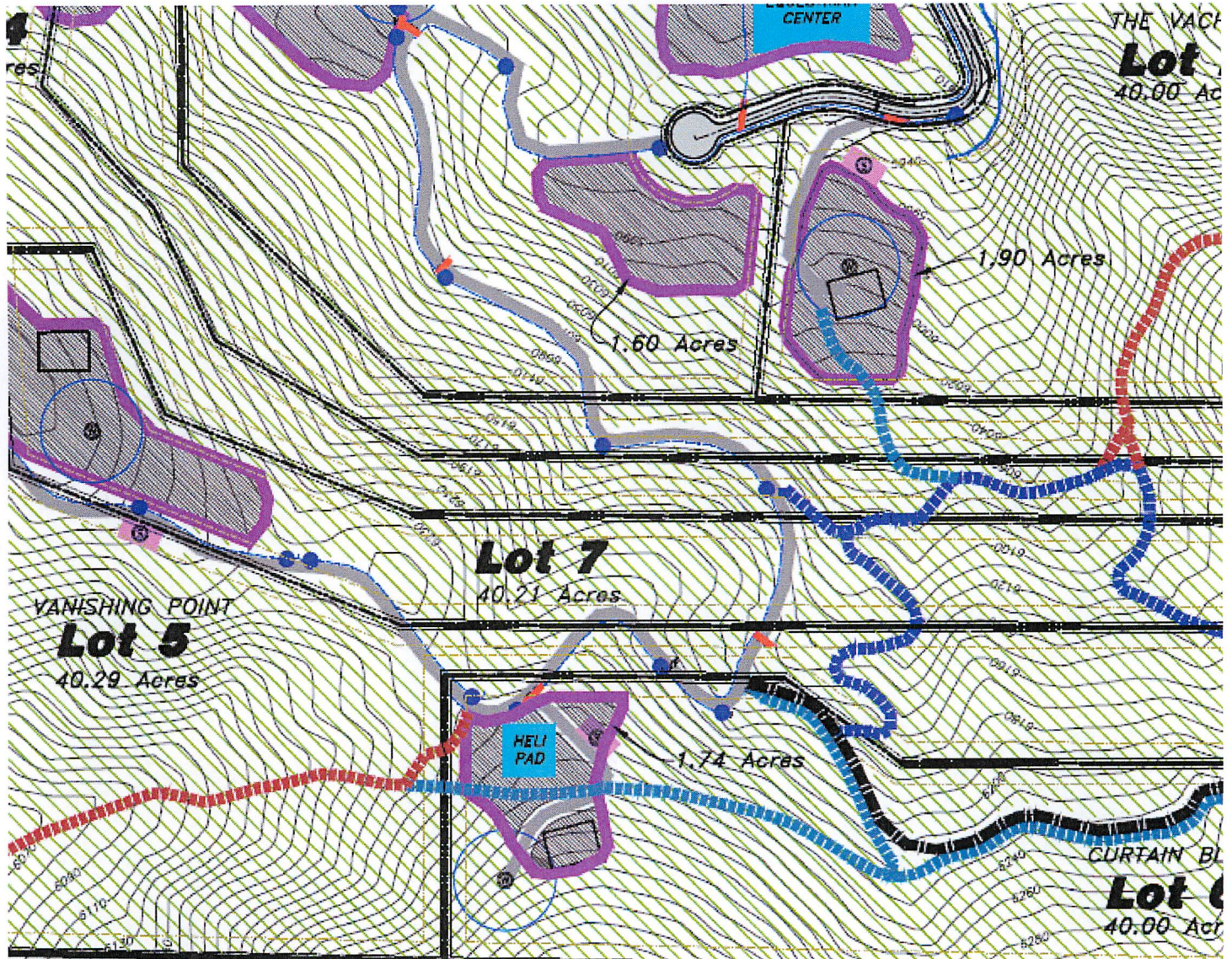
Signage.

A sign in natural timber and old iron sign established 8 years ago with letters carved out within exists on lower approach road indicating Curtain Bluff, no further signs required and no lighting.



Geological hazards.

A pit was dug and formed part of the tests at Lot 6, the report has been written in 2007 and updated 2010 with no change, a further review letter is on the way from Bill Black at Western Geologic



[Edit](#) [Delete](#) [Add a File](#) [Email](#)

Weber Fire District Comments- Conditional Use Permit

Project: The Sanctuary Recreational Lodge
 User: Brandon Thueson
 Department: Weber County Special Events, Weber Fire District
 Created: 2016-06-06 10:09:59
 Modified: 2016-06-09 08:48:12
 Approved: Yes

Notes

Date: June 6, 2016

Project Name: The Sanctuary Recreational Lodge

Project Address: 9803 E Maple Rd Lot 6, Huntsville Utah 84317

Contractor/Contact: Timothy Charlwood 435-901-2337 timcharlwood@gmail.com

Fee(s): see attached pdf.

Fee Notice:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: Weber Fire District.

A Written Response Is Required For This Review

Status: USE APPROVED WITH CONDITIONS

Specific Comments:

1. Fire Flow: Fire flow for this project will be 1,500 GPM for 1 Hour duration (90,000 gallons total). This is contingent upon the building being equipped throughout with an NFPA 13 or 13R fire suppression system and a building no larger than 8,000 square feet in area.
2. Fire Hydrant(s): At least one new fire hydrant must be provided within 100 feet of the fire department connection for the suppression system. This hydrant shall be tied to the 90,000 gallon water supply and shall be capable of producing a minimum of 1,500 GPM at 20 PSI.
3. Fire Suppression System: The building will be an R1 occupancy type which requires a fire suppression system compliant with NFPA 13 or 13R (these are not the same system types as a home would have). These systems are more demanding for flow and pressure and they are hydraulically calculated. Consult with a fire protection contractor concerning system design criteria (see IFC section 903.2.8).
4. Fire Alarm System: A full fire alarm system will be required throughout the building (see IFC 907.2.8)

General Requirements:

1. Fire Access roads to any property shall have a minimum clear width of 20 feet (face of curb to face of curb) and a vertical clearance of 13 foot 6 inches and shall be capable of supporting a 75,000 pound load.
2. Roads shall have a maximum grade of 10% unless specifically approved as outlined by the International Fire Code. (Roads previously approved and recorded are not subject to change.)
3. Radius on all corners shall be a minimum of 28'-0".
4. Dead end fire apparatus access roads in excess of 150 feet in length shall be provide with an approved area for turning around fire apparatus constructed with the same requirements as the roads.
5. Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
6. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
7. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
8. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.
9. SEPERATE SUBMITAL NOTICE: Fire suppression systems and fire alarm systems require a separate submittal. A permit shall be applied for before any installation of either fire suppression system or fire alarm system. The permit shall be on the job site and be available for review by any inspector. The APPROVED STAMPED set of plans shall also be on the job site and available for review by any inspector. If there is no permit and/or approved stamped plans on the job site, there will be a Stop Work Order issued until both are on the job site. Submit plans at Weber Fire District, 2023 W. 1300 N. Farr West.
10. If the building is equipped with an fire suppression system, there shall be a weather proof horn/strobe device located on the street side of the building as approved by the Fire Prevention Division (coordinate with fire inspector regarding location).
11. If the building is equipped with a fire department connection (FDC) there shall be a cement pad measuring 3 ft x 3 ft under the FDC (coordinate with fire inspector regarding this).
12. Fire suppression systems for kitchen hoods shall have the plans approved by the fire department before installation and a test of the system shall be preformed for the fire department for approval.
13. A Knox Box is required for this building. These may be ordered at www.knoxbox.com. Please select WEBER FIRE DISTRICT as your jurisdiction. Only 3200 Series boxes are to be used.
14. Gates into the area shall be provided with either a Knox Box containing a key to the gate or if the gate is an electric gate, the gate shall have a Knox Key Switch installed. See #18 for how to order.

Every effort has been made to provide a complete and thorough review of these plans. This review DOES NOT relieve the owner, contractor and/or developer from compliance with any and all applicable codes, and standards.

Any change or revision of this plan will render this review void and will require submittal of the new, or revised, layout for fire department review. If you have any questions, please contact me at 801-782-3580.

Brandon Thueson

Fire Marshal

cc: File

Files

Name	Size	Date Uploaded	Actions
CUP- Sanctuary Rec Lodge 9803 E Maple Rd Lot 6 Huntsville.pdf	226 KB	2016-06-09 08:48:33	Rename Delete

2016-06-09 Weber County Planning and Engineering Services

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Engineering

Project: The Sanctuary Recreational Lodge
User: Chad Meyerhoffer
Department: Weber County Engineering Division
Created: 2016-06-15 12:37:26
Modified: 2016-06-15 12:37:26

Notes

This letter concerns the above referenced Development. I have had a chance to review the plan(s) and have the following comment(s): Written responses to the following comments are required.

1. This lot appears to be in the Geological hazard study area. A site reconnaissance from a Geologist will need to be done on the property. This will need to be done prior to getting the engineering on the building and submitting for building permit.
2. A site plan showing the contours and where the structure will sit will need to be submitted for review. This will be needed for the building permit application and assume as well for the Geologist.
3. A Building Permit will need to be obtained through the Weber County Building Inspection Dept.
4. The necessary permits will need to be obtained through the Health Dept.
5. A Storm Water Pollution Prevention Plan (SWPPP) is now required to be submitted for all new development where construction is required. The State now requires that a National Discharge Pollution Elimination Systems (NPDES) permit be acquired for all new development. A copy of the permit needs to be submitted to the county before final approval. Permits can now be obtained online thru the Utah State Dept. of Environmental Quality at the following web site: https://secure.utah.gov/account/login.html?returnToUrl=https%3A%2F%2Fsecure.utah.gov%2Fstormwater%2Fui_authentication This is part of a Common Plan of Development and will need to be submitted with the building permit.
6. A Storm Water Activity Permit will need to be obtained through our office before construction begins.
http://www1.co.weber.ut.us/mediawiki/images/5/56/Stormwater_Construction_Activity_Permit.pdf This will need to be submitted with the building permit.

I have tried to address all items of concern from the engineering department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this letter, feel free to contact me.

Sincerely,

Chad Meyerhoffer

Weber County Engineering Dept.

Phone: (801) 399-8004

e-mail: cmeyerho@co.weber.ut.us

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Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for an amendment to the Summit at Powder Mountain Phase 1 PRUD, amending the previous approval for Lot 76 and add the Horizon Neighborhood. The amendment to the PRUD will reduce the overall PRUD area to the Summit Eden Ridge Nests PRUD, Village Nests at Powder Mountain, Horizon Neighborhood at Powder Mountain and Spring Park at Powder Mountain.

Type of Decision: Administrative

Agenda Date: Tuesday, July 05, 2016

Applicant: Summit Mountain Holding Group, LLC

File Number: CUP 2016-13

Property Information

Approximate Address: Powder Mountain Ski Resort

Project Area: 14 Acres (73 Nest Units)

Zoning: Ogden Valley Destination and Recreation Resort Zone DRR-1

Existing Land Use: PRUD

Proposed Land Use: PRUD

Parcel ID: All of Summit Eden Phase 1A, 1B, 1C & 1D, All of Summit Eden Ridge Nests PRUD Amendment 1 (Entry# 2672949), All of Village Nests at Powder Mountain (Entry# 27777000), 23-128-0017, 23-128-0018, 23-128-0014, 23-128-0015, 23-130-0043

Township, Range, Section: T7N, R2E, Sections 5, 6, 7 & 8

Adjacent Land Use

North:	Ski Resort/Resort Development	South:	Ski Resort/Resort Development
East:	Ski Resort/Resort Development	West:	Ski Resort/Resort Development

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: SM

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 29 Ogden Valley Destination and Recreation Resort Zone (DRR-1)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

Background and Summary

Summit at Powder Mountain Phase 1 is an approved PRUD, consisting of 154 lots and approximately 594.23 acres with approximately 384.19 acres identified as "Open Space" (see Exhibit A for the exiting PRUD boundary). Summit Eden Phases 1A through 1D, Summit Eden Ridge Nests and Summit Eden Village Nests received preliminary subdivision approval in conjunction with the County Commission's approval of the Summit at Powder Mountain PRUD on April 9, 2013 with subsequent amendments on July 9, 2013. The Summit Eden Phases 1A through 1D, Summit Eden Ridge Nests and Summit Eden Village Nests final subdivision application was heard and received a positive recommendation by the Ogden Valley Planning Commission on October 22, 2013. The Weber County Commission granted final approval on January 21, 2014. The dedication plat for the Summit Eden Ridge Nests PRUD was recorded on January 23, 2014 and the dedication plats for Summit Eden Phases 1A through 1D were recorded on January 27, 2014. A time extension was granted by the Weber County Planning Director on October 16, 2014 for the Summit Eden Village Nests and was later reinstated as the Village Nests at Powder Mountain on December 29, 2015. Village Nests at Powder Mountain received final approval on February 2, 2016 and was recorded on February 5, 2016 as the Village Nests at Powder Mountain.

Summit Mountain Holding Group, LLC petitioned Weber County to rezone approximately 6,198 acres from the CVR-1, FV-3 and F-40 zones to the DRR-1 zone to enable them to proceed with their development in a manner that would be consistent with the proposed Master Plan that was presented to Weber County as part of the rezone application (see Exhibit B for the Conceptual Land Use Plan). The petition to rezone the development to the DRR-1 zone was heard and approved on January 13, 2015 by the Weber County Commission after receiving a unanimous recommendation for approval from the Ogden Valley Planning Commission on October 28, 2014. Weber County entered into Zoning Development Agreement Contract # C2015-6 and the contract was recorded on January 14, 2015 as Entry# 2717835. The Zoning Development Agreement put into action the approved Master Plan which would allow Summit Mountain Holding Group, LLC to move forward with the desired development; however, as amendments have come forward for review, there have been some discrepancies between the initial Summit at Powder Mountain Phase 1 PRUD and the final approved Master Plan that was made part of the adopted Zoning Development Agreement. The rezone and subsequent Zoning Development Agreement was implemented to allow the developer certain flexibilities in the development design standards without continually amending the existing PRUD as the development moves forward. The applicant would like to reduce the overlaying PRUD footprint from the original 594.23 acres to approximately 14 acres (see Exhibit C for the application and narrative). The remaining approved development areas have been recorded as Summit Eden Phases 1A, 1B, 1C & 1D will be governed by approved Zoning Development Agreement and the Uniform Land Use Code of Weber County (LUC). The applicant petitioned Weber County to amend certain areas within the LUC to allow for some various resort development standards. The petition to amend the LUC was heard and approved by the Weber County Commission on May 24, 2016 as Ordinance 2016-4.

The areas to remain under the existing Summit at Powder Mountain Phase 1 PRUD will be two of the previously approved and platted development areas and two future development areas (see Exhibit D). The approved and platted developments to remain under the PRUD are the Summit Eden Ridge Nest PRUD, a 15 unit "Nest" development and the Village Nests at Powder Mountain, a 20 unit condominium development. The future phases of the PRUD will be Spring Park at Powder Mountain, which has received conceptual approval as Lot 76 in the existing PRUD and the Horizon Neighborhood at Powder Mountain.

The applicant has requested to amend the development plan for Lot 76 in the Summit Eden Phase 1C Subdivision, which was previously approved for a lodge and 5 "Nest" units. The previously approved development on Lot 76 has not been platted as individual units nor has construction of the lodge commenced. The current application request to amend the conceptual plan for Lot 76 will include identifying the development as the "Spring Park at Powder Mountain", keeping the previously approved lodge as part of the development and increasing the number of "Nest" units from the previously approved five units to twelve "Nest" units. This future development will consist of 4.05 acres with 60% dedicated as open space.

The additional development area that has been requested as part of this amendment is identified as "Horizon Neighborhood at Powder Mountain". The Horizon Neighborhood at Powder Mountain is a 26 "Nest" unit development with shared parking structures on 5.43 acres. The Horizon Neighborhood at Powder Mountain will dedicate 83% of the area as open space. The Horizon Neighborhood at Powder Mountain PRUD is currently under review with the Planning Division Staff for preliminary subdivision and Hillside Review approval.

By allowing the developer to reduce the footprint of the existing PRUD, staff will be able to adequately implement the current Zoning Development Agreement per the LUC for the remaining areas in the Summit Eden Phase 1A, 1B, 1C & 1D development, which will eliminate the various discrepancies between the governing PRUD and ZDA. The application has been reviewed against the required information as outlined in the LUC §108-5 for consideration and approval of the proposed amendment to the PRUD. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC and should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas and the landscaping.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Ogden Valley Destination and Recreation Resort Zone more particularly described as the DRR-1 zone. The purpose and intent of the DRR-1 zone is identified in the LUC §104-29-1 as:

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

Lot area, frontage/width and yard regulations: The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for a single family residential dwelling. The following development standards are applicable for a standard single family building permit:

- Front yard setback: 0 feet
- Side yard setback: 8 feet with a total of two required side yards of not less than 18 feet
- Rear yard setback: 10 feet
- Average building height: 35 feet

A lodge is being proposed to be located on the future Spring Park at Powder Mountain as part of the future development of the resort. Prior to receiving land use approval for a building permit application, the applicant will need to submit plans for review and approval per LUC§108-1-2(a) which requires “Design Review” of all applications for building permits including but not limited to recreation resort uses, businesses and commercial structures. The review will include the considerations relating to the building location, major exterior elevations, building materials, color schemes, landscaping, screening and parking for all site development. The Planning Director may review and approve structures located above 6,200 feet above sea level with a total footprint of less than 75,000 square feet.

The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for multi-family, commercial or mixed use structures. The following development standards will be reviewed upon submittal for the design review and building permit of the future lodge:

- Front yard setback: 0 feet
- Side yard setback: 0 feet
- Rear yard setback: 0 feet
- Average building height: 75 feet

The applicant has provided conceptual renderings and site layouts for the future phases within the amended PRUD (see Exhibit E for the architectural renderings and development site layout for the Spring Park and Horizon Neighborhood future developments). The proposed lot configuration meets the area and width standards in the DRR-1 Zone. The proposal is in conformance with previous approvals and updates to the PRUD and the Zoning Development Agreement.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone “D” as determined by FEMA to be an area of undetermined flood hazards. Areas designated as Zone “D” are typically areas in which no analysis of flood hazards has been conducted.

The proposed Horizon Neighborhood at Powder Mountain and the Spring Park at Powder Mountain are located within some potential geologic hazardous units per the UGS published Ogden 30 x 60 Quadrangle map. The geologic units identified on these sites are “Tw”, “Qms” and “Qmc”. A geologic site reconnaissance or any required geologic reports based on the investigation/studies that may be deemed necessary by the applicant’s consultant to provide the correct development measures that will be necessary for the development of the lots will be required to be submitted with any application for building permit approval. All site development will need to adhere to the recommendations of any reports and a “Natural Hazards Disclosure” document will be required to be recorded prior to receiving final occupancy to provide adequate notice of any geotechnical and geological recommendations to future property owners.

Culinary water and sanitary sewage disposal: Culinary and sewer services are provided by Powder Mountain Water and Sewer Improvement District. Based on the original approvals, additional proof of culinary and sanitary sewage services will not be required at this time. During the subdivision process an updated “Feasibility Letter” will be required to ensure the

additional units will be serviced by the Powder Mountain Water and Sewer District. A letter and connect fee from Powder Mountain Water and Sewer District will be required to be submitted with the building permit application.

Review Agencies: The Weber Fire District has reviewed and has made recommendations that will need to be addressed as part of the Horizon Neighborhood at Powder Mountain PRUD subdivision approval process. To date, Weber County Surveyor's Office and the Weber County Engineering Division have not reviewed the application. A condition of approval has been included to ensure that all applicable review agencies requirements will be met prior to recording any future subdivisions within the amended PRUD.

Additional design standards and requirements: The infrastructure has been installed throughout the Summit at Powder Mountain Phase 1 PRUD. Additional design criteria and landscaping designs have not been submitted for review primarily due to the conceptual nature of the proposed amendment and the desire to maintain as much native vegetation as possible to preserve the stability of the hillsides and limit the areas of disturbance. There may be additional site preparation in conjunction with an approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time.

The Planning Division staff has reviewed the proposed amendment against the current LUC, the previous PRUD and Zoning Development Agreement Master Plan. Staff supports the request and feels that it will be beneficial to allow the developer to reduce the existing Summit at Powder Mountain Phase 1 PRUD footprint to the following areas:

Summit Eden Ridge Nests PRUD
Village Nests at Powder Mountain
Horizon Neighborhood at Powder Mountain (currently platted as Lots 19, 20, 22R and 23R)
Spring Park at Powder Mountain (a future development-currently platted as Lot 76)

Public Notice: A courtesy notice has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed amendment to the Summit at Powder Mountain PRUD.

Staff Recommendation

Staff recommends approval for the amendment to the Summit at Powder Mountain Phase 1 PRUD, amending the previous approval for Lot 76 and adding the Horizon Neighborhood. The amendment to the PRUD will reduce the overall PRUD area to the Summit Eden Ridge Nests PRUD, Village Nests at Powder Mountain, Horizon Neighborhood at Powder Mountain and Spring Park at Powder Mountain. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. An updated "Feasibility Letter" from the Powder Mountain Water and Sewer District as part of the subdivision process.
2. A detailed material list of the proposed exterior building materials or material boards will be required for review and approval during the subdivision process.

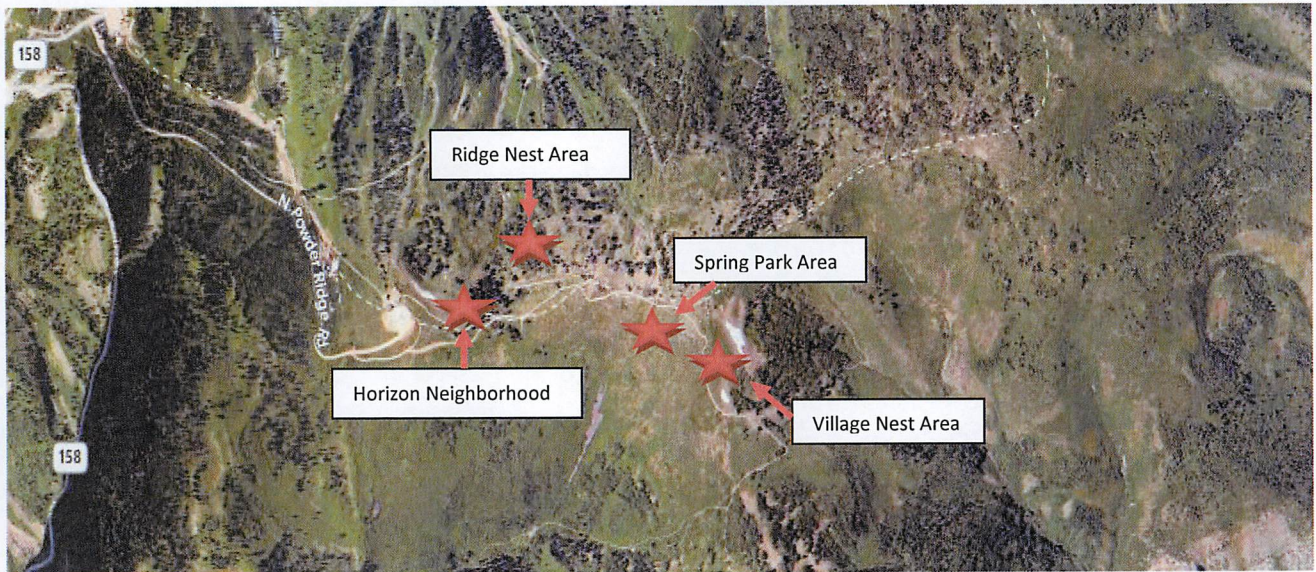
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
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.

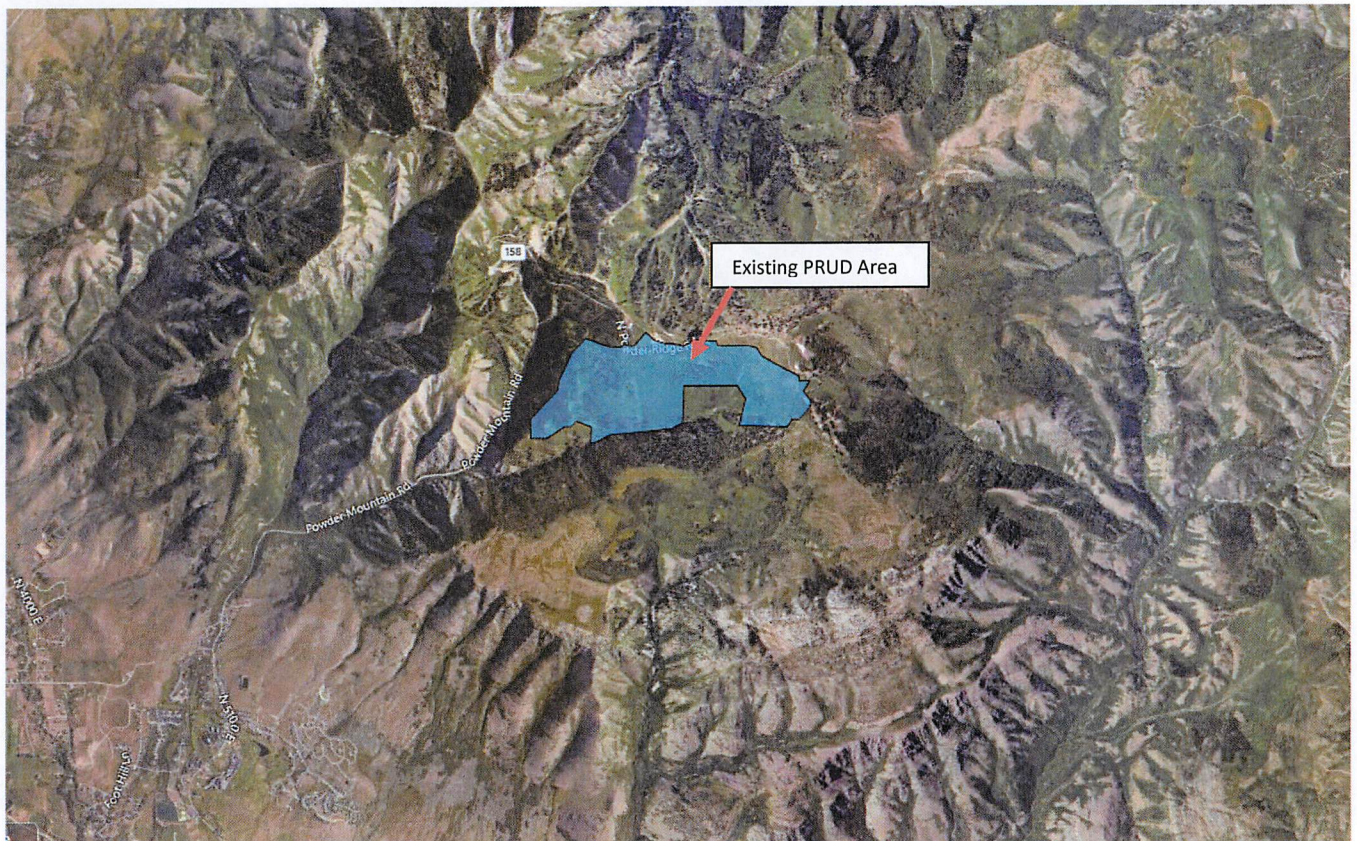
Exhibits

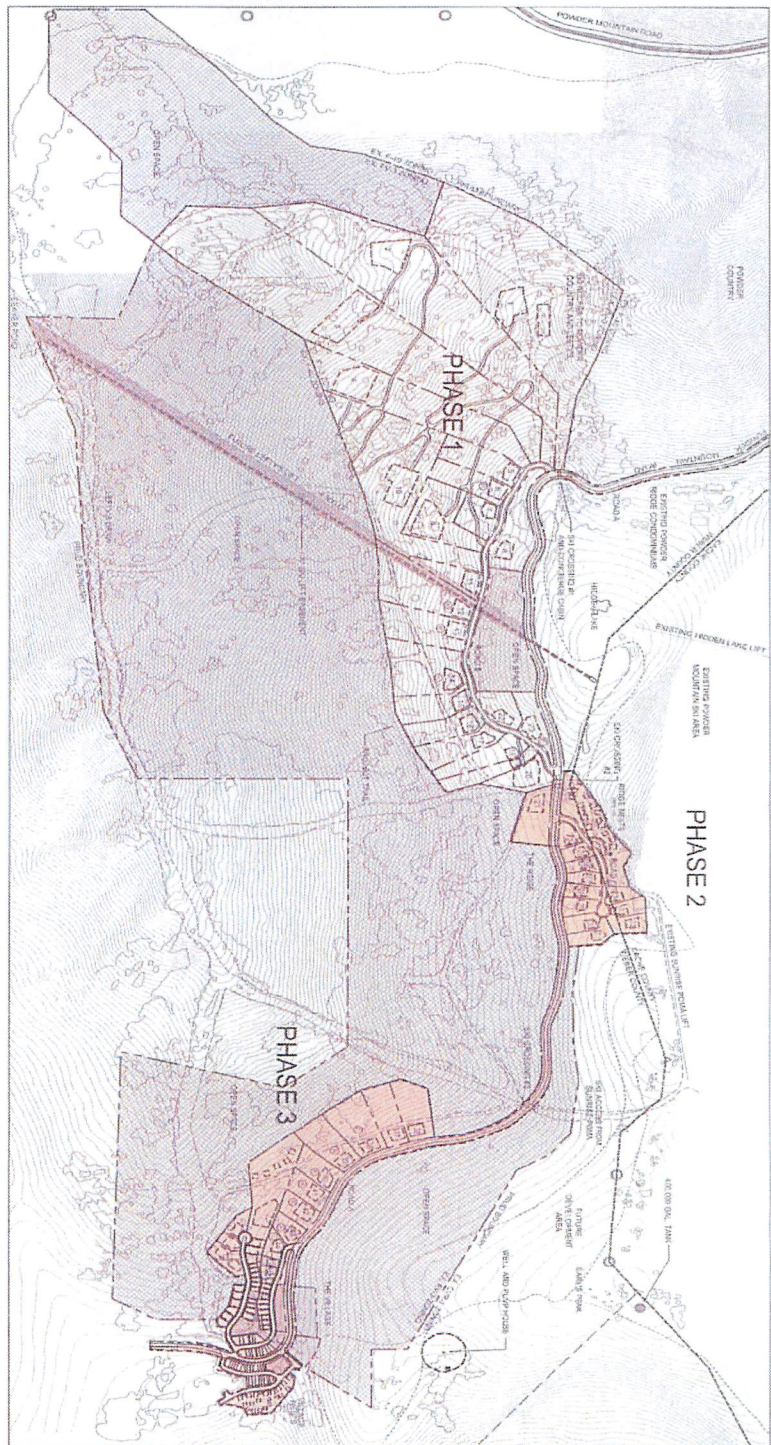
- A. The approved PRUD boundary
- B. The ZDA Conceptual Land Use Plan
- C. Application/Narrative
- D. Amended PRUD boundary
- E. Architectural renderings for the Spring Park and Horizon Neighborhood future developments

Location Map 1



Location Map 2





PHASING DEVELOPMENT DATA	
PHASE 1	22 UNITS
RADIUM BIC FARMLEY EASTRIDGE FARMLEY ESTATE SINGLE FAMILY	6 UNITS 18 UNITS 1 UNIT
PHASE 2	27 UNITS
ESTATE SINGLE FAMILY RADIUM BIC FARMLEY EASTRIDGE FARMLEY NESTS	1 UNIT 11 UNITS 14 UNITS 15 UNITS
PHASE 3	126 UNITS
ESTATE SINGLE FAMILY RADIUM BIC FARMLEY EASTRIDGE FARMLEY VALLEY SINGLE FAMILY VALLEY DEVELOPMENT SP NESTS	8 UNITS 27 UNITS 24 UNITS 21 UNITS 23 UNITS 23 UNITS
TOTAL UNITS	164 UNITS

DATE	10-24-2015
FILED	300000.00
DEBIT	0.00
CREDIT	0.00
BALANCE	0.00
REMARKS	

11.5

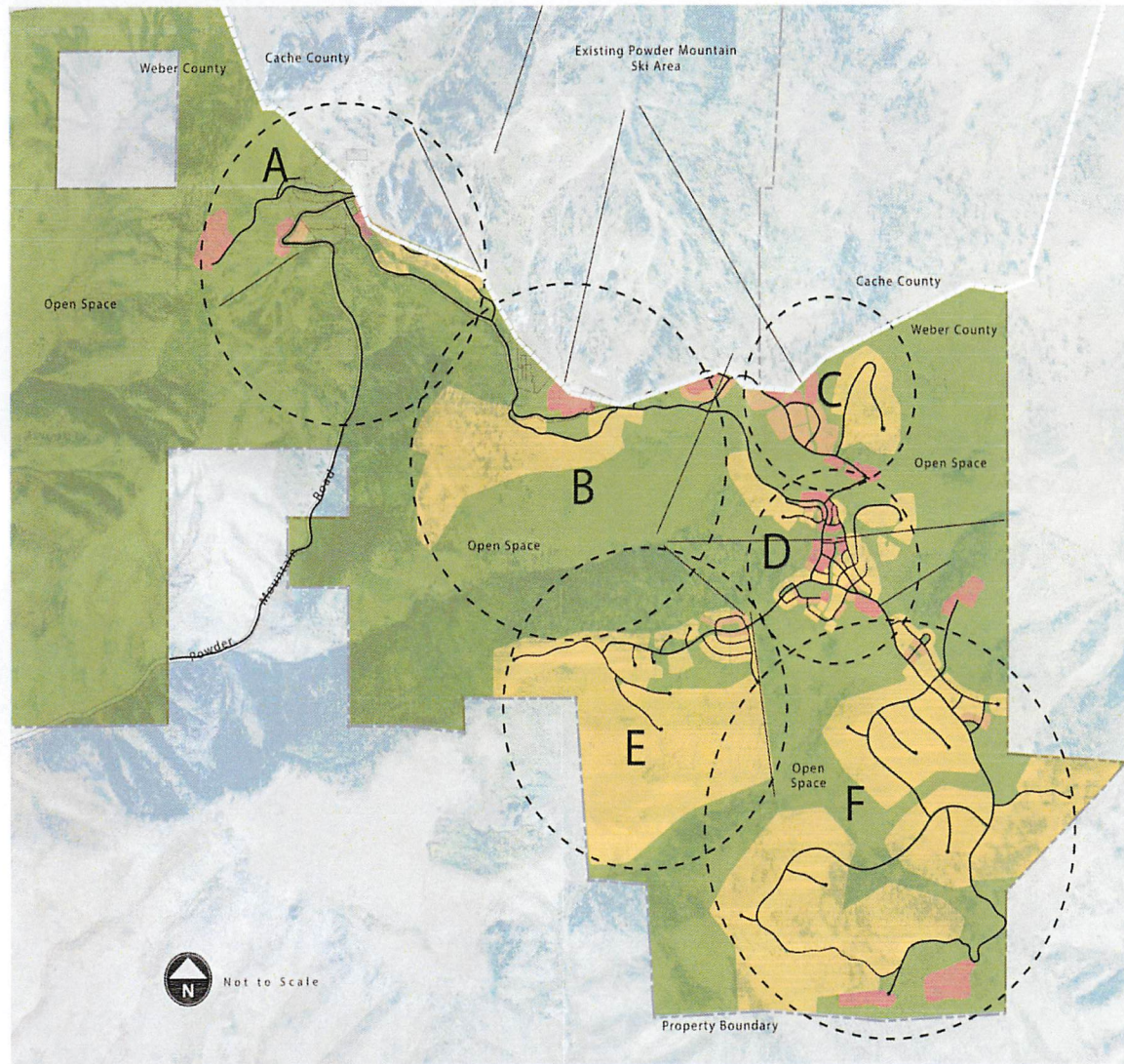


SUMMIT EDEN
PHASE 1 PRUD SUBMITTAL

POWDER MOUNTAIN, WEBER COUNTY, UTAH



Overall Land Use Plan



The Overall Land Use Plan depicts general areas for development within the proposed Rezone boundary. These areas indicate general land use areas and roadway circulation proposed.

Each development area identified is represented in greater detail within this Rezone Application.

DEVELOPMENT AREAS

- A - Mid-Mountain
- B - The Ridge
- C - Earl's Village
- D - Summit Village
- E - Gertsen
- F - The Meadow

DEVELOPMENT LEGEND

MIXED USE HOTELS COMMERCIAL/SKIER SERVICES/CONF. CENTER RETREATS	1,218 ROOMS*
	159,000 SF
	180 ROOMS*
MULTI FAMILY	1,256 UNITS
SINGLE FAMILY SINGLE FAMILY LOTS NESTS	738 UNITS
	340 NESTS

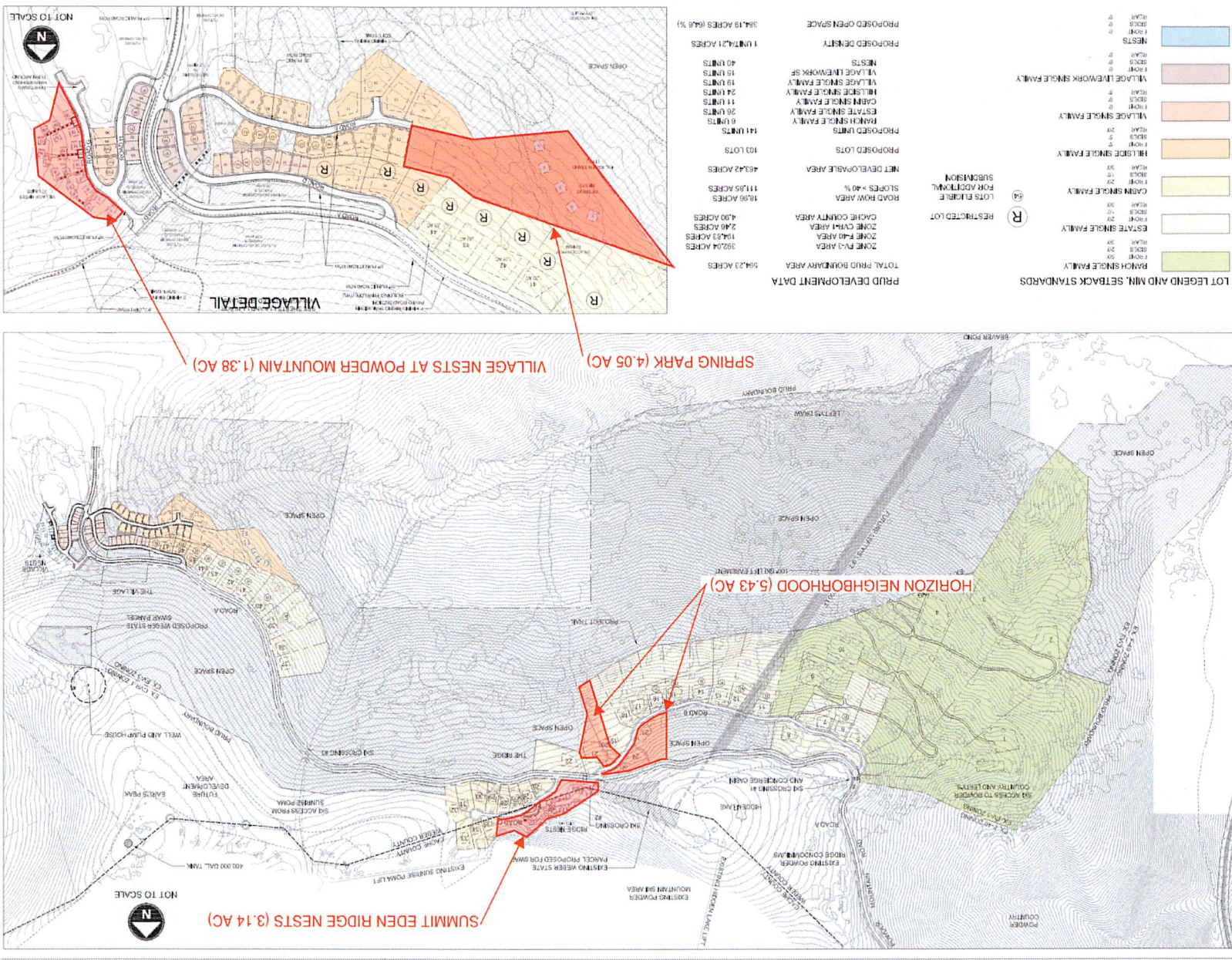
DEVELOPMENT DATA

TOTAL UNITS 2,800 UNITS

* HOTEL AND RETREAT ROOMS EQUAL .33 UNITS EACH FOR DENSITY CALCULATIONS

Exhibit C-Application and Narrative

Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) SMHG PHASE I LLC		Mailing Address of Property Owner(s) 3632 N. WOLF CREEK DRIVE, EDEN, UT 84310	
Phone 435-640-7002	Fax N/A		
Email Address (required) JW@SUMMIT.CO		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) RICK EVERSON		Mailing Address of Authorized Person 5200 HIGHLAND DRIVE #101, SALT LAKE, UT 84117	
Phone 801-897-4880	Fax N/A		
Email Address RICK@WATTSENTERPRISES.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD		Total Acreage 14.0	Current Zoning DRR-1
Approximate Address POWDER MOUNTAIN RESORT		Land Serial Number(s) ALL OF SUMMIT EDEN RIDGE NESTS PRUD, AS AMENDED (ENTRY #2672949) ALL OF VILLAGE NESTS AT POWDER MOUNTAIN (ENTRY #2777000) 23-128-0017, 23-128-0018, 23-128-0014, 23-128-0015, 23-130-0043	
Proposed Use SINGLE FAMILY RESIDENTIAL			
<p>Project Narrative ON APRIL 9, 2013 THE WEBER COUNTY COMMISSION APPROVED CUP 2013-03 (SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD) WHICH INCLUDED 594.23 ACRES OF LAND, 384.19 ACRES OF WHICH WERE IDENTIFIED AS OPEN SPACE. ON JANUARY 14, 2015, THE ENTIRETY OF THIS AREA (PLUS ADDITIONAL LANDS) WERE RE-ZONED TO OGDEN VALLEY DESTINATION AND RECREATION RESORT-1 ZONE (DRR-1), PER ZONING DEVELOPMENT AGREEMENT RECORDED AS ENTRY NUMBER 2717835. WITH THE NEW ZONING, THERE IS NO LONGER A NEED TO KEEP THE MAJORITY OF THE 594.23 ACRES OF THE PRUD IN THE SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD. THE ZONING DEVELOPMENT AGREEMENT AND PERTINENT MASTER PLAN KEEPS THE SAME LAND PLANNING PRINCIPLES AS ORIGINALLY SET FORTH WITH THE PRUD. THIS APPLICATION IS A PROPOSED AMENDMENT TO SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD, SHRINKING THE PRUD FROM 594.23 ACRES DOWN TO 13.99 ACRES TO INCLUDE ONLY THE AREAS THAT A PRUD IS NECESSARY TO ACCOMPLISH ROAD ACCESS REQUIREMENTS WHICH CAN ONLY BE ALLOWED THROUGH A PRUD.</p> <p>THE NEW PRUD AREA WILL INCLUDE THE FOLLOWING PROJECTS: SUMMIT EDEN RIDGE NESTS PRUD (RECORDED AS ENTRY #2672949) TOTAL AREA= 3.14 AC, OPEN SPACE= 2.69 AC (86%)</p> <p>VILLAGE NESTS AT POWDER MOUNTAIN (RECORDED AS ENTRY #2777000) TOTAL AREA= 1.38 AC, OPEN SPACE= 1.04 AC (75%)</p> <p>HORIZON NEIGHBORHOOD AT POWDER MOUNTAIN (PENDING CURRENT APPLICATION) TOTAL AREA= 5.43 AC, OPEN SPACE= 4.51 AC (83%)</p> <p>SPRING PARK AT POWDER MOUNTAIN (FUTURE DEVELOPMENT, CURRENTLY EXISTS AS LOT 76, SUMMIT EDNE PHASE 1C, PARCEL 23-130-0043) TOTAL AREA= 4.05 AC, MINIMUM OPEN SPACE= 2.43 AC (60%)</p> <p>PROJECTED OVERALL: TOTAL AREA= 14.00 AC, OPEN SPACE= 10.67 AC (76%)</p>			



Summit EDEN

PHASE 1 PRUD SUBMITTAL

POWDER MOUNTAIN, WEBER COUNTY, UTAH

LANGFARDT

211 4000 N 1000 E

DATE: JANUARY 22, 2013

PROJECT: SUBMITTAL

OWNER: SUMMIT EDEN

DESIGNER: LANGFARDT

REVIEWER: [blank]

APPROVER: [blank]

DATE: [blank]

11.2

OVERALL SITE PLAN

SHEET NUMBER



Exhibit E-Architectural Rendering and site layout for the Spring Park and Horizon Neighborhood

Site Plan - 14 structural bays - OPTION C
Scale 1/32" = 1'-0"



Site Plan

Scale: 1/32" = 1'-0"

Sheet: A100

NOTES

1. All buildings shall be constructed in accordance with the latest edition of the International Building Code (IBC) and the International Residential Code (IRC).

2. All buildings shall be constructed on a minimum 4-inch compacted gravel base.

3. All buildings shall be constructed on a minimum 12-inch compacted gravel base.

4. All buildings shall be constructed on a minimum 18-inch compacted gravel base.

5. All buildings shall be constructed on a minimum 24-inch compacted gravel base.

6. All buildings shall be constructed on a minimum 30-inch compacted gravel base.

7. All buildings shall be constructed on a minimum 36-inch compacted gravel base.

8. All buildings shall be constructed on a minimum 42-inch compacted gravel base.

9. All buildings shall be constructed on a minimum 48-inch compacted gravel base.

10. All buildings shall be constructed on a minimum 54-inch compacted gravel base.

11. All buildings shall be constructed on a minimum 60-inch compacted gravel base.

12. All buildings shall be constructed on a minimum 66-inch compacted gravel base.

13. All buildings shall be constructed on a minimum 72-inch compacted gravel base.

14. All buildings shall be constructed on a minimum 78-inch compacted gravel base.

15. All buildings shall be constructed on a minimum 84-inch compacted gravel base.

16. All buildings shall be constructed on a minimum 90-inch compacted gravel base.

17. All buildings shall be constructed on a minimum 96-inch compacted gravel base.

18. All buildings shall be constructed on a minimum 102-inch compacted gravel base.

19. All buildings shall be constructed on a minimum 108-inch compacted gravel base.

20. All buildings shall be constructed on a minimum 114-inch compacted gravel base.

21. All buildings shall be constructed on a minimum 120-inch compacted gravel base.

22. All buildings shall be constructed on a minimum 126-inch compacted gravel base.

23. All buildings shall be constructed on a minimum 132-inch compacted gravel base.

24. All buildings shall be constructed on a minimum 138-inch compacted gravel base.

25. All buildings shall be constructed on a minimum 144-inch compacted gravel base.

Legend

1. 1000 ft lot

2. 5 ft in frontage

3. 1500 ft lot

4. 9 ft in frontage

5. 1500 ft lot

6. 6 ft in frontage

7. 2000 ft lot

8. 0 ft in frontage

9. 2500 ft lot

10. 4 ft in frontage

11. 3000 ft lot

12. 0 ft in frontage

13. 3500 ft lot

14. 0 ft in frontage

15. 4000 ft lot

16. 0 ft in frontage

17. 4500 ft lot

18. 0 ft in frontage

19. 5000 ft lot

20. 0 ft in frontage

21. 5500 ft lot

22. 0 ft in frontage

23. 6000 ft lot

24. 0 ft in frontage

25. 6500 ft lot

26. 0 ft in frontage

27. 7000 ft lot

28. 0 ft in frontage

29. 7500 ft lot

30. 0 ft in frontage

31. 8000 ft lot

32. 0 ft in frontage

33. 8500 ft lot

34. 0 ft in frontage

35. 9000 ft lot

36. 0 ft in frontage

37. 9500 ft lot

38. 0 ft in frontage

39. 10000 ft lot

40. 0 ft in frontage

Exhibit E-Architectural Rendering and site layout for the Spring Park and Horizon Neighborhood



VIEWED FROM THE WEST



RENDERINGS

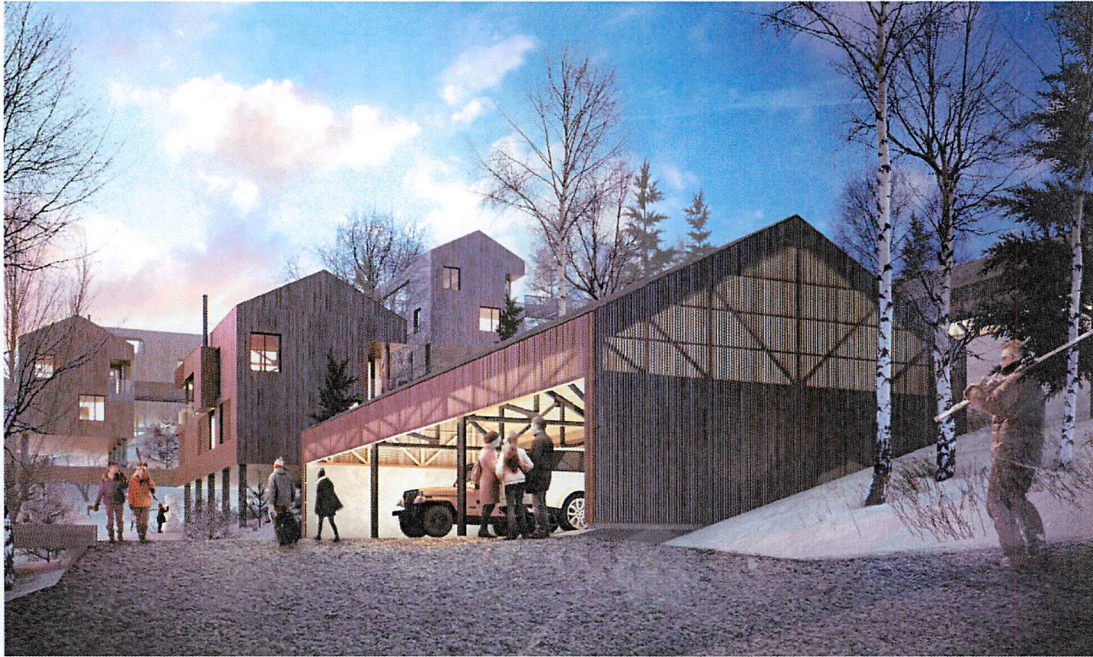


SHARED PATHWAY



RENDERINGS

Exhibit E-Architectural Rendering and site layout for the Spring Park and Horizon Neighborhood



PARKING GARAGE
VIEWED FROM THE EAST



RENDERINGS



PARKING GARAGE
VIEWED FROM THE
SOUTH



RENDERINGS

Exhibit E-Architectural Rendering and site layout for the Spring Park and Horizon Neighborhood



1000sf INTERIOR
HORIZONTAL CEDAR
BOARDS



RENDERINGS



2600sf INTERIOR
HORIZONTAL CEDAR
BOARDS



RENDERINGS



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for a conditional use request for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development. The application includes the request to run concurrently for preliminary subdivision approval of The Bridges at Wolf Creek Resort PRUD.

Type of Decision: Administrative

Agenda Date: Tuesday, July 05, 2016

Applicant: WCU LLC and Bridges Holding Company, LLC

Authorized Representative: Eric Householder

File Number: CUP2016-12

Property Information

Approximate Address: 4920 East Fairways Drive

Project Area: 262.81 Acres

Zoning: RE-15 and FR-3

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-017-0011, 22-006-0033, 22-006-0004

Township, Range, Section: T7N, R1E, Section 16

Adjacent Land Use

North:	Forestry	South:	Residential
East:	Residential	West:	Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: SM

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 3 Residential Estate Zones (RE-15)
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

Summary and Background

The Planning Division recommends approval of the conditional use request for The Bridges at Wolf Creek Resort Planned Residential Unit Development (PRUD) located within the approved Wolf Creek Resort Master Development; including the request for preliminary subdivision approval to run concurrently with The Bridges at Wolf Creek Resort PRUD. The proposal is a master planned project within the Wolf Creek Resort, consisting of 364 units (see Exhibit A for the project narrative). The proposed development area is zoned RE-15 and FR-3 zone. The PRUD will be a multi-phased development consisting of six communities with a variety of housing options and includes approximately 143 acres of open space (see sheet P1.8 of Exhibit B for the proposed preliminary subdivision and phasing plan). The open space accounts for approximately 54.5% of

the total project boundary area (see sheet number P1.2 of Exhibit B for the PRUD Conceptual Layout). The open space will include an extensive pathway system using both asphalt and soft trails and three neighborhood parks.

Wolf Creek Resort has been a Master Planned Community since the early 1980's. In 2002, the owner of Wolf Creek Resort petitioned the County to rezone areas within the development and amend the agreement. The 2002 Wolf Creek Master Plan Amendment was approved as Contract# C2002-139 and recorded with the Weber County Recorder's Office as Entry# 1883524. The applicant has played a crucial part of the recent restructure of the Wolf Creek Resort development and currently has 486 units allocated to this development area. The revised contract was approved as Contract# C2015-31 and was recorded with the Weber County Recorder's Office as Entry# 2768159. An amendment to include the "conceptual maps" that were requested by Weber County was approved on March 22, 2016 and recorded with the Weber County Recorder's Office as Entry# 2784398 (see Exhibit C for the adopted conceptual map).

The applicant would now like to move forward with the development process and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) §108-5 for consideration and approval of the proposed PRUD as well as preliminary subdivision consideration. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC and are required to receive concurrent preliminary subdivision approval according to the approval process outlined in LUC §108-5-6(d)(3)(c).

Conditional use permits should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas and the landscaping.

As part of the preliminary subdivision requirements, subdivision review process and approval procedure, the proposal has been reviewed against the current subdivision ordinance and the standards in the RE-15 and FR-3 zone. The preliminary subdivision must be presented to the Planning Commission for their recommendation to the County Commission for approval. The Planning Commission, subject to the requirements of this chapter, may recommend approval, approval with conditions, or denial of the PRUD to the County Commission. The proposed PRUD, including the preliminary subdivision and lot configuration, is in conformance with the existing PRUD, current zoning and the Zoning Development Agreement Master Plan as well as the applicable requirements in the LUC, based on the recommended conditions listed in this staff report. The following is staff's analysis of the proposed PRUD as a condition use, the design review, and the preliminary subdivision.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

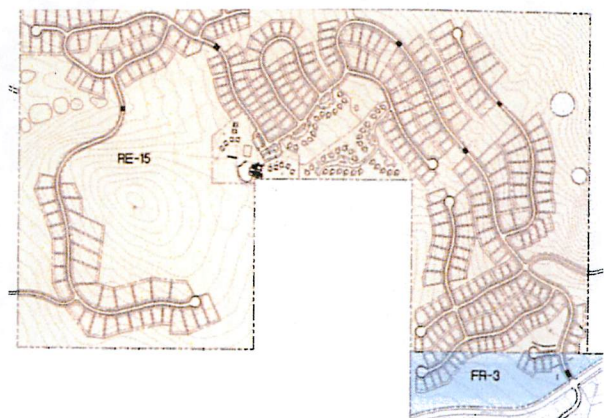
Zoning: The subject property is located in two separate zones identified as the Residential Estate and the Forest Residential Zone more particularly described as the RE-15 and FR-3 zones.

The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

The purpose and intent of the FR-3 zone is identified in the LUC § 104-17-1 as:

"The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts."



Conditional Use Review: The proposed PRUD is conditionally allowed in the RE-15 and the FR-3 zones. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. As a requirement of the conditional use permit, the applicant has provided a "Will-Serve Letter" from Wolf Creek Water and Sewer District (see Exhibit D) for culinary, irrigation and waste water services. The applicant has provided the required material to facilitate a thorough review of the proposed project including preliminary subdivision plan, grading, drainage, and a geologic site reconnaissance and geotechnical report.

The general requirements for consideration of a planned residential unit development include items such as the architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal; which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking; the landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings; the size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting; the residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density; and the demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.

The majority of these considerations will be addressed in the design review and subdivision portion of staff's analysis of the proposal. The applicant will be required to provide a cash escrow to be held by Weber County for the improvements within the development. If the Planning Commission would like the developer to provide proof of financial feasibility for the development, a condition of approval will need to be added to request the additional information for review.

Design Review: The current zoning and the proposed conditional use mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. As part of this review, the Planning Commission shall consider the relevant standards for the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The standards for consideration are as follows:

1) *Considerations relating to traffic safety and traffic congestion.* The proposal includes improvement drawings for the construction of the infrastructure throughout the development. The development identifies multiple areas of access including the main access off of Fairway's Drive. Additional ingress and egress points have been utilized from Snowflake Drive on the East side of the development connecting into "Road A" and connecting into 4150 East along the West side of the development connecting into "Road M". It may be beneficial to include an additional stubbed street from "Road M" to enable a future connection with 4100 N /Fairways Drive. The additional stubbed street would provide for an alternative future route to ensure safe ingress and egress for residents within the development. Based on the discussion during the work session, there is a need for "Road M" to be stubbed to a "future connection with 4100 N/Fairways Drive", a condition of approval has been added to ensure the stubbed road is included in the final subdivision design.

The applicant has provided adequate parking for the cabin sites as well as for the Homestead Club area. Parking has not been provided for the Parkside Park or for the Grove Park. According to LUC§108-8-5

"The Planning Commission may adjust parking standards if it is determined that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted."

Parking for the two smaller parks may not be necessary due to the parks being more of a neighborhood park instead of a community park; however, measures may need to be addressed to ensure that parking along the County roads for the use of these amenities is discouraged. The Planning Commission may impose additional parking areas or "No Parking" signage along the road corridors to ensure that on street parking does not create hazardous traffic conditions and congestion as a condition of approval if deemed necessary. All other areas of the proposed parking meets the parking standards as outlined in LUC §108-8.

2) *Considerations relating to outdoor advertising.* The applicant has provided details for the ground entrance monument for "The Bridges at Wolf Creek Resort" including the proposed material and landscaping design. The applicant has not proposed any additional signage or outdoor advertising as

part of the application. If the developer would like to have any signage within the development, a signage plan will need to be submitted for review and approval prior to installation of any signage outside of the typical required traffic signs.

3) *Considerations relating to landscaping, screening and buffering.* The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 by providing detailed landscaping plans for the main entrance to the project from Fairways Drive, the common area identified as the “Parkside Park” and the “Grove Park” (see sheet L1.1, L1.2 & L1.3 of Exhibit B).

4) *Considerations relating to buildings and site layout.* The individual lot layout has been reviewed against the design criteria of the current zoning in the LUC §104-3 and LUC §104-17, the Design Review in the LUC §108-1, and the Ogden Valley Architectural, Landscape and Screening Design Standards in the LUC §108-2-4. The lot sizes in the PRUD will vary from 0.14 acre lots to 0.92 acre lots. Five of the seven development areas will offer single family building lots designed to accommodate home ranging in size from 1,400 square feet to 4,000 square feet.

The “Grove Cabins” and “Homestead Cabins” developments will offer individual building pads and include a one bedroom option, with approximately 550 square feet of livable space or a two bedroom option, with approximately 841 square feet of livable space (see sheet A1.3 and A1.4 of Exhibit B for the architectural details for the cabin options).

The proposal also includes detailed plans and architectural renderings for the “Homestead Club” and the “Homestead Barn” (see sheets A1.1 and A1.2 of Exhibit B). These amenities will include a community event space, swimming pool and recreational lawn area with adequate parking adjacent to the Barn. A reservoir identified on the plans as “Community Lake” is located to the south west of the Homestead Barn and Club area. The reservoir will provide secondary water storage and will be used as a water recreation amenity as well.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant has provided civil engineered drawings that identify the existing and proposed topography, contour lines, utilities, easements and drainage. There is a seasonal stream located on the project and the plans appear to provide adequate setbacks for the stream corridor. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.

6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The Bridges at Wolf Creek Resort has been designed to provide a variety of housing options for the residents of the Ogden Valley and will preserve over 54.5% of the total project area as open space. The applicant has designed the development to utilize the existing landscaping and preserve the native vegetation in order to protect the wildlife habitat. The open space will also include approximately six miles of trails. The trail system will include a 10’ asphalt trail system running approximately 4,651 linear feet and a 4’ soft trail system running approximately 26,906 linear feet. The trail system will tie the development to the core of the Wolf Creek Resort. The development is not only in conformance with the approved Conceptual Plan that was adopted with the Wolf Creek Resort Master Development but it is also in conformance with the Ogden Valley General Plan.

Preliminary Subdivision Standards: As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the RE-15 zone (LUC §104-3) and in the FR-3 zone (LUC §104-17) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.” The proposed PRUD utilizes the allowed flexibility to create neighborhoods with lots ranging in size from 0.14 acres to 0.92 acres and sized to

accommodate single family homes and cabin sites ranging from 550 square feet to 4,000 square feet. The preliminary drawings include the following minimum single family yard setbacks for the six communities:

- The North 40, Hillside, Homestead, Mountainside, and Parkside:
 - Front Yard: 15 feet
 - Side Yard: 7.5 feet
 - Rear Yard: 20 feet
- Homestead and Grove Cabins
 - Front Yard: 0 feet
 - Side Yard: 0 feet
 - Rear Yard: 0 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards at intersecting streets throughout the development, staff recommends adding to the minimum setback standards on the final subdivision plats a setback for "Side, facing street corner lot". This setback should, at a minimum, match the front yard setback of the applicable neighborhood. A condition of approval has been added to staff's recommendation to ensure the additional "Side, facing street corner lot" setback standard is added to the final subdivision plats for review and approval.

The master planned development identifies seven communities (see sheet P1.6, P1.7 and P1.8 of Exhibit B for layout and phasing plans). The "Parkside" community will include 72 units and be developed in three phases. The "Mountainside" community will include 112 units and be developed in four phases. The "Homestead" community will include 51 units and will be developed in three phases. "The North 40" community will include 44 units and will be developed in two phases. The "Hillside" community will include 34 units and will be developed as a single phase. The "Grove Cabins" will include 40 cabin sites and the "Homestead Cabins" will include 11 cabin sites and will be developed in two phases.

It is anticipated that during each individual phase, the County review agencies will be able to more thoroughly vet the final development details to ensure adequate measures have been taken to mitigate any potential harmful impact to the surrounding areas.

Common Area: The general requirements for a PRUD identify the need to preserve common open space. A portion of the development area falls within an area identified as an "Important Wildlife Habitat Area" that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The development standards in this area shall follow the principles established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance.

The applicant is proposing to dedicate approximately 142.98 acres of common area which is 54.5% of the 262.81 acres of the total development area. The preliminary subdivision layout identifies the common area as "Open Space" including areas identified as community and neighborhood parks. These areas will be required to be dedicated upon recording by one or more of the following methods:

- (1) Dedication of the land as Public Park or parkway system;
- (2) Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or
- (3) Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

Any CC&R's will need to comply with the provisions of the Condominium Ownership Act, U.C.A 1953, §57-8-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivisions, the applicant will need to provide to the County a copy of the proposed CC&R's for review as well as a cash escrow to be held by Weber County for the proposed improvements including the amenities in the common and open space areas. The dedication language on the final plat will need to include language to grant ownership of the common area to the applicable ownership. A condition of approval has been added to ensure the final subdivision submittal includes the correct dedication

language on the plat, a cost estimate for the improvements and a draft copy of any CC&R's for review by the applicable agencies prior to final approval.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain.

A geologic study has been performed and a report has been prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16. All site development will need to adhere to the recommendations of this report and a note as well as an "R" notation for any applicable lot restrictions will need to be added to the final plat for all lots impacted by a potential geologic hazardous unit or due to slopes exceeding 25%. Upon recording the final subdivision plats a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that adequate notification is provided for future property owners regarding further development is noted on the subdivision plats.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a feasibility letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer (see Exhibit D). The applicant will need to provide a "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District as part of the final subdivision submittal. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water will be required for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. These items have been included in the conditions of approval to ensure they are included in the final subdivision application submittal.

Review Agencies: The Weber County Surveyor's Office, Engineering Division, and the Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior to receiving final approval. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: If the applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in The Bridges at Wolf Creek Resort PRUD, a note will need to be added to the final plat to declare that the individual subdivision is approved for nightly rentals. Currently the proposal does not include lock out sleeping rooms so additional parking requirements will not be necessary at this time. A condition of approval has been made part of the Planning Division's recommendations to ensure that if the applicant desires to allow nightly rentals as part of the PRUD, a note will be added to the applicable final subdivision plat to provide notice of the approved nightly rental option.

Tax clearance: The 2015 property taxes have been paid in full. The 2016 property taxes will be due in full on November 1, 2016.

Public Notice: The required noticing for the preliminary subdivision 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 §106-1-6(b).

Summary of Planning Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- Does this subdivision meet the requirements of applicable County Land Use Codes?
- Does this subdivision comply with the Wolf Creek Resort Zoning Development Agreement Conceptual Plan?
- In considering the proposed planned residential unit development, the planning commission shall review and consider the following, as applicable:
 - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
 - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
 - *The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.*
 - *The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.*

- *The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.*
- *The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.*

Staff Recommendation

Staff recommends approval of the request for a conditional use permit for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development. The application includes the request to run concurrently for preliminary subdivision approval of The Bridges at Wolf Creek Resort, PRUD. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A "Side, facing street corner lot" setback standard shall be added to the final subdivision plats for review and approval.
2. The final subdivision plat shall reflect the correct dedication language on the plat for the common/open space areas.
3. A cost estimate for the subdivision improvements shall be a part of the final subdivision submittal.
4. A draft copy of any CC&R's will be provided to the County for review by the applicable agencies prior to final approval.
5. A "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District and a construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision are required prior to the subdivision receiving final approval from the County Commission.
6. All site development will need to adhere to the recommendations of the geologic report prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16. A verification letter shall be provided by the engineering geologist prior to final approval stating that the design adequately considers the recommendations in the geologic report.
7. A note as well as a "R" notation for any applicable lots that may be restricted due to a potential geologic hazardous unit or due to slopes exceeding 25% will be added to the applicable lots on all final subdivision plats for all lots impacted by these areas of concern.
8. A note on the final subdivision plat and a separate "Natural Hazards Disclosure" document will be required to be recorded to provide notice of any recommendations to future property owners regarding the geologic report prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16.
9. Additional lighting details will need to be provided during the final subdivision process to ensure that the outdoor lighting associated with the common area adheres to the LUC.
10. A note will need to be added to the final plat to declare this subdivision approved for nightly rentals.
11. A stub needs to be added to the final subdivision design running from "Road M" to a "future connection with 4100 N/Fairways Drive".

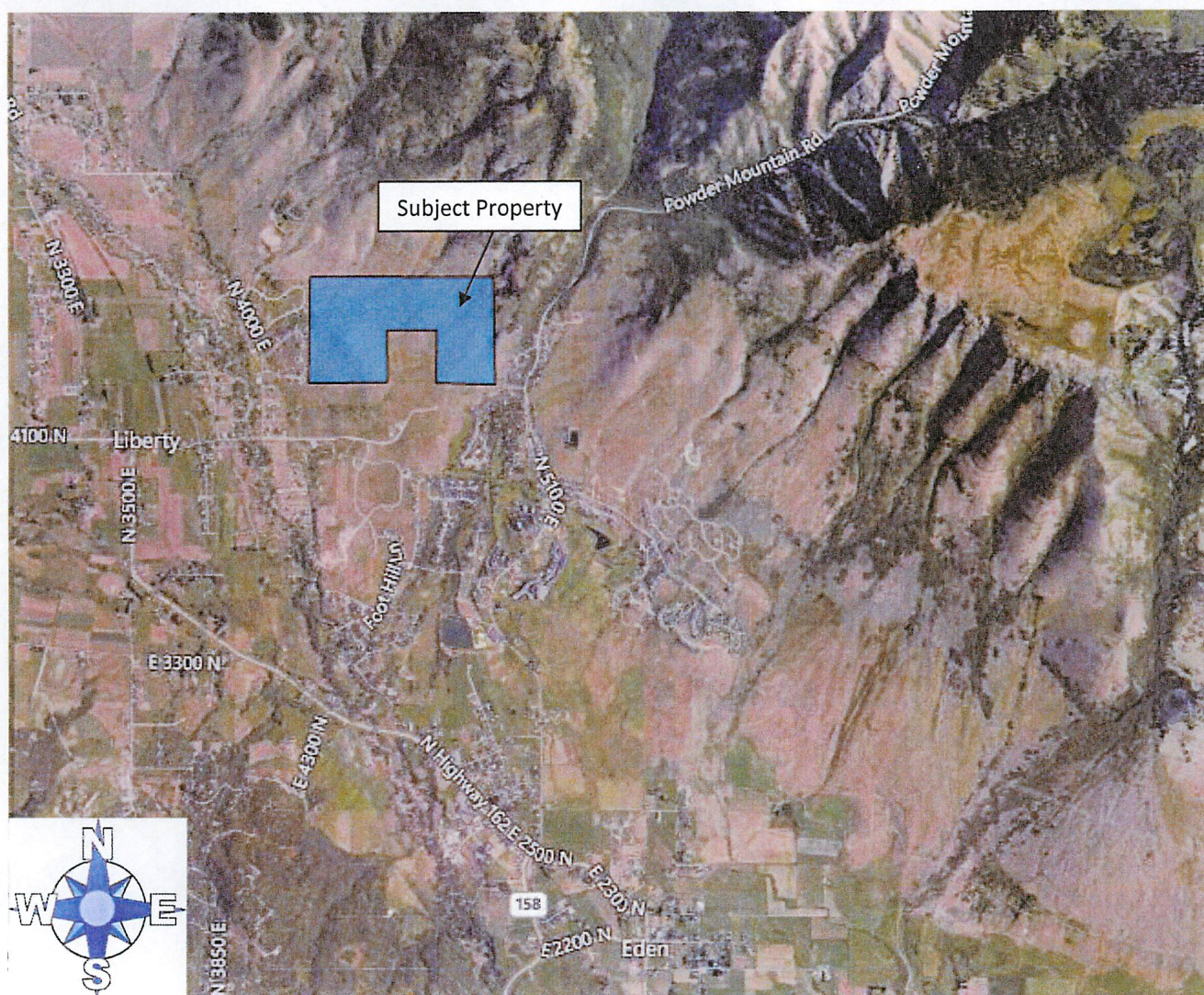
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the preliminary subdivision.
4. The proposed master planned development is in conformance with the approved Zoning Development Master Planned.
5. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
6. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Project Narrative
- B. The Bridges at Wolf Creek PRUD Development Plans
- C. Zoning Development Conceptual Plan
- D. Feasibility Letter

Location Map



The Bridges at Wolf Creek Resort
Planned Residential Unit Development (PRUD)
Conditional Use Application
May 2016

Project Narrative

The Bridges is a 262 acre, 364 unit master planned project within Wolf Creek Resort in Eden Utah. As outlined in the AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT that was recorded on March 23, 2016, combined these three RE-15 and FR-3 parcels support 486 entitlements.

The development consists of six communities with an assortment of housing options. The Parkside and Homestead neighborhoods will be single family homes with various models ranging from approximately 1,500 SF to 2,300 SF. The Mountainside, The North 40 and Hillside neighborhoods will be single family building lots that will allow homes up to 4,000 SF in size. The Homestead and Grove Cabins range from approximately 550 SF for a one bedroom unit to 841 SF for a two bedroom option.

An extensive 6 mile pathway system, using a combination of both asphalt and soft trails, will circulate throughout the development. The project has allocated approximately 143 acres of open space and the pathways connect all areas to three neighborhood parks. Eventually a hard surfaced route will lead residents and guests from the Bridges project to the Resort Commercial Core by heading south through the Wolf Creek golf course. Trails also lead to the Hilltop Pavilion at the top of Lone Tree Hill.

The Bridges project is anchored by the Homestead Barn and Club. These amenities feature a community event space, swimming pool and a recreational lawn. Parking will be provided adjacent to the Barn. Currently working on the design and feasibility study for a reservoir that could provide secondary water storage and a water recreation amenity.

Water and sewer utilities services will be provided by the Wolf Creek Water & Sewer Improvement District. The Covenants, Conditions and Restrictions (CC&Rs) in each neighborhood will mandate landscaping design and practices to help regulate secondary water consumption. A feasibility letter from the district is included with this application.

An entry monument coming off of Fairways Drive will welcome owners and guests to the community. Both pedestrian and vehicular Bridges will be placed throughout the development. There will be no exterior lighting in the common areas. The CC&Rs for the residential homes will require Dark Sky compliant fixtures.

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

All Weber County standards and practices will be observed.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

The Ogden Valley General Plan supports recreation resort development. The Bridges at Wolf Creek has designed clustered community neighborhoods to preserve open space with an extensive project trail system.

THE BRIDGES AT WOLF CREEK

PRUD SUBDIVISION APPLICATION

LOCATION MAP



PREPARED FOR:
LEWIS HOMES, INC.
3000 LEWIS
5571 EAST BIRCHWOOD DRIVE
FORT WORTH, TEXAS 76116
817.251.1507



CONSULTANTS:
LANDSCAPE ARCHITECT
LANGVARDT DESIGN GROUP
122 WEST 200 SOUTH, SUITE 102
SALT LAKE CITY, UTAH 84119
801.463.1006



PROJECT MANAGER:
THE HOUSEHOLDER GROUP
6333 HOUSEHOLDER
2000 NORTH HONORE VALLEY DRIVE
EDEN, UTAH 84310
801.799.0040

SHEET INDEX:

ARCHITECTURE LANDSCAPE PLANNING

CL	COVER SHEET
P-1	OVERALL ZONING PLAN
P-2	OVERALL SITE PLAN
P-3	CARNES SITE PLAN
P-4	OVERALL SITE PLAN
P-5	CARNES SITE PLAN
P-6	OVERALL SITE PLAN
P-7	CARNES SITE PLAN
P-8	OVERALL SITE PLAN
P-9	CARNES SITE PLAN
P-10	OVERALL SITE PLAN
P-11	CARNES SITE PLAN
P-12	OVERALL SITE PLAN
L-1	ENTRY LANDSCAPE PLAN
L-2	LANDSCAPE PLAN
L-3	SITE ELEMENTS
A-1	HOMESTEAD CLOVER HILL
A-2	HOMESTEAD CLOVER HILL
A-3	GRAND CANYON DETAIL
A-4	HOMESTEAD CANYON DETAIL



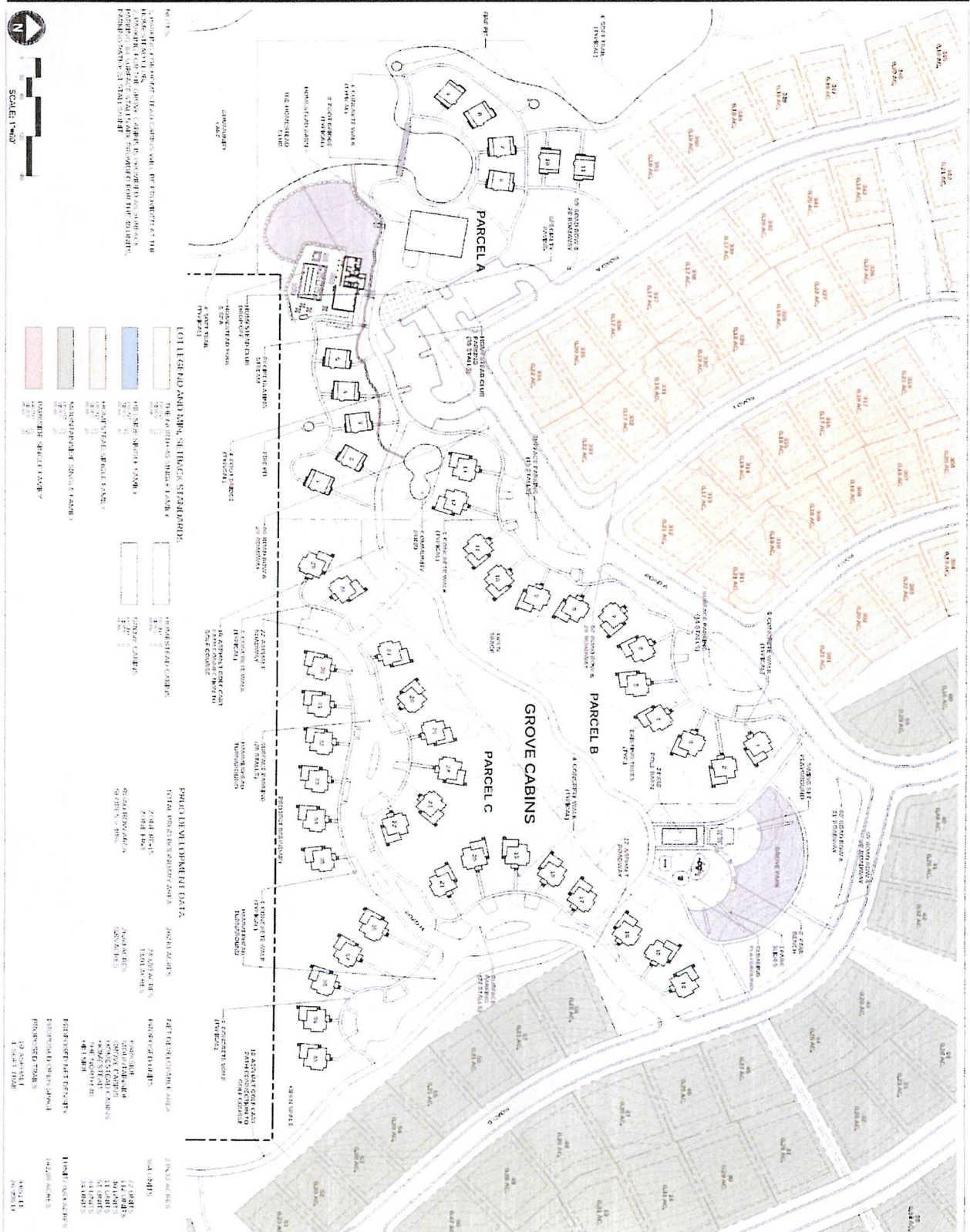
THE BRIDGES
WOLF CREEK RESORT

PRUD SUBMITTAL
WEBER COUNTY, UTAH

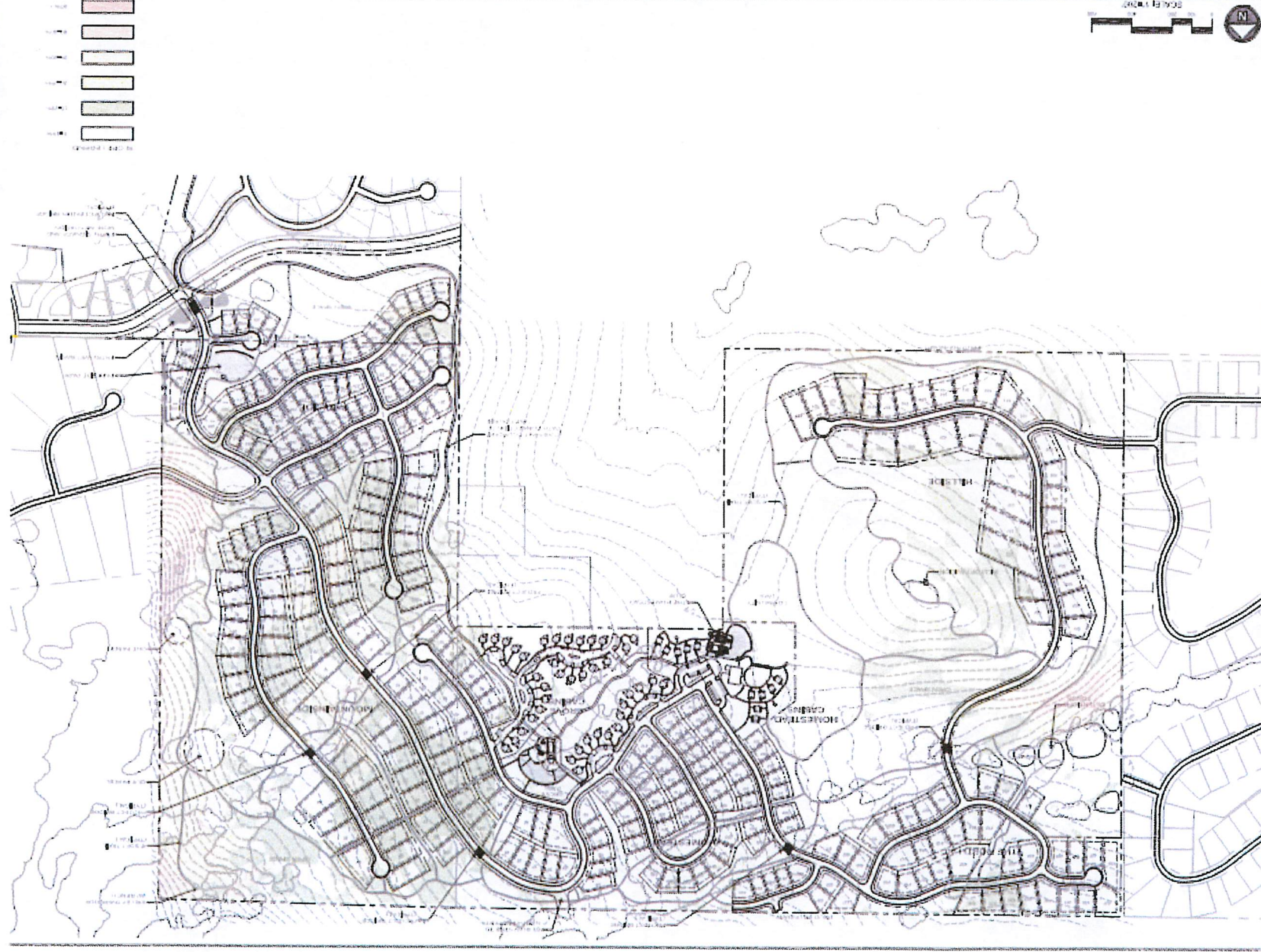


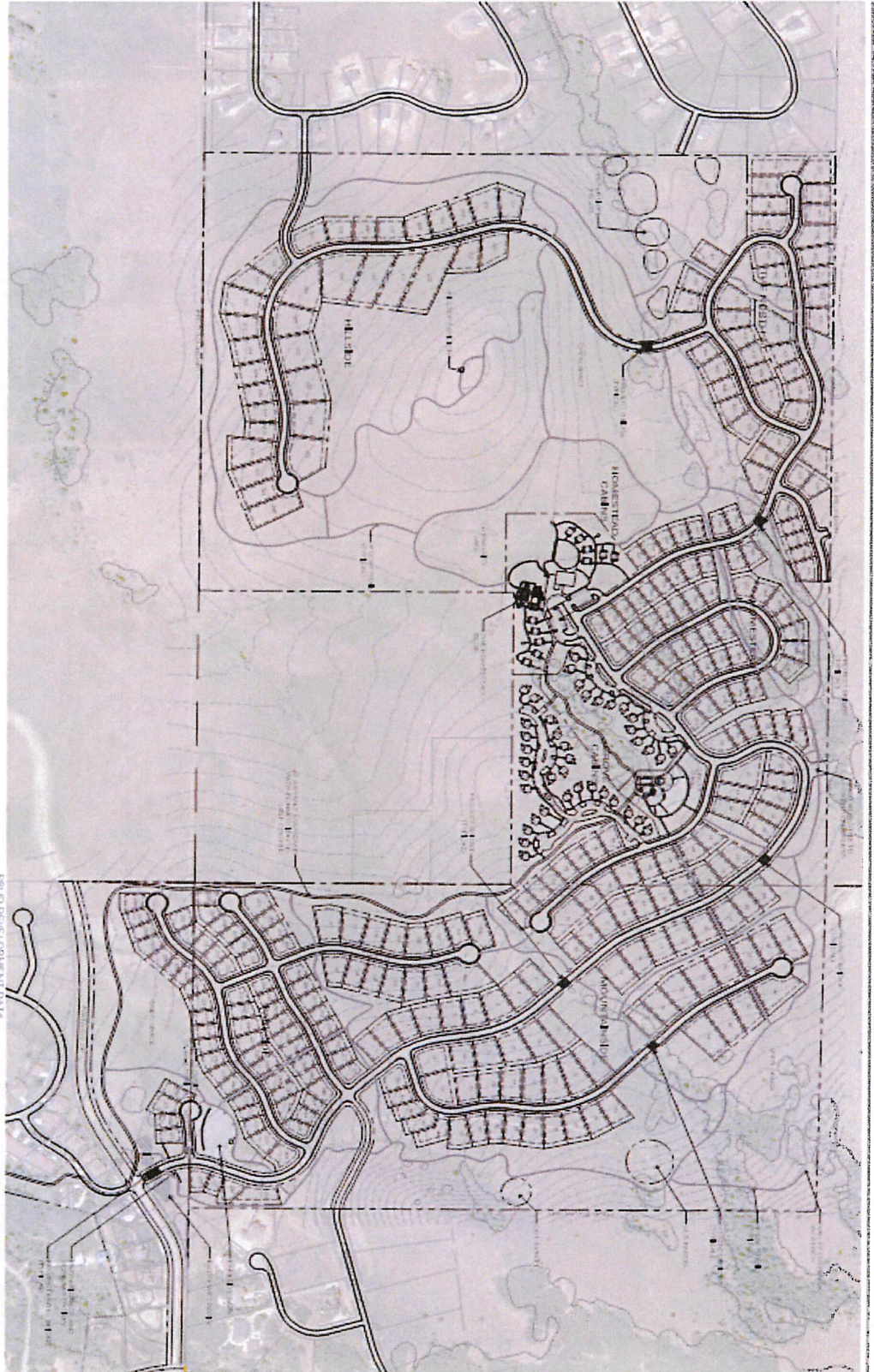
C1.1

COVER
PAGE



	THE BRIDGES WOLF CREEK RESORT	
	PRUD SUBMITTAL WEBER COUNTY, UTAH	
	DATE: 08/11/2011 PROJECT: PRUD SUBMITTAL LOCATION: 10000 S. 1000 E. SCALE: 1" = 100'	
SHEET: 1 OF 1 DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS DATE: 08/11/2011		
CLIENT: KAMINS SITE PLAN		





PROPOSED DEVELOPMENT

Area	Acres	Units
PROPOSED DEVELOPMENT	10.00	100
EXISTING DEVELOPMENT	10.00	100
TOTAL	20.00	200

PROPOSED TRAIL

Area	Acres
PROPOSED TRAIL	1.00
TOTAL	1.00

PROPOSED BRIDGE

Area	Acres
PROPOSED BRIDGE	0.50
TOTAL	0.50

PROPOSED TOTAL

Area	Acres	Units
PROPOSED DEVELOPMENT	10.00	100
PROPOSED TRAIL	1.00	0
PROPOSED BRIDGE	0.50	0
TOTAL	11.50	100



THE BRIDGES
WOLF CREEK RESORT

PROPOSED SUBMITTAL
WEBER COUNTY, UTAH

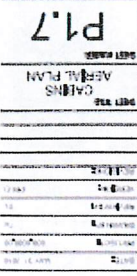
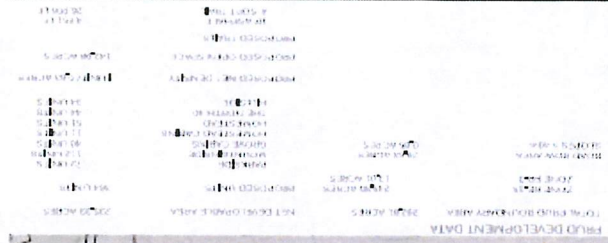


LANGVARDT
LAND & CONSTRUCTION

OVERALL AERIAL PLAN

P1.6

NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/1/2010
2	FINAL PLAN	10/1/2010

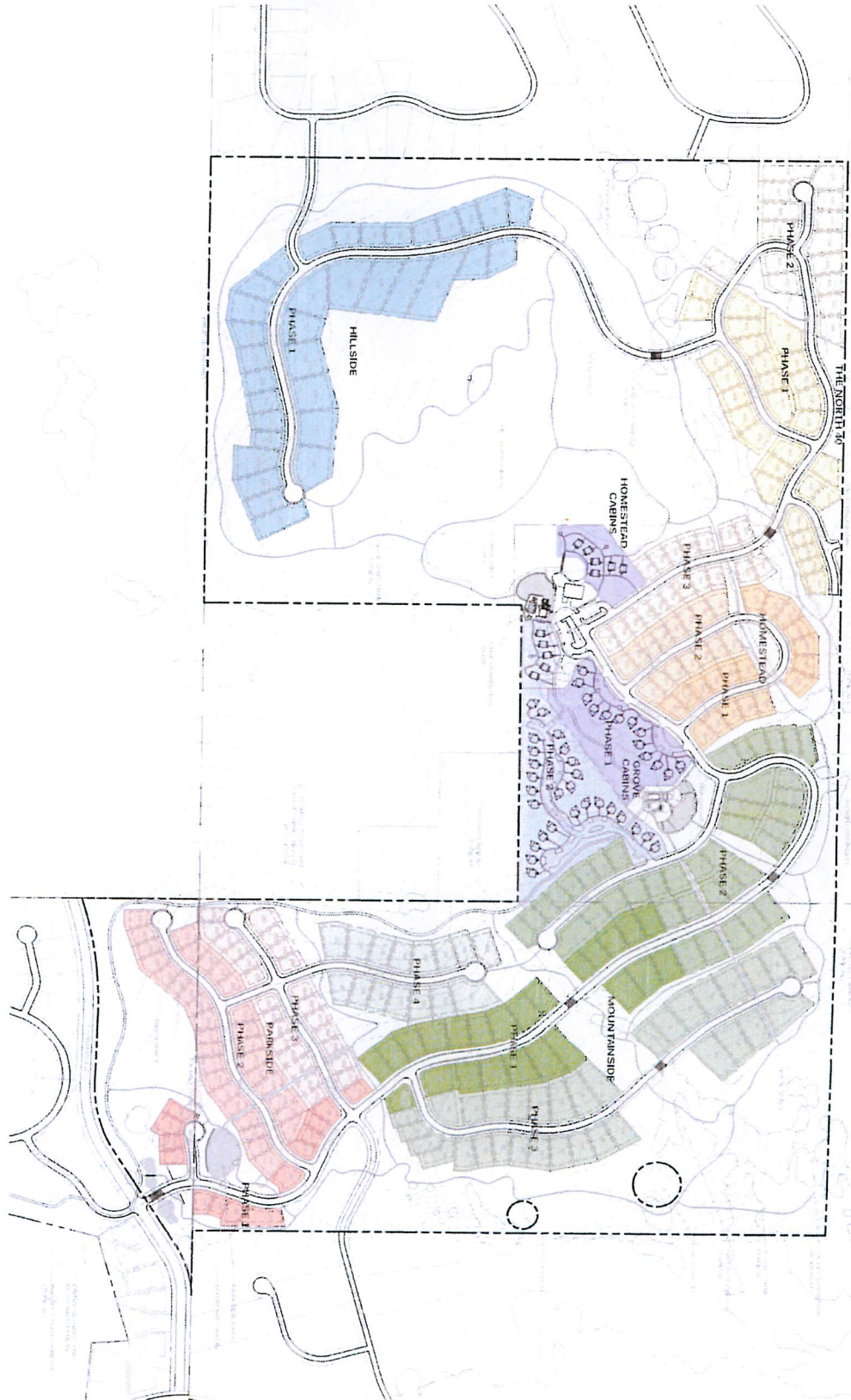


THE BRIDGES
WOLF CREEK RESORT
PAUL SMITH
WEINER COUNTY, UTAH





NOTES:
1. THIS PLAN IS SHOWN AS A PRELIMINARY DEVELOPMENT PLAN. IT IS NOT A FINAL PLAN AND SHOULD NOT BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT THE WRITTEN APPROVAL OF THE PROJECT ARCHITECT AND ENGINEER.



PHASING DEVELOPMENT DATA

PHASE	COLOUR
PHASE 1	Blue
PHASE 2	Orange
PHASE 3	Green
PHASE 4	Red

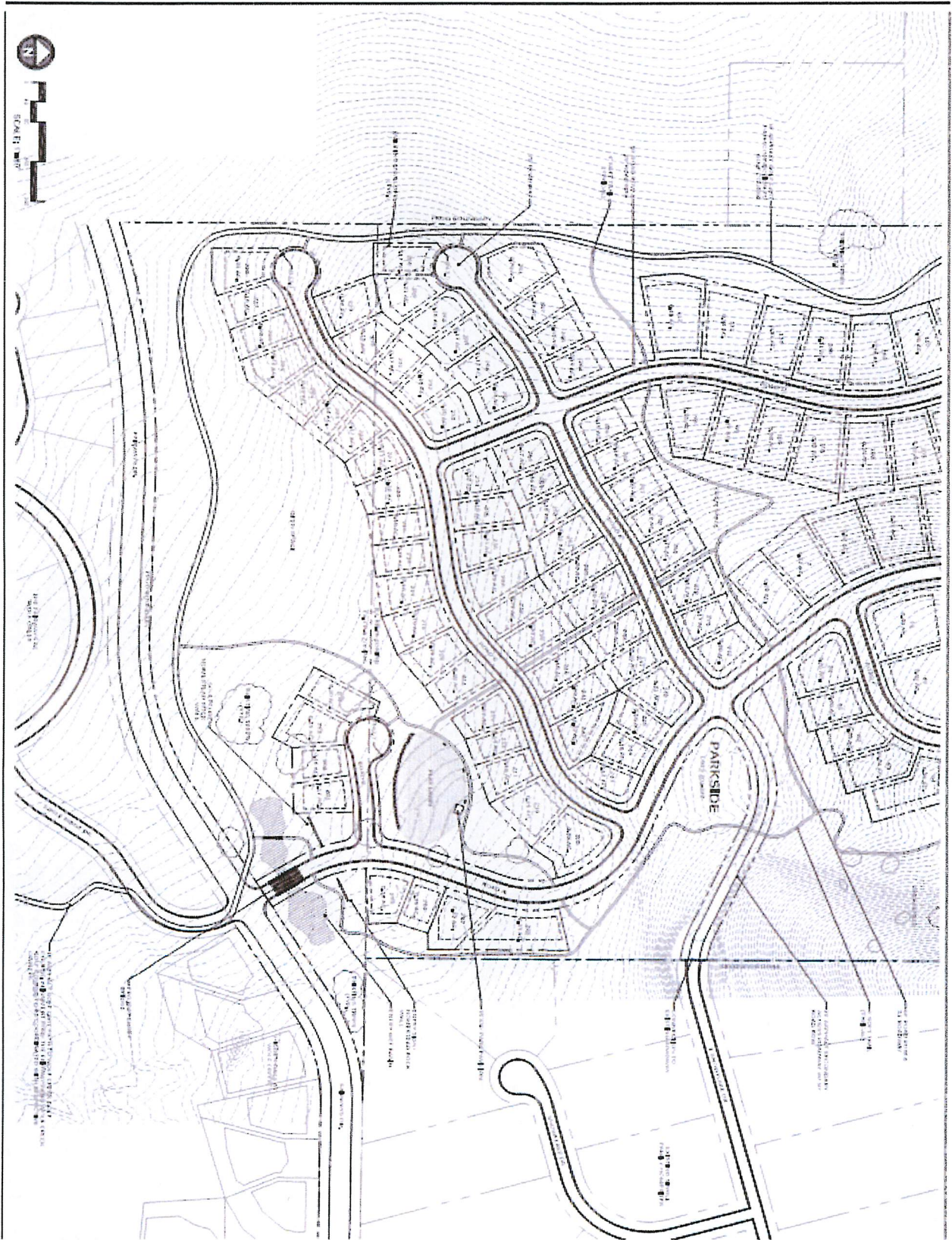
PHASE	COLOUR
PHASE 1	Blue
PHASE 2	Orange
PHASE 3	Green
PHASE 4	Red

DATE	NOV 11, 2010
PROJECT	THE BRIDGES
OWNER	WOLF CREEK RESORT
DESIGNER	LANCIVARDT DESIGN GROUP LLC
SCALE	1"=200'
PHASE	PHASE 1
PLAN	PHASE 1
NO. 1	1

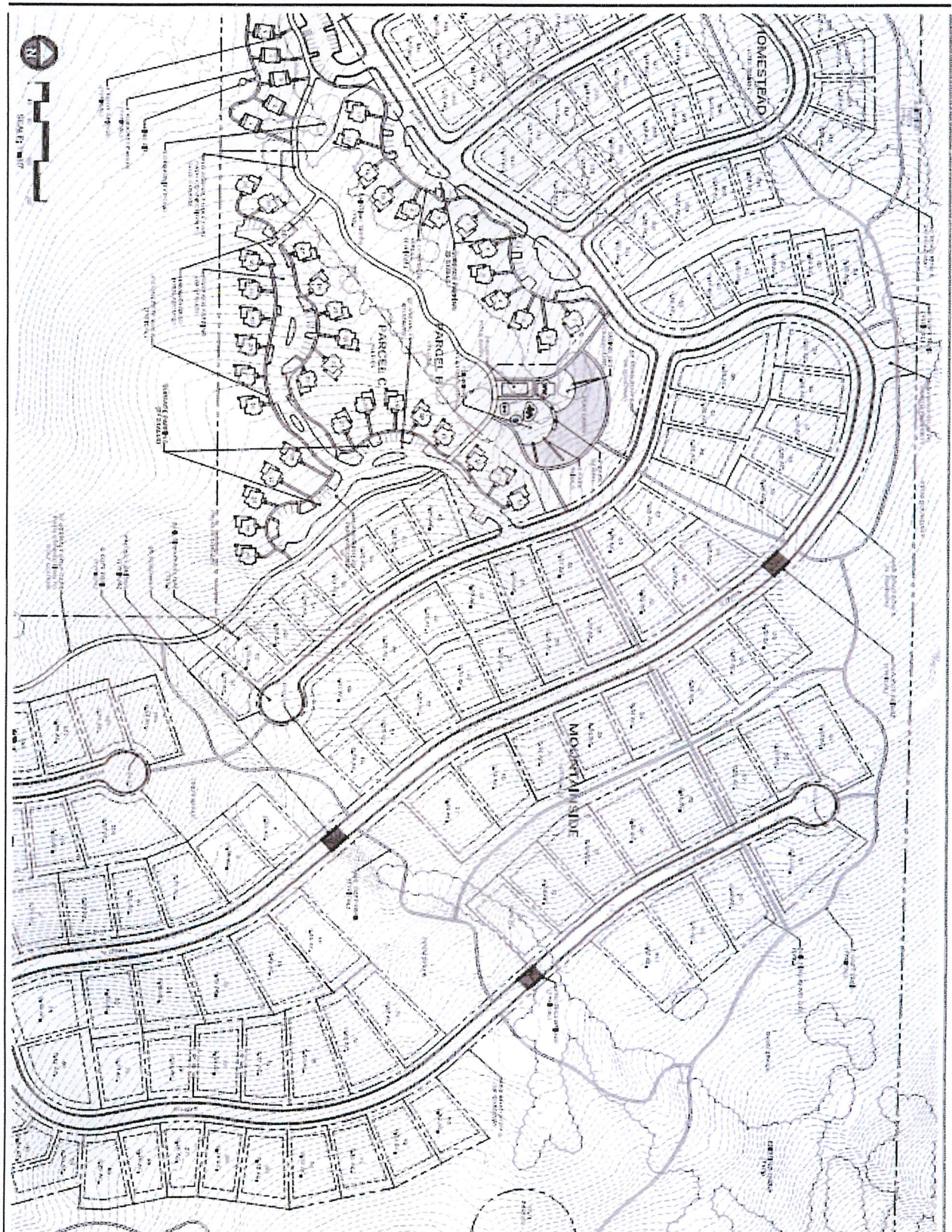


THE BRIDGES
WOLF CREEK RESORT
PRUD SUBMITTAL
WEBER COUNTY UTAH





WOLF CREEK RESORT THE BRIDGES WOLF CREEK RESORT 1000 SOUTH 1000 EAST WOLF CREEK, UTAH	LANDSCAPE ARCHITECTS 1000 SOUTH 1000 EAST WOLF CREEK, UTAH	SHEET NO. P1.9
		SHEET NO. P1.9

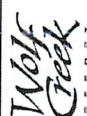


LANGVARDT

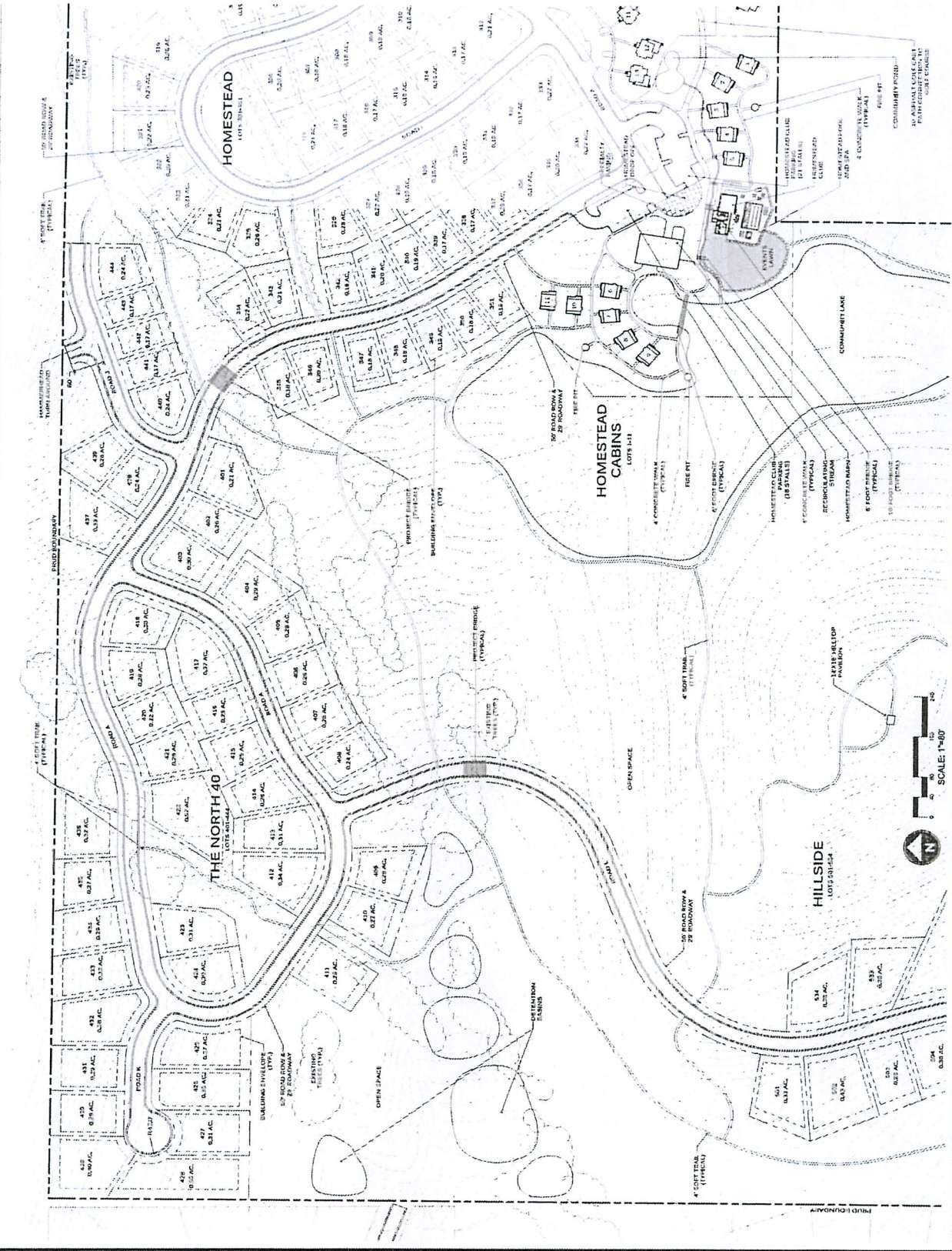


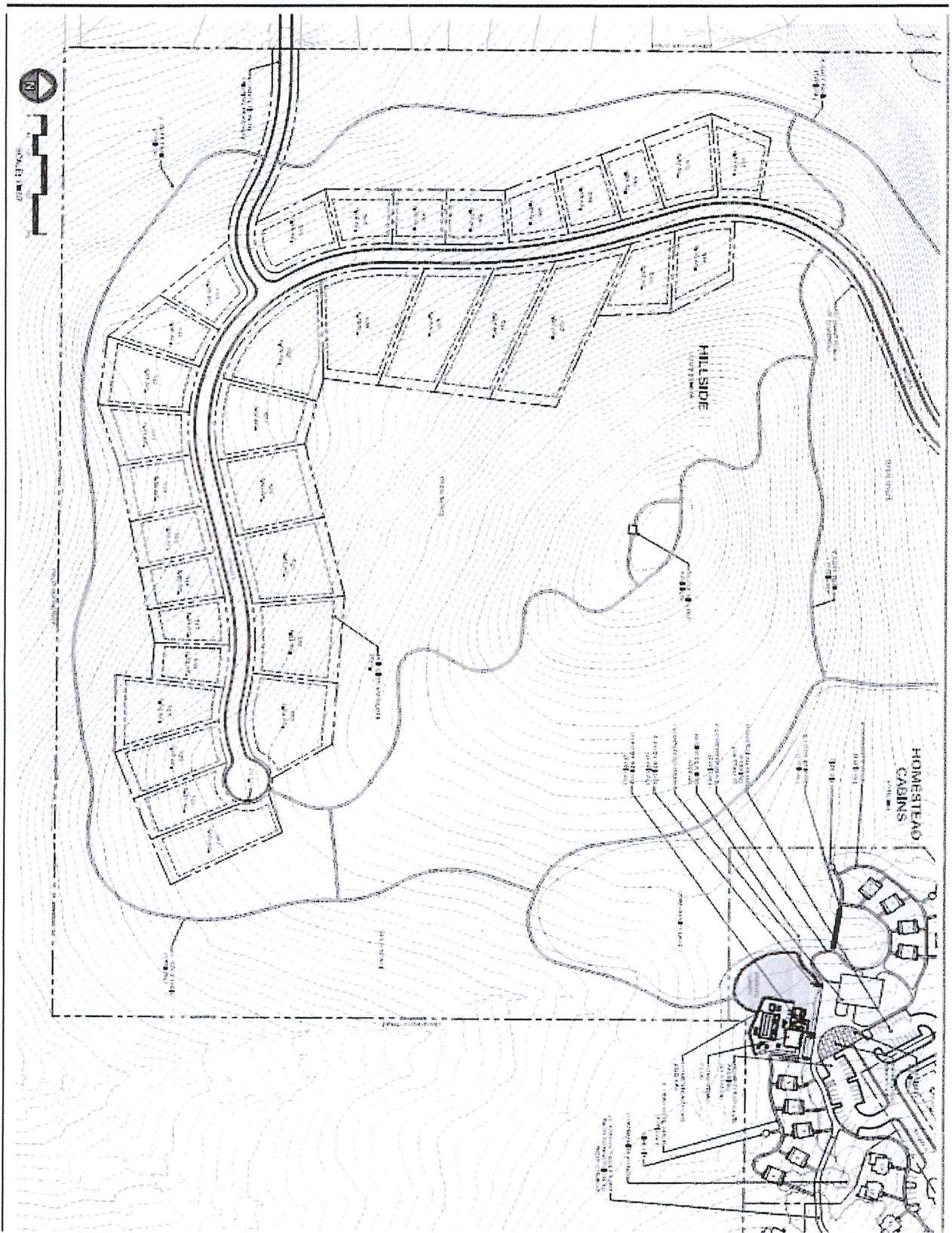
THE BRIDGES



WOLF CREEK RESORT
WEBER COUNTY, UTAH

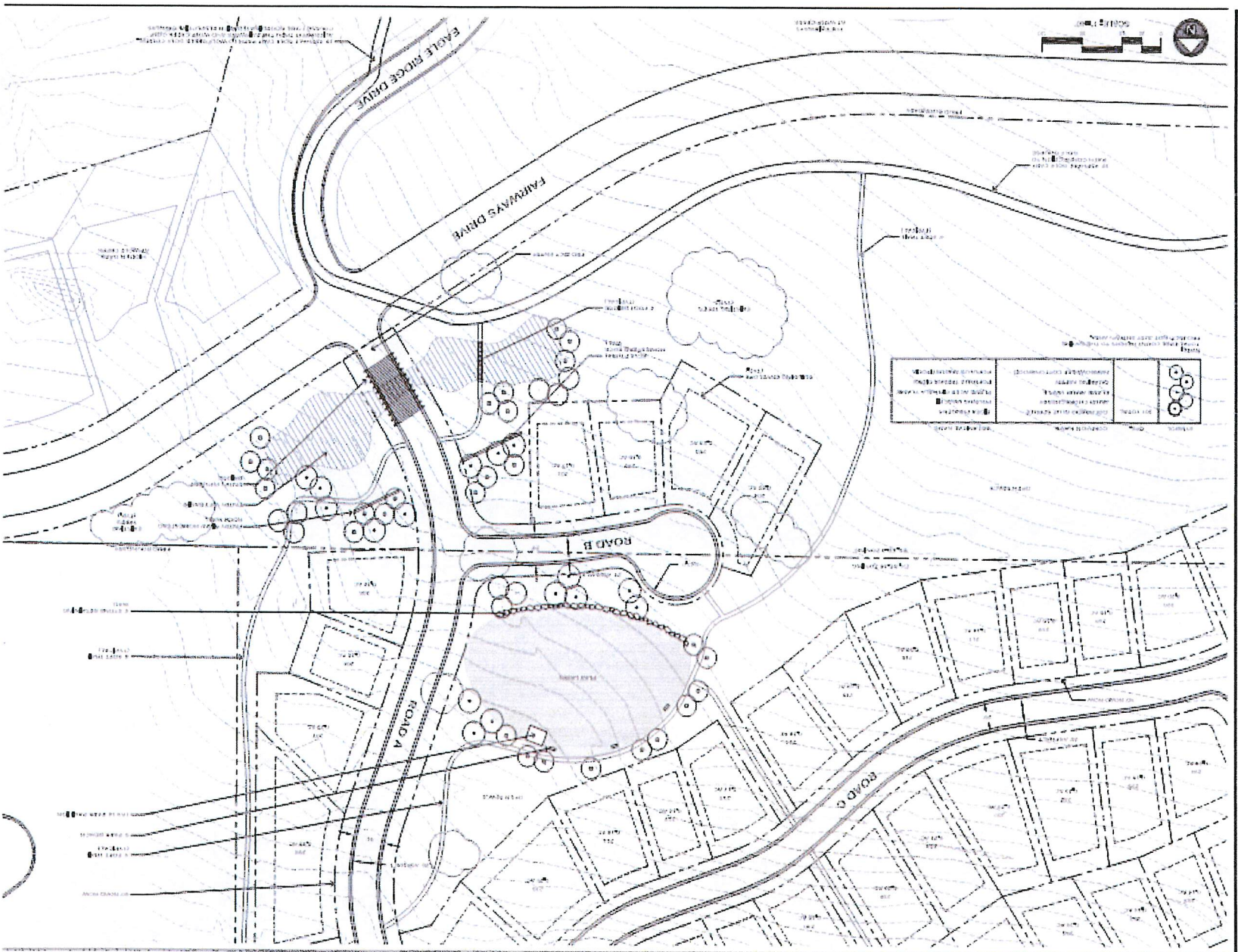


DATE:	08/11/2016
PROJECT:	WOLF CREEK RESORT
LOCATION:	UTAH
CLIENT:	WOLF CREEK RESORT
DESIGNER:	LANGVARDT
SCALE:	1"=80'
PLAN:	DETAIL SITE PLAN
PROJECT:	P1.11





	<h2>THE BRIDGES</h2> <h3>WOLF CREEK RESORT</h3>		<p>PROJECT: THE BRIDGES</p> <p>DATE: 10/1/11</p> <p>SCALE: 1" = 100'</p> <p>PROJECT NO.: 11-001</p> <p>PROJECT NAME: THE BRIDGES</p> <p>PROJECT LOCATION: WOLF CREEK RESORT</p> <p>PROJECT OWNER: WOLF CREEK RESORT</p> <p>PROJECT ARCHITECT: [Faint text]</p> <p>PROJECT ENGINEER: [Faint text]</p> <p>PROJECT SURVEYOR: [Faint text]</p> <p>PROJECT DESIGNER: [Faint text]</p> <p>PROJECT CONSTRUCTOR: [Faint text]</p> <p>PROJECT MAINTENANCE: [Faint text]</p> <p>PROJECT INSPECTION: [Faint text]</p> <p>PROJECT APPROVAL: [Faint text]</p> <p>PROJECT REVIEW: [Faint text]</p> <p>PROJECT SIGNATURE: [Faint text]</p> <p>PROJECT DATE: 10/1/11</p> <p>PROJECT SHEET: P1.12</p>
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THE BRIDGES

WOLF CREEK RESORT

WOLF CREEK RESORT
WOLF CREEK, UTAH

LANDSCAPE PLAN

ENTRY

DATE: 11.11

PROJECT NUMBER: 11.11

DESIGNER: [Name]

CLIENT: [Name]

LOCATION: [Name]

SCALE: 1" = 40'

DATE: 11.11

LANDSCAPE PLAN

ENTRY

DATE: 11.11

PROJECT NUMBER: 11.11

DESIGNER: [Name]

CLIENT: [Name]

LOCATION: [Name]

SCALE: 1" = 40'

DATE: 11.11

LANDSCAPE PLAN

ENTRY

DATE: 11.11

PROJECT NUMBER: 11.11

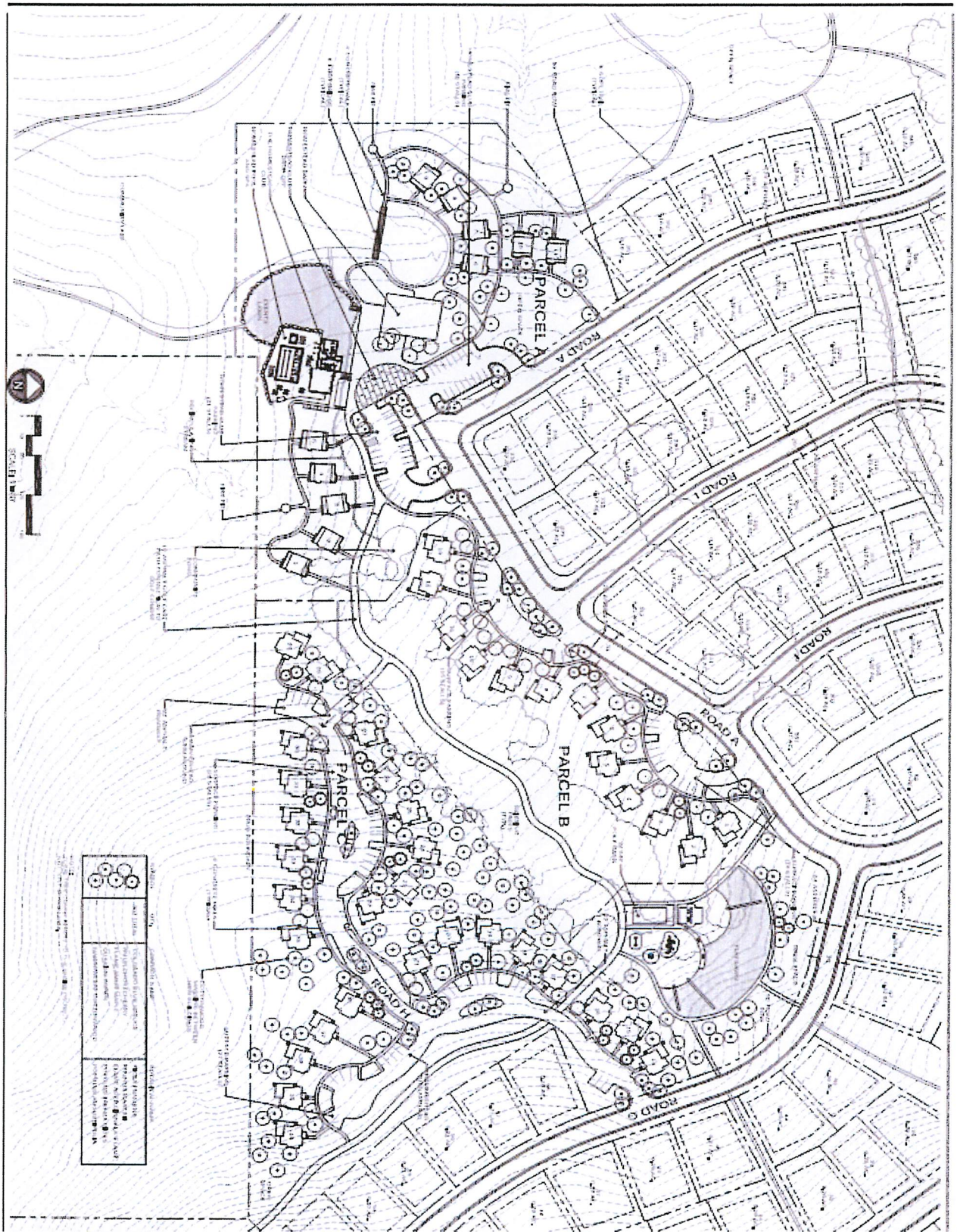
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CLIENT: [Name]

LOCATION: [Name]

SCALE: 1" = 40'

DATE: 11.11



THE BRIDGES
WOLF CREEK RESORT

PHASE SUBMITTAL
WEBER COUNTY, UTAH

Wolf Creek
RESORT

LANDSCAPE
DESIGN

SCALE
1" = 100'

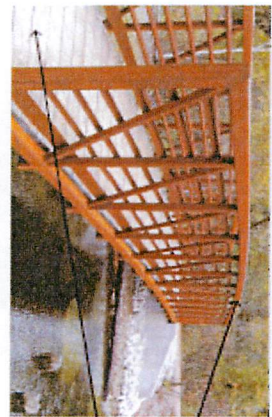
DATE
11/12

TYPICAL PROJECT BRIDGE



WOODEN RAILING
STONE PILLARS
WOODEN BRACKETS

TYPICAL PEDESTRIAN BRIDGE



WOODEN RAILING
STONE PILLARS
WOODEN BRACKETS

TYPICAL PAVILION



WOODEN ROOF
STONE PILLARS
WOODEN BRACKETS

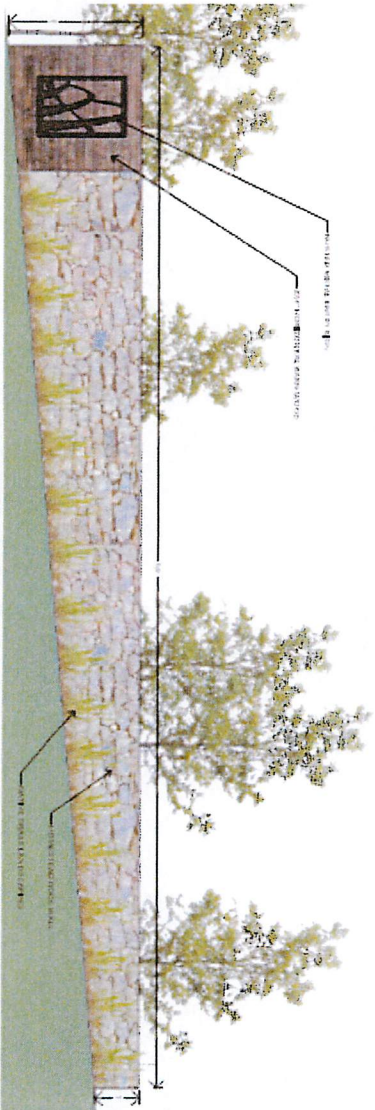


WOODEN RAILING
STONE PILLARS
WOODEN BRACKETS

MATERIALS



ENTRY MONUMENT WALL



WOODEN RAILING
STONE PILLARS
WOODEN BRACKETS



THE BRIDGES

WOLF CREEK RESORT

PROJ SUBMITTAL
WEBER COUNTY, UTAH



DATE	11/11/11		
BY	LANDSCAPE ARCHITECT		
PROJECT	THE BRIDGES		
SITE	WOLF CREEK RESORT		
CLIENT	WEBER COUNTY		
SCALE	1/4" = 1'-0"		
NOTES	SEE EXHIBIT A FOR MATERIALS		
REVISIONS			
NO.	DATE	BY	REVISION
1	11/11/11	LANDSCAPE ARCHITECT	FINAL

PROJECT NO.

SITE

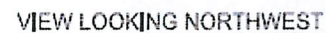
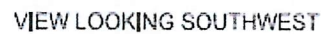
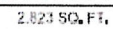
EVENTS

SHEET NUMBER

L1.3

L1.3

NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



Three photographs of white, two-story houses with gabled roofs and porches, likely in the South. The top photo shows a house with a large tree in the foreground. The middle photo shows a house with a wide porch and a small outbuilding. The bottom photo shows a house with a small car parked in front.

THE BRIDGES
WOLF CREEK RESORT
PO BOX 3000
WEBER COUNTY, UT 84444

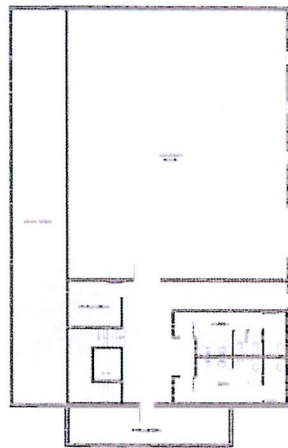
Wolf Creek
REGENCY

0471 752
HOMESTEAD CLUB
DETAIL

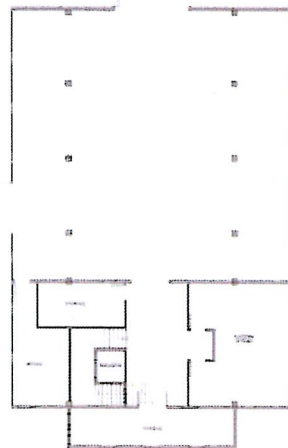
A1.1

HOMESTEAD BARN

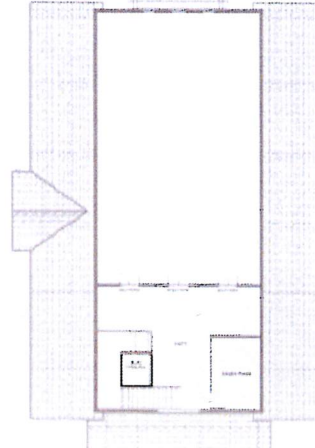
NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



BASEMENT FLOOR
3,962 SQ. FT.

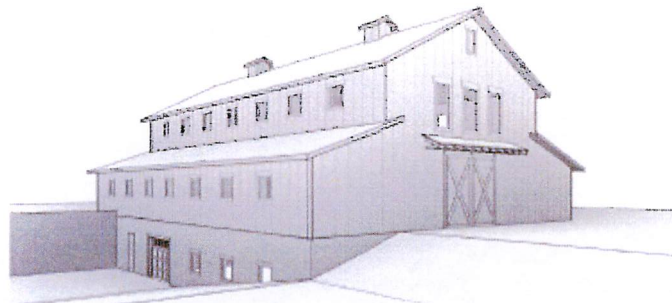


MAIN FLOOR
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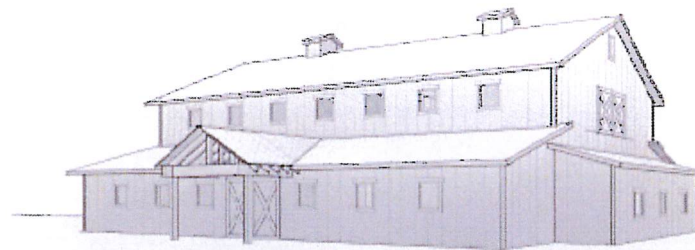


LOFT
868 SQ. FT.

MATERIALS/ ARCHITECTURAL PRECEDENTS



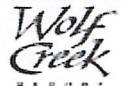
VIEW LOOKING NORTHEAST



VIEW LOOKING SOUTHEAST



THE BRIDGES
WOLF CREEK RESORT
PAID SUBMITTAL
WEBER COUNTY, UTAH



DATE:	NOV 27, 2013
PROJECT:	WOLF CREEK
DESIGNER:	LANGYARDT
ARCHITECT:	LANGYARDT
ENGINEER:	LANGYARDT
LANDSCAPE:	LANGYARDT

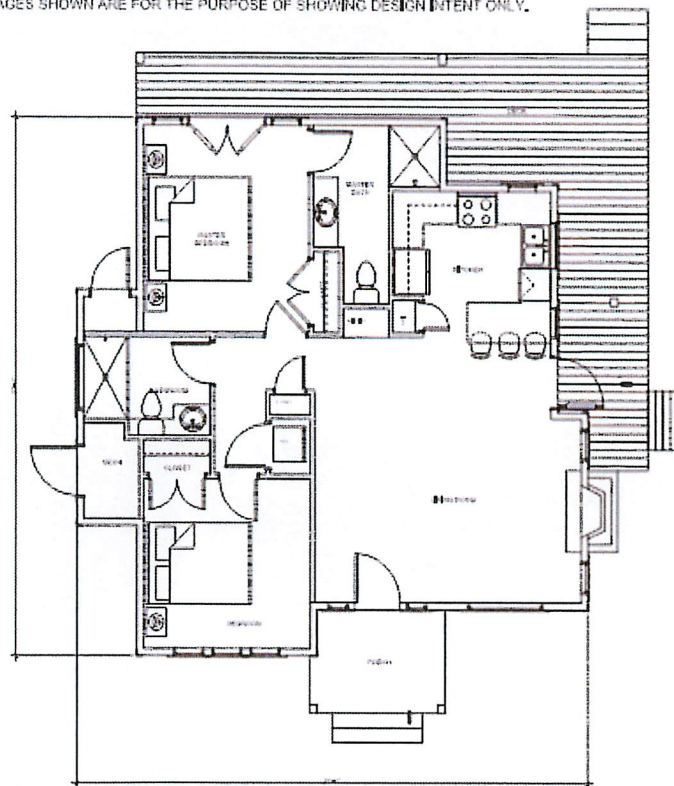
SHEET NO:
HOMESTEAD
BARN DETAIL

SHEET NAME:

A1.2

GROVE CABIN

NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.

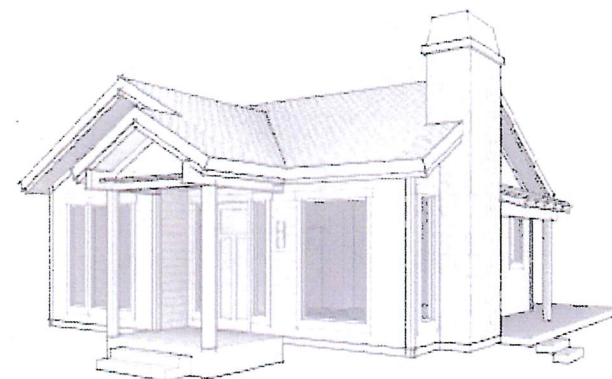


GROVE CABIN MAIN FLOOR

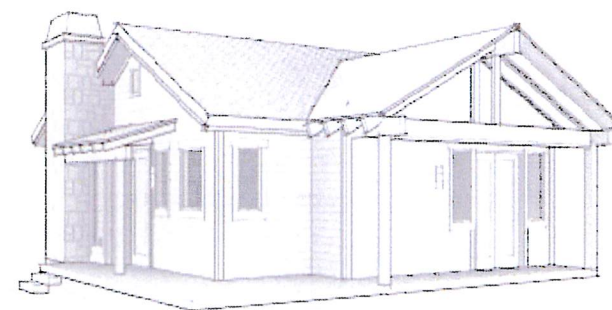
NOT TO SCALE



MATERIALS



FRONT VIEW



REAR VIEW

LANGVARDT



THE BRIDGES
WOLF CREEK RESORT
PO BOX 1000
WEBER COUNTY, UTAH

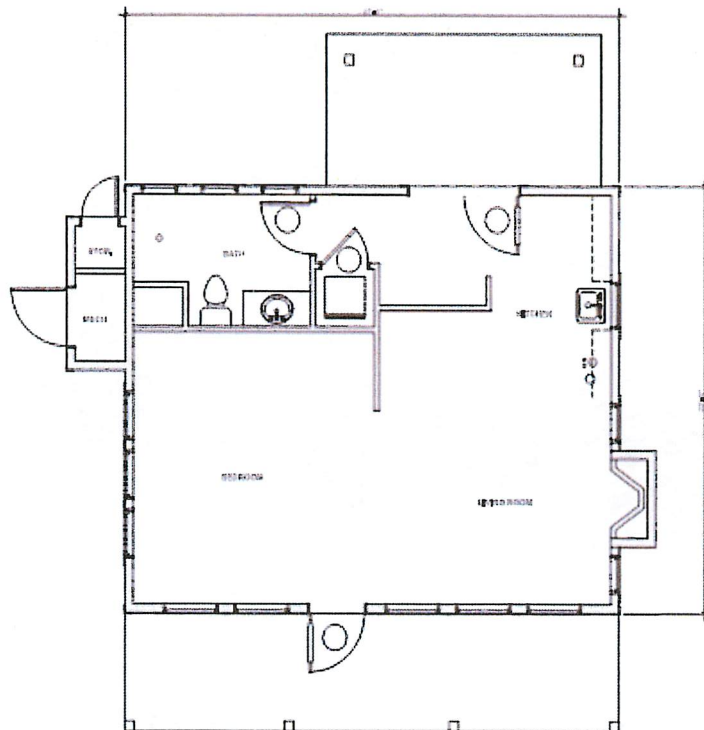


DATE: SEP 1, 2010
PROJECT: WOLF CREEK RESORT
DRAWING: A1.3
SHEET: 1 OF 1
SHEET NAME: GROVE CABIN DETAIL

A1.3

HOMESTEAD CABIN

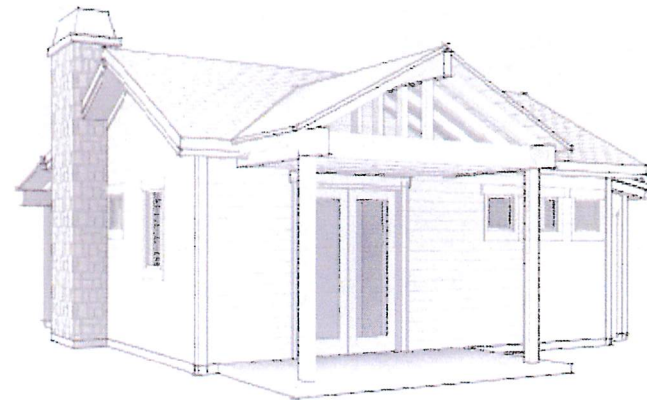
NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



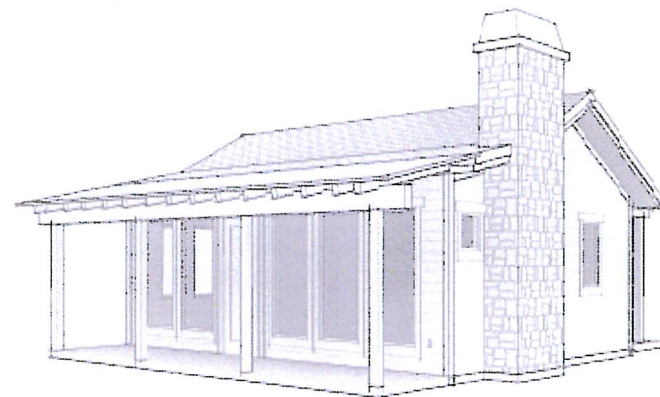
HOMESTEAD CABIN MAIN FLOOR

NOT TO SCALE

MATERIALS



FRONT VIEW



REAR VIEW

LANGVARDT

301 480-8818

THE BRIDGES
WOLF CREEK RESORT
PHILLIPS COUNTY, IOWA
WEBER COUNTY, UTAH

Wolf Creek
RESORT

DATE: 04/11/2016
PROJECT: HOMESTEAD CABIN
DESIGNER: J. LANGVARDT
ARCHITECT: J. LANGVARDT
OWNER: WOLF CREEK RESORT
SHEET NO.: A1.4

SHEET TITLE:
HOMESTEAD
CABIN DETAIL

SHEET NUMBER:

A1.4

DENSITY TIMELINE

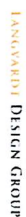
FAULTS LANDING ADDED 42,000 106 UNITS

TOTAL 2,258 UNITS

LAND USE LEGEND

EXISTING DEVELOPMENT SINGLE FAMILY	1,442 UNITS
EXISTING DEVELOPMENT MULTI FAMILY	
FUTURE DEVELOPMENT SINGLE FAMILY	
FUTURE DEVELOPMENT MULTI FAMILY	816 UNITS
FUTURE DEVELOPMENT TOTAL CODE	

TOTAL 2.258 UNITS



MASTER PLAN



RE: *The Bridges at Wolf Creek*

Eric-

Based on our recent discussions, we understand that you are working with the County to adjust your master plan at The Bridges project referenced above. This leaves the following project densities:

- *Parkside Phase 1 14 units*
- *Parkside Phase 2 33units*
- *Parkside Phase 3 25 units*
- *Homestead Phase 1 18 units*
- *Homestead Phase 2 15 units*
- *Homestead Phase 3 18 units*
- *Cabins Phase 1 19 units*
- *Cabins Phase 2 32 units*
- *Mountainside Phase 1 24 units*
- *Mountainside Phase 2 40 units*
- *Mountainside Phase 3 33 units*
- *Mountainside Phase 4 15 units*
- *North 40 Phase 1 29 units*
- *North 40 Phase 2 15 units*
- *Hillside Phase 1 34 units*
- *Total for the project 364 units*

Within the master planning process Wolf Creek Water and Sewer Improvement District has previously anticipated service in accordance with the original master plans.

As you are aware, we operate three separate systems, culinary water, irrigation/secondary water, and sewer with treatment. The capacity of each of these systems is subject to state laws and limitations applied by the Division of Drinking Water and Department of Environmental Quality. In particular, the amount of culinary water we are required to have available is dependent on 1) continuing to supply irrigation water, and 2) limiting outdoor use of culinary water. At the same time, the supply of irrigation water is dependent on flow to the Wolf Creek diversion, which as you know may change due to pumping related to development at Powder Mountain.

Exhibit D-Feasibility Letter

In view of these concerns, we anticipate the following conditions will be placed upon all future developments:

- Landscaping plans shall limit irrigated areas and minimize installation of turf, both for building lots and common areas. Each building lot/unit shall be equipped with at least one hosebib tied to the irrigation system.
- Landscaping plans will be reviewed and approved by WCWSID, with an emphasis on xeriscaping and installed as approved
- Drip irrigation systems shall be used for all shrub and tree beds, consistent with the existing Design Guidelines (2010) of the Wolf Creek Master HOA. We strongly recommend design of the irrigation systems with zones based upon planting demand.
- **No basement sump pump or footing drain shall be connected to the sanitary sewer.**

In summary, WCWSID is at present able to provide culinary water, sewer, and irrigation services to the project listed above upon payment of impact fees per our standard schedule. This commitment to Master Planned densities is subject to future review until the connection and impact fees have been paid.

Let me know if you have any further questions.

Thanks,



Rob Thomas

General Manager

WCWSID



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 05, 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

Title 101 - GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

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

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.

Geologic and Geotechnical terms.

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

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

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

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

Area of deformation. See "zone of deformation."

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

Critical facilities. The term "critical facilities" means:

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

(2) Essential facilities, such as:

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

b. Fire and police stations;

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

d. Emergency vehicle shelters and garages;

e. Structures and equipment in emergency-preparedness centers;

f. Standby power generating equipment for essential facilities;

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

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

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

(4) Special occupancy structures, such as:

- a. Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons);
- b. Buildings for schools through secondary or day care centers (capacity greater than 50 students);
- c. Buildings for colleges or adult education schools (capacity greater than 50 students);
- d. Medical facilities with 50 or more resident incapacitated patients, but not included above;
- e. Jails and detention facilities;
- f. All structures with occupancy greater than 5,000 persons;
- g. Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation;
- h. Unique or large structures whose failure might be catastrophic, such as dams holding over ten acre feet of water. ~~lifelines, such as major communication, utility and transportation facilities and their connection to emergency facilities, unique or large structures whose failure might be catastrophic, such as dams or buildings where explosive, toxic or radioactive materials are stored or handled, high occupancy buildings such as schools, hotels, offices, emergency facilities, such as police and fire stations, hospitals, communication centers and disaster response facilities.~~

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

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

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

Comment [c3]: New standard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

Title 102 - ADMINISTRATION

CHAPTER 1. - GENERAL PROVISIONS

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

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

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

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

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

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

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

(3) ~~Home occupancies with or without visiting clientele, as provided in Section 108-13-2;~~

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

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

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

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

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

...

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

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

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Title 104 - ZONES

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

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

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

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

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

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

Field Code Changed

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

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

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

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

The following potential hazards have been identified:

(1) — Surface fault ruptures:

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

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

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

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

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

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

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

(2) ——— Landslide/tectonic subsidence.

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

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

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

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

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

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

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

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

(3)—— Rock fall.

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

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

(4)—— Debris flows.

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

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

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

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

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

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

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

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

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

~~(5) Liquefaction areas.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) ~~Other hazardous areas.~~

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

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

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

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

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

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

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

Critical facilities means:

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

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

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

b. ~~Fire and police stations;~~

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

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

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

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

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

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

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

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

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

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

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

~~e. Jails and detention facilities;~~

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

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

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

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

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

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.~~

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

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

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

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

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

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

-

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

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

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

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

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

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

Sec. 104-27-5. — Disclosure required.

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

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

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

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

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

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;

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

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

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

...

CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS

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

- (a) It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Land Use Code of Weber County require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive areas, such features as special soil ~~and geologic~~ conditions, steep terrain, highly combustible native vegetation, and other conditions may pose serious potential consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.
- (b) In the administration of the provisions of this chapter, the hillside development review board shall strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging and requiring, where necessary, the following:
- (1) A minimum amount of grading which preserves the natural contours of the land.
 - (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.
 - (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
 - (4) Placement of building sites in such a manner as to permit ample room for adequate defensible area as defined by the fire code, landscaping and drainage between and around the buildings.
 - (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
 - (6) Lot and structure designs and location which will be appropriate in order to reduce ~~geologic and environmental hazards, as required in of title 104, chapter 27, Natural Hazards Overlay District, as well as~~ grading and natural topographic disturbance.
 - (7) Cluster type development or other new concepts and techniques, where appropriate, in order to eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
 - (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain necessary cut and fill slopes in order to stabilize them with plant roots or other materials, thereby preventing erosion and to conceal the raw soil from view.

...

Sec. 108-14-3. - Applicability.

- (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an application request for land use and building permits. Hillside Review is required as part of the preliminary subdivision review. This requirement may be waived by the ~~P~~lanning ~~D~~irector and the ~~C~~ounty ~~E~~ngineer 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.

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

Sec. 108-14-4. - Procedure.

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

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

...

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

- ~~(a) Geologic and other environmental constraints shall be considered by the review board when reviewing any developments on restricted lots or parcels of land. Mitigation measures shall be required as stated in title 104, chapter 27 the Natural Hazards Overlay District of the Weber County Land Use Code.~~
- ~~(b) An outside review of the geological report may be done by an independent firm, at the discretion of the county engineer if he deems it necessary; the independent firm will be selected from a list provided by the county, with all costs associated with the review paid by the applicant. The hillside development review board shall consider the findings, recommendations, and requirements of the report. If the applicant disagrees with the finding and recommendations and requirements of the independent firm, they may appeal to the board of adjustment.~~

...

Sec. 108-14-11. - Appeals.

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

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

(b) When a written decision provided under this chapter contains technical aspects, an applicant may request the County to assemble a panel of qualified professionals to serve as the appeal authority for the sole purpose of determining those technical aspects¹.

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

- a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;
- b. the review and recommendation of an acceptable study or report for the Land Use Authority's consideration; or
- c. the interpretation or application of any technical provisions of a study or report that is required by this chapter.

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

- a. one qualified professional designated by the County;
- b. one qualified professional designated by the applicant; and
- c. one qualified professional chosen jointly by the County's designated qualified professional and the applicant's designated qualified professional.

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

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

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

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

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

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

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

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

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

- (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.

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

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

(2) Landslide.

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

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

(3) Tectonic subsidence.

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

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

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

- d. Rises in the water table accompanying tectonic subsidence may cause water to pond, flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the down dropped side.
- e. The principal application of the identified tectonic subsidence areas is to make the public aware of the hazard and to indicate those areas where further study may be necessary. Site specific tectonic subsidence reports and studies are recommended only for critical facilities in areas of potential lake-margin and ponded shallow groundwater flooding. However, certain vulnerable facilities such as high cost wastewater treatment plants and hazardous waste facilities should also consider potential tilting.

(4) Rock fall.

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

(5) Debris flows.

- a. Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in surges or pulses, due to gravity. They generally remain confined to stream channels in mountainous areas, but may reach and deposit debris over large areas on alluvial fans at and beyond canyon mouths.
- b. The County debris flow hazard maps were constructed from the boundaries of active alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in areas identified as debris flow hazard areas shall be evaluated prior to approval of the proposed development. A study and report, as provided in Section 108-22-3, shall be prepared by an engineering geologist for any development proposed in or adjacent to a debris flow hazard area and shall include:
1. An analysis of the history of debris flow at the site based on subsurface exploration to determine the nature and thickness of debris flow and related alluvial fan deposits. If, in the engineering geologist's professional opinion, geologic conditions have changed enough to render a debris flow inactive, the analysis may estimate the nature and approximate thickness of the debris flow and related alluvial fan deposits in lieu of subsurface exploration.
 2. An analysis of the drainage basin's potential to produce debris flows based on the presence of debris slides and colluvium-filled slope concavities, and an estimate of the largest probable volumes likely to be produced during a single event.

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

(6) Liquefaction areas.

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

(7) Flood.

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

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

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

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

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

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

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

(8) Other hazards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 108-22-9. - Appeals.

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

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

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

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

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

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

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

The following potential hazards have been identified:

(1) Surface-fault ruptures.

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

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

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

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

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

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

- a. ~~Landslide.~~ Landslides, historically, have been one of the most damaging geologic processes occurring in Weber County. Most active landslides, and most older slides, have been mapped ~~and are shown on the Sensitive Lands Overlay District maps. These designations serve as an indication of unstable ground. The maps designate. The maps identify~~ areas of landslides and slopes which are potentially unstable under static (non-earthquake) conditions, and are especially vulnerable under conditions of high to abnormally high precipitation, heavy snowmelt, or excessive water application due to irrigation or septic system discharge. Landslides can damage structures, roads, railroads and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add water to the slide plane and promote further movement. Flooding may also be caused.
- b. Many methods have been developed for reducing a landslide hazards~~hazard~~. Proper planning and avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning and development process. Care in site grading with proper compaction of fills and engineering of cut slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various engineering techniques are available to stabilize slopes, including de-watering (draining), retaining structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage diversion. Since every landslide and unstable slope has differing characteristics, any development proposed within a designated and identified landslide hazard area, ~~as delineated on the Sensitive Lands Overlay District maps,~~ shall require the submittal, and review and approval by the planning commission, of specific site studies, including grading plans, cut/fill, a study and plans produced by a qualified engineering geologist report, as provided in Section 108-22-3. The study and a Utah licensed geotechnical engineer. The site specific study report shall address slope stability (including natural or proposed cut slopes), evaluate slope-failure potential, effects of development and recommendations for mitigative measures. Slope stability analysis shall include potential for movement under static, development-induced and earthquake-induced conditions as well as likely groundwater conditions.

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

~~e.~~ (3) Tectonic subsidence.

- a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and sewer lines may be adversely affected.
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- ec. Flooding problems along lakes from tectonic subsidence shall be reduced using standard techniques such as raising structures above expected flood levels and dikes can be built. Development adjacent to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake levels to protect against natural rises from wet periods, storm waves and earthquake induced seiching, as well as hazards associated with tectonic subsidence.

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

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

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

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

~~4.~~ A study and report, as provided in Section 108-22-3, shall be prepared by an engineering geologist for any development proposed in or adjacent to a debris flow hazard area and shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(67) Flood.

- a. The floodplain standards are written to minimize the loss of life and property when floods do occur, not to ban development outright from the floodplain. ~~In the event the following provisions conflict with those in Title 22 of the Weber County Code, the most restrictive shall apply.~~ The Federal Emergency Management Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for major drainages in Weber County. ~~FEMA recommends that no new development be permitted in the 100-year floodplain unless:~~
- ab. ~~FEMA recommends that no new development be permitted in the 100-year floodplain unless:~~
1. Detailed engineering ~~studies~~ study and reports, as required by Section 108-22-3, prepared by a state-licensed engineer, show that the proposed development will not increase the flood hazard to other property in the area. Recommendations shall be made for floodproofing or other mitigation techniques for development within flood hazard areas. (Site investigations for proposed development in lake-flooding areas near Great Salt Lake need only indicate the site elevation. Development proposals in areas with elevations less than 4,218 feet will be reviewed with respect to lake-flooding potential and compatibility of proposed use.)
 - b2. The proposed development is elevated above the 100-year flood base elevation.
 - c3. For federally-insured loans, flood insurance is purchased from a company participating with the Federal Insurance Administration or a like private carrier.
- d. ~~Upon approval of the county engineer, the report shall be presented to the planning commission along with review comments for recommendation of approval by the county commission.~~
- 4.c.. The study and report, as may be required by Section 108-22-3, shall consider the following:
- (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a hazard on all active alluvial fans ~~designated~~ identified on the debris flow hazard maps. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.
 - 2-(ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped as areas of sheet flow flooding. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.

(78) Other ~~hazardous areas~~ hazards.

- a. As in many counties in the Western United States, development in the ~~county~~ County is constrained by the presence of natural and manmade hazards. These hazards include, ~~but are not limited to,~~ avalanche, slope movement, soils categorized as having severe building limitations and slopes exceeding 30 percent.
- b. Not all hazardous sites and conditions have been identified in the ~~county; however, development on those identified sites shall be permitted when projects are studied and designed by County. As~~ a qualified engineering geologist and a state-licensed civil engineer, architect and ~~hazard~~ or an engineering geologist and certified to withstand the potential hazard ~~for which it is designed, and becomes known, the County has discretion to require any study and report that is necessary to understand how the site is buildable and that the site is safe. This allows development on hazardous sites with the full acknowledgment of the property owner hazard or potential hazard may impact development.~~ The use of hazardous sites for open space is encouraged. study or report shall provide appropriate hazard mitigation measures.

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

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

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

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

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

~~Critical facilities means:~~

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

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

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

~~b. Fire and police stations;~~

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

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

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

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

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

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

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

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

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

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

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

~~e. Jails and detention facilities;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Land-Use (Type-of-Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris-Flow Special-Study-Area	Surface-Fault Rupture Special-Study Area
Critical-facilities	Yes	Yes	Yes
Industrial-or-commercial ;gt;2-stories/;gt;5,000-sq.-ft.	Yes	Yes	Yes
Multifamily (4 or more units) and all other industrial-or-commercial	Yes	Yes	Yes
Residential-subdivisions	No**	Yes	Yes
Residential, single lots/multifamily (less than 4-units/acre)	No**	Yes	Yes
**Although no special study is required, disclosure is required as described in section 104-27-7.			

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

- Prior to consideration by the ~~planning commission~~Land Use Authority of any such development, the ~~planning director shall~~County Engineer may submit the ~~study and report to the Utah Geological and Mineral Survey, the U.S. Forest Service, and/or any other experts, if applicable, site specific plan, to outsourced qualified professionals~~ for review and recommendation. Any cost for the review shall be paid by the applicant prior to any ~~planning commission~~Land Use Authority action.
- The County Engineer has discretion to reject the scope, techniques, methodology, conclusions, or specific types of information presented in the study and report if industry standards of care were not used. All conclusions of the study and report shall be supported by adequate data.
- The County Engineer shall prepare a final review and recommendation of an acceptable study and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.

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

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

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

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

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

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

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

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

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.

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Any.

Sec. 108-22-9. - Appeals.

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

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

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

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

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

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

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

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

a. one qualified professional designated by the County;

b. one qualified professional designated by the applicant; and

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

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

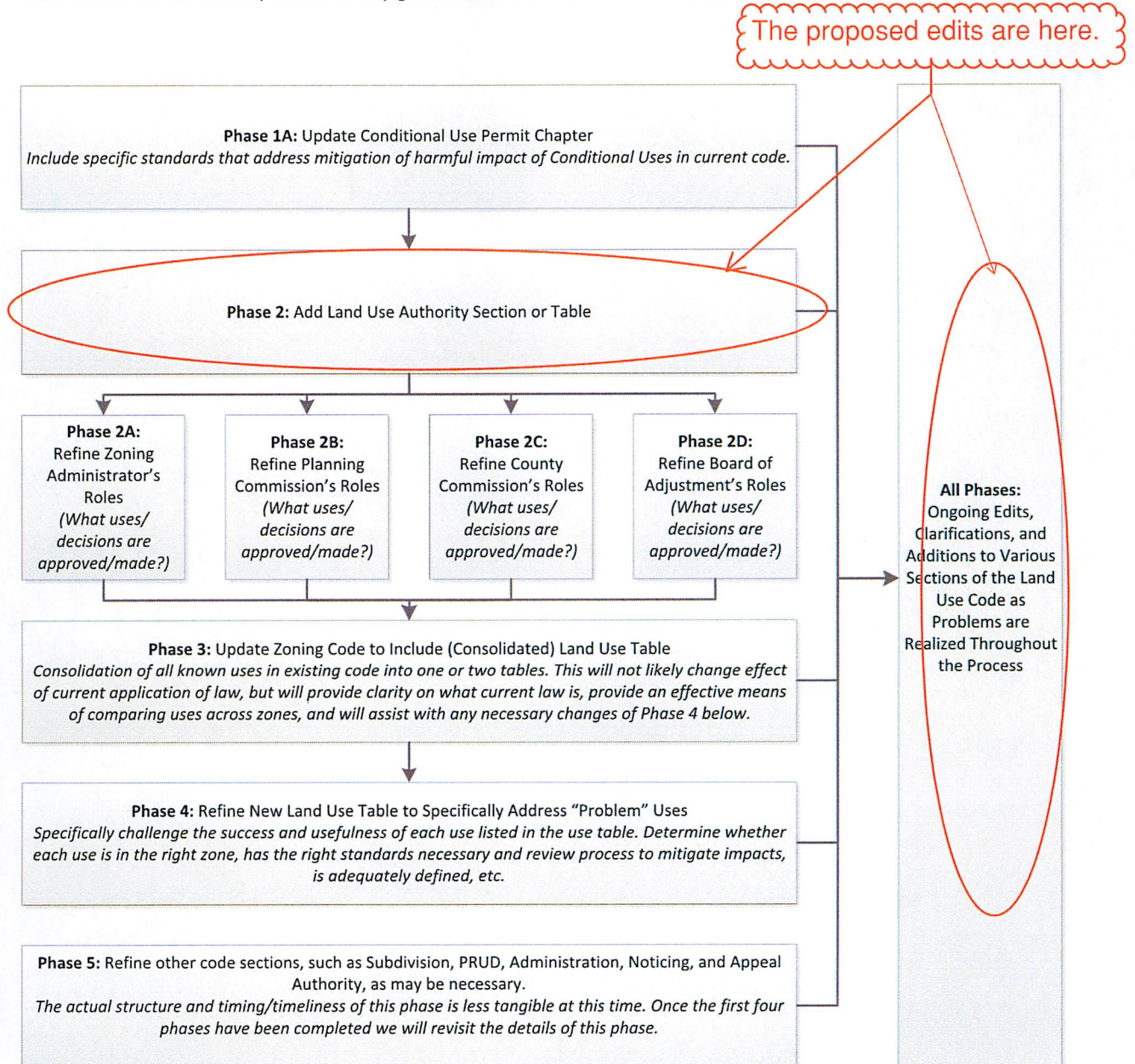
(4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

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

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

Weber County Land Use Code Revision Process Workflow

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





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to consider and take action on a request (ZTA 2016-02) to amend the Planned Residential Unit Development - PRUD Chapter (Title 108, Chapter 5) within the Weber County Land Use Code.
Agenda Date:	Tuesday, July 05, 2016
Applicant:	Brad Blanch
Representative:	Brad Blanch
File Number:	ZTA 2016-02

Staff Information

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

Legislative Decisions

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

Text Amendment Request

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

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

Summary of Planning Commission Considerations

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

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

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

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

Conformance to the General Plan

- The Ogden Valley General Plan (pg. 5) states that one of the Plan objectives is to establish mechanisms to preserve open space.
 - The proposal would amend the code by adding a specific open space plan approval procedure which provides for open spaces parcel ownership, maintenance, preservation methods, and developer financial guarantees.
- The Ogden Valley General Plan (pg. 5) states that one of the Plan goals is to ensure that development is compatible with the Valley's rural character and natural setting.
 - The proposal would amend the code by adding a specific open space plan approval procedure which requires the submittal of detailed information that will help to review and ensure that development is compatible with the Valley's rural character.
- The Recreation Element of the General Plan (Executive Summary, pg. iv) describes that, during a one year planning process, Valley residents provided input and expressed a desire to not generate any additional units beyond what exists under current zoning.
 - The proposed amendment eliminates the existing ten percent bonus density potential for projects located in the Ogden Valley Planning Area.

Staff Recommendation

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

Exhibits

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

Weber County General Plan or Text Amendment Application

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

Date Submitted

5/31/2014

Received By (Office Use)

Added to Map (Office Use)

Property Owner Contact Information

Name of Property Owner(s)

BRAD BLANCH

Mailing Address of Property Owner(s)

10600 EAST 3400 NORTH
NORTH OGDEN, UT 84414

Phone

801-168-8505

Fax

Email Address

bradblanche@gmail.com

Preferred Method of Written Correspondence



Email



Fax



Mail

Ordinance Proposal

Ordinance to be Amended

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

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

PLEASE SEE ATTACHED PROPOSED
HIGHLIGHTED CHANGES.

BRAD BLANCH

5/31/2014

EXHIBIT B

CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

Sec. 108-5-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) That the area of landscaping area exceeds the approved landscape plan;
- (2) That the number and quality of plants exceed the approved landscape plan;
- (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and
- (4) That all requirements of the Land Use Code have been met.

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

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

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

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

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

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

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

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

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

- a. If the PRUD meets the purpose and intent of this chapter, up to a five percent bonus may be granted.
- b. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.
- c. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.
- d. If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.
- e. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 10 percent bonus density may be granted.

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

- a. If a PRUD meets the purpose and intent of this chapter, up to a ten percent bonus may be granted.
- b. If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.
- c. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (2).
- d. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted
- e. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
- f. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.

Comment [SM1]: Added language to allow bonus density in the Western Weber Planning Area and eliminate bonus density potential from the Ogden Valley Planning Area. This language comes directly from the cluster subdivision code. Bonus density awarded for "donation of land to a park district" comes from the Ogden Valley resort zone code.

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

1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;
2. Identify and label, on the final plat, the lots set aside as affordable housing Lots; and
3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.

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

1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.
2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.
4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.
5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.

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

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

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

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

- (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.
- (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little

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

- (1) The physical relationship of the proposed common areas to the developable areas of the PRUD shall be such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
- (2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be physically integrated into the development design.
- (3) The lands must be suitable for and possess the capability for housing development.
- (4) Lands with an average slope of 60-40 percent or more in the FR-1, F-1, ~~FV-3~~, E-5, ~~E-10~~, and ~~E-40~~ zones and 40-30 percent or more in all other zones, shall not be classified as developable land and shall not be considered when determining the number of allowable units in a proposed PRUD.

Comment [SM2]: Now consistent with Subdivision Code.

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

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

- (a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- (b) The property adjacent to the planned residential unit development shall not be adversely ~~detrimentially~~ affected ~~and to this end, without the county imposing reasonable conditions or, the planning commission may require~~ in the absence of appropriate physical boundaries ~~natural or constructed buffers~~, require that uses of least intensity or greatest compatibility be arranged around the ~~perimeter~~ boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.
- (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- (d) The county commission ~~may, at its discretion and after receiving a, upon recommendation of from~~ the planning commission, ~~shall require consider and approve a plan that provides for the ownership, preservation, maintenance, and guarantee of improvements for maintenance and ownership of the common proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows: utilizing, at the county's option, one of the following methods:~~
 - (1) Plan approval. An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures. Dedication of the land as public park or parkway system;
 - a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.

Comment [SM3]: Now consistent with CUP Code.

Comment [SM4]: Added language addressing open space and allowing for HOA ownership and individual ownership. This language comes directly from the cluster subdivision code.

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- 224 b. For open space dedicated as individually owned preservation parcels, the site plan
225 shall identify locatable building envelopes within which all existing and future buildings
226 must be located.
- 227 (2) Ownership. ~~Granting to the county a permanent common open space easement on and over the~~
228 ~~said private open spaces to guarantee that the open spaces remain perpetually in access,~~
229 ~~parking, recreation or open space uses with ownership and maintenance being the~~
230 ~~responsibility of a home owners' association established with articles of association and bylaws~~
231 ~~which are satisfactory to the county; or~~
- 232 a. Open space parcels of any size and dedicated as common area shall be commonly
233 owned by an appropriate homeowner's association established under U.C.A. 1953,
234 §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the
235 Community Association Act.
- 236 b. Other open space parcels, consisting of five acres or more, may be owned individually.
- 237 1. Individually owned preservation parcels of ten acres or more in area may be
238 owned by any person, regardless of whether the person owns a residential lot
239 within the PRUD.
- 240 2. Individually owned preservation parcels of less than ten acres in area may only
241 be owned by an owner of a lot within the same cluster subdivision.
- 242 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be
243 memorialized in the following manner:
- 244 i. An explanation of the applicable ownership standard and a perpetual
245 restriction conforming thereto shall be written into all agriculture,
246 forest, or other type of preservation easements granted pursuant to
247 subsection (3); and
- 248 ii. A note describing the applicable ownership standard shall be placed
249 on the final recorded subdivision plat.
- 250 iii. A Notice describing the applicable ownership standard shall be
251 recorded on each individually owned preservation parcel at the time of
252 recording a subdivision plat.
- 253 (3) Preservation. ~~Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, §~~
254 ~~57-8-1 et seq., as amended, which provides for the payment of common expenses for the~~
255 ~~upkeep of common areas and facilities.~~
- 256 a. Open space parcels are to be permanently preserved in a manner that is consistent
257 with the approved open space preservation plan.
- 258 b. The applicant, after receiving an approval for a PRUD and prior to recording or as part
259 of recording the final subdivision plat, shall grant and convey to the county, to each lot
260 owner, and to the homeowner association if applicable, an open space easement over
261 all areas dedicated as common area or individually owned preservation parcels. The
262 open space easement shall incorporate and conform to the open space preservation
263 plan approved under subsection (1).
- 264 c. If a PRUD and subsequent subdivision plat contains open space intended to preserve
265 substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife
266 Resources, a wildlife habitat easement meeting the requirements of the Utah Division
267 of Wildlife Resources shall be offered to the division.
- 268 d. If a PRUD and subsequent subdivision plat contains an individually owned
269 preservation parcel, the applicant shall:
- 270 1. Identify and label on the final plat each such parcel as an agricultural, forest, or
271 other type of preservation parcel;

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

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

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

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

(4) Guarantee of open space improvements.

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

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

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

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

b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or credit in an amount determined by the county engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two years, the county will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan. The bond shall be approved by the county commission and shall be filed with the county recorder.

If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the county may, at its option, do or contract to have done the required maintenance and shall assess ratable the open space and individually owned properties within the PRUD. Such assessment shall be a lien against the property and shall be filed with the county recorder, or the county may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.

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c. ~~If the planned residential unit development or phase thereof is to be subsequently divided as a "subdivision" into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a "subdivision."~~

d. ~~The area shall be adaptable to a unit type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.~~

e. ~~All proposed residential developments, with the exception of normal land subdivisions, within the county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5 shall comply with the provisions of this chapter and be developed as a planned residential unit development.~~

(Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-7. - Submission of application.

(a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved and proposals for accommodating vehicular and ~~pedestrian~~ pedestrian circulations, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(b) ~~Such other~~ Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

(Ord. of 1956, § 22D-7)

Sec. 108-5-8. - Planning commission consideration.

In considering the proposed planned residential unit development, the planning commission shall consider:

- (1) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
- (2) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- (3) The landscaping and screening as related to the several proposed uses within the development and ~~as a means of its~~ their integration into ~~its~~ the surroundings area.
- (4) Lighting and ~~The~~ the size, location, design, and nature quality of signs if any, ~~and the intensity and direction of area of flood lighting.~~
- (5) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
- (6) The demonstrated ability of the ~~proponents of the planned residential unit development~~ applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

(Ord. of 1956, § 22D-8; Ord. No. 98-4)

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365 Sec. 108-5-9. - Planning commission action.

366 The planning commission, ~~subject to the requirements of this chapter~~after considering applicable
367 codes and any anticipated detrimental effects, may recommend an approval, recommend an approval
368 with conditions, or recommend denial ~~with conditions~~ of the PRUD to the county commission.

369 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

370 Sec. 108-5-10. - County commission action.

371 The county commission, after holding a public hearing ~~meeting~~thereon, may approve or disapprove
372 the application for a PRUD. ~~In~~If approving an application, the county commission may attach ~~such~~
373 conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county
374 commission, together with any conditions imposed, constitutes approval of the proposed development as
375 a conditional use in the zone in which it is proposed.

376 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

377 Sec. 108-5-11. - ~~Building~~Land use permit issuance.

378 The ~~building inspector~~planning division shall not issue any land use permit for any proposed building,
379 structure, or use within the project unless such building, structure, or use ~~is in accordance~~complies with
380 the approved ~~overall and/or phase development plans~~ and any conditions imposed. Approved
381 development plans shall be filed with the planning division, building inspector and county engineer.

382 (Ord. of 1956, § 22D-11)

383 Sec. 108-5-12. - Time limit.

384 Unless ~~there is~~ substantial action has been taken, leading toward completion of a PRUD or an
385 approved phase thereof, within a period of 18 months from the date of approval, ~~such~~the approval shall
386 expire unless ~~after reconsideration of the progress of the project~~ an extension, not to exceed six months,
387 is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be
388 used for any other permitted use in the zone in which the project is located. Reserved open space shall
389 be maintained where necessary to protect and blend existing structures into alternate land use proposals
390 after abandonment of a project.

391 (Ord. of 1956, § 22D-12; Ord. No. 98-4)

Comment [SM5]: These changes put the responsibility on the planning division and not the building official.

Comment [SM6]: These changes address the need to limit the extension time and designate who has the authority to approve an extension.

1 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

3 Sec. 108-5-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;
2. Identify and label, on the final plat, the lots set aside as affordable housing Lots; and
3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.

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

1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.
2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.
4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.
5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.

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

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

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

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

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

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

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

- (1) The physical relationship of the proposed common areas to the developable areas of the PRUD shall be such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
- (2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be physically integrated into the development design.
- (3) The lands must be suitable for and possess the capability for housing development.
- (4) Lands with an average slope of ~~60~~ 40 percent or more in the FR-1, ~~F-1~~ FV-3, F-5, F-10, and F-40 zones and ~~40~~ 30 percent or more in all other zones, shall not be classified as developable land and shall not be considered when determining the number of allowable units in a proposed PRUD^[SM2].

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

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

- (a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- (b) The property adjacent to the planned residential unit development shall not be adversely detrimentially affected ~~and to this end, without the county imposing reasonable conditions or, the planning commission may require in the absence of appropriate physical boundaries~~ natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD^[SM3].
- (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- (d) The county commission may, at its discretion and after receiving a, ~~upon recommendation of~~ from the planning commission, shall require consider and approve a plan that provides for the ownership, preservation, maintenance, and guarantee of improvements for ~~maintenance and ownership of the common proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows: utilizing, at the county's option, one of the following methods~~^[SM4]:
 - (1) Plan approval. An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures. Dedication of the land as public park or parkway system;
 - a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.

- 224 b. For open space dedicated as individually owned preservation parcels, the site plan
 225 shall identify locatable building envelopes within which all existing and future buildings
 226 must be located.
- 227 (2) Ownership. ~~Granting to the county a permanent common open space easement on and over the~~
 228 ~~said private open spaces to guarantee that the open spaces remain perpetually in access,~~
 229 ~~parking, recreation or open space uses with ownership and maintenance being the~~
 230 ~~responsibility of a home owners' association established with articles of association and bylaws~~
 231 ~~which are satisfactory to the county; or~~
- 232 a. Open space parcels of any size and dedicated as common area shall be commonly
 233 owned by an appropriate homeowner's association established under U.C.A. 1953,
 234 §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the
 235 Community Association Act.
- 236 b. Other open space parcels, consisting of five acres or more, may be owned individually.
- 237 1. Individually owned preservation parcels of ten acres or more in area may be
 238 owned by any person, regardless of whether the person owns a residential lot
 239 within the PRUD.
- 240 2. Individually owned preservation parcels of less than ten acres in area may only
 241 be owned by an owner of a lot within the same cluster subdivision.
- 242 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be
 243 memorialized in the following manner:
- 244 i. An explanation of the applicable ownership standard and a perpetual
 245 restriction conforming thereto shall be written into all agriculture,
 246 forest, or other type of preservation easements granted pursuant to
 247 subsection (3); and
- 248 ii. A note describing the applicable ownership standard shall be placed
 249 on the final recorded subdivision plat.
- 250 iii. A Notice describing the applicable ownership standard shall be
 251 recorded on each individually owned preservation parcel at the time of
 252 recording a subdivision plat.
- 253 (3) Preservation. ~~Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, §~~
 254 ~~57-8-1 et seq., as amended, which provides for the payment of common expenses for the~~
 255 ~~upkeep of common areas and facilities.~~
- 256 a. Open space parcels are to be permanently preserved in a manner that is consistent
 257 with the approved open space preservation plan.
- 258 b. The applicant, after receiving an approval for a PRUD and prior to recording or as part
 259 of recording the final subdivision plat, shall grant and convey to the county, to each lot
 260 owner, and to the homeowner association if applicable, an open space easement over
 261 all areas dedicated as common area or individually owned preservation parcels. The
 262 open space easement shall incorporate and conform to the open space preservation
 263 plan approved under subsection (1).
- 264 c. If a PRUD and subsequent subdivision plat contains open space intended to preserve
 265 substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife
 266 Resources, a wildlife habitat easement meeting the requirements of the Utah Division
 267 of Wildlife Resources shall be offered to the division.
- 268 d. If a PRUD and subsequent subdivision plat contains an individually owned
 269 preservation parcel, the applicant shall:
- 270 1. Identify and label on the final plat each such parcel as an agricultural, forest, or
 271 other type of preservation parcel;

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

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

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

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

(4) Guarantee of open space improvements.

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

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

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

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

b. ~~The developer shall be required to provide a surety by cash bond, escrow or bank letter or credit in an amount determined by the county engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two years, the county will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan. The bond shall be approved by the county commission and shall be filed with the county recorder.~~

~~If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the county may, at its option, do or contract to have done the required maintenance and shall assess ratable the open space and individually owned properties within the PRUD. Such assessment shall be a lien against the property and shall be filed with the county recorder, or the county may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.~~

c. ~~If the planned residential unit development or phase thereof is to be subsequently divided as a "subdivision" into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a "subdivision."~~

d. ~~The area shall be adaptable to a unit type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.~~

e. ~~All proposed residential developments, with the exception of normal land subdivisions, within the county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5 shall comply with the provisions of this chapter and be developed as a planned residential unit development.~~

(Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

Sec. 108-5-7. - Submission of application.

(a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved and proposals for accommodating vehicular and ~~pedestrian~~ pedestrian circulations, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(b) ~~Such other~~ Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

(Ord. of 1956, § 22D-7)

Sec. 108-5-8. - Planning commission consideration.

In considering the proposed planned residential unit development, the planning commission shall consider:

- (1) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
- (2) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- (3) The landscaping and screening as related to the ~~several~~ proposed uses within the development and ~~as a means of its~~ their integration into its ~~the~~ surroundings area.
- (4) Lighting and ~~The~~ the size, location, design, and nature quality of signs if any, and the intensity ~~and direction of area of flood lighting~~.
- (5) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
- (6) The demonstrated ability of the ~~proponents of the planned residential unit development~~ applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

(Ord. of 1956, § 22D-8; Ord. No. 98-4)

365 Sec. 108-5-9. - Planning commission action.

366 The planning commission, ~~subject to the requirements of this chapter~~after considering applicable
367 codes and any anticipated detrimental effects, may recommend an approval, recommend an approval
368 with conditions, or recommend denial ~~with conditions~~ of the PRUD to the county commission.

369 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

370 Sec. 108-5-10. - County commission action.

371 The county commission, after holding a public hearing ~~meeting~~meeting thereon, may approve or disapprove
372 the application for a PRUD. ~~In~~If approving an application, the county commission may attach such
373 conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county
374 commission, together with any conditions imposed, constitutes approval of the proposed development as
375 a conditional use in the zone in which it is proposed.

376 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

377 Sec. 108-5-11. - ~~Building~~Land use permit issuance.

378 The ~~building inspector~~planning division shall not issue any land use permit for any proposed building,
379 structure, or use within the project unless such building, structure, or use ~~is in accordance~~complies with
380 the approved ~~overall and/or phase development plans~~ and any conditions imposed. Approved
381 development plans shall be filed with the planning division, building inspector and county engineer~~[SM5]~~.

382 (Ord. of 1956, § 22D-11)

383 Sec. 108-5-12. - Time limit.

384 Unless there ~~is~~ substantial action has been taken, leading toward completion of a PRUD or an
385 approved phase thereof, within a period of 18 months from the date of approval, ~~such~~the approval shall
386 expire unless ~~after reconsideration of the progress of the project~~ an extension, not to exceed six months,
387 is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be
388 used for any other permitted use in the zone in which the project is located. Reserved open space shall
389 be maintained where necessary to protect and blend existing structures into alternate land use proposals
390 after abandonment of a project~~[SM6]~~.

391 (Ord. of 1956, § 22D-12; Ord. No. 98-4)

Big Apple Summit, LLC



PO Box 237151 • New York, NY 10023 • Phone: 917-617-7470
E-Mail: richard@forman.name

Date: Friday, July 1, 2016

Ronda Kippen
Principal Planner
Weber County Planning Division
2380 Washington Blvd #240
Ogden, UT 84401

REFERENCE: PRUD Submission for Spring Park (Lot 76)

Dear Ms. Kippen:

I am a property owner at Summit Powder Mountain and I am writing to you to express my concerns about the proposed PRUD submission for Spring Park ("Spring Park PRUD"). The application contemplates creating a PRUD on Lot 76 and furthermore increasing the number of residential units to twelve (12) two-story residences. My concerns are as follows:

- In an earlier application and approval on March 29, 2013, the OVPC recommended approval of the original PRUD subject to the requirement that Lot 76 is approved for **non-residential accessory use**. No residences are permitted on this site¹.
- Subsequent to that approval, on or about June 25, 2013, the previously proposed five (5) nests on this site were removed from the PRUD application² resulting in no nests and no residential units.
- The Spring Park PRUD proposal includes erecting twelve (12) residential units comprising approximately 19,000 SF of residential homes PLUS an 11,000 SF lodge. The increase EXCLUDING the lodge is **380% to 760% multiple** to the March 29, 2013 approval.
- These twelve (12) residential units are proposed to be placed across an active ski trail. Even if there is a bridge created, there will be substantial foot traffic between the residential units and the lodge creating a hazard for skiers as well as residential tenants.
- Water, which is already an issue, is going to be stressed by this increase in density. I recognize that this is a separate issue but the current authorization is only for 154 units (Lot

¹ OVPC Staff Report || Findings, Conditions and Requirements from the April 9, 2013 Staff Report to the Weber County Commission for the Summit at Powder Mountain PRUD.

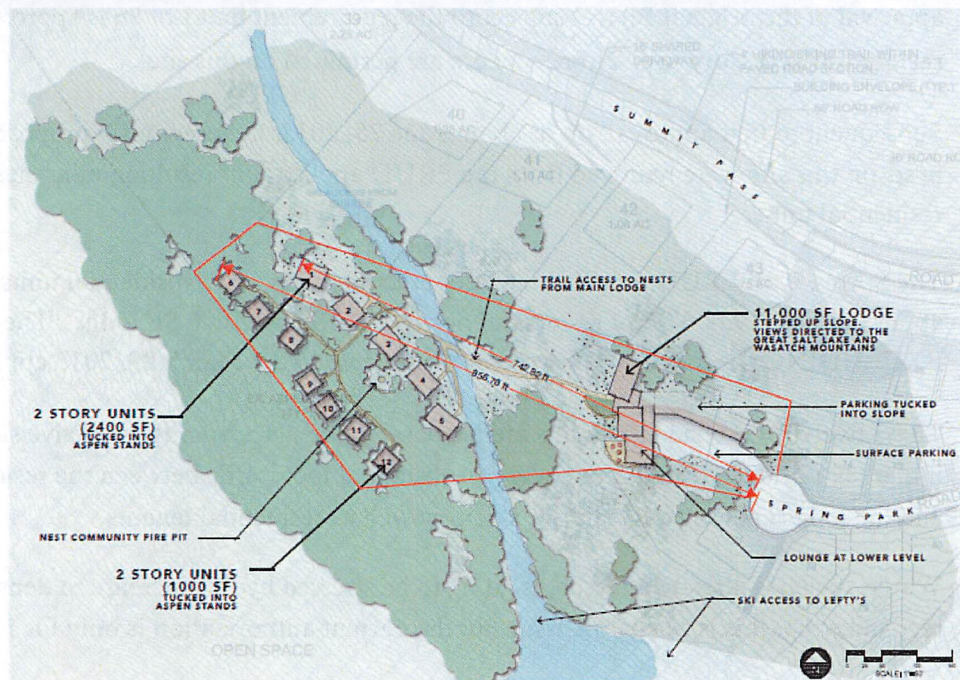
² June 25, 2013 Staff Report PRUD Revisions CUP 2013-3_Summit_Eden_PRUD_Phase1

76 as contemplated by the Spring Park PRUD would use a substantial number of those hookups)

- The new units are going to be very far from the Spring Park cul-de-sac and will present a life/safety issue to the tenants in those units as well as adjacent units in the event of a fire or another life safety issue. Some of the proposed units are going to be inaccessible and **well over 800 feet** from Spring Park Road. Spring Park Rd. density changes:

<p><u>Current Spring Park Rd.:</u></p> <p>23 individual lots</p> <p>Conference Center (non-residential)</p>	<p><u>Proposed Spring Park Rd.:</u></p> <p>23 individual lots</p> <p>Five (5) two story residential units (2,400 SF each)</p> <p>Seven (7) two story residential units (1,000 SF each)</p> <p>An 11,000 SF lodge</p>
<p>Lot 76 Residential</p> <p>No residential units</p>	<p>Lot 76 Residential</p> <p>19,000 SF of <u>residential</u> units</p>

Spring Park: Conceptual Plan



- The Summit Pass Road is the only road servicing this new community. This road is going to have to serve as the sole conduit for constructing the community and the village,



transporting service personnel to restaurants, shops and hotels and then finally allowing continued access for homeowner and hotel owners and guests. Adding to those demands, there is a need for access for life/safety equipment and personnel.

- At this time, it is imprudent to increase capacity and density without having empirical evidence regarding congestion on the Summit Pass Rd and the artery roads servicing Summit Pass.
- There should be sufficient accommodation made for parking under all scenarios and it is not clear that the proposed plan can handle the parking requirements for the lodge and the residential units. At present the proposed parking is insufficient for residential units.
- The Summit Powder Mountain project is new and it would be beneficial and wise to see how the village develops and unfolds over the next couple of years. Several planned projects within the community have substantial density considerations which would make the Summit Pass Rd. very congested both during construction, staffing from the service amenities on the mountain as well as upon final occupancy by owners and transient guests.
- I believe there should be sufficient notice to the adjacent property owners regarding this proposed plan. As it is, I never received any notification about this plan and only learned about it through Miradi (the online building planning website).
- Other issues that the committee should consider in this application include, but are not limited to:
 - The details regarding the overall development plan showing details of buildings, structures and uses. This would include building uses and locations, lot area, width, yard, height and coverage regulations.
 - The landscaping plan
 - The financial guarantees for completion
 - The issue of any adverse affect to the property(ies) adjacent to the project. This would include yard and height requirements.

Thank you for your consideration in this matter

Sincerely,

Richard Forman

Big Apple Summit, LLC