



OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

March 28, 2017

5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call*

1. **Legislative Items:**

1.1 **ZTA 2016-04:** Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), 108-10 (Public Buildings and Public Utility Substations [or] Structures, and 104-29-2 (Ogden Valley Destination and Recreation Resort Zone DRR-1) to provide the definition of "utility" to modify the front setback requirement for utility structures when not on a lot abutting a public right of way, and to clarify provisions for public utility substations and structures.

1.2 **ZTA 2017-02:** Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), to eliminate redundancies and provisions no longer relevant in the definition of "lot of record."

1.3 **ZTA 2017-03:** Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), to clarify that a "recreation lodge" includes sleeping rooms intended for nightly rentals.

1.4 **ZTA 2017-04:** Public hearing, discussion, and decision on a proposal to amend Part I of the County Code of Ordinances, Chapter 2-17 (Township Planning Districts) and Section 102-5 (Rezone Procedures) to remove irrelevant references to "townships" from the Weber County Code.

1.5 **ZTA 2017-05:** Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), 102-4-3 (Land Use Permit Revocation), and 108-4 (Conditional Uses) to clarify permit or approval time limits before commencement of construction or commencement of use.

1.6 **ZTA 2017-06:** Public hearing, discussion, and decision on a proposal to amend Section 102-1-5 (Hearing and Publication Notice for County Commission, 106-1-6 (Agency Review and Public Notice), and 106-1-8 (Final [Subdivision] Plat Approval Procedure) to extend the timeframe a subdivision proposal has before being reviewed by the Planning Commission, to correct old references, to clarify that a public meeting is required for a subdivision but not a public hearing, and to clarify the code generally.

1.7 **ZTA 2017-07:** Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), to eliminate irrelevant or conflicting provisions regarding the definition of a "restricted lot."

2. **Public comment for items not on the agenda**
3. **Remarks from Planning Commissioners**
4. **Planning Director Report**
5. **Remarks from Legal Counsel**

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

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

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

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

Planning Commission Agenda Script:

CHAIR

1. Follows personal/meeting opening SOP's.
2. Reads application request line from agenda/staff report.
3. Requests that the Director explain the decision type and explain who will be presenting. For example, "Mr. Grover will you please explain the decision type and who will be presenting."

DIRECTOR

1. Explains decision type. Identifies (not necessarily explain) decision type on subsequent items.
2. Describes flow of specific item presentation. For example:
 - a. Mr./Ms. (Staff) will provide a brief outlineⁱ of the project
 - b. Followed by the applicant, Mr./Mrs. (applicant), who will present you with background information and the detailsⁱⁱ necessary to demonstrate his/her vision for the project and possibly code compliance.
 - c. Following the applicant's presentation, Mr./Ms. (Staff) will return and present information related to applicable codes, code compliance, review agency comments, and a Staff recommendation.
 - d. Mr./Ms. (Staff), the time is yours.

STAFF

1. Presents brief project outline provided in footnote i.

APPLICANT

1. Presentation as provided in footnote ii.
2. Offers to answer PC questions.

STAFF

1. Presentation as provided in 2(c).
2. Offers to answer PC questions.

CHAIR

1. Opens item to take public comment/Closes public comment.
2. Invites Staff and Applicant to answer questions.
3. Asks for a MOTION/SECOND in order to open a PC discussion.

4. Follows remaining SOP's.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts

- ❖ Written statements should be accurate and either typed or neatly hand written with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

ⁱ This is a subdivision located at approximately (address). It lies within the (Zone), covers (acres), consists of (# Lots), and consists of approximately 1,100 feet of public road improvements. Do you have questions about the outline...if so, I would be happy to answer them? If not, I will turn the time over to Mr. (applicant).

ⁱⁱ Possibly include personal introduction/information and resume, introduction of other professional contributors, property ownership time or lease situation, visuals (photos, renderings), anticipated impacts and offered mitigation or rationale behind impacts being acceptable, and statement of code compliance.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Public Buildings and Public Utility Substations and Structures (§108-10), and Development Standards of the Ogden Valley Destination and Recreation Resort Zone DRR-1 (§104-29-2) to reduce setback requirements for utility structures not located within 20 feet of the public right-of-way and to offer administrative clarifications.

Agenda Date: Tuesday, March 28, 2017

Staff Report Date: Tuesday, March 21, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2016-04

Miradi Project Address: <https://miradi.co.weber.ut.us/projects/view/2493>

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions

§108-10: Public Buildings and Public Utility Substations and Structures

§104-29-2: Development Standards of the Ogden Valley Destination and Recreation Resort Zone DRR-1

Legislative Decisions

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

Summary and Background

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have considered modification to the Public Buildings and Public Utility Substations and Structures in two work sessions. The attached proposed text amendment is the result of those discussions.

The key amendment is to allow reduced front yard setbacks for structures that are a certain distance from a right-of-way. This is most applicable to utility parcels that do not have frontage on a right-of-way or is located on a flag lot.

Other amendments included herein are intended to clarify the chapter.

Policy Analysis

Policy Considerations:

In a routine review of a water tank early last year it was discovered that even though a parcel that has been created for utility purposes is not required any minimum lot area or lot frontage, there are still minimum setbacks that need to be applied. When applying the front minimum setback to a property the intent is to offer aesthetic uniformity for the community as viewed from the public right-of-way. Front setbacks also offer increased factors of safety for the traveling public. These factors are made irrelevant in the case of a parcel created for a utility use that is positioned on a flag lot or on a lot that does not have frontage adjacent to a public right-of-way. A new factor, that of a structure's proximity to the neighboring property, becomes the relevant factor to consider. In a case like this the frontyard setback can be viewed similar to a sideyard setback, which is how the proposed

amendment treats it.

The proposal also adds the definition of "utility," offers more substantive parcel design criteria than what the current code offers, and corrects incorrect references in the Destination and Recreation Resort Zone (DRR-1).

Conformance to the General Plan

Ogden Valley. The 2016 Ogden Valley General Plan addresses goals, principles, and implementation strategies for utility uses on page 38 of the plan. While there is no direct statement of support regarding the proposed changes, it can be observed that the proposed changes offers a greater deal of flexibility to utilities who can then in turn, offer better services to the community. Thus, it can be found that the proposal meets the general intent of the general plan.

Western Weber. The Western Weber General plan is relatively silent when it comes to utility uses. Because of this the Western Weber Planning Commission can likely make a finding that the proposed changes support the general welfare by offering additional flexibility to utilities, and that it does not adversely affect the intent of the general plan.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in two separate work session meetings.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes are generally supported by the intent of the general plan or cause no adverse effect on the intent of the general plan.
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 will enhance the general health and welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

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

Sec. 101-1-7. - Definitions.

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

...

Quasi-public. The term "quasi-public" means the use of premises by a public utility, such as utility substations and transmission lines (see also "utility"); a permanently located building or structure, together with its accessory buildings and uses, commonly used for religious worship, such as churches and monasteries.

...

Utility. The term "utility" means utility facilities, lines, and rights of way related to the provision, distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-public."

...

CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS OR STRUCTURES

Sec. 108-10-1. - Location.

The location and arrangement of public buildings and public utility substations or structures will comply with requirements set forth in this chapter and will be in accordance with construction plans submitted to and approved by the planning commission.

Sec. 108-10-2. - Site development standards for public utility substation or structure:.

The lot area, width, depth, setback, and street frontage regulations for unmanned culinary or secondary water system facility, storage tank, or well house, unmanned sanitary sewer system facility, unmanned oil or natural gas pipeline regulation station, unmanned telecommunication, television, telephone, fiber optic, electrical facility, or other unmanned utility service regeneration, transformation, or amplification facility are as follows:

1. *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this land use code, the required setbacks, and space to park two maintenance vehicles.

2. *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that the no substation or structure shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or twenty feet, whichever is more restrictive.

4. *Side yard setback.* The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.

5. *Rear yard setback.* The rear yard setback requirement may be reduced to the following:

- a. In a residential zone: five feet.
- b. In an agricultural zone: ten feet.
- c. In a forest zone: 20 feet

d. In a zone not specifically listed above: typical zone setback as provided in the chapter for that zone.

6. *Frontage*. No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

Sec. 108-10-5. - Public buildings—Minimum lot area.

Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate, agriculture, and forest zones.

Sec. 108-10-6. - Same—Minimum yards.

Each public building shall meet the minimum yard requirements for a public building in the zone in which it is located.

Sec. 108-10-7. - Same—Width of lot.

Each public building shall have a minimum width of lot of 100 feet.

Sec. 108-10-8. - Same—Frontage.

Each public building shall have frontage on a public street.

...

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

...

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

...

(h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
(2)	Minimum lot width		
...			

	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
	b.	Side yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
	c.	Rear yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
(4)	Maximum building height		
...			
	c.	Public utility substation	35 feet, unless otherwise provided in Section 108-7-5: Exceptions to height limitations.

...

Sec. 101-1-7. - Definitions.

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

...

Quasi-public. The term "quasi-public" means the use of premises by a public utility, such as utility substations and transmission lines (see also "utility"); a permanently located building or structure, together with its accessory buildings and uses, commonly used for religious worship, such as churches and monasteries.

...

Utility. The term "utility" means utility facilities, lines, and rights of way related to the provision, distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-public."

...

CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS ~~AND-OR~~ STRUCTURES

Sec. 108-10-1. - Location.

The location and arrangement of public buildings and public utility substations ~~and-or~~ structures will comply with requirements set forth in this chapter and will be in accordance with construction plans submitted to and approved by the planning commission.

Sec. 108-10-2. - Site development standards for Ppublic utility substation or structures: ~~—Minimum lot area.~~

~~None.~~

The lot area, width, depth, setback, and street frontage regulations for unmanned culinary or secondary water system facility, storage tank, or well house, unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline regulation station, unmanned telecommunication, television, telephone, fiber optic, electrical facility, or other unmanned utility service regeneration, transformation, or amplification facility are as follows:

1. Lot area and lot width. No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this land use code, the required setbacks, and space to park two maintenance vehicles.

2. Front yard setback. Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that the no substation or structure shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or twenty feet, whichever is more restrictive.

4. Side yard setback. The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.

5. Rear yard setback. The rear yard setback requirement may be reduced to the following:

a. In a residential zone: five feet.

b. In an agricultural zone: ten feet.

c. In a forest zone: 20 feet

d. In a zone not specifically listed above: typical zone setback as provided in the chapter for that zone.

6. Frontage. No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

~~Sec. 108-10-3. - Same—Minimum yards.~~

~~Each public utility substation shall maintain the minimum yards required for a dwelling in the same zone except that the rear yard may be reduced to the following:~~

~~(1) In a residential zone: five feet.~~

~~(2) In an Agricultural Zone: ten feet.~~

~~(3) In a Forest Zone: 20 feet.~~

~~Sec. 108-10-4. - Same—Street access.~~

~~Each public utility substation shall be located on a lot, which has adequate access from a street, alley, right-of-way, or easement.~~

Sec. 108-10-5. - Public buildings—Minimum lot area.

Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate, agriculture, and forest zones.

Sec. 108-10-6. - Same—Minimum yards.

Each public building shall meet the minimum yard requirements for a public building in the zone in which it is located.

Sec. 108-10-7. - Same—Width of lot.

Each public building shall have a minimum width of lot of 100 feet.

Sec. 108-10-8. - Same—Frontage.

Each public building shall have frontage on a public street.

...

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

...

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

...

(h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> As required in Chapter 26, Public Utility
...			
(2)	Minimum lot width		
...			
	c.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> As required in Chapter 26, Public Utility
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> As required in Chapter 26, Public Utility
...			
	b.	Side yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> As required in Chapter 26, Public Utility

...			
	c.	Rear yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> As required in Chapter 26, Public Utility
...			
	(4)	Maximum building height	
...			
	c.	Public utility substation	35 feet, unless otherwise <u>provided in Section 108-7-5: Exceptions to height limitations.</u> exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations

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Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), to clarify the definition of 'lot of record.'

Agenda Date: Tuesday, March 28, 2017
Staff Report Date: Tuesday, March 21, 2017
Applicant: Weber County Planning Division
File Number: ZTA 2017-02
Miradi Project Address: <https://miradi.co.weber.ut.us/projects/view/2493>

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions

Legislative Decisions

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

Summary and Background

During a routine staff training it was discovered that there are inconsistencies with state code and redundancies in the definition of "lot of record." The proposed changes are intended to resolve that.

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have considered modification to the definition of "lot of record" in a previous work session. The attached proposed text amendment is the result of those discussions.

Policy Analysis

Policy Considerations:

This change is primarily administrative clean-up. There is little policy shifting occurring.

Paragraph four of the definition is being stricken because it describes the same thing as paragraph two.

If there is any policy shift, it will be in the striking of Paragraph six. This paragraph describes a situation that conflicts with state code. UCA §17-27a-103 and UCA §17-27a-605 are the only sections of state code that exclude or exempt land from the subdivision code requirements, and as such any time a land division occurs that is not exempt or excluded a subdivision plat is required in order for a lot to be considered a 'lot of record.' If paragraph six is applied literally, any land division executed in anticipation of any future development would not be required to be platted and could be defined as a lot of record. If such a property is defined as a lot of record the County would be obligated to issue a land use or building permit on it. This invalidates the purpose of the subdivision rules and conflicts with state code requirements to file a subdivision plat in order to legally divide property. Land use permits should be withheld if a property has not been divided legally. Simply striking this

paragraph resolves the issue.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
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 will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

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.

...

Lot of record (lawfully created lot). A lot of record is defined as any one of the following circumstances:

- (1) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (2) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (3) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- (4) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or
- (5) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record.

.....

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Lot of record (lawfully created lot). A lot of record is defined as any one of the following circumstances:

- (1) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (2) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (3) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- ~~(4) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and has undergone and successfully completed the Weber County subdivision process; or~~
- (45) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or
- ~~(6) A parcel/lot that is the subject of a land division where Weber County, in compliance with Utah State Code, has expressly approved the division in anticipation of further land use approvals conditioned upon and as authorized by the Weber County Zoning Ordinance; or~~
- (57) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record.

~~There are parcels/lots within Weber County that may have been created and subsequently recorded in the office of the Weber County Recorder, but were not lawfully created in accordance with Utah State Code or Weber County Ordinances/Policy as described herein. Weber County is not able to issue a land use permit and/or building permit for such parcels/lots.~~

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Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7) related to the definition of 'recreation lodge.'

Agenda Date: Tuesday, March 28, 2017
Staff Report Date: Tuesday, March 21, 2017
Applicant: Weber County Planning Division
File Number: ZTA 2017-03

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions

Legislative Decisions

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

Summary and Background

During a recent CUP deliberation it was discovered that the definition of recreation lodge does not clearly state that a recreation lodge is intended for nightly accommodations. It has always been assumed as much, and the language refers to "sleeping rooms," but fails to specify that those rooms are intended to be used in a transient manner like the definition of "bed and breakfast inn." Adding clarifying language will help reduce any potential interpretation problems in the future.

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have considered modification to the definition of "recreation lodge" in a previous work session. The attached proposed text amendment is the result of those discussions.

Policy Analysis

Policy Considerations:

This change is administrative code clean-up intended to clarify the way the code is currently being administered. No specific policy deliberation is needed.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
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 will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance Changes.

Exhibit A: Key to proposed changes

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.

...

Recreation lodge. The term "recreation lodge" means a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms [for nightly accommodations](#), 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 year-round, 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.





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Part I, §2-17 (Township Planning Districts), Part I, §38-1 (Special Events), and Part II, §102-5 (Rezoning Procedures) to eliminate all references to "townships" from the entire county code and to amend the special events code to reference to correct division.

Agenda Date: Tuesday, March 28, 2017
Staff Report Date: Tuesday, March 21, 2017
Applicant: Weber County Planning Division
File Number: ZTA 2017-04

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

Part I, §2-17 (Township Planning Districts)
 Part I, §38-1 (Special Events)
 Part II, §102-5 (Rezoning Procedures)

Legislative Decisions

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

Summary and Background

Last year the Title II of the Weber County Code (also known as the "Land Use Code") was stripped of references to the term "township." This was because of a state code amendment that defined "township" very specifically, making it irrelevant to Weber County. In reviewing other parts of the County Code outside the Land Use Code, county attorney's have discovered that this term is also elsewhere. On further review we also found that we missed one reference within the land use code (§102-5-5). Thus, we are running this amendment to remove the term from the entire code.

This amendment also proposes to modify the "special events" code to correctly list the appropriate review agency. This last year the responsibility for reviewing special events was transferred from the fairgrounds to the planning division.

Policy Analysis

Policy Considerations:

This change is administrative code clean-up intended to clarify the way the code is currently being administered. No specific policy deliberation is needed.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the

general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
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 will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

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

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~~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

Part I

...

Title 2 – Administration

...

CHAPTER 17. - RESERVED

...

TITLE 38 – SPECIAL EVENTS

...

Sec. 38-1-6. - Same—Application process.

- (a) All applications for special event permits shall be made to the Weber County Planning Division on a special event permit application form and shall include the following information:

...

TITLE 102 – ADMINISTRATION

...

CHAPTER 5. – REZONING PROCEDURES

Sec. 102-5-5. - Concept development plan.

- (a) The concept development plan shall be submitted with a rezoning application, and shall supply sufficient information about the development to assist the planning commission and county commission in making a decision on the rezoning application. Seven copies of plans shall be submitted on 11 by 17 inch paper and two copies of plans shall be submitted on 24 by 36 inch paper, at a readable scale. All concept plans (including but not limited to architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans. Information supplied shall include text and illustration:

Part I

...

Title 2 – Administration

...

CHAPTER 17. - RESERVED TOWNSHIP PLANNING DISTRICTS

~~Sec. 2-17-1. -- Appointment of township planning commission members.~~

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

~~Sec. 2-17-2. -- Jurisdiction.~~

~~Upon the appointment of all members of a township planning commission the township shall immediately begin to exercise the powers and perform the duties as provided for in the Utah Code.~~

~~Sec. 2-17-3. -- Policies and procedures.~~

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

- ~~(1) The planning division support staff;~~
- ~~(2) The funding of necessary and reasonable expenses of townships;~~
- ~~(3) The townships will be governed by state law, county ordinances and the county planning commission rules of procedure and ethical conduct. If conflicts exist, state law and county ordinances will prevail over the county planning commission rules of procedure and ethical conduct; and~~
- ~~(4) Any other purposes considered necessary to the functioning of the township.~~

~~Sec. 2-17-4. -- Township planning commissions meetings.~~

~~The township planning commissions will meet on the second and fourth Tuesday of each month, at a time to be scheduled by staff, in the Weber County Commission Chambers, 1st Floor, 2380 Washington Blvd., Ogden, Utah.~~

~~Sec. 2-17-5. -- Vacancy on township planning commissions.~~

~~The board of county commissioners may remove for cause a member of a township planning commission which the county commission has appointed upon the filing of written charges against the member and after a hearing on the charges if requested by the member.~~

...

TITLE 38 – SPECIAL EVENTS

...

Sec. 38-1-6. - Same—Application process.

- (a) ~~Special event permit application forms may be obtained from the Weber County Special Events Office, located inside the Golden Spike Arena at the Weber County Fairgrounds, 1000 North 1200 West,~~

~~Ogden, Utah 84404 or online at http://www.webercountyutah.gov/special_events/~~ All applications for special event permits shall be made [to the Weber County Planning Division](#) on a special event permit application form and shall include the following information:

...

TITLE 102 – ADMINISTRATION

...

CHAPTER 5. – REZONING PROCEDURES

Sec. 102-5-5. - Concept development plan.

- (a) The concept development plan shall be submitted with a rezoning application, and shall supply sufficient information about the development to assist the ~~township~~-planning commission and county commission in making a decision on the rezoning application. Seven copies of plans shall be submitted on 11 by 17 inch paper and two copies of plans shall be submitted on 24 by 36 inch paper, at a readable scale. All concept plans (including but not limited to architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans. Information supplied shall include text and illustration:



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Land Use Permit Revocation (§102-4-3), [Conditional Use Permit] Revocation and Expiration (§108-4-8) to provide expiration dates for land use approvals that have not been acted on within a certain period of time, and to allow for the extension under certain circumstances.

Agenda Date: Tuesday, March 28, 2017
Staff Report Date: Tuesday, March 21, 2017
Applicant: Weber County Planning Division
File Number: ZTA 2017-05

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7 – Definitions
 §102-4-3 – Land Use Permit Revocation
 §108-4-8 – [Conditional Use Permit] Revocation and Expiration

Legislative Decisions

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

Summary and Background

It has come to staff attention that the Land Use Code does not have a specific expiration timeframe for general land use permits or other approvals, except conditional use permits. An expiration timeframe, which is intended to expire the approval if action is not taken to execute it within a certain timeframe, is essential to ensuring that unexecuted approvals are not left vested throughout time. Without clear expiration rules for unexecuted approvals it could be possible to future land use code amendments that run contrary to the original approval might not be enforceable (generally speaking, this could be viewed akin to “grandfathering”).

The County’s land use permits contain(ed) a provision that the permit is void after 180 days if the project is not started, however that provision is not found in the code. This text amendment is intended to correct that.

Policy Analysis

Policy Considerations:

Vested rights and nonconforming uses. When a land use is lawfully commenced the use is vested to continue forever even after ordinances regulating it change. This is often referred to as “grandfathering.” Exceptions to this rule include “abandonment” and “amortization.”

Abandonment is specified in the Weber County Code as a one year discontinuation of the use or structure (LUC §108-12-7). Amortization is a method to phase out the use after offering the landowner adequate time to or avenues to get a return on the investment.

Neither abandonment or amortization specifically consider how to address permits or approvals that are granted, but the use was never executed. Have clear language in the code governing expiration of these permits can help alleviate administrative or enforcement problems in the future.

Permit expiration was specifically addressed in the new conditional use code adopted a couple of years ago. Using language similar to that (removing it from that section and placing into a more general section of the code) can help the county govern all permits and approvals offered under the land use code. The county recently adopted an ordinance offering clear language governing the revocation of a land use permit. It seems expiration provisions would fit best in that section.

The attached proposal expands LUC §102-4-3 (Land Use Permit Revocation) to include expiration timeframes and removes expiration timeframes from §108-4-8. Many jurisdictions' land use code requires an expired permit or approval to go back through the process again in order to be valid – even if the circumstances governing the approval have not changed. That method can be taxing on the administration, so this proposal offers the ability for those approvals to be extended under certain circumstances.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
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 will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

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.

...

Commencement of construction. The term "commencement of construction" means the actual placing of construction materials in their permanent position and, when applicable, fastened in a permanent manner; work in excavating for structural footings; the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure, and that construction shall not be deemed initiated until all applicable permits and approvals have been granted and all applicable fees paid.

Commencement of use. The term "commencement of use" means either the commencement of construction, as defined by this section, when that construction has been approved for a specific use as provided in this Land Use Code, or the actual beginning of a specific land use after permits and approvals have been granted, if applicable, and all applicable fees paid, as provided in this Land Use Code.

...

Sec. 102-4-3. - Permit or approval revocation and expiration.

- (a) A land use permit, conditional use permit, or design review approval may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:
- (1) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
 - (2) Prior to the permit or approval revocation, the land owner and, if different, permittee shall be given reasonable opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.
 - (3) In the event compliance cannot be attained the land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
 - (4) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
 - (5) Revocation of a permit or approval is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to title 102, chapter 3.
 - (6) Revocation of a permit or approval shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.
- (b) A land use permit, conditional use permit, or design review approval shall expire and become null and void if commencement of construction or commencement of the use, as defined in Section 101-1-7, does not occur within one year of the issuance of the permit or approval. A single one-year extension may be granted by the Planning Director, upon written request from the permittee or applicant, if it can be demonstrated that good faith efforts are being executed to commence construction or the use. Additional extensions may be granted, upon written request from the permittee or applicant, at the discretion of the Planning Director provided the following:
- (1) Applicable ordinances governing the original approval of the permit have not changed; and

- (2) Site, neighborhood, or general area conditions and circumstances related to applicable ordinances governing the original approval have not changed;
- (3) The findings made, if any, for the original approval still hold true; and
- (4) The conditions applied, if any, to the original approval are still relevant and enforceable in the same context as they were for the original approval.

...

TITLE 108 – STANDARDS

...

CHAPTER 4. – CONDITIONAL USES

...

Sec. 108-4-8. - Revocation and expiration.

- (a) *Revocation.* A conditional use permit may be revoked by the land use authority upon failure to comply with the applicant's approved proposal, or any applied standard, or applicable requirement, provision, restriction, or condition of approval. Violation of any condition of approval of a conditional use permit shall constitute a violation of this Land Use Code. Rules for revocation are provided in section 102-4-3.
- (b) *Expiration.* Rules for expiration are provided in Section 102-4-3.

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Commencement of construction. The term "commencement of construction" means the actual placing of construction materials in their permanent position and, when applicable, fastened in a permanent manner; work in excavating for structural footings; the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure, and that construction shall not be deemed initiated until all applicable permits and approvals have been granted and all applicable fees paid.

Commencement of use. The term "commencement of use" means either the commencement of construction, as defined by this section, when that construction has been approved for a specific use as provided in this Land Use Code, or the actual beginning of a specific land use after permits and approvals have been granted, if applicable, and all applicable fees paid, as provided in this Land Use Code.

...

Sec. 102-4-3. - ~~Land use permit revocation~~Permit or approval revocation and expiration.

(a) A land use permit, ~~or~~ conditional use permit, or design review approval may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:

- (1) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- (2) Prior to the permit or approval revocation, the land owner and, if different, permittee shall be given reasonable opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.
- (3) In the event compliance cannot be attained the land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
- (4) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
- (5) Revocation of a permit or approval is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to title 102, chapter 3.
- (6) Revocation of a permit or approval shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.

(b) A land use permit, conditional use permit, or design review approval shall expire and become null and void if commencement of construction or commencement of the use, as defined in Section 101-1-7, does not occur within one year of the issuance of the permit or approval. A single one-year extension may be granted by the Planning Director, upon written request from the permittee or applicant, if it can be demonstrated that good faith efforts are being executed to commence construction or the use. Additional extensions may be granted, upon written request from the permittee or applicant, at the discretion of the Planning Director provided the following:

- (1) Applicable ordinances governing the original approval of the permit have not changed; and

- (2) Site, neighborhood, or general area conditions and circumstances related to applicable ordinances governing the original approval have not changed;
- (3) The findings made, if any, for the original approval still hold true; and
- (4) The conditions applied, if any, to the original approval are still relevant and enforceable in the same context as they were for the original approval.

...

TITLE 108 – STANDARDS

...

CHAPTER 4. – CONDITIONAL USES

...

Sec. 108-4-8. - Revocation and expiration.

- (a) Revocation. A conditional use permit may be revoked by the land use authority upon failure to comply with the applicant's approved proposal, or any applied standard, or applicable requirement, provision, restriction, or condition of approval. Violation of any condition of approval of a conditional use permit shall constitute a violation of this Land Use Code. Rules for revocation are provided in section 102-4-3.
- (b) Expiration. Rules for expiration are provided in Section 102-4-3. ~~Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the land use authority, the conditional use permit shall expire. The land use authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the land use authority, the approval for the conditional use permit shall expire and become null and void.~~



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Agency Review and Public Notice (§106-1-6) and Final Plat Requirements and Approval Procedure (§106-1-8) to amend the timeframe between application submittal and Planning Commission review, and to correct irrelevant terminology and references.
Agenda Date:	Tuesday, March 28, 2017
Staff Report Date:	Tuesday, March 21, 2017
Applicant:	Weber County Planning Division
File Number:	ZTA 2017-06

Staff Information

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

Applicable Ordinances

§106-1-6 - Agency Review and Public Notice.
§106-1-8 - Final Plat Requirements and Approval

Legislative Decisions

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

Summary and Background

The current subdivision code, §106-1-8, specifies that the county has 30 days after receiving and application to get it on a Planning Commission agenda. However, §106-1-6 offers reviewing agencies 30 full days to review the application and submit their review back to the Planning Division. These timeframes conflict as they do not offer time for public notice or planning staff analysis and report writing. This amendment proposes to change the timeframe between application submittal and Planning Commission review from 30 days to 45 days.

The proposal also offers administrative modifications to remove an erroneous reference to a "hearing" and to correct an old code reference.

Policy Analysis

Policy Considerations:

LUC §106-1-6 specifies that reviewing agencies have 30 days to review a preliminary subdivision plan before getting comments to the planning staff for review and analysis prior to land use authority decision. Often times a preliminary plan is run through the process simultaneous with a final plat, and LUC §106-1-8 specifies that there is only a 30 day timeframe between final submittal and Planning Commission review. This timeframe does not offer sufficient time for all agencies to review the final plat in a manner that gives the Planning Commission adequate information to consider. Extending this timeframe by 15 days give the reviewers the standard 30 day review time and the planning staff 15 days to notice the project on an agenda, offer an analysis of all the review comments, and write a staff report for the Planning Commission's consideration. The delay in process the extra 15 days may give is balanced by the quality of review the Planning Commission will receive.

The proposal also changes the word "hearing" to "meeting." "Hearing" has a specific meaning under state code and general connotes a legislative decision. A subdivision is an administrative decision, and no hearing is required. However, and public "meeting" is required for subdivision review, and specific noticing requirements are offered by the code. The planning commission still has the ability to take public comment even though the meeting is not defined as a "hearing." Staff believes this is an antiquated term that may have been missed during the 2012 subdivision code re-write.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide consistency in the Land Use Code.
3. The changes will enhance the general welfare of County residents by offer adequate review time of proposed development.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

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

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

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TITLE 106 – SUBDIVISIONS

...

CHAPTER 1. – GENERAL PROVISIONS

...

Sec. 106-1-6. - Agency review and public notice.

...

- (b) Public notice. Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commissions' public ~~hearing~~-meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property.

...

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

...

- (b) Final plat required.

- (1) After compliance with the provisions of section ~~26-1-4~~106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.

- (2) The final plat and accompanying information shall be submitted to the planning division at least ~~30~~45 days prior to a regularly scheduled planning commission meeting.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), to correct an irrelevant definition of a restricted lot.

Agenda Date: Tuesday, March 28, 2017

Staff Report Date: Tuesday, March 21, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-07

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7 - Definitions

Legislative Decisions

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

Summary and Background

Last year the County adopted the revised Natural Hazards code which better specified how to address property within a natural hazard area or natural hazard study area. Prior to this time a lot within a natural hazard study area was designated on a new subdivision plat with the letter "R," denoting a "restricted lot." As provided in the subdivision code, any lot designated as a restricted lot is subject to the hillside review process. However, the recent revisions in the natural hazard code were tailored to make lots that are only affected by a natural hazard study area to not be subject the hillside review process, making part two of the definition of "restricted lot" irrelevant.

Policy Analysis

Policy Considerations:

This is administrative code cleanup. The policy considerations were already implemented with last year's adoption of the amended Natural Hazards Ordinance (§108-22).

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide consistency and clarity in the Land Use Code.
3. The changes will enhance the general welfare of County residents by removing conflict in the land use code.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

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.

...

Lot, restricted. The term "restricted lot" means:

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

(2) ~~A lot or parcel of land that has been identified as having potential geologic or other environmental hazards or constraints, as determined by the county engineer, which require further investigation prior to issuance of a building permit.~~

...