

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

April 10, 2018

5:00 p.m.

- *Pledge of Allegiance*
 - *Roll Call:*
1. **Approval of minutes for February 13, 2018.**
 2. **Approval of the 2018 Planning Commission Rules of Order**
 3. **Administrative items**
 - a. **New Business**
 - 3.1 LVB100114- Consideration and action on preliminary and final approval of Cameron Crossing Subdivision, a standard subdivision.
 4. **Legislative items**
 - 4.1 Public Hearing: ZTA 2017-15 Consideration and action to the modification to the Cluster Subdivision ordinance to amend open space requirements and provide clarification.
 - 4.2 Public Hearing: ZTA 2017-09 Consideration and action to the modifications to the definition of "Height of Building" and additional clarification regarding standards and regulations governing the height of a building.
 5. **Public Comment for Items not on the Agenda**
 6. **Remarks from Planning Commissioners**
 7. **Planning Director Report**
 8. **Remarks from Legal Counsel**
 9. **Adjourn**

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

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

A Pre-Meeting will be held at 4:30 p.m. in 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

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

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.
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Minutes of the Western Weber Planning Commission meeting of February 13, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Blake Hancock-Chair
Jennifer Willener-Vice Chair
Roger Heslop
John Parke
Wayne Andreotti

Members Excused: Jannette Borklund
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Ronda Kippen, Principle Planner; Steven Burton, Planner II; Felix Leverino, Planner II; Tamara Aydelotte, Planner I; Chris Crockett, Legal Counsel

- Pledge of Allegiance
- Roll Call

1. Minutes:

1.2 Approval of meeting minutes for January 9, 2018.

Chair Hancock asks if there are any corrections to the minutes. Commissioner Heslop states that regarding section 2. The portion concerning the election it was Commissioner Parke who made the motion to make Commissioner Blake Hancock Chair and Commissioner Willener the Vice Chair.

Director Grover goes over roles and compliance procedures for Planning Commission meetings.

2. Approval of the 2018 Rules of Order-Chair Hancock motions to postpone this item to next month's agenda. Motion passed (5-0)

3. Consent Agenda:

3.1 LVR 071417 Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to dedicate 1,190 square feet of right of way along 1800 South Street and to defer asphalt, curb, gutter, and sidewalk.

3.2 DR 2017-17: Consideration and action on a design review application for a used car lot on Lot 11 of the Weber Industrial Park.

3.3 LVM060517: Consideration and action on a request for approval of a right of way dedication in the Mike Henry Subdivision, a one lot subdivision located at 1354 South 2900 West, West Weber.

Director Grover states that they can group consent agenda items or do them individually. Chair Hancock states that he would like to group it. Commissioner Andreotti Motions to Approve item LVR 071417 Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to dedicate 1,190 square feet of right of way along 1800 South Street and to defer asphalt, curb, gutter, and sidewalk; Item DR 2017-17: Consideration and action on a design review application for a used car lot on Lot 11 of the Weber Industrial Park and item LVM060517: Consideration and action on a request for approval of a right of way dedication in the Mike

Henry Subdivision, a one lot subdivision located at 1354 South 2900 West, West Weber. Motion passed subject to conditions and findings as outlined in the Staff reports (5-0)

4. Petitions, Applications, and Public Hearings:

4.1 Administrative items

New Business:

LVT111717: Consideration and action for preliminary plan approval of Terakee Farms No. 1, a PRUD Subdivision.

Director Grover states that it was originally approved as a conditional use permit and now they are requesting preliminary subdivision approval. Since this is an administrative item the Planning Commission is not required to open for public hearing or to take public comment. It is however recommended, so long as the public complies with the time restriction and roles and procedures. Director Grover gives an overview of the project. Phase 1 is what they are requesting approval for. It is dealing 40 lots and the original approval granted for 206 lots with ADUs associated with the remaining, which gives them the density.

Brad Blanch 1060 E 3400 N North Ogden, He states that the staff report is pretty complete. He feels that he has been put in a precarious situation. People are very passionate regarding the entrance point of this development. He states that he would like to make a couple points. The first point is most of the road in West Weber are public use roads. Most people own their property to the center of the roads. There is no dedication so that when a subdivision is built it is then dedicated at that point. The goal is to bring the roads up to safety standards and that it is put in a place that is appropriate. The goal is not to take anybody's property. There is a petition in front of the court to review the facts based on what its proposed to be used as. Everyone who lives on that road will get notice and will have an opportunity to petition the court. He states that he will live by the decision of the court. He also asks to be given the opportunity to share information that he has after public comment.

Director Grover states that the development is located in A-2 zone. The applicant went through the PRUD ordinance and was required to be approved as a conditional use. They do plan on developing this in different phases. In order to approve the preliminary subdivision, the Planning Commission must determine if the conditions have been adequately satisfied or that the Planning Commission has put sufficient conditions upon the preliminary review to make sure that those conditions have been adequately addressed. The main concern that staff has is regarding 3600 W. the Engineering Department has given some comments and agree that the applicant needs to obtain the proper right of way for the ordinance. The ordinance talks about different types of streets having different widths. As a Commission, the main concern is how it's meeting the ordinance. Right now the ordinance is talking about local streets collector streets and arterial streets. Most likely it's going to be considered a local street. A collector street or arterial street is more like 12 Street. An arterial street is more like Wall Ave or Washington Blvd. These streets have an 80ft width requirements. We do recommend that we make sure the street in question meets the width requirements which is the 60ft right of way. The applicant needs to work out the cross section that is associated with this street. The residents are concerned about pedestrians and there is an elementary school in that area. The Engineering Department has concerns regarding drainage and width of the road regarding 2-way traffic. It is also important to make sure improvement drawings are submitted for approval before anything is done. Typically, these are things that are done in a final subdivision review. Based on that condition, if you look at condition 6-8 in the staff report on page 11. Condition # 6. The applicant shall continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West, prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval. 7. Prior to the commencement of any onsite improvements for Terakee Farms (including the excavation and installation of infrastructure) or any improvements along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division. 8. Prior to improving 3600 West, a 60ft right of way dedication to Weber County must take

place for the approved width. Also with the conditional use permit, they got bonus points for certain requirements for open space and they have a street design with street trees that gave them bonus points. He states that we will need a more detailed landscaping plan with lighting design prior to final approval. Also part of the approval is an agriculture preservation plan, they have submitted some concepts but a more detailed plan is needed regarding maintenance. As far as the common area they are providing 44.7 percent of phase 1 is left in common open space. With the average building height, there will need to be a note placed on the plate between single family and accessory structures the average height is between 35ft. He states that regarding subdivision ordinance requirements there are a few things he wants to touch on. Natural hazards in a zone X they are out of 500-year flood plain they will have to design to those standards. They are up to date on their taxes as of 2017. He states the notices have been sent out within 500ft of the development. Per the fire district, they are required to provide 50 ft. temporary turn around. Regarding culinary water and sanitary sewer, they have reached out and received a feasibility letter from the Taylor West Weber for culinary water and The Central Weber Sewer District. During the final process, the applicant will need to provide a capacity assessment letter and construct permit from the state of Utah and an environmental quality from the division of drinking water. He reiterates that the main change that has been made to the staff report is that adding the 60ft right of way. He states that if the Planning Commission is comfortable with proceeding with this that they include their finding in the recommendation when they make the motion.

Jill Hipwell 5885 S 3600 W, states that on the plates it says its zoned A-1, not A-2. Everything else is going to be associated with the McFarland subdivision which is the main entrance road. She states that when at the time of the McFarland subdivision design the Hipwells gave the McFarland's the 42ft of property necessary for the roadway so that the subdivision could move forward. In exchange for the land, the McFarland's gave them the 7 hours a week of water every year and access to the pump and the property for installation of pipe. She states that she has a signed and notarized paper documenting this transaction. She requests that the owner of the Terakee farm guarantees through a detailed plan that the water flows at the current rate and that access to the pump will be preserved and protected in a way to ensure irrigation access to their location and that the irrigation water capacity will be maintained at all times and in compliance with any subdivision county regulations. During this time the same subdivision process was also given documents from the Rocky Mountain Power for the removal and replacement of the power poles that landed on their property, she states that this was at the request of the county. Mr. Christensen was the County Engineer at the time and they worked closely with him. She states that according to the County Surveyor review conditions the owner of the overlapping area of the entrance road, would need an amendment for the McFarland subdivision lot 2. Per county code section 106-1-3 B, it states that a retorted lot should not be further divided rearranged or reduced without first obtaining approval by the land use authority. She points out that in Nov 2004 that the McFarland subdivision was given a notice of noncompliance for the shop going in with violations and no inspections or approvals. She believes it has not been rescinded because the shop is still there as well as other outbuildings. She also believes that the original building permit conditions have not been completed. If the transfer of the road is done the parcel may no longer have the 100 ft. frontage. She states that until all of this is in order that the lot cannot be amended or transferred. The same review states that property owner of the overlapping lot will need to be included as an owner within the subdivision boundary. Per county code 106-1-5 (a) (13) A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of the application. She states that the McFarland subdivision lot 2 has not been approved for an amendment and not included as an owner of the title. She states that it should be tabled until this is taken care of.

Gary Hipwell 313 S 3600 W states that the road in question is north of his house. He owns 1100 ft. on that road of pasture. He states that the County gave that road a 32 ft. right of way, not a 60ft. He has been approached to sell his portion and he is not interested. He states that he is unsure if this can be approved or not. Concerning farming that area surrounding the subdivision he points out that there would be no way to water it. It would just create a

weed patch. He states that there is a lot of homes in a small area. He states that he does not believe they have the 100ft frontage that he and his neighbors have been required to have.

Ken White 3727 W 400 S West Weber states that based on the number of houses planned there will be 80 or 100 cars going up and down the road. He believes it is not safe for the public or the children. Regarding the culinary water, the only way to get water down there is to make a loop and it would have to go through his land. He states that is not going to happen. He states the County Commission said that they wouldn't take anybody's land that doesn't want to sell. He states that he doesn't like the way it's going and it is not right. He believes that they are being discriminated against and the individuals who live out there. He states they had to have a protest out there. He states that they have to have an acre and give their kids a share of water to build out there. He points out that the new people are able to build 5 houses on an acre and have no shares of water. He states this is not right. He states this is a death trap.

Bren Edwards 4301 W 330 S asks does the county have an ordinance on how many residential units it allows on one access? In addition, what access is being determined? He states that if you are putting 204 units in over a 10 year build up that's 2 vehicles at 2 trips per day, how many cars going up and down this road. On top of that with only one access if something was to happen on 3600 W how are the people going to get out or how are the emergency crews going to get in. In most cities, its 30 residential units per access and each city are different regarding the definition of an access. It is something that needs to be addressed moving forward.

Carisa Hipwell 111 N. 3600 W felt that if the Planning Commission approves the 40 lot phase one right away and don't allow everything to get worked out with the road as it is now, there will be no choice but to take away property owners land.

Chair Hancock closes the public comment

Brad Blanch states that it is not a death trap. He states they have access to water and have more than enough. Regarding the power poles, the ones that exist today are in the middle of the right way. He states that he does not understand why the McFarland subdivision when they dedicated the property placed the power poles in the middle of the subdivision. He points out that regarding the right of way frontage it has already been addressed. He states that this is what the conditional use permit was for. The property owners can put 150 in acre lots down there. He states that he is asking 206 and leaving almost 70 acres as permanent open space. Regarding the entrances, he points out that he has had three traffic studies done. The capacity utilization as it sits today is 15 percent. He states that the once the houses are fully built out it is increased to 18.5. It is not even a question whether it is able to accommodate traffic. He recommends that people read the code or talk to the Fire Marshall. There is only one standard that Weber County has to build a single access. The perfect example is Powder Mountain Road. He points out that the Powder Mountain Subdivision is only a single access and it is not a 60 ft. right of way. If it were two entrances, they would have to sprinkle the houses for any more than 30 units on a single access because that is the requirement. He states that he has met with Rex Hancock, Blair Hancock they are the property owners that would be needed for the second access. They have agreed to be able to make the second access happen. He states that the members of the public who are upset regarding the amount of traffic going down a single road should speak to Ken White or the Wagstaffs because that is the portion that forces the traffic to go down a single access. That single piece of property would allow a second access to go out the other way. He points out that at this points he has the ability to build a single access. He has spoken to the Fire Marshall. He would rather build a second access but he can build a single access. Regarding Culinary Water, he states that there is no loop requirement. The improvements for the development project are exorbitant. To improve the road is huge, and to pass the water capacity test a 12inch line will have to be pulled from the West Weber Elementary. It will likely be a million-dollar project. Regarding the comment stating that everyone is required to have 1 acre. He points out there are two ordinances the Cluster ordinance and the PRUD which allows the reduction in lots size in

exchange get higher bonus density. He states that no one wants to take other people's property through eminent domain. He has worked with the county to dedicate the right of way. He then explains various sections of 3600 West that have been dedicated. The width of the road is a district court decision. He states he will live with the court decision and the conditions Director Grover has added because the code states that scope of the right of way is reasonable and necessary to ensure safety according to the facts and circumstances. If they come back and state it is less than 60 ft. the project is not going forward if the right of way is not 60 ft. He states it's reasonable and fair. It does not mean that he is going to go and take their property. The owners of the property have property ownership rights. Lastly, he adds that he doesn't like to be accused of not being in his right mind.

Director Grover states that regarding Jill Hipwell and the irrigation flow it has to be maintained. This is something that will be addressed during final approval with the improvement drawings. Concerning the acreage, he states that Mr. Blanch is correct that some of it is 33 ft. right of way and some is 60ft in certain areas and some a bit more in other areas. Regarding the court's decision, it will be addressed by the legal counsel, so that the Planning Commission can get the information from a legal representative. If a loop is required, it has to be addressed by Taylor West Weber prior to final approval. This is covered in the Engineering Department comments. The County Commissioners are not willing to entertain any type of eminent domain. As far as the road access, the Fire District determines the number of access points required. They have indicated that with one access they will have to sprinkle the homes, which will be more expensive. Regarding the McFarland's subdivision if the road alignment creates noncompliance issues they will need to be addressed prior to final approval.

Mr. Blanch states the McFarland's is part of the family that they are purchasing the property from the road that is showing a cut into that lot. He states they would need to do an amended lot and there is an agreement in place for this purpose. Based on how the road is designed there are more than 150 ft. of frontage. He states that at its extreme it might look like a corner. There will need to be a subdivision amendment, but there are more than 150 ft. to accommodate.

Director Grover states that he cannot speak to this, but it would have to be addressed during the road dedication portion.

Mr. Crockett states that he would like to provide some information that may be useful to the public and provide some resources to look up legal doctrines with the public right of ways that are established through use. He states that there is case law supporting this doctrine. There are statues codified that allow the road to be dedicated as public through prescriptive use. As far as determining width only a judicial order or court case would be able to establish what that width is. The court would be doing things such as looking back in time at historical evidence to determine when if ever that road became a public road. If the public is interested, a section outlines this process through the Utah Property Rights Ombudsman. It has some short clear answers, regarding the prescriptive road statute. He states that there are legal issues that have to be met and proven by the entity and the individual bringing forth the action by clear and convincing evidence. Regarding scope and how large the right of way created by public use, the statue provides the scope and the size of the right of away and frequency of use, which is reasonable and necessary for safe travel according to the facts and circumstances. This historic use that established the right of way in the first place should be considered when determining the eventual size and reasonable concerns for safety. This will be determined through the presentation of evidence. The court will have to look at it in on a case by case bases. Public use is usually proven by public testimony and other types of evidence that can be presented. It is a question for the court to decide.

Commissioner Heslop asks the Legal Staff if the County Engineering Department states 60 ft. as the recommendation, can the court rule wider than that? Mr. Crockett states that the court's decision is not going to be based on what the County Engineers recommend. The court will look at what is reasonable and necessary for safe travel. They are not bound by the County Engineer's recommendation. There are many factors that could influence this.

Commissioner Andreotti asks if the court looks at pedestrian traffic. Mr. Crockett states that he is familiar with the doctrine but is not comfortable in saying what exact criteria the court looks at to answer that question. There are certain criteria the court looks at and there are criteria Mr. Blanch will have to meet, but speaking about pedestrian traffic he is unsure.

Director Grover states that the notice of the decision is found on page 11 of the staff report. He explained how they are satisfying them.

1. ***A "side, facing street corner lot" setback standard shall be added to the final subdivision plat for review and approval.*** He points out that this will be addressed and it is shown in the drawings
2. ***A note is added to the preliminary subdivision plan stating the single-family homes within the development have been approved in whole or in part for nightly rentals or monthly rentals including the ability to utilize lockout sleeping rooms for nightly rentals.*** There will be a note added to the plat that will address this condition.
3. ***The applicant will need to work with Weber County Commission and Weber County Engineering Division regarding the access along 3600 West during the preliminary subdivision process to ensure adequate access to the development.*** Engineering has added their comments on the preliminary subdivision review along with the approval of the conditions in the Staff report. Nothing as far as final submittal can be accepted in the Planning office until this is resolved.
4. ***The lots that have been identified as "mixed-use lots will be restricted from such uses as manufacturing. Industrial and auto repair due to the close proximity of the adjacent property owners.*** That will be a code enforcement issue, but it is clear that it is only for the agriculture uses and this will be part of the agriculture plan that they will submit for final approval. There will be more detailed information when it is submitted.
5. ***Additional landscaping plans will be included in the preliminary and final subdivision design for the Terakee park area and will be further evaluated at that point in the process.*** They have submitted some information regarding the street scape design. However, as a part of the preliminary approval, they will need to submit additional landscape design such as lighting.
6. ***The developer shall provide proof of financial feasibility for the development.***
7. ***The additional parking area will be added to ensure that street parking does not create hazardous traffic conditions and congestion.*** In this situation, this will be addressed in other phases, because this does not affect the single-family homes.
8. ***The applicant shall demonstrate during the subdivision process the following:***
 - a. ***The ability to provide culinary water to the development***
 - b. ***Flood zone mitigation for the development***
 - c. ***Infrastructure viability specific to culinary water, wastewater/ sewer services and any additional infrastructure that will be required per the LUC.***
 - d. ***A traffic safety study plan/traffic study that will be addressed ingress and egress and the safety of the children along 3600 west***

Some of this has been done but they will have to compile all of this information at the final subdivision review. The preliminary subdivision approval is meant to give the developers some type of comfort as far as if it could go forward with those conditions. They can address things such as water and sewer. When they start putting money towards final approval. For this to be required at preliminary approval would be contrary to what has previously been done.

The Engineering Department will look at the traffic study and the safety of the pedestrians. The Planning Department will also give them guidance for the trail system the can be put in place to put separation between the vehicles and the pedestrians. Planning will also look at the possibility of putting in a bike system. In this area, it is important to remember when the condition regarding the pedestrian's safety was put in place the intent was safety for the elementary school.

Mr. Crockett states there is a point of clarification he would like to make. A public right of way might already exist. Once those elements are met by operation of law it does exist. What the court will assist in determining is if at one point all these elements existed.

Commissioner Andreotti makes a motion to recommend preliminary approval of LVT111717: Consideration and action for preliminary plan approval of Terakee Farms No. 1, a PRUD Subdivision. The recommendation for review is based on the following conditions: The final subdivision plat shall reflect a 35 ft. average building height for all single-family and accessory structures. The final subdivision plat shall include the agricultural note as required in LUC §106-18(5). An agricultural preservation plan, landscape maintenance plan, and CC&R's must be submitted and reviewed during the final subdivision process to ensure they comply with the provisions of the Community Association Act for the preservation, maintenance, and ownership of the common area. A capacity assessment shall be submitted with the final subdivision plans from culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission. A construct permit from the State of Utah Department of Environment Quality Division of Drinking Water shall be submitted with the final subdivision plans prior to approval by the County Commission. The applicant shall continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West, prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval. Prior to the commencement of any onsite improvements for Terakee Farms (including the excavation and installation of infrastructure) or any improvements along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division. Prior to improving 3600 West, a *60ft right of way* dedication to Weber County must take place for the approved width. The recommendation is based on the following findings: the proposed subdivision conforms to the Western Weber Plan. With the recommended conditions, the proposed subdivision complies with the applicable County Ordinances. The applicant during the CUP for the PRUD was granted overall bonus density of 50 percent for the entire project for an overall density of the 232 dwelling units.

Keith Hipwell states there has only been mention of 3600 W., half of the traffic will be on his property along 400 S., the church, and the school.

Per Mr. Hipwell's comment, an amendment is added that the applicant will continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate *pedestrian* access along 3600 West prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval including pedestrian traffic. Commissioner Willener seconds. The motion passed (5-0)

5. **Public Comment for Items not on the Agenda**-none
6. **Remarks from Planning Commissioners** -none
7. **Planning Director Report**- The work session will be held in the breakout room and the public is welcome to attend.
8. **Remarks from Legal Counsel**-next month in addition to discussing the rules of order, he will be presenting a training regarding various topics concerning meetings.
9. **Adjourn to work session.**

WS1. DISCUSSION: Discussing the intent of the general plan regarding "village" development at 4700 West and 12th Street.

Mr. Ewert states that the general plan talks about 7 to 14 acres of commercial development being rezoned to C-1. No one has come in to ask for this yet, so it has been changed in the zone in accordance with the requested general plan. There is also the option of adding a village zone in that area. He states that they are looking for some feedback and direction regarding the intent of the general plan. He states that he is not sure what the planning recommendation will be if they are asked for a rezone of the entire parcel. There is no definition listed in the

general plan as to what village means. The request that has started this conversation is two 45,000 or 50,000 sq. ft. buildings a grocery store and a hardware store or farm store. A number of other small buildings. Nothing is set in stone yet. It is all conceptual. A village at this location, the majority of the public will be patronizing these location stores because they are passing through or they are loyal to the community. What is going to be the future of this corner? What can be done to stimulate? Commissioner Willener asks if where Legacy is going to go. Mr. Ewert states that it will be way out west. There will be more conversation later on regarding Legacy. Commissioner Parke states that in last meeting there was some discussion regarding preserving agriculture property. If you look at three corners in question two are being farmed and one probably will never be farmed. Commissioner Heslop states that it's not being developed because they don't have adequate water shares. He states that it is as good as any agriculture land, but at this point, there are not water shares to accommodate it. Commissioner Andreotti states that he would like to see something placed that will benefit the public, not for example 3 gas stations on the corner. Commissioner Heslop states that with the current economic base out there in order to support a small grocery store. They would need to turn over 85,000 dollars a day. He states that this does not exist in that for agriculture base to make it reasonable for success. He points out that for most of the public in that area unless its agriculture they go into town to do 90% their shopping. Mr. Ewert states he has the same concern; he is unsure if there are enough people in that area to support anything of that scale. He points out that if there are investors to support the land, it might be a 10 or 20-year plan but it could work. The question is whether or not the market could yield, and right now there are investors that think it could. Commissioner Parke states that in 20 years it might not look the same. He points out that it is a common area that would serve well if it was designated an area as a commercial area. Mr. Ewert states that there are a lot of thing in their favor at this point. It's not zoned and zoning it is a legislative action. He points out that we have the ability to work with the developer. Commissioner Parke reiterates that he believes it needs to be zoned commercial even if there is nothing placed there for a while. He points out that just because its zoned commercial doesn't mean they can't use it as agriculture today. Commissioner Andreotti If a piece of each corner to be commercial is designated it's going to limit what can be done. Mr. Ewert states that the general plan states that it 7-14 acres so there might be some flexibility in those numbers, but it also says 90 to 100,000 sq. ft. of retail area. Director Grover points out that when you look at the map, it identifies all four corners. Commissioner Heslop points out that if you designate 23 acres on one corner, precedence is set so that if someone comes and asks on the other corner we have no choice because of precedence. Can West Weber support 100 acres of commercial? Mr. Ewert states that regarding precedence the item is legislative and through the legislative authority and we have the ability to pick. He states that sometimes there are better ways to develop certain types of properties than others. Sometimes it means one owner gets the benefit and another doesn't. Commissioner Willener points that from an accessibility perspective this corner its bordered by the railroad on one side. There is a roadway that is curved, there is going to be blind spots and traffic issues. There are pros and cons to developing the entire piece village style isolating or clustering that village concept in one area that may not have extensive usability outside of commercial but some of the traffic patterns are concerning. There are some physical structures around this plot that make it use restrictive. The railroad and there is nothing you can do about those and if you take 3 acres up on the corner you have an oddly shaped parcel of land that is bordered by commercial and a railroad. Who wants to live next to a railroad, or on the corner of the main road? Does it make sense to just create a commercial venue in this area because of the way the parcel is laid out around? Director Grover states that there is another use that could happen in this area. There are other elements that could happen in this area that would make sense. It's important to keep in mind that there might be a connection to Legacy in this area in the future. What is the long-term vision of this area? Commissioner Heslop asks how far out do we need to be looking as far as practicality. To take and zone it commercial and have an investor put in a grocery store that is going to fail, regardless of the size and to succeed you need to have a large area to stock a variety of product. There is a 2003 research study that said by 2020 we could support the 15 acres. Commissioner Parke states that if the fields on the west on both sides if that fills up with houses then we will lose out on a good commercial area. Mr. Ewert points out that when you look at the parcel you don't need to look at the whole thing. You can just look at portions of it. The other thing to think about regarding the future is this is going to the center of town? Will it look like 25th St.? Commissioner Willener ask if that's safe, with legacy to the

west. Director Grover points out that regarding angled parking on both sides there is things that can be done to create traffic calming. Mr. Ewert states you can bring the curb in so that it is a bit narrow, add center medians, and speed limits come down. He wouldn't suggest having a village node and having the center of town if it's a 50 mph road. Commissioner Heslop points out that with the industrial park out to the further west there is times of day where there is a lot of traffic and they need a secondary route in and out of there.

Mr. Ewert asks about the manufacturing area out west. If the West Davis corridor is executed in this location are we going to see traffic here and taking off in either direction. Most of the trucks are going to go North and South. Commissioner Parke suggests that the speed limit be reduced to 30 mph from the top of 12th street. The traffic there needs to be fixed. Mr. Ewert asks what the sentiment is on the way the General Plan currently reads.

Commissioner Heslop states that he like the 15 acres, and putting the 15 on the opposite of the Country Corner, given the attitude of the people who own the property on the other two corners. If anyone wants to develop it they will ask for a rezone, so we don't need to do that all today. Commissioner Hancock ask if we add flexibility in the acreage. Commissioner Andreotti states that we are honor bound to follow the plan. Mr. Ewert ask if the Commissioners would prefer spread out amongst corners or 15 in 1 place. Mr. Ewert asks if as the development pressures enhances in the area, we can pick it up at this point.

Mr. Ewert states that he would like to show the Commissioners what a master planned project can do when you have a good amount of acreage. He states that there is the potential when talking about smaller acres we are talking about less. A zone change is legislative. If we do rezone it, we do it with a development agreement. We could possibly do a development agreement that is a 20-year agreement that has some ideas for the future and only zone certain things at a time. High capacity transportation corridor, with the main street off to the side. Commissioner Heslop states that he would be concerned pulling out on the north side. There would need to be roadway stops all the way up that section. There have been too many accidents on that curb. Mr. Ewert states that as we go through rezone or whatever we choose to do we will need to work with UDOT to figure out the accesses. Commissioner Hancock opens up for public comment.

Bren Edwards 4301 W 3300 S Taylor points out that the general plan is 15 years old. He asks how much has changed in 15 years and what is the plan to update the general plan. Most general plans should be updated every 10 years. He asks if there can be funding allocated to bend more ears. He states that updating the general plan could help get those 4 corners updated. He states that he thinks that we are limiting the what can be developed there because of the current general plan.

Commissioner Heslop states that he believes we should take and develop 12 or 15 acres on that portion if the developer wants to. If later on, they see it can expand they can come back and ask for more.

Mr. Ewert states that if we do develop it will we will have to stick to smaller acreages of rezone with a masterplan for the whole side where they can ask for addition for the future. Mr. Crockett states that there is flexibility contained in legislative decisions and the court will offer a wide amount of discretion to be afforded to a legislative body if challenged. It's not limitless and they cannot enact something that would violate a constitutionally protected class. He states that there hasn't been a concern about this but with development agreements, you have to keep this in mind.

Closed for public comment

WS2. DISCUSSION: Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.

Mr. Ewert asks how do we want to preserve agriculture land, soil specifically. In the agricultural zones if a Cluster Subdivision is proposed. We should be asking for a soils analysis and irrigation analysis so that we can identify which properties are potential crop producing properties. Ultimately it is up to the owner but if we can set them aside for crop producing we will better off 20 to 50 years down the road. It will limit the potential value of the property by agricultural uses. It going to be more affordable to be able to do agriculture in the future. Right now there is the potential mark up because of development possibilities. The way it's written there are width limitations. The widths need to be enough to turn around the big equipment 150 ft. minimum. When you get

down to bonus density stick to bonuses that are community building that will promote quality pathways, lighting, and vegetation. The current proposal will still enable 50 percent density if they have permanently preserved and reserved the agricultural land and proposed to use it as agricultural property. Standard is 30 percent and it's got to be 1 for 1 percent additional open space for an additional bonus point. If someone doesn't want to use it as agricultural land they are still required to preserve the agricultural potential. They only have to put 30 percent of that into open space and build parks and pathways and later on, a farmer can purchase that land and farm it. They permanently preserve it as open space they can cluster tight and hike it up to 50 percent. If we do bigger acreage, we are talking about less open space. There is an additional lot type that has been added.

Member of the public who did not state his name states that he doesn't care how high the bonus density goes as long as they are restricted to 9000 sq. ft. He states that his biggest concern is cramming high-density housing into an 8th of an acre. If we are restricting them to 9000 sq. ft. If they can somehow fit 50 percent bonus density in there, then that would be okay.

Mr. Ewert states that he is adding estate lots. He points out that if a developer proposes at least 5.25 acres in an estate lot a portion of that lot can be built on for the house the rest of it can be held 80% can be counted as open space. The open space must be adjacent. It allows more open space and doesn't prohibit the ability for someone to lease the additional acreage.

Hal Christensen 272 E 3000 N, North Ogden States that he has 35 acres under contract and the 25 acres are the best farmland and has been that way 170 years. 10 acres of it livestock pastureland ground and the corner of it is wet. He states that he is negotiating to buy in since October. He states that he was in the process before he was aware of the changes in the cluster subdivision. He wants to know what he can do and what he can't do based on where he is right now. He wants to do a Cluster subdivision and he's got 47 lots and he's got half 1300 acres that he wants to put in the dedicated reserved and he's asking for the 50 percent bonus density. Mr. Ewert states that if he were able to shrink up the 75 ft. wide open space strips, he would have all his lots up front and be closer to the street infrastructure cost would be reduced. How would have more open space in the back? He points out that a soils analysis has not been done and we don't know what crop producing capabilities it has. Commissioner Heslop states that any land that has crop capability that is not being used as such is, because they don't have water rights or does not have crop producing capabilities. Mr. Ewert states that Wasatch Front Regional Council worked with Weber County within the creation of the County Resource Plan. He states that they helped us find all the map able data that currently exists on resources one of them being agriculture. It shows where we have quality soils. It will help challenge the developer when they say they have the best soils. Utah State is the only analytics lab in the area unless you are going to a geotech. Are we typecasting it all to one lab? Is it going to cause a problem for developers? Is it possible get marshland drain it put enough nutrients in. Is it possible to farm it? If we can think with a long-term mindset this is going to be the greenest area easiest to develop. Draining marsh land and adding nutrients might be more marketable after all the other land is taken. He points out that the last thing we want is to have the leftovers as long-term open space. Bottom line we want to keep the good soils and develop around it.

Mr. Christensen states that farm ground whether its prime farm ground, for pasture or wetland is \$15,000 an acre if you're lucky the price for developable land is \$38,000 to \$40,000. Most of the families that own the property, don't farm anymore, and they aren't going to \$40,000 an acre to feed their cows. Mr. Ewert states that Mr. Christensen makes a good point. The lower \$15,000-acre land that can only agriculture would help keep the market down so it's easier to afford for farmers. Mr. Ewert states that as far as the 75 ft. or the 100 ft. between clusters, it says that you need to develop in the agricultural zone 1 cluster unless there is an agricultural benefit to doing more than one. Otherwise, pack the houses in one place and keep as much open space as possible. Commissioner Heslop states that they also need to take into consideration the irrigation pattern of the property and the access to and from. If they do away with the main ditch, it going to be no good to have agriculture land.

Member of the public who did not state their name states that if you have a 5-acre minimum open space and you are talking about the values of the property. The landowner has to get his money; you have to consider the

landowner position it's not just the farmers or the landowner it's also the community. If you have 5 acres and you're going to be one homeowner that acre is going to cost, you \$200,000. Then you have to buy another lot it another 80,000 to 90,000 you are looking at \$300,000. You need to think about the communities. He believes that you can sell them off as 1-acre parcel that can use them and keep them open. He states that it's defeating the purposes because a developer is wanting to get money out of the ground and it's not just because they are money hungry. There is a lot of people who have obligations to their siblings and families and are trying to get the money out of it. He states that you can't just be concerned with farmers. Don't limit the uses of the open spaces, by not allowing it to be reduced more than 5 acres and fencing. He states that nobody is going to pay that much for 5 acres. Mr. Ewert states that if this deteriorated the value the current owner is going to get less. West Haven and other surrounding cities are allowing smaller lots. You can't compare apples to apple in different zones.

Mr. Christensen points out that acre lots are going for \$140,000 and quarter acre lot is about \$90,000. You can get 4 times the money.

Member of the Audience who did not state their name asks what are you going to build on a quarter acre lot? If you want to fill the County with small houses that is the right road. That's what the cluster subdivision is doing. He states that you are going to get more by clustering but you're going to get small houses.

Mr. Christensen states that you also have to look at the market. Not everybody can afford a larger lot and larger houses. There is a market for the smaller houses.

Member of the Audience who did not state their name asks if there is a requirement to provide low-income housing? Mr. Ewert answers that there is a moderate income housing plan, there is one cluster bonus density criteria if you provide a certain percentage of moderate income housing you can get a certain amount of bonus density.

Member of the public who did not state their name points out that when you are on a 5-acre parcel with large farm equipment it's really difficult. Farming next to a subdivision is not an easy thing. If you are looking to reserve these parcels is it sustainable, because when this generation farmer is gone, who's going to pick up the 5 acres parcels and farm them 10 to 20 years from now. He states that what he's seen is you can build 10000 or 12000 sq. ft. lots and the public in Layton are happy with this. It is important to ask if reserving 10-acre parcels is it sustainable long-term? Commissioner Willener states that you have a large minimum and some developer their entire plot is 10 acres or 12. The cluster subdivision option goes out the window and you are down to the PRUD or 1 acre lots. Mr. Ewert states the acreages minimum is going to be 10 acres based on the requirement for 50 percent open space if you are given 50 percent density and that would be 5 acres and that would be the agricultural area. He states that the other thing he wants to clarify is the mandatory use the requirement that it be agriculture. We are not requiring or proposing a requirement for agriculture to exist on this property, just the potential to preserve. The other thing that was brought up was farming next to subdivisions. He mentioned housing with spots of open spaces around them with all the elements of agriculture and farmland. Commissioner Willener states that when you are trying to preserve agriculture its part of the territory.

Member of the public who did not state their name states that when you move out to the country you get what you get. Go somewhere else if you don't like it. He states that that is part of the reason people move out there to get some space, and to get away. In some cases, the benefit outweighs the cost. It's important to preserve it up front because people move in and then all of a sudden you get outvoted by the people coming in.

Mr. Ewert states that some requirements under the preservation section page 10 line 404, it talks about small open space potential community clubhouses or tennis courts, parks, the small pieces that would be allowed by the code.

Member of the public who did not state their name states that if these small pieces aren't very efficient they may never agriculture, has anyone considered doing a carbon credit type model where you identify a quality piece of ground where it can be farmed efficiently with its ideal for agriculture but you don't have to preserve a sliver of it as it gets developed. Developers in order to get his cluster approved buys into a portion of that and get sets it aside for agriculture. Mr. Ewert states that this idea is a quality idea and the Ogden Valley Commission had a great discussion about this. In the Ogden Valley area, they said through their general plan no more density. That doesn't mean no more houses, that means that you get to build at the base density that the zone allows you to. It's

challenging if you look at the Ogden Valley to conceptualize 1 unit every 3 acres which is what they are zoned for. Even more challenging is how do you they keep the open spaces that they want to. What they were discussing was the ability to get bonus density inside of their cluster and every additional unit that they are getting above and beyond what the zone allows they need to remove the potential off of some else's property. They've got record a preservation easement. We don't know for sure if they are going to adopt that, but your current general plan does talk about transferable development rights. If we are going to consider that, we are going to have to identify the properties that are most important to leave open. We go to the landowner and say sorry you can develop but we are going to develop a program that allows you to get made whole by somebody else buying your rights. Commissioner Borklund asks if this is similar to water rights. Mr. Ewert states that it is but we really don't want to have the county have to track all of that, instead we could do it through development agreements and preservation easements.

Mr. Christensen states that Mapleton has this in place. Mr. Ewert states Mapleton and Farmington have it. In Farmington, they have huge densities. He states that he tried to build a property there and they set a minimum acreage if you wanted to buy a piece of property and put it all in a subdivision and they had a list of the property owner and bought credits. Mr. Ewert states that is what the Ogden Valley General Plan says, that we need to maintain a list of people willing to sell their development rights. There is always the potential that gets us into a level of complication that we may not be ready for because we haven't developed a map that says these are our sending areas and these are receiving areas. These areas you can have more development on.

Mr. Ewert states that regarding agriculture preservation plan, we are not requiring agriculture to be there just the land to be preserved. If you have an agriculture preservation plan, we want to make sure there is a way to amend it without having to go through the subdivision process. I would be more like a land use permit or a conditional use permit. He states that when it comes to the width of the open space areas that are permanently preserved agricultural areas. Do we want big combines to be able to make 1 turn, 2 turns, 5 turns? Commissioner Heslop states that 1 turn in a combine is not efficient. Mr. Ewert states that possibly 3 would be better then. He points out that we would want to write a caveat If the current configuration of the whole subdivision of the whole area that can't be developed, that isn't wide enough you should at least to be able to turn around once.

He states that right now the code does not mandate pathways it is a bonus. A pathway should not be a bonus. The subdivision code requires sidewalks; it says it can be potentially deferred. He states that we are potentially putting ourselves in an odd spot. He states that he is not saying that we need to have sidewalks everywhere, we want somewhere for the public to walk everywhere out west. Commissioner Willener asks how a sidewalk curb and gutter concept versus a path curb and gutter concept differ? Is there a benefit to one over the other? Do you run issues if you prioritize pathways over sidewalks? Mr. Ewert states that regarding drainage issues it is about how to capture the water. It's all based on what type of slope there is. A pathway would be a preferred alternative for preserving the rural character.

Mr. Ewert gives an overview of changes made to the cluster subdivision amendments.

He states that regarding the open spaces page 4 167-171 nonagricultural cluster subdivisions, it is important to identify the areas that are prime for conserving. He outlines some additional types of open spaces on line 72.

Commissioner Heslop asks about having lots along the existing roadways larger than interior lots. Mr. Ewert states that they settled on 9000 as the standards across the board. Commissioner Heslop states that he would like to the larger lots along the existing roads. Mr. Ewert states that if it was existing at the point of application it needs to be wider. Commissioner Heslop states that it needs to be the roads that are primarily traveled. He wants to see consistency along those roads. Mr. Ewert agrees that if you stay wider in the front you won't be able to see what's in the back. Commissioner Heslop states that it may be a false image but we are doing this to get away from the 1 acre, the weed patches, and the junkyards. Commissioner Willener asks if you are coming down the main roadways, don't you want to limit the cars coming down those roads. If you are coming down to a quarter acre lot, your access to those main lots gets very congested. Mr. Ewert states that if you get wider there you are going to have to cram somewhere else or lose open space or lots. The developer could choose to shift a little bit to the other side and keep open space on the street. Commissioner Heslop states that along 2550 the subdivision has a

10 ft. fence for people's backyards. You can't see the size of the lots because it's a solid fence. He asks can we require a fence or a barrier along the streets. Mr. Ewert states that we don't want to require a fence that's marking the right of way. He states that open space berms might be a better option. Commissioner Heslop states that in Arizona they have an interesting concept they had road curb green space cut in half by a split rail fence with a sidewalk on the inside of the fence. On the other side of the sidewalk they had another 40 ft. of green space and then the houses started. Commissioner Willener asks if it is designed this way to help with flash flood and to protect homeowners. Mr. Ewert asks if along with this strip we see a lot of stormwater detention facilitates. Member of the public who did not state their name states that it is beautiful but who is going to maintain it long term. If you leave it for the HOA, the HOA goes bankrupt and who is going to maintain it. Commissioner Hancock states that it is something that can be taken from the developer. Member of the public who did not state their name states that if you were to require that you could get the density anyway, it might unify the community. It would make it look nice. Commissioner Willener states that if it incorporated with a trail system it makes sense. Mr. Ewert states that to the point of taking away from the developability it is open space, that isn't going to go in the agriculture land. Are we going to be okay with this? Commissioner Heslop states that if they become the retention basin to maintain the property and keep it in the development. Along 1800 we approved one parcel that has two major retention basin, we included that as part of their preservation parcel. He states that part of his concern is if you turn it over to horses and cows it's no longer a retention basin, and it's no longer going to hold any water. Mr. Ewert states that the other issue is we don't know what the grate is going to be and it might flow in the other direction. He states that we have a general definition of arterial street is and what an of a collector street is. Everything else is neighborhood road, the neighborhood roads won't be included in this.

Mr. Ewert asks regarding the 50 percent, and the 30 percent across the board as long as you have an additional 20 percent on top of the base open space. Commissioner Willener asks if they can get samples. She needs to see a visual because it's hard to relate to the numbers. She states that she wants to see what it would do to the numbers. She needs to see it before she can make a decision.

Mr. Christensen asks if they can set a deadline to approve whatever density they are comfortable with. If he submits his sketch plan before the deadline, he can use the old ordinance. He states that he has invested a lot of time working with his landowners. He states that he will play by the rules but he needs to know what the rules are. Commissioner Heslop ask don't we have a time limit; by which we need to adopt this. Mr. Ewert states that it is 180 days. He states that we don't adopt it in 180 days, we just can't withhold the ability for them submit an application. He states that the deadline is in May. Commissioner Heslop states that if we need to have additional work sessions it needs to get done because he doesn't want to have anything approved like the 65ft wide acres and 12 fence lines. Commissioner Andreotti states that he appreciates the public attending because we need to find a balance. The public opinion often is the opposite of the discussions. Commissioner Willener states that it conceptual for her and she wants to see what she is doing to the public and developer.

WS3. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action. -Postponed

WS4. DISCUSSION: Modifications to the definition of "Height of Building" and additional clarification regarding standards and regulations governing the height of a building and Public Utility Substation. -Postponed

WS5. (Time pending): Continuation of General Plan Review and Training. -Postponed

Work session Adjourned 8:27

Respectfully Submitted

Marta Borchert

RULES OF ORDER
WEBER COUNTY PLANNING COMMISSIONS
January 3, 2018

A. ORGANIZATION

1. Appointment and Removal of Planning Commissioners

The Weber County Code describes how Planning Commission members are appointed and removed. Planning Commissioners are appointed by a majority vote of the County Commission. Planning Commissioners may be removed for cause, also by a majority vote of the County Commission.

2. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair, who may be elected to succeed themselves for one additional term only. If a vacancy arises in one of these offices during the year, the Commission shall elect a new Chair or Vice Chair at its next meeting. That person shall serve in that position for the rest of the year and may then be elected for one additional year.

3. Chair - Duties

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

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

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

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

4. Duties of the Vice Chair

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

5. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall

45 return, or the disability shall be removed, as the case may be. In such event, the temporary
46 Chair shall have all the powers and perform the functions and duties herein assigned to the
47 Chair of the Commission.

48 6. Secretary - Duties

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

- 51 (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting
52 of the Commission, to record for the record all members in attendance, to read
53 communications, resolutions and other papers which are ordered to be read by the
54 Chair of the meeting, and to receive and bring to the attention of the Commission
55 messages and other communications from other sources;
- 56 (b) Keep the minutes of the proceedings of the Commission and to record the same;
- 57 (c) Keep and maintain a file of all records pertaining to the work of the Commission, in
58 accordance with state and county record retention laws and policies; and
- 59 (d) Perform such other duties as may be required by these rules.

60 **B. CONDUCT OF MEMBERS OF THE COMMISSION**

61 1. Addressing Members

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

63 2. Preparation

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

67 3. Members Shall Attend Meetings

68 Every member of the Commission shall attend the meetings of the Commission unless duly
69 excused or unless unable to attend because of extenuating circumstances. Any member desiring
70 to be excused shall notify the secretary. The secretary shall call the same to the attention of the
71 Chair. If a member of the Planning Commission is absent from three consecutive regular or work
72 session meetings or four regular or work session meetings within a calendar year without being
73 excused by the Chair, the Chair may recommend to the County Commission that the member be
74 removed from the Commission for cause.

75 Planning Commission members shall attend all training that is required by state or county law.

76 4. Conflict of Interest

77 Near the beginning of each meeting, the Chair shall ask whether any member of the Planning
78 Commission has any conflicts of interest to disclose. A member who knows that he/she has a
79 conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of
80 interest exists. A member who feels that he/she, or any other member of the Commission, *may*
81 have a conflict of interest on any matter that is on the agenda shall explain the possible conflict
82 to the Commission, and the Commission shall then vote to decide whether an actual, apparent,
83 or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of
84 interest shall not participate in the discussion and voting on that matter, but shall leave the
85 meeting during the time in which the matter in question is being discussed and voted upon, and
86 shall not attempt to influence other Commissioners regarding that matter before, during, or
87 after the meeting, except as allowed in paragraph 4(d) (below).

89 (a) Disqualification

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

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

100 (b) Disclosure of Potential Conflict of Interest

101 Whether or not he/she is disqualified, a public official shall disclose any potential conflict of
102 interest as required by state law, including Chapter 17-16a of the Utah Code.

103 (c) Ex Parte Contacts

104 An ex parte contact is any communication with a party or person outside of a planning
105 commission meeting regarding administrative applications. Commissioners are not to engage in
106 these communications. Anyone speaking to Commissioners on administrative matters should do
107 so at a regular meeting so their comments, concerns, and evidence are on the public record.
108 Administrative matters, generally speaking, are applications that are to be reviewed for
109 compliance with existing ordinances, and the Planning Commission is typically the decision
110 maker (although county ordinances may require county commission approval in some cases).
111 Examples include subdivision reviews, conditional use permit applications, and design reviews.

112 On the other hand, communications regarding legislative matters are permitted. Legislative
113 matters, generally speaking, are policy decisions to be made by the county commissioners,
114 following consideration of the Planning Commission's recommendations. Examples include
115 adoption or amendment of the General Plan, adoption or amendment of land use ordinances,
116 and zoning and rezoning decisions.

117 Communication with planning staff members is not an ex parte contact and is allowed.

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

125 (d) Planning Commission Members Wishing to Give Comment

126 A member who desires to comment on a matter in which the member has a conflict of interest
127 may do so only after declaring the conflict, declaring an intent to comment as an interested
128 member of the public and not in his/her capacity as a member of the Commission, abstaining
129 from voting on the proposal, and vacating the seat and physically joining the audience. When
130 commenting, the member shall again make full disclosure of his/her position and state that
131 he/she is commenting in an individual capacity. After commenting, the member shall leave the
132 Commission Chamber during the time in which the matter in question is being discussed and
133 voted upon. If a member is an applicant, he/she can fully participate in the matter.

134 (e) Gifts and Favors

135 Gifts and favors standards are found in UCA 17-16a-4. No public officer or employee shall
136 knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or
137 loan for themselves or another if it tends to influence them in the discharge of duties.
138 Exceptions to this are: an occasional non-pecuniary gift having a value less than \$50 or an award
139 publicly presented in recognition of public service.

140 (f) Treatment of Information

141 Reports and official records of a public planning agency must be open on an equal basis to all
142 inquiries. Planning advice should not be furnished to some unless it is available to all. All reports
143 in an official meeting agenda are public information.

144 (g) Political Activity

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

151 **C. MEETINGS**

152 1. Place

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

160 2. Regular Meetings

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

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

169 The purpose of a pre-meeting is to help Commissioners be better prepared for the meeting. The
170 Commission reviews and discusses the agenda, and staff is available to answer clarifying
171 questions. The pre-meeting is a public meeting, complying with the notice and recording
172 requirements for public meetings. No decisions are made during the pre-meeting.

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

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3. Special Meetings

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

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular or special meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

Work sessions are meetings in which the Commission may discuss matters at greater length or obtain additional background information on issues that will be coming before it. The Commission shall take no vote during work sessions, except to give directions to Staff regarding the presentation of options for future consideration. Regular work sessions are as follows:

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month, at the end of the regular meeting.

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

No pre-meeting is held before a work session. If necessary, a special meeting may be called and held together with the regular work session, to allow consideration of an application or other matter requiring Commission action. Additional work sessions may be held as part of regular or special Commission meetings or may be called separately in the same manner as a special meeting.

7. Open Meetings Law

All meetings of the Planning Commission, including pre-meetings and work sessions, shall be open to the public and shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

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8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business

The order of business in the Commission shall be as follows:

- (a) Chair opens the meeting and welcomes those in attendance
- (b) Pledge of Allegiance
- (c) Chair notes absences, and the names of those present and those absent shall be entered on the record
- (d) Chair reads opening meeting statement, as needed
- (e) Chair asks commissioners if there have been any ex parte communications or if there are any conflicts of interest to disclose
- (f) Approval of minutes of prior meetings
- (g) Consent Agenda
- (h) Petitions, Applications and Public Hearings
 - i. Administrative Items
 - (1) Old Business
 - (2) New Business
 - ii. Legislative Items
 - (1) Old Business
 - (2) New Business
- (i) Public Comment for Items not on the Agenda
- (j) Planning Commission Remarks
- (k) Planning Director Report
- (l) Legal Counsel Remarks
- (m) Chair Adjourns Meeting

2. Agenda for Meetings

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

3. Approval of Minutes from Prior Meetings

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

4. Consent Agenda

A consent agenda consists of items that do not require discussion or debate, typically because they are routine procedural items or because it is believed that they will be non-controversial and will be unanimously supported. Consent agenda items are approved together, through a single vote, without discussion. The following procedure shall be used for consent agendas:

- (a) The Planning Director shall determine which items shall be on the consent agenda, list those items on the consent agenda, and include all supporting reports and documents with the packet that is delivered to Commissioners before the meeting.

- 267 (b) Commissioners, as part of their duties in preparing for the meeting, shall become
 268 familiar with all consent agenda items and shall decide whether or not they support
 269 approval of those items, as well as whether or not, in their opinion, each item will
 270 require discussion during the meeting.
- 271 (c) When the consent agenda comes up during the meeting, the Chair shall read the items
 272 on the consent agenda and ask whether any Commissioner wants any item removed, to
 273 allow that item to be discussed and voted on separately during the meeting.
- 274 (d) If any Commissioner opposes an item on the consent agenda or believes that the item
 275 requires discussion, the Commissioner shall request that the item be removed from the
 276 consent agenda.
- 277 (e) If any Commissioner requests that an item be removed from the consent agenda, it
 278 must be removed. The Chair shall decide when the item shall be discussed during the
 279 meeting.
- 280 (f) When there are no more items to be removed, the Chair shall note, for the record,
 281 which items have been removed and shall call for a vote on approval of the remaining
 282 items on the consent agenda. There shall be no discussion. Approval requires a
 283 unanimous vote.
- 284 (g) If any person other than a Commissioner asks for a consent agenda item to be
 285 discussed, the Chair shall decide whether or not the item should be removed from the
 286 consent agenda.

287 5. Deadline for Agenda

288 Requests to be on a Planning Commission agenda shall be filed 45 days prior to consideration by
 289 the Planning Commission. The Planning Staff shall certify completeness of requests. Certified
 290 requests which have been filed in a timely manner shall be placed on the agenda. The deadline
 291 may be waived by the Planning Director if he/she determines that good cause exists for waiving
 292 the deadline, the application is complete, and Staff has sufficient time to analyze the request,
 293 adequately prepare a Staff Report and give proper notice.

294 6. Special Order of Business

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

297 **E. ORDER AND DECORUM**

298 1. Order of Consideration of Items

299 The following procedure will normally be observed; however, it may be rearranged by the Chair
 300 for individual items, if necessary, for the expeditious conduct of business:

- 301 (a) Chair introduces item;
- 302 (b) Staff orients the project (type of use and decision, criteria and standards to be applied,
 303 location, zoning, etc.);
- 304 (c) Applicant or applicant's agent explains the proposal and presents supporting evidence;
- 305 (d) Staff reports on staff recommendations;
- 306 (e) If it is a public hearing, then other interested people may comment;
- 307 (f) Planning Commission members may question staff, applicant, or others on all the above;
- 308 (g) Applicant's rebuttal if requested;
- 309 (h) Closing of the public hearing, if applicable;
- 310

- 311 (i) Concluding comments of Staff or Staff summary and recommendations;
312 (j) The Planning Commission makes its decision, following the processes described below.

313 2. Consideration of Items

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

317 The Chair of the Planning Commission shall have authority to:

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

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

332 3. Conduct of Persons before the Commission

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

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

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

345 4. Questions and Comments by Commissioners

346 During all meetings, the Chair shall maintain order when Commissioners are discussing items,
347 both with each other and with other people. A Commissioner who wants to make a comment or
348 ask a question shall obtain the floor by asking to be recognized by the Chair. If the Chair
349 consents, then the Commissioner may make the comment or ask the question. The Chair may
350 choose to allow a continuing line of discussion without the need for Commissioners to seek
351 recognition before each question or comment, but the Chair must ensure that discussions
352 remain appropriate and relevant to the matter at hand, and may at any time require
353 Commissioners to obtain recognition from the Chair before further questions or comments.

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F. PROCEDURE - MOTIONS

1. Motions—Typical Process

Planning Commission decisions are made through the process of making and voting on motions. The following is a summary of the typical process and some of the key foundational rules for motions:

- (a) After the Planning Commissioners have reviewed the full public record and heard any presentations or comments regarding a request, the Chair invites Commissioners to make a motion. The Chair may choose to outline possible actions, such as approval, denial, tabling, or approval with conditions.
- (b) Any Planning Commissioner, except for the Chair, may make a motion to propose what decision the Commission should make on the request. The motion shall include not only the proposed decision, but also a recitation of specific findings of fact supporting the proposed decision.
- (c) Any Commissioner, including the Chair, may second the motion, which will allow for discussion and voting on the motion.
- (d) A motion dies in the absence of a second.
- (e) Once the motion has been seconded, the Chair “states the motion” and opens it up for discussion by saying something like, “We have a motion and a second. Is there any discussion?”
- (f) Members discuss the motion. Discussion of the motion should not take place until after it has been seconded and the Chair has stated the motion and called for discussion. During this time, members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary (but generally, questions should be asked during the time for presentations and comments).
- (g) After the discussion, the Chair calls for a vote on the motion. Voting procedures are as follows:
 - i. Voting
Voting occurs by voice vote. The Chair shall announce the votes and the result, and the secretary shall record each member’s vote and shall also note those who are absent or otherwise not voting.
 - ii. How a Motion Passes
A motion only passes if a majority of Planning Commissioners in attendance vote in favor of the motion, unless otherwise specified in these rules.
 - iii. Tie Votes
If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. If this happens, a Commissioner may make a different motion on the same subject, and this may continue until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission will be at a subsequent meeting may be considered.
 - iv. Voting or Changing a Vote After Decision Announced
No member shall be permitted to change his/her vote after the decision is announced by the Chair.

- 398 v. Commission Members Required to Vote - Late Arrival
 399 No member may abstain from voting unless there is a conflict of interest, except
 400 as noted below. A member entering the meeting late, but any time before the
 401 final vote is taken, may vote. A member who has not been present during the
 402 discussion of any matter and feels that he/she has insufficient information on
 403 which to act may abstain.
- 404 vi. Explaining Vote
 405 After the vote is taken, any member of the Commission desiring to explain
 406 his/her vote shall be allowed an opportunity to do so.
- 407 vii. Not to Vote Unless Present
 408 No member of the Commission shall vote on any question unless the member is
 409 present when the vote is taken. Voting by proxy shall not be allowed.

410 2. Additional Options After a Motion Is Made

411 (a) Withdraw or Modify a Motion Before the Motion Is Stated

- 412 i. When a motion has been made but not yet stated by the Chair, whether or not
 413 it has been seconded, it can be withdrawn by the mover by simply notifying the
 414 Chair that he/she withdraws the motion.
- 415 ii. When a motion has been made but not yet stated by the Chair, whether or not
 416 it has been seconded, the mover can modify his/her motion. To do so, the
 417 mover notifies the Chair that he/she modifies the motion and what the
 418 modification is.
- 419 iii. Modifying a motion after it has been seconded cancels the second. A new
 420 second is required for the modified motion to proceed to discussion and a vote.
- 421 iv. Before a motion is stated by the Chair, any member may suggest that the mover
 422 withdraw or modify his/her motion, but only the mover may do so. If the
 423 motion is seconded and not modified or withdrawn, the Chair must state the
 424 motion and call for discussion.
- 425 v. After the Chair states a motion, it is the property of the Commission. It can be
 426 withdrawn or amended only by an additional motion, as described below.

427 (b) Motions in Order During Debate

428 After a motion has been stated and is open for discussion, no additional motion shall be
 429 received except the following:

- 430 i. To fix the time to adjourn (requires a second but is not debatable)
 431 ii. To adjourn (requires a second but is not debatable)
 432 iii. To postpone to a specified time (requires a second and is debatable)
 433 iv. To withdraw the original motion
- 434 (1) Only the member who made the original motion can make this request.
 435 (2) The first step is for the mover to notify the Chair of his/her request to
 436 withdraw the motion. The Chair shall announce that the mover has
 437 made this request and shall ask for unanimous consent. If no member
 438 objects, then the Chair shall declare the original motion withdrawn.
 439 (3) If a member objects, then the request to withdraw is considered denied;
 440 however, at that time, the mover may make a formal motion to

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withdraw the original motion, in which case the Chair shall call for a second. If there is no second, then the motion to withdraw dies, and the discussion of the original motion continues. If there is a second, then the Chair shall state the motion to withdraw and put it to a vote, without debate.

- (4) If a request or motion to withdraw is granted, then it is as if the motion had not been made in the first place, so the mover (or any other Commissioner) can make that same motion again at the same meeting.

v. To amend

- (1) All amendments must relate to the same subject as the original motion.
- (2) A "friendly amendment" is an amendment that makes no substantive changes, but is a minor technical amendment appropriate for clarification or correction. A Commissioner may offer a friendly amendment without a formal motion, and if the Chair determines that no member objects, then the Chair shall declare the original motion so amended. If any member objects to the friendly amendment, then the request dies, although any member may then make the request again through a formal motion, following the procedure described below.
- (3) Any amendment other than a friendly amendment must be offered by motion. If the motion to amend is seconded, then the Chair shall state the motion and call for discussion and then a vote on whether or not to amend the original motion. If the motion to amend fails, then the original motion is back under consideration. If the motion to amend passes, then the original motion is superseded, and the amended motion is under consideration and shall be put to a vote after any necessary discussion.
- (4) A motion to amend may be withdrawn or tabled without prejudice to the original motion. Likewise, if a motion to amend passes, but the amended motion then fails to pass, then any Commissioner may make the original motion again. In other words, if an attempt is made to amend an original motion, and the Commission does not end up voting in favor of the amended motion, then the original motion may be re-made.

- vi. To refer to committee (requires a second and is debatable)
- vii. To call the question (i.e., immediately close debate and vote on the motion that is before the Commission) (requires a second but is not debatable)
- viii. To limit or extend limits of debate (requires a second but is not debatable)
- ix. To take a recess (requires a second but is not debatable)
- x. To call for orders of the day (i.e., insist that the schedule and agenda be followed) (does not require a second and is not debatable)
- xi. To suspend the rules (requires a second but is not debatable)
- xii. To appeal rulings by the Chair (requires a second and is debatable except when the ruling addresses indecorum, priority of business, or an undebatable underlying question)
- xiii. To reconsider an undebatable motion (requires a second but is not debatable)

487 3. Additional Rules Regarding Motions

488 (a) Motions to Deny

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

491 (b) Motion to Reconsider

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

500 **G. DOCUMENTS OF THE COMMISSION**

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

508 **H. AMENDMENT**

509 Any person may propose an amendment to these Rules of Order. The person shall present the proposal
510 to the Planning Commission, either orally or in writing, in any meeting or work session. The Planning
511 Commission may then amend the Rules of Order at any regular or special meeting that is held at least 14
512 days after the meeting in which the initial proposal was made. The regular rules for quorums, motions,
513 and voting apply.

514 **I. RECORDING OF RULES - COPIES TO BE FURNISHED**

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

517
518 Effective Date: _____

Effective Date: _____

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520 _____
521 Jami Taylor, Chair
522 Ogden Valley Planning Commission

519
520 _____
521 Blake Hancock, Chair
522 Western Weber Planning Commission



Staff Report for the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on preliminary and final approval of Cameron Crossing Subdivision, a standard subdivision.
Agenda Date:	Tuesday, April 10, 2018
Applicant:	Doug Hamblin
File Number:	LVB100114

Property Information

Approximate Address:	4000 West 2200 South
Project Area:	10 acres
Zoning:	Agricultural (A-1)
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	15-078-0131
Township, Range, Section:	T6N, R2W, Section 33

Adjacent Land Use

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

Staff Information

Report Presenter:	Felix Lleverino fleverino@co.weber.ut.us 801-399-8767
Report Reviewer:	RK

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)

Development History

Cameron Crossing Subdivision formerly known as Blue Acres Subdivision Phase 4 was granted preliminary approval on January 13th, 2015. Final approval of Cameron Crossing Subdivision was granted from the Western Weber Planning Commission on March 10, 2015. The applicant was granted a 12-month time extension on February 22, 2016, and the application has expired. In adhering to Weber County Time Limitation Requirements, this application is being brought back to the Planning Commission for consideration and action.

On March 13th, 2018 this application went before the Planning Commission for consideration and action on preliminary and final approval. During that meeting, there was a public comment concerning stormwater run-off from 4065 West Street. To address the question, the County Engineer has stated that the curb, gutter, and storm drains efficiently manage all water within the subdivision boundary and will not impose a burden upon adjacent landowners.

As part of the preliminary and final plat requirements and approval procedure, the proposal is being forwarded to the Western Weber Planning Commission prior to forwarding the application to the County Commission. Cameron Crossing has been reviewed against standards in the Uniform Land Use Code of Weber County, Utah (LUC) and the following is staff's evaluation of the request.

Background and Summary

The applicant is requesting both preliminary and final approval of Cameron Crossing (9 lots), located at approximately 4000 West 2200 South in the A-1 Zone. The subdivision meets the area and lot width requirements of this zone. Each parcel will contain an area of 40,000 to 50,726 square feet. Curb, gutter, and sidewalk will be installed within this subdivision and will be contiguous with surrounding subdivisions.

Since the time when this subdivision was granted a time extension, this subdivision name has changed and the original developer Romney Buck has sold this development to Doug Hamblin. The 12-month time extension window has lapsed, and now Mr. Doug Hamblin is requesting consideration for preliminary and final approval of Cameron Crossing Subdivision.

There is a canal that runs diagonally to the south of the subdivision. Hooper Irrigation has provided a letter requiring that the canal is piped, which has been done by the developer, and that the subdivision plat shows a Hooper Irrigation Canal Easements. Cameron Crossing and Cameron Cove Cluster Subdivision plats will show the Hooper Irrigation easement thereby conforming to this requirement.

Analysis

General Plan: The Western Weber General plan is designed to preserve open space and pasture land for the raising of farm animals while maintaining flexibility for landowners to enjoy managed growth.

Zoning: The subject property is located in the Agricultural Zone (A-1), the purpose of this zone is stated in the LUC §104-7-1:

“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”

Lot area, frontage/width, and yard regulations: The A-1 Zone requires a minimum lot area of 40,000 sq. ft. for a single family dwelling and a minimum lot width of 150 feet. All lots within this proposed subdivision meet these criteria.

Culinary Water: Taylor West Weber Water (TWWW) has provided a letter stating that water is available for all of Cameron Crossing Subdivision. TWWW has also provided a Capacity Assessment Letter and Project Notification form showing sufficient capacity and main water line extension approval. The Utah State Capacity Assessment Letter states that this proposal has been granted a plan review waiver from the district, and that construction may proceed once the County approves the subdivision (See page 10 of this staff report).

Septic System: The development within this area is required to annex into Central Weber Sewer Improvement District. The District has provided a letter stating that “As long as the annexation process continues Central Weber will not delay the development of the subdivision and the connection to Central Weber’s system.”

Additional Standards: The proposed subdivision is relatively flat. There may be additional site preparation in conjunction with an approved building permit. The final requirement before recording the Mylar is that a cost estimate for the remaining improvements is approved. With the exception of the recommended conditions identified in this staff report, additional standards and requirements are unnecessary at this time.

Review Agencies: The Engineering Division’s latest review contains several items that have already been addressed. Surveying, Weber County Fire District, and Planning are ready to approve this proposal. Requirements from Hooper Irrigation and the Engineering Department will be addressed prior to final approval from the County Commission.

Tax Clearance: The 2017 property taxes have been paid in full. The 2018 property taxes are due in full as of November 30, 2018.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary and final approval 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).

Planning Division Recommendations

Weber County Planning Division recommends preliminary and final approval of Cameron Crossing Subdivision. This recommendation is conditioned upon meeting all requirements from reviewing agencies and with the following conditions:

1. That an escrow account is created for the remaining subdivision improvements.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable 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. Subdivision Plat
- B. Taylor West Weber Water Letter
- C. Project Notification Form
- D. Capacity Assessment Letter



TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT
2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401

December 17, 2014

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

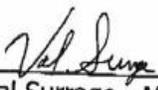
This is to inform you that ***preliminary*** approval has been given to provide culinary water only for nine lots of the Blue Acres Subdivision phase 4 at the approximate address of 4075 West 2000 South in Taylor, Utah.

Water rights impact fee will need to be received by District before final approval will be given. Pressurized secondary water must be provided by Hooper Irrigation to subdivision.

Final approval will be subject to meeting all the requirements of the District and all fees/shares being paid and received.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.



Val Surrage - Manager

VS/sph

Expires 06/17/15

Print Form

Submit by Email

PROJECT NOTIFICATION FORM (PNF)

Please provide the following information for all Drinking Water Projects by existing PWS's
Use with Plan Submittal [R309-500-6(1)] or when requesting Waiving of Plan Submittal [R309-500-6(3)]
If this is a new PWS, please complete the Supplemental PNF available on our website: drinkingwater.utah.gov/blank_forms.htm
Upon completion, Submit by Email, fax or mail to:

File No: _____
Date Rec'd: _____

1 Name of PWS [owner of system as recorded with DDW]
 System Name: Taylor West Weber Water District
 System Number: 29019
 Address: 2815 West 3300 South
 City, State, Zip: West Haven, Utah 84401
 Present No. of ERC's system is obligated to serve: 2240
 Present No. of ERC's physically connected to system: 1980
 Population Served: 6930
 No. of ERC's this project will add to system: 9

6 Description of Project [in sufficient detail for DDW to identify]

All piping and fittings for Blue Acres Subdivision phase 4
 1350 ft 10" pvc c-900 pipe
 2 hydrants
 3 10" valves
 1 2" blow off

2 Addressee for Official Correspondence [Mayor, Public Works Director, etc...]
 Name: Val Surrage
 Title: Manager
 Address: 2815 West 3300 South
 City, State, Zip: West Haven Utah 84401
 Phone No: 801 731 1668
 E-Mail Address: Taylor West Weber Water@msn.com

7 Anticipated Construction Schedule:
 Advertise for Bids: _____
 Bid Opening: _____
 Begin Construction: _____
 Complete Construction: _____

3 PE designated as Direct Responsible Engineer for Entire System (if applicable)
 Company Name: Gardner Engineering
 Name: Dan White
 Address: 5150 South 375 East
 City, State, Zip: Ogden, Utah 84405
 Phone No: 801 476 0202
 E-Mail Address: dan@gardnerengineering.net

8 Is this PNF for plan review waiver 3a? Yes No
[see R309 500-6(3a) to verify]
 If Yes, you must have a previously approved Master Plan and Construction Standards.
Is this PNF for plan review waiver 3b? Yes No
[see R309 500-6(3b) to verify]
 If Yes, you must have a designated PE responsible for the system and previously approved Construction Standards.
Does this project meet any of the criteria to be exempt from the hydraulic modeling rule requirements? Yes No
[see R309 511-4(1)(a)(i) through (iv) to verify]
 If Yes, specify rule reference here: _____

4 PE responsible for design of this Project [if not same as item 3]
 Name: _____
 Address: _____
 City, State, Zip: _____
 Phone No: _____ Fax No: _____
 E-Mail Address: _____

9 Fire Suppression Authority [if system has fire hydrants]
 Name: Weber Fire District
 Address: _____
 City, State, Zip: Farr West Utah 84401
 Phone No: 801 782 3580 Fax No: _____
 E-Mail Address: _____
 Req'd flow (gpm): _____ Duration (hrs): _____

5 Name of Construction Inspector(s) and frequency of inspection
 Name: Val Surrage / Clay Penman
 Full Time: Part Time: _____

10 Funded by State or Federal Agency?
 Drinking Water Board (SRF or FSRF) Loan #: _____
 Community Impact Board
 None
 Other (Specify) _____

Revised: Nov 2013

[PNF = Project Notification Form; PWS = Public Water System; DDW = Division of Drinking Water; ERC = Equivalent Residential Connection; PE = Professional Engineer; SRF = State Revolving Fund]



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
Director

February 19, 2015

Val Surrage
Taylor-West Weber WID
2815 W 3300 S
West Haven, UT 84401-9791

Dear Mr. Surrage:

Subject: **Feasibility**, Drinking Water Service from Taylor-West Weber WID for the Blue Acres Subdivision Phase 4, System #29019, File #9949

The Division of Drinking Water (the Division) received a request from John Reeve, P.E., concerning the capacity of the Taylor-West Weber WID (District) to provide drinking water service to Blue Acres Subdivision in the District. Per the Division's database, the District presently has 1860 residential connections, 7 commercial connections, and 12 agricultural connections. The Blue Acres Subdivision Phase 4 will add 9 new residential connections. The number of connections that may be served is based on (1) source water capacity, (2) storage capacity, and (3) available water rights. The Drinking Water Rule, *R309-510* Minimum Sizing Requirements, requires a water system to be able to provide 800 gallons per day per equivalent residential connection (ERC) from its sources to meet peak day indoor demand, to be able to provide 400 gallons per ERC of storage for indoor use, and to be able to provide average yearly indoor demand which is 0.45 acre-feet per ERC based on water rights. Additional source capacity, storage, and water rights are required if the system provides water for outdoor use. The water system component with the least capacity determines the allowable number of connections.

SOURCE CAPACITY

The District has the following approved drinking water sources and approved safe yields:

Source Number	Source Name	Safe Yield gpm
WS001	Big Well	900
WS002	Small Well	500
WS003	Weber Basin WCD Consecutive Connection	2000
Total		3400

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144830 • Salt Lake City, UT 84114-4830
Telephone (801) 536-4200 • Fax (801) 536-4211 • T.D.D. (801) 536-4414
www.deq.utah.gov
Printed on 100% recycled paper

In addition, the District provides outside irrigation water for some of their connections. The attached capacity calculation worksheet estimates the required source capacity is 1048.9 gpm for indoor used and 1419.7 gpm for outdoor use. Based on source capacity, the District has 931 gpm excess source capacity which is adequate to serve the Blue Acres Phase 4 Subdivision.

STORAGE CAPACITY

The District has the following approved storage tanks in service:

Storage Tank Number	Source Name	Volume gallons
ST001	Million Gallon Tank	1,000,000
ST002	2 Million Gallon Tank	2,000,000
ST003	250 K Gallon Tank	250,000
	Total	3,250,000

The attached capacity calculation worksheet estimates the required storage capacity is 1,896,208 gallons. This is based on a reserve of 120,000 gallons of water storage for fire suppression, and the balance of the storage being used for indoor and outdoor use storage. Based on storage capacity, the District has over 1.3 million gallons of excess storage capacity which is adequate to serve the Blue Acres Phase 4 Subdivision.

WATER RIGHTS

The District has the following water rights for their sources:

Water Right Number	Amount (acre-feet)
35-1613	788.45
35-11723	930.77
Weber Basin WCD	465.3
Total	2184.52

The attached capacity calculation worksheet estimates the required water rights of 1520 acre-feet for indoor and outdoor use. Based on water rights, the District has over 664 acre-feet of excess water rights which are adequate to serve the Blue Acres Phase 4 Subdivision.

SUMMARY

There is no limiting component at present, which would prevent the District from providing adequate drinking water service to the Blue Acres Phase 4 Subdivision.

Val Surrage
Page 3
February 19, 2015

The District has submitted a project notification form and was granted a plan review waiver by the Division, which allows the construction of this subdivision to proceed once approval is granted by Weber County.

If you have any questions regarding this letter, you can contact me either by phone at (801) 536-0054 or e-mail bhart@utah.gov.

Sincerely,



Bob Hart, P.E.
Environmental Engineer III

Enclosure — Taylor-West Weber WID Capacity Calculation

cc: Louis Cooper, Env. Director, Weber-Morgan Health Department, lcooper@co.weber.ut.us
Sean Wilkinson, Weber County Planner, swilkinson@co.weber.ut.us
Jared Andersen, P.E., Weber County Engineer, jandersen@co.weber.ut.us
Ying-Ying Macauley, Division of Drinking Water, ymaculey@utah.gov
Cameron Harry, P.E., Division of Drinking Water, caharry@utah.gov
Bob Hart, P.E., Division of Drinking Water, bhart@utah.gov
John Reeve, P.E., Reeve & Associates, Inc., jreeve@reeve-assoc.com

DDW-2015-004094.docx

Division of Drinking Water Water System Capacity Calculation Sheet (revised June 23, 2011)

Enter the green cells only.

System Name: **Taylor-West Weber WID February 19, 2015** System Number: **29019**

1. Indoor Water Use

Convert "Number of other connections" (Cell E9) to ERCs here. (ERCs of other connection = peak day demand of other connections / 800 gal per day)

Number of residential connections: 1,869
 Number of other connections: 19
 ERCs of other connections: 19.0
 Total Equivalent Residential Connections (ERCs): 1,888

(Example: water use of 2 factory is equivalent to 30 homes.)

Enter number of non-residential connections (e.g., 2 factory connections).

MINIMUM REQUIREMENTS FOR INDOOR WATER USE					
Source		Storage		Water Rights	
Per ERC (gpd/ERC)	Total (gpm)	Per ERC (gallons/ERC)	Total (gallons)	Per ERC (ac-ft/yr)	Total (ac-ft/yr)
800	1,048.9	400	755,200	0.45	849.60

2. Outdoor Water Use

Enter estimated irrigated acre

Is the drinking water used for outdoor irrigation? Yes No
 Residential ERCs using drinking water for irrigation: 470
 Percentage of Residential ERCs using DW for irrigation: 25%
 Average irrigated acreage per residential connection: 0.75
 Total irrigated acreage of other connections: 6.00
 Irrigation zone: 4

Based on information from Water System Manager during 2013 Sanitary Survey.

Enter total irrigated acres of other connections here.

Select Irrigated Zone # from the list (see "Irrigation Demands & Map" tab on the bottom of the screen).

MINIMUM REQUIREMENTS FOR OUTDOOR WATER USE					
Source		Storage		Water Rights	
Per ERC (gpd/ERC)	Total (gpm)	Per ERC (gallons/ERC)	Total (gallons)	Per ERC (ac-ft/yr)	Total (ac-ft/yr)
4,277	1,419.7	2,136	1,021,008	1.40	670.40

3. Fire Flow Requirement

Enter fire flow in gpm.

Does the water system provide fire protection? Yes No
 Maximum fire suppression demand for water system or pressure zone (gpm): 1,000
 Maximum fire suppression duration for water system or pressure zone (hours): 2
 Required Fire Suppression Storage (gallons): 120,000

Weber Fire District has adopted Appendix B of the Fire Code which requires a minimum of 1000 gpm for two hours for fire flow.

Enter duration in hours.

Total Water System Requirements (= indoor use + outdoor use + fire flow demand)

MINIMUM REQUIREMENTS FOR WATER SYSTEM					
Source		Storage		Water Rights	
Per ERC (gpd/ERC)	Total (gpm)	Per ERC (gallons/ERC)	Total (gallons)	Per ERC (ac-ft/yr)	Total (ac-ft/yr)
5,077	2,468.5	2,536	1,896,208	1.85	1,520.00

Does this system have adequate source capacity per R309-510-7?

IPS points may be assessed for lacking adequate source capacity to meet peak day and/or average yearly flow requirements.

Existing Sources: 3,400.0 gpm
 Required Source Capacity: 2,468.5 gpm
 % of Req'd Capacity: 137.7%
 Difference: 931 gpm

Linked to Cell I99 below.
 Linked to Cell C51 above.
 Negative number means (1) additional source capacity is needed and (2) IPS points should be assessed.

1 Title 101 – GENERAL PROVISIONS

2 ...

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

4 ...

5 ~~Accessory dwelling unit (ADU). The term "accessory dwelling unit (ADU)," also referred to as an~~
6 ~~"ADU," means an accessory, non-owner occupied, a dwelling unit, as defined by this Section, that is either~~
7 ~~attached to the main dwelling or is otherwise located on the same lot or parcel as the main single family~~
8 ~~dwelling. To meet this definition, one of the single family dwelling units on the lot or parcel shall be~~
9 ~~occupied by the owner of the lot or parcel, unless specified otherwise by this Land Use Code. An~~
10 ~~accessory dwelling unit is not an accessory apartment, as otherwise defined by this Section. Ownership~~
11 ~~of an accessory dwelling unit shall not be transferred separate from the main single family dwelling to~~
12 ~~which it is accessory. See also "carriage house," single-family dwelling unit that is sited on the same~~
13 ~~lot/parcel as a main dwelling unit. The ADU is located in designated areas when constructed on property that can~~
14 ~~accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately~~
15 ~~serve as a guest house or be rented/leased separately; however, an ADU is not, by any means, sold/conveyed~~
16 ~~separately from the main house. The right to construct an ADU does not constitute a transferable development~~
17 ~~right. See also Carriage house.~~

Commented [E1]: Review this definition elsewhere in the land use code to verify consistency.

18 ...

19 ~~Acreage, adjusted gross. The term "acreage, adjusted gross " means a total of all land area that~~
20 ~~lies within a project boundary and is classified as "developable" by this or any other county, state or~~
21 ~~federal law, ordinance or regulation.~~

Commented [E2]: This definition is about synonymous with "net developable acreage" below. Deleting it and using the other. This ordinance amendment includes areas of the code that uses this term and modifies it to use "net developable acreage."

22 ...

23 Acreage, gross. The term "acreage, gross acreage" means a total of all ~~(nondevelopable and~~
24 ~~developable) land area~~ acreage that lies within a project boundary.

25 Acreage, net developable. The ~~term phrase "acreage, net developable~~ acreage" means ~~a the~~ total
26 ~~of all land area that lies~~ acreage within a project boundary, ~~subtracting acreage unsuitable for~~
27 ~~development, as defined by this section or as otherwise provided in this Land Use Code, areas with~~
28 ~~slopes 30 percent or greater, and areas with soils of insufficient depth and suitability to protect against~~
29 ~~del detrimental effects of development on surface and groundwater. When calculating net developable~~
30 ~~acreage, ten percent of the total acreage within a project area shall be reduced to account for potential~~
31 ~~street rights-of-way. The portions of an existing street right-of-way located within the project boundaries~~
32 ~~may be included as part of the ten percent, and has not been excluded from use in density calculations~~
33 ~~or deemed "undevelopable" by this or any other county, state, or federal law, ordinance or regulation.~~
34 ~~The area within existing and proposed public and private road rights of way shall not be counted~~
35 ~~towards "net developable acreage." The term "net developable area" shall have the same meaning,~~
36 ~~unless the context clearly indicates otherwise.~~

37 Non-developable area. The term "non-developable area" means an area where, due to topographic
38 (e.g., over 30 percent slope), or hazardous conditions (e.g., earthquake, landslide), as defined by Weber
39 County Ordinances, the land is not considered to be suitable for construction of residential, commercial
40 or manufacturing buildings or structures.

41 ...

42 Acreage unsuitable for development. The phrase "acreage unsuitable for development," means
43 the area within a project that has extraordinary circumstances that under existing county, state, or
44 federal laws render development on it very unlikely. The applicant bears the burden of proof.

45 ...

46 Adjusted gross acreage. See "acreage, adjusted gross."

47 ...

48 *Agricultural parcel.* The term "agricultural parcel" means a single parcel of land, at least 5.0 acres
49 in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in
50 order to qualify for the agricultural building exemption.

51 *Agricultural land, prime.* The term "prime agricultural land" means the area of a lot or parcel best
52 suited for large-scale crop production. This area has soil types that have, or are capable of having,
53 highest nutrient content and best irrigation capabilities over other soil types on the property, and are of a
54 sufficient size and configuration to offer marketable opportunities for crop-production. Unless otherwise
55 specified by this land use code, actual crop production need not exist onsite for a property to be
56 considered to contain prime agricultural land.

57 *Agriculture.* The term "agriculture" means use of land for primarily farming and related purposes
58 such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but
59 not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit
60 packing plants, fur farms, animal hospitals or similar uses.

61 ...

62 *Agri-tourism.* The term "agri-tourism" means an agricultural accessory use that can provide a
63 means of diversifying a farm's income through broadening its offerings and adding value to its products.
64 They operate during more than six (consecutive or non-consecutive) days per year and provide
65 agriculturally related, and in some instances, non-agriculturally related products and activities that attract
66 members of the public to the farm for retail, educational, recreational, and/or general tourism purposes.

67 ...

68 *Club or fraternal lodge/organization, private.* The term "club or fraternal lodge/organization, private"
69 means a non-profit association of persons who are bona fide members which owns or leases a building
70 or portion thereof, the use of such premises being restricted to members and their guests.

71 *Cluster of residential lots.* The phrase "cluster of residential lots" means a grouping of residential
72 lots, as provided Title 108 Chapter 3 of this land use code, that are contiguous and uninterrupted by
73 other nonresidential parcels except parcels required for a street and other allowed access or as
74 otherwise allowed by this land use code.

75

76 *Code.* The term "Code" means the Land Use Code of Weber County, Utah.

77 ...

78 *Conservation easement.* The term "conservation easement" means:

- 79 (1) An easement granting a right or interest in real property that is appropriate to retaining land or
80 water areas predominately in their natural, scenic, open or wooded condition;
81 (2) Retaining such areas as suitable habitat for fish, plants or wildlife; or
82 (3) Maintaining existing land uses.

83 ...

84 *Density base.* The term "base density" means the number of units allowed in an area. For
85 development types that permit a reduced lot area than otherwise provided by the zone, the base density
86 shall be calculated as the net developable acreage, as defined herein, then divided by the minimum lot
87 area of the zone. This calculation can be observed by this formula: ((net developable acreage) /
88 (minimum lot area)) = base density. The result shall be rounded down to the nearest whole lot.

89 ...

90 *Estate lot.* The term "estate lot" means a lot within a subdivision intended for the use of a dwelling
91 unit that contains at least 5.25 acres.

92 ...

93 [Gross Acreage. See "acreage, gross."](#)

94 ...

95 [Net developable acreage. See "acreage, net developable."](#)

96 ...

97 ~~Non-developable area. The term "non-developable area" means an area where, due to topographic~~
98 ~~(e.g., over 30 percent slope), or hazardous conditions (e.g., earthquake, landslide), as defined by Weber~~
99 ~~County Ordinances, the land is not considered to be suitable for construction of residential, commercial~~
100 ~~or manufacturing buildings or structures.~~

101 **Title 104 - ZONES**

102 ...

103 **Sec. 104-29-2. – Development standards.**

104 ...

105

- 106 (i) Open space. A minimum of 60 percent of the ~~adjusted gross~~ [net developable](#) acreage, owned by the
- 107 resort and located within the destination and recreation resort zone, shall be designated as open
- 108 space. A portion of that open space shall consist of conservation open space in an amount equal to or
- 109 greater than 30 percent of the resort's ~~adjusted gross~~ [net developable](#) acreage. The area designated
- 110 as conservation open space shall be encumbered by an irrevocable conservation easement meeting
- 111 the general/applicable requirements described in section 104-29-6 of this chapter and shall be granted
- 112 prior to beginning any construction within an overall project phase. The minimum number of acres
- 113 encumbered by each easement shall be equal to or greater than the number of acres involved in each
- 114 project phase until the total number, of required conservation open space acres, is met. Areas
- 115 dedicated (platted and recorded) as open space within residential and nonresidential subdivisions may
- 116 count towards the minimum open space requirement.

117

118 ...

119 **Title 108 - STANDARDS**

120 ...

121 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

122 **Sec. 108-3-1. – Purpose and Intent.**

123 The purpose of this chapter is to provide flexible development standards to landowners that are
124 committed to developing safe, attractive, conservation oriented neighborhoods that:

- 125 (1) are designed and arranged in a manner that considers, gives deference to, and ultimately protects
- 126 natural topography, environmentally sensitive areas, wildlife habitat, and agriculturally productive
- 127 lands;
- 128 (2) offer predictable support and encouragement in agricultural areas for a wide variety of long-term
- 129 agricultural operations on open space parcels;
- 130 (3) benefit those that create cluster subdivisions by offering an inherent gain in the form of reduced
- 131 infrastructure costs and the possibility for an increase in residential density in the Western Weber
- 132 Planning Area;
- 133 (4) benefit the residents of Weber County by promoting public welfare through the reduction of long-
- 134 term infrastructure maintenance costs; and
- 135 (5) permanently preserve the county's functional open spaces, picturesque landscapes, and rural
- 136 character.

Commented [E3]: This is in the DRR-1 Zone.

137 **Sec. 108-3-2. - General regulations** Allowed zones.

138 Subject to the requirements of this chapter, cluster subdivisions are permitted in all zones except for
139 the commercial, manufacturing, gravel, residential mobile home, open space, and shoreline zones.

140 **Sec. 108-3-3. - Supplemental subdivision procedural requirements.**

141 (a) *Subdivision procedures and requirements apply.* All procedures and requirements of Title 106 shall
142 apply to a cluster subdivision unless there is a conflict or supplement in this chapter, in which case the
143 provisions of this chapter shall prevail.

144 (b) *Conceptual sketch plan.* In addition to the subdivision approval procedure ~~requirements of in~~ Title 106,
145 the cluster subdivision approval procedure requires a conceptual sketch plan endorsement from the
146 planning commission prior to the submission of a formal subdivision application. An application for a
147 conceptual sketch plan endorsement ~~shall~~ must demonstrate compliance with ~~all~~ applicable standards
148 contained within the Weber County Code. The completed application must be submitted at least 21
149 calendar days prior to the planning commission meeting at which the applicant wishes to be heard.
150 Endorsement from the planning commission is only a means to assist in the creation of a complete
151 subdivision application and shall not ~~vest for final approval~~ create any vested right except the right to
152 apply for preliminary subdivision review. The application is complete upon submission of the following:

- 153 (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of Ordinances,
154 and submission of a complete sketch plan endorsement application on a form provided by the
155 county planning department.
- 156 (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject property,
157 surrounding streets, and relevant landmarks.
- 158 (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates in a
159 suitable manner compliance with all applicable codes. The plan shall include, but not necessarily
160 be limited to, a north arrow and scale, subdivision boundary according to county records,
161 approximate locations of proposed streets, lots with approximate area calculations, common
162 areas and open space parcels with approximate area calculations, easements, waterways,
163 suspected wetlands, floodplains, existing structures, and contour lines. Information related to
164 topography and contour lines may be submitted on a separate map. Contour information may be
165 omitted if the planning director or his designee determines that the subject property lacks
166 topographic characteristics that warrant representation.
- 167 (4) An electronic copy of all forms, documents, materials, and information submitted as part of the
168 application.

169 (c) *Preliminary and final cluster subdivision application.*

170 (1) Submission for preliminary cluster subdivision approval. A submission for preliminary cluster
171 subdivision approval shall:

- 172 a. conform to the endorsed sketch plan;
- 173 b. comply with all applicable preliminary plan requirements of Title 106;
- 174 cb. contain an open space preservation plan, as required in Section 108-3-5.

175 (2) *Submission for final cluster subdivision approval.* A submission for final cluster subdivision
176 approval shall conform to the approval of the preliminary cluster subdivision approval and comply
177 with all applicable final plat requirements of Title 106. If applicable, submission shall also include
178 final cConditions, cCovenants, and rRestrictions or a hHomeowner's aAssociation dDeclaration
179 that clearly explain the maintenance method for each common area parcel, as required by this
180 chapter or any condition of preliminary cluster subdivision approval. Submission shall also include
181 drafts of any other relevant instrument required for the execution of applicable provisions of this
182 Land Use Code.
183

Commented [E4]: Reference

184 (d) ~~Subdivision phasing time limitations.~~ A cluster subdivision may be phased. The entire parcel shall be
185 presented for preliminary approval with a phasing plan. Despite the provisions of Section 106-1-7, a
186 cluster subdivision shall comply with the following:

187 (1) Preliminary approval constitutes approval of the phasing plan. Each phase shall include sufficient
188 open space and any approved amenities in a manner that ensures if other phases do not occur
189 the requirements herein are still met.

190 (2) Preliminary approval expires if the first phase is not recorded within 12 months.

191 (3) Additional phases shall be recorded within 24 months of the previous phase, however, preliminary
192 approval expires if the last phase is not recorded within six years.

193 (4) Preliminary approval may be extended by the Planning Director provided the preliminary plat still
194 complies with all current standards, and provided that the approval procedure has not changed
195 in a manner that would have affected the original outcome.

196 (5) Any subdivision that has received preliminary or final approval that has become nonconforming
197 in any manner due to changes in applicable ordinances shall be allowed to retain the density
198 which was most recently approved under the former ordinance, provided that the originally
199 approved phasing plan is followed and the time limitations for preliminary and final approval are
200 met.

201 **Sec. 108-3-4. – Residential cluster subdivision design and layout standards, generally.**

202 (a) Overall configuration. A cluster subdivision's general design shall concentrate residential building lots,
203 with their adjoining street rights-of-way and any approved alternative access, if applicable, together in
204 accordance with the following:

205 (1) a. in all zones, clusters shall be designed to avoid, to the extent possible, lands that have
206 characteristics generally valuable for preservation or conservation, including but not limited to
207 viewsheds, ridgelines, canyons, waterways, stands or groupings of mature vegetation, wildlife
208 habitat, and other sensitive ecology identified as being of importance by the applicable general
209 plan or some other land preservation or conservation plan adopted by the county, state, or federal
210 government and that is applicable within the county. Preservation or conservation shall be tailored
211 to execute the goals, objectives, or policies of the relevant plan. The application shall provide
212 sufficient detailed information to clearly verify compliance.

213 (2) b. in an agricultural zone, only one cluster of residential lots is allowed unless more are
214 necessary to avoid development on prime agricultural land, as defined in Section 101-1-7, or
215 sensitive lands as provided in Section 108-3-5(b)(4). The cluster or clusters shall be organized in
216 a manner that supports viability of crop production on the open space lands including optimizing
217 ease of access and maneuverability, to and on the open space lands, of large equipment
218 commonly used to support crop production. The clusters shall be configured to support the
219 required open space design and layout standards of this chapter. Subdivision phasing that avoids
220 this requirement shall not be allowed.

221 (b2) Street configuration. Streets shall have logical and efficient connections, with intersection distances
222 no less than provided in Section 106-2-3, and shall generally follow existing street grid design. Section
223 line streets are mandatory and shall not be waived. When practicable, ~~section lines and~~ quarter section
224 lines shall denote the general location of other through streets. If current parcel configuration does not
225 make this practicable, a through-street, or stubbed-street that will be a future through-street, shall be
226 located as close to these lines as otherwise reasonably possible. ~~The planning commission may waive~~
227 ~~this requirement for the following:~~

228 (1) a. ~~The planning commission may waive the quarter section-line street is~~ requirement for the
229 following reasons:

230 a. environmental constraints exist that render a through-street, or a stubbed-street that will
231 become a through-street, unreasonable and unnecessary; or
232

Commented [c5]: Reference

Commented [c6]: Reference

233 b. agricultural open space that is, or would otherwise be, permanently preserved as provided
234 in this land use code would be interrupted by the street in a manner that creates a hardship
235 for crop production.

236 (2) ~~e.~~ In allowing a waiver under this subsection the planning commission may require the street to be
237 placed in another location to offer optimal compensation for the lack of the connection required
238 herein. No waiver shall be granted for section line roads.

239 (c3) Pathways. In lieu of a sidewalk on both sides of the street, as required by 106-4-2(f), a ten foot wide
240 asphalt pathway may be allowed on one side of the street. If only developing a half width street, where
241 otherwise allowed by this Land Use Code, the pathway shall be located on that side; otherwise,
242 preference shall be given to the side that could best support pathway connectivity based on other
243 factors such as existing or planned future pathways in the vicinity ~~and based on the least~~ and potential
244 pedestrian conflicts.

245 (1) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
246 motorized modes of transportation. The pathway or sidewalk infrastructure layout shall be such
247 that at any given point along a street within a cluster subdivision there shall be a route or
248 combination of routes available that offer ingress to and egress from the given point to the
249 exterior subdivision boundary in at least three different cardinal directions. This shall be
250 determined with a straight line from the given point to the point where the pathway or sidewalk
251 route meets the edge of the subdivision boundary. General intercardinal or secondary
252 intercardinal directions may be used to make this determination provided the pathway or
253 sidewalk system offers egress on at least three generally different or opposing sides of the
254 subdivision's exterior boundary. Each of these routes shall render a walking distance that is
255 shorter than twice the linear distance from the given point to the point on the route at the exterior
256 subdivision boundary, using the same straight line determination found herein.

257 (2) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks
258 from adjacent developed areas and for the continuation of new pathways or sidewalks to
259 adjacent undeveloped areas. Pathway and sidewalk arrangement shall not cause any
260 unnecessary hardship for creating convenient and efficient access to future adjoining
261 developments. A subdivision located adjacent to a previously stubbed pathway shall make a
262 connection to that stub using the shortest pathway distance reasonably possible.

263 (3) If a pathway does not intersect with another pathway, sidewalk or street within 500 linear feet, as
264 measured along the actual alignment of the pathway, but another pathway, sidewalk, or street
265 exists within 500 feet of any point of the pathway, or the same pathway exists within 500 feet by
266 looping back on itself, as measured using a straight line, then a connection shall be made from
267 the point of the first pathway to the other pathway, sidewalk, or street using the shortest pathway
268 distance reasonably possible. This may require a pathway between lots or through open spaces.

269 (4) In an agricultural zone, pathways in open space areas greater than five acres shall be located as
270 close to the outer boundaries of the open space area as reasonably possible so as not to disrupt
271 the contiguity of the open space area. ~~In the event street configuration does not yield an efficient~~
272 pedestrian connection to nearby rights-of-way outside the subdivision, pathways are required to
273 connect to adjacent abutting public rights-of-way or stub into adjacent parcels in the direction of
274 those rights-of-way.

275 (5) The planning commission may waive any of the above pathway requirements for a pathway or
276 sidewalk that is not intended to be a parallel part of the general street transportation system.

277 a. The waiver may be granted for the following reasons:

278 1. environmental constraints exist that render the connection unreasonable and
279 unnecessary; or

280 2. agricultural open space that is, or would otherwise be, permanently preserved as provided
281 in this land use code would be interrupted by the pathway or sidewalk in a manner that
282 creates a hardship for crop production.

Commented [c7]: Reference

b. In allowing a waiver under this subsection the planning commission may require the pathway or sidewalk to be placed in another location to offer optimal compensation for the lack of the connection required herein.

Sec. 108-3-5. - Open space preservation plan and development standards.

(a) *Open space preservation plan procedure.*

(1) *Initial open space preservation plan approval.* An open space preservation plan shall accompany an application for preliminary subdivision approval or an application for an open space preservation plan amendment. Preliminary subdivision approval constitutes approval of the open space plan. A final plat shall comply with the approved open space plan.

(2) *Open space preservation plan amendment.* After submittal of a new application and application fee an open space preservation plan may be amended, from time to time in accordance with the standards of this chapter. If an amendment of an open space preservation plan affects any part of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an approved open space preservation plan, then the two shall be amended together and final approval of the amended subdivision plat shall constitute final approval of the amended open space preservation plan. Otherwise, each may be amended independently. Submission for an independently amended open space preservation plan shall be in compliance with the open space plan submittal requirements of this chapter and shall require the approval of the planning commission.

(b) *Open space preservation plan submittal requirements.* The open space preservation plan submittal shall include the following:

(1) An overall cluster subdivision map identifying all open space areas and open space area amenities.

(2) An open space site plan that:

a. identifies the open space parcel ownership types specified in ~~(c)(59)~~ of this section;

b. identifies each proposed ownership type ~~shall be identified~~ with a unique color;

c. and shows the locations of existing and proposed future structures and other open space amenities;

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

~~b. For open space that will be gifted as a park parcel to a local park district, the site plan shall include all park improvements and be is accompanied by a letter of approval from the local park district. for open space that will be gifted as a park parcel to a local park district.~~

~~c. For open space that will be an individually owned preservation parcel whereon a building will be located, the site plan shall identify a locatable building envelope, as defined in Section 101-1-7, within which all existing and future buildings shall be located.~~

(3) A narrative describing all proposed open space parcels, their proposed method of ownership, their proposed method of maintenance, their proposed uses, and any proposed building envelopes.

~~(4) A written explanation of the proposed method of maintenance of all open space parcels. This may be included in the written narrative. However, an open space plan with a common area parcel or parcels shall be submitted with proposed Conditions, Covenants, and Restrictions or Homeowner's Association Declaration that clearly explains the maintenance method for each~~

Commented [c8]: Need to create new fee for OS plan amendments.

Commented [c9]: Check reference

Commented [c10]: Reference

330 common area parcel. At a minimum, the document shall explain vegetation grooming practices,
 331 weed mitigation, and refuse disposal.

332 (54) The phasing of open space parcels and their relationship to the overall subdivision phasing plan,
 333 if any.

334 (c) *Open space development standards and ownership regulations.* All open space area proposed to
 335 count toward the minimum open space area required by this chapter shall be clearly identified on the
 336 open space plan map [site plan](#). The following standards apply to their creation. Open space area in
 337 excess of the minimum required by this chapter is exempt from these standards.

338 (1) *Minimum required open space area.* ~~Unless more is required to gain additional density, as~~
 339 ~~provided in XXX, the minimum percentage of a cluster subdivision's adjusted gross acreage, as~~
 340 ~~defined in Section 101-1-7, shall be preserved as open space. The minimum open space areas~~
 341 ~~are as follows~~A cluster subdivision requires a minimum percentage of its net developable
 342 acreage, as defined in Section 101-1-7, to be preserved as open space, as follows:

Commented [c11]: Reference

ZONE	REQUIRED OPEN SPACE
F-40 zone:	90 percent
F-5 and F-10 zones:	80 percent
AV-3, FV-3, and DRR-1 zones:	60 percent
Zones not listed:	30 percent

343 a. ~~In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall be~~
 344 ~~preserved as open space.~~

345 b. ~~In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster subdivision~~
 346 ~~shall be preserved as open space.~~

347 c. ~~In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley Destination and~~
 348 ~~Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a cluster subdivision shall be~~
 349 ~~preserved as open space.~~

350 d. ~~In all other zones where a cluster subdivision is an allowed development type a minimum of~~
 351 ~~30 percent of a cluster subdivision shall be preserved as open space.~~

352 (2) *Non-agricultural ~~conservation~~ preservation open spaces.* In all nonagricultural zones, and except
 353 as provided otherwise in parts (4) or (5) of this subsection (c), open space parcels shall preserve,
 354 to the extent possible, lands that have characteristics generally valuable for preservation or
 355 conservation, including but not limited to viewsheds, ridgelines, waterways, stands or groupings
 356 of mature vegetation, wildlife habitat, and other sensitive ecology. Open space parcels shall be
 357 organized into one contiguous open space area, except contiguity may be interrupted ~~for the~~
 358 ~~purpose of preserving or conserving multiple and noncontiguous areas valuable for if~~ preservation
 359 ~~or conservation of those characteristics is best accomplished by allowing the interruption. The~~
 360 ~~applicant bears the burden of proving the social or environmental value of the preservation or~~
 361 ~~conservation based on specific objectives found in the general plan or based on objectives of~~
 362 ~~some other land preservation or conservation plan, or other preservation or conservation policy~~
 363 ~~as adopted by the county, state, or federal government, and applicable within the county.~~

Commented [c12]: Reference

364 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
 365 shall be arranged to create future long-term agricultural opportunities in the following ways:

366 a. By creating parcels of a sufficient size and configuration to support large-scale crop-producing
 367 operations. The area or areas of the subdivision that contains prime agricultural land, as
 368

369 defined by Section 101-1-7, shall first and foremost be used to satisfy the open space
370 requirements of this chapter. Only then may any portion of the prime agricultural land be used
371 for other development purposes.

372 b. Open space parcels shall be organized into one contiguous open space area, and be of a
373 sufficient size and configuration that can easily sustain, support, and encourage a variety of
374 large-scale crop-producing operations and any related large equipment commonly used to
375 support them. Contiguity may only be interrupted if preservation of long-term agricultural
376 opportunities is best accomplished by allowing the interruption. The applicant bears the
377 burden of proving this based on soil sampling, irrigation capabilities, parcel boundary
378 configuration, and industry best practices. Contiguity may be interrupted for the purpose of
379 preserving or conserving multiple and noncontiguous areas valuable for preservation or
380 conservation as specified in part (2) of this subsection, or to avoid areas that are not prime
381 agricultural land.

Commented [c13]: Reference

382 ca. In order to encourage a variety of large-scale crop-producing operations in the future, The
383 exterior boundary of a contiguous open space area that is intended to satisfy the open space
384 requirements of this chapter shall be configured so a fifty-foot-wide farm implement can reach
385 all parts of the area with three or more passes or turns. Generally, this requires the area to be
386 at least 450 wide in any direction at any given point to be considered contiguous. the distance
387 between any point of roughly paralleling lines of the exterior boundary of any contiguous open
388 space area shall be no less than 450 feet. This three turn standard may be reduced by the
389 planning commission for portions of the parcel affected by the following:

Commented [c14]: 450x450 = 4.6 acres. This width will allow three turns for a large combine.

390 1i. The configuration of the existing exterior boundary of the proposed subdivision makes it
391 impossible;

392 2ii. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
393 would otherwise be one contiguous open space area if the street did not exist; or

394 3iii. Natural features, or permanent man-made improvements onsite that cannot be moved or
395 realigned, cause an interruption to crop producing capabilities.

396 b. Open space parcels form a contiguous area if each open space parcel shares a common
397 boundary line that is no less than 100 linear feet or lies directly across a street right-of-way,
398 or other approved access, from another open space parcel, with the common boundaries
399 shared with the street right-of-way being no less than 100 linear feet.

400 dg. This does not apply to parcels Open space area necessary to meet the requirements of part
401 (4) or (5) of this subsection, or open space areas never previously used for crop production
402 that currently contain areas valuable for preservation or conservation as specified in part (2)
403 of this subsection may be exempt from this part provided they comply with those applicable
404 parts.

Commented [c15]: Reference

405 (4) Small open space parcels between lots within clusters. In order to maximize the contiguous open
406 space acreage as required in part (2) and (3) of this subsection, an open space parcel or portion
407 thereof that is located within a cluster of residential lots, as defined in Section 101-1-7, or that
408 interrupts contiguity of a cluster of residential lots and is not intended to satisfy part (2), (3), or (5)
409 of this subsection shall be constrained in area and width to provide the minimum acreage and
410 width reasonably necessary for the functionality, operation, and maintenance of the intended
411 open space use. The open space preservation plan shall offer sufficient information regarding the
412 use and any proposed structures to allow the Planning Commission to verify compliance. See
413 also part (6) and part (8) of this subsection (c) for additional applicable area and coverage
414 regulations.

Commented [c16]: Reference

415 (5) Sensitive lands requirements. Cluster subdivisions in or on sensitive lands shall be governed as
416 follows:

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419
- a. Lands that can be mitigated such as floodplain and wetlands are considered developable for the purpose of calculating ~~adjusted-gross~~net developable acreage, as defined in Section 101-1-7.
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424
- b. ~~A Floodway~~ within river corridors, lakes, ~~and or~~ naturally occurring pond areas, which ~~are is~~ acreage unsuitable for development, as defined in Section 101-1-7, not developable, but ~~are~~ is offered as a community amenity on an open space parcel with public access and a blanket public access easement, shall receive 25 percent of the undevelopable acreage credited to the ~~adjusted-gross~~net developable acreage calculation for the development.
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426
- c. Regardless of developability, the following areas shall be located within a cluster subdivision's open space area:
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429
1. areas designated as floodplain, as defined by the Federal Emergency Management Agency or other qualified professional determined appropriate by the county engineer; and
- 430
431
2. rivers and streams, with and including their designated river or stream corridor setbacks, as defined by the Weber County Land Use Code.
- 432
433
- (6) *Open space parcel area.* The minimum area for an open space parcel located within a cluster subdivision is as follows:
- 434
435
- a. *Common area.* An open space parcel designated as common area is not subject to minimum area requirements.
- 436
437
- b. *Park area.* An open space parcel conveyed to a local park district shall be of a sufficient size to adequately accommodate park infrastructure, amenities, and parking.
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440
441
- c. *Individually owned open space parcel area.* An open space parcel designated as an individually owned preservation parcel shall contain an area of not less than five acres and shall be part of a contiguous area of open space consisting of not less than ten acres in total; and shall be in compliance with the following:
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443
1. The ten acre minimum contiguous area does not need to be platted in the same subdivision.
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2. Each individually owned open space parcel shall be provided clear and perpetual legal access from a public or private street right of way.
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3. Drainage detention or retention facilities may be located on an individually owned preservation parcel and count toward the subdivision's overall open space area, but the acreage of the facility shall not be included as part of the parcel's agricultural use, and the acreage of the facility shall be in addition to, not a part of, the minimum parcel area requirement. ~~acreage of that facility shall be reduced from the minimum required acreage of the individually owned preservation parcel, and shall not be included as useful agricultural acreage in the open space plan.~~
- 453
454
455
- d. *Estate lot area.* Up to eighty percent of ~~a lot of 5.25 acres or greater~~ an estate lot, as defined in Section 101-1-7, may count towards the open space acreage requirement provided the following standards are applied:
- 456
457
458
1. The area of the lot designated as open space shall contain an area of not less than five acres and shall be part of a contiguous area of open space consisting of not less than ten acres in total.;
- 459
460
461
462
2. The estate lot shall contain a survey-locatable building envelope on the recorded plat that shares a common boundary with a neighboring residential lot, or in the case of a neighboring estate ~~parcel~~ lot, shares a common boundary with the neighboring estate ~~parcel's~~ lot's building envelope; ~~and.~~
- 463
464
- (7) *Parcel width, frontage, and access.* Open space parcels located within a cluster subdivision are not subject to frontage requirements and do not have a minimum width standard. Section ~~106-2-~~

465 4(c) notwithstanding, all open space parcels without street frontage shall be provided an access
466 easement, recordable at the time of plat recordation, across other parcels and connecting to a
467 public or private street.

Commented [c17]: Reference

Commented [c18]: Adding an access requirement.

468 (8) Parcel coverage.

469 a. Coverage of common area or open space parcels under five acres by any roofed structures
470 or any structures/facility or facilities that requires a building permit shall not exceed ten
471 percent of the total parcel area.

472 b. Coverage of individually owned preservation parcels by roofed structures or any
473 structures/facility that requires a building permit shall not exceed two and a half percent of
474 the total parcel area.

Commented [c19]: Current code lists this as 5%.

475 c. Coverage of the open space area of an estate lot of 5.25 acres or greater by roofed structures
476 or any structures/facility that requires a building permit shall be not exceed two and a half
477 percent of the lot's platted open space preservation easement area.

478 (9) Open space lot or parcel ownership.

479 a. Common area parcel. An open space parcel dedicated as that is common area shall be
480 commonly owned by an appropriate homeowner's association established under U.C.A.
481 1953, § 57-8a-101 et seq., the Community Association Act.

482 b. Park parcel. An open space parcel may be conveyed to owned by a local park district, as
483 approved by the park district.

484 c. Individually owned open space parcel. An open space parcel may be owned as an
485 individually owned preservation parcel by any person, regardless of whether the person
486 owns a residential lot within the subdivision. In order to keep an individually owned
487 preservation parcel from becoming uncondusive to multiple-acreage preservation uses, an
488 individually owned preservation parcel shall not be sectioned into sub-areas less than five
489 acres by fencing or other physical barriers unless the sectioning is Pasture ground intended
490 for the rotation of grazing animals shall be exempt provided consistent rotation occurs for
491 the purpose of vegetation regrowth. The planning commission may modify this requirement
492 for uses that support the longevity of the preservation, maintenance, and large-acreage use
493 of the parcel.

494 d. Estate parcel/lot. An estate parcel/lot, as defined in Section 101-1-7, of 5.25 acres or greater
495 may be owned by any person. In order to keep an individually owned preservation estate
496 parcel from becoming uncondusive to multiple-acreage preservation uses, the preserved
497 open space area shall not be sectioned into sub-areas less than five acres by fencing or
498 other physical barriers unless the sectioning is Pasture ground intended for the rotation of
499 grazing animals shall be exempt provided consistent rotation occurs for the purpose of
500 vegetation regrowth. The planning commission may modify this requirement for uses that
501 support the longevity of the preservation, maintenance, and large-acreage use of the parcel.

502 (d) Open space phasing. If development phasing is proposed and approved during preliminary cluster
503 subdivision approval, the percent of open space of the overall platted acreage shall at no time be less
504 than the percent of proposed open space approved in the open space plan.

505 (e) Maintenance. The open space parcel owner, whether an individual or an association, shall use,
506 manage, and maintain the owner's parcel in a manner that is consistent with an approved open space
507 preservation plan and/or the agriculture, forest, or other type of preservation easement executed under
508 subsection (4).

509 (f) Preservation.

510 (1) Open space parcels shall be permanently preserved in a manner that is consistent with the
511 approved open space preservation plan.

512 (2) Language shall be included in the dedication of the subdivision plat that substantially reads as
513 follows; final language is subject to approval from the County Surveyor and County Attorney:

... and additionally dedicate and convey to Weber County a perpetual open space easement on under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan; ...

514 (3) An agreement, in a form acceptable to the County Attorney, shall be recorded with the final plat
515 that details the open space preservation plan and any related conditions of approval necessary
516 to execute the open space preservation plan. The approved site plan shall be included in the
517 agreement. If the plat recordation is also the means of conveyance of any open space parcel, the
518 agreement shall also specify the name and tax notification mailing address if the new owner.

519 (4) If a cluster subdivision contains open space intended to preserve substantial or crucial wildlife
520 habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting
521 the requirements of the Utah Division of Wildlife Resources shall be offered to the division.

522 (5) If a cluster subdivision contains an individually owned preservation parcel or estate lot with an
523 open space area, the applicant shall:

- 524 a. identify all open space preservation areas on the final plat with a unique hatch or shading;
- 525 b. further identify each individually owned preservation parcel with a unique identifying letter;
- 526 c. for an estate lot, delineate on the plat with survey locatable bearings and calls the area of
527 the lot being preserved as open space. ~~shall be delineated with survey locatable bearings~~
528 ~~and calls.~~

529 (7g) The planning commission may impose any additional conditions and restrictions it deems necessary
530 to reasonably ensure maintenance of the open space and adherence to the open space preservation
531 plan. Such conditions may include a plan for the disposition or re-use of the open space property if
532 the open space is not maintained in the manner agreed upon or is abandoned by the owners.

533 (h) A violation of the open space plan or any associate conditions or restrictions, shall constitute a violation
534 of this Land Use Code.

535 **Sec. 108-3-6. – Reserved.**

536 **Sec. 108-3-7. - Lot development standards.**

537 Unless otherwise provided in this section, residential building lots shall be developed in a manner
538 that meets all applicable standards, including but not limited to those found in the Weber County Land Use
539 Code and the requirements and standards of the Weber-Morgan Health Department, if applicable. The
540 following specific site development standards apply to lots in cluster subdivisions:

- 541 (1) Lot area. Unless otherwise regulated by the Weber-Morgan Health Department, a lot located
542 within a cluster subdivision shall contain an area of not less than 9,000 square feet, unless
543 otherwise provided in Section 108-3-8.
- 544 (2) Lot width. Unless otherwise regulated by the Weber-Morgan Health Department, the minimum lot
545 width in a cluster subdivision ~~per zone~~ is as follows:

ZONE	LOT WIDTH
F-40 and F-10 zones:	100 feet
FR-1, F-5, and AV-3 zones:	80 feet

RE-15, RE-20 zones:	60 feet
A-1, A-2, and A-3 zones:	60 feet
FR-3 zone:	50 feet
DRR-1 zone:	50 feet

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547

(3) *Yard setbacks.* The minimum yard setbacks in a cluster subdivision are as follows:

YARD	SETBACK
Front:	20 feet
Side:	
Dwelling:	8 feet
Accessory building:	8 feet; except one foot if located at least six feet in rear of dwelling.
Accessory building over 1,000 square feet:	See Section 108-7-16
Corner lot side facing street:	20 feet
Rear:	20 feet

548

(4) *Building height.* The maximum height for a building in a cluster subdivision is as follows:

BUILDING	HEIGHT
Dwelling	40 feet
Accessory building	30 feet

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Sec. 108-3-8. - Bonus density.

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(a) Western Weber Planning Area bonus density. In the Western Weber Planning Area, bonus density shall be awarded on a one to one ratio with the gross acreage of a project area. However, no bonus density shall be awarded for a project with a gross acreage less than ten acres, and no bonus density over 50 percent shall be awarded for projects with a gross acreage over 50 acres. ~~not exceed 30 percent except as allowed herein.~~ A subdivision that is awarded density shall:

(1) Provide a minimum 50 percent open space of the net developable acreage, as defined in Section 101-1-7.

(2) Provide one street tree of at least two-inch caliper, from a species list as determined by county policy, every 50 feet on both sides of each street within the project boundaries. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to the 50-foot spacing as otherwise reasonably possible.

Commented [E20]: Need to run policy with the adoption of this.

- 562 (3) Comply with all provisions of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance,
563 which is incorporated by reference herein as applicable to a cluster subdivision in the Western
564 Weber Planning Area that receives bonus density. A note shall be place on the final subdivision
565 plat indicating this requirement.
- 566 (b) Ogden Valley Planning Area bonus density. A cluster subdivision shall create no new density
567 entitlements in the Ogden Valley.
- 568 (c) Transferable density as bonus density. A cluster subdivision is allowed bonus units in either planning
569 area when a proportionate number of dwelling units have been retired from another parcel or parcels
570 within the same planning area as the cluster subdivision receiving the bonus. The following limitations
571 apply:
- 572 (1) Ogden Valley bonus transfers. Units may be retired on a parcel in any area within the Ogden
573 Valley Planning Area except areas in the DRR-1, F-40, F-10, and F-5 zones, and except any area
574 within a quarter mile of a village, as depicted on the Commercial Locations and Village Areas Map
575 of the 2016 Ogden Valley General Plan;
- 576 (2) Western Weber bonus transfers. Units may be retired from any parcel or parcels in any area within
577 the Western Weber Planning Area provided the parcel or parcels are within one linear mile of the
578 cluster subdivision receiving the bonus. This bonus is in addition to the bonuses authorized in
579 subsection (a) of this section.
- 580 (3) Bonus transfer supplemental regulations. The following regulations apply for cluster subdivisions
581 receiving bonuses of transferable density.
- 582 a. Dwelling unit retirement. The retirement of a dwelling unit right from another parcel or
583 parcels shall comply with one of the following:
- 584 1. Open space preservation easement. An open space preservation easement shall be
585 granted on, under, and over the parcel or parcels to Weber County and written in a form
586 acceptable to the County Attorney. The easement shall specify the number of units
587 retired from the site, and the number that remain, if any. The easement may be
588 amended from time to time to retire additional units, if applicable.
- 589 2. Rezone. A rezone with a development agreement shall be executed prior to application
590 for preliminary subdivision review that reduces at least the necessary development units
591 from the parcel or parcels as is requested in the bonus allotment. The development
592 agreement shall, amongst other legislatively negotiated development, preservation, or
593 conservation requirements, specify the future developable potential of the property, if
594 any, and the number of development units retired from the property with the rezone.
- 595 3. Other local, state, or federal conservation or preservation easement. As a legislative
596 action, the County Commission may accept the voluntary contribution to a local land
597 trust, or other state or federal agency, whether in land acreage or monetary value, that
598 will yield the same dwelling-unit-retirement result as part (1)a. or (1)b. of this subsection
599 (b). This shall be executed in the form of an agreement prior to application for
600 preliminary subdivision review.
- 601 b. Determination of the actual number of development units retired shall follow the calculation
602 for base density, as defined in 101-1-7.
- 603 c. Bonus dwelling units granted under this subsection (c) are restricted to the approved cluster
604 subdivision and shall not be allowed to be moved or transferred in any form elsewhere,
605 except in the Ogden Valley this may occur in the DRR-1 zone as provided in Title 104,
606 Chapter 29.
- 607 (d) Bonus dwelling units. A dwelling unit resulting from bonus density may be any of the following:
608 (1) A single-family dwelling, if it is the only dwelling on the lot.

609 (2) One accessory dwelling unit, located on the same lot as a main dwelling unit normally intended
610 for a single-family, as defined in Section 101-1-7.

611 a. Unattached accessory dwelling unit. If not attached to the main single-family dwelling, the
612 height and footprint of the accessory dwelling unit shall be smaller than the main single-family
613 dwelling and shall be located behind an imaginary line that runs parallel to the front lot line
614 and is located at the rear corner of the main dwelling unit that is furthest from the front lot
615 line.

616 b. Attached accessory dwelling unit. If attached to the main dwelling unit, the accessory dwelling
617 unit shall not have an entrance that faces a street abutting the same lot and shall be designed
618 to appear as one dwelling.

619 c. Setbacks for accessory dwelling unit. All building setbacks for the main dwelling shall be
620 observed for the accessory dwelling.

621 (3) Combined to create up to a four-family dwelling unit, a four-unit condominium building, or up to
622 four attached town houses. Provided, however, that the four-unit building shall be located no closer
623 than 500 feet from the exterior boundary of the subdivision unless otherwise immediately adjacent to
624 another four-unit building on a lot in an adjacent subdivision and only when none of the four-unit
625 buildings are any closer than 500 feet from the exterior of the combined subdivision boundaries.

626

627 ~~(1) (INSERT AMENITIES REQUIRED TO EARN POINTS HERE. (i.e. street trees, pathway~~
628 ~~landscaping, dark sky preservation, public-accessible recreational amenities, public park (if~~
629 ~~district will accept it)...~~

630 ~~(2) In an agricultural zone, up to 20 percent additional bonus may be earned in accordance with the~~
631 ~~following:~~

632 ~~a. the subdivision shall demonstrate qualification for the basic 30 percent bonus density;~~

633 ~~b. 90 percent of the total open space acreage, but no less than ten acres, shall be:~~

634 ~~1. demonstrated through a soils and irrigation analysis produced by a competent soils~~
635 ~~engineer to be quality farmland capable of competitive marketability to typical crop-~~
636 ~~producing agricultural operations.~~

637 ~~2. be permanently preserved with an agricultural specific preservation easement across~~
638 ~~all 90 percent of the total open space acreage that conforms to the requirements of this~~
639 ~~chapter.~~

640 ~~c. the subdivision shall preserve more than the 30 percent minimum open space area. The~~
641 ~~allowed bonus density percentage may be increased at a one for one ratio with the open~~
642 ~~space percentage increases that are over 30 percent, up to a maximum of 50 percent bonus~~
643 ~~density award.~~

644 ~~(b) No bonus density is allowed in the Ogden Valley.~~

645 **Sec. 108-3-9. - Homeowners association required.**

646 In order to provide for proper management and maintenance of commonly owned areas and private
647 improvements, all cluster subdivisions with such areas or improvements are required to have a
648 homeowners association. The applicant, prior to recording a final plat of the cluster subdivision, shall:

649 (1) Establish a homeowners association and submit for the county's review the necessary articles of
650 incorporation, bylaws, and declaration of covenants, conditions, and restrictions that provide for:

651 a. Compliance with Utah State Code;

652 b. The reason and purpose for the association's existence;

653 c. Mandatory membership for each lot or home owner and their successors in interest;

- 654 d. The perpetual nature of the easements related to all dedicated open space parcels;
- 655 e. Responsibilities related to liability, taxes, and the maintenance of recreational and other
- 656 infrastructure and facilities;
- 657 f. Financial obligations and responsibilities, including the ability to adjust the obligations and
- 658 responsibilities due to change in needs;
- 659 g. Association enforcement remedies; and
- 660 h. A notification of the county's ability to enforce the terms of the owner's dedication on the
- 661 subdivision dedication plat.

662 (2) Register the homeowners association with the State of Utah, Department of Commerce.

663 **Sec. 108-3-10. – Guarantee of improvements.**

- 664 (a) *Guarantee of improvements.* The county shall require an applicant to deposit a guarantee of
- 665 improvements, as provided in Section 106-4-3, for all improvements required by this chapter or as
- 666 otherwise volunteered by the applicant that are incomplete at the time of subdivision plat recording.
- 667 This includes improvements on open space parcels unless otherwise specified in subsection (b) of
- 668 this section.
- 669 (b) Improvements requiring certificate of occupancy. The county shall not require an applicant to deposit
- 670 a financial guarantee for open space improvements that require a certificate of occupancy and that
- 671 remain incomplete at the time of final approval of the proposed cluster subdivision ~~from~~ by the board
- 672 of county commissioners. The applicant or developer shall complete the improvements according to
- 673 the approved phasing component of an open space preservation plan. If the applicant fails to complete
- 674 improvements as presented in the open space preservation plan, the county may suspend final plat
- 675 approvals and record an instrument notifying prospective lot buyers that future land use permits may
- 676 not be issued for any construction.

677
678 ...

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

680 ...

681 (1) Farm stay (residential and overnight accommodation) uses/activities.

682 (f) Carriage house.

- 683 1. Carriage houses shall be limited to a number that does not exceed the following
- 684 calculation: ~~Adjusted gross net developable~~ acreage of the parcel upon which a carriage
- 685 house(s) is located divided by the minimum lot area required by the zone in which the lot
- 686 or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum
- 687 lot area) x 20 percent = Maximum number of carriage houses at an approved agri-
- 688 tourism operation.

689 ~~;ds;Minimum single-family dwelling area requirement set forth by the zone in which the parcel(s) is~~

690 ~~located~~

691 ~~x20 percent~~

692 ~~= Maximum number of carriage houses at an approved agri-tourism operation~~

693 ...

Commented [E21]: Administrative edits to the agritourism ordinance for consistency.

1 **Title 101 – GENERAL PROVISIONS**

2 ...

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

4 ...

5 *Accessory dwelling unit* . The term "accessory dwelling unit," also referred to as an "ADU," means
6 a dwelling unit, as defined by this Section, that is either attached to the main dwelling or is otherwise
7 located on the same lot or parcel as the main single family dwelling. To meet this definition, one of the
8 single family dwelling units on the lot or parcel shall be occupied by the owner of the lot or parcel,
9 unless specified otherwise by this Land Use Code. An accessory dwelling unit is not an accessory
10 apartment, as otherwise defined by this Section. Ownership of an accessory dwelling unit shall not be
11 transferred separate from the main single family dwelling to which it is accessory. See also "carriage
12 house."

13 ...

14 *Acreage, gross*. The term " gross acreage" means a total of all acreage that lies within a project
15 boundary.

16 *Acreage, net developable*. The phrase "net developable acreage" means the total acreage within
17 a project boundary, subtracting acreage unsuitable for development, as defined by this section or as
18 otherwise provided in this Land Use Code, areas with slopes 30 percent or greater, and areas with soils
19 of insufficient depth and suitability to protect against detrimental effects of development on surface and
20 groundwater. When calculating net developable acreage, ten percent of the total acreage within a
21 project area shall be reduced to account for potential street rights-of-way. The portions of an existing
22 street right-of-way located within the project boundaries may be included as part of the ten percent.
23 The term "net developable area" shall have the same meaning, unless the context clearly indicates
24 otherwise.

25 ...

26 *Acreage unsuitable for development*. The phrase "acreage unsuitable for development," means
27 the area within a project that has extraordinary circumstances that under existing county, state, or
28 federal laws render development on it very unlikely. The applicant bears the burden of proof. ...

29 *Adjusted gross acreage*. See "acreage, adjusted gross."

30 ...

31 *Agricultural parcel*. The term "agricultural parcel" means a single parcel of land, at least 5.0 acres
32 in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in
33 order to qualify for the agricultural building exemption.

34 *Agricultural land, prime*. The term "prime agricultural land" means the area of a lot or parcel best
35 suited for large-scale crop production. This area has soil types that have, or are capable of having,
36 highest nutrient content and best irrigation capabilities over other soil types on the property, and are of a
37 sufficient size and configuration to offer marketable opportunities for crop-production. Unless otherwise
38 specified by this land use code, actual crop production need not exist onsite for a property to be
39 considered to contain prime agricultural land.

40 *Agriculture*. The term "agriculture" means use of land for primarily farming and related purposes
41 such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but
42 not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit
43 packing plants, fur farms, animal hospitals or similar uses.

44 ...

45 *Agri-tourism*. The term "agri-tourism" means an agricultural accessory use that can provide a
46 means of diversifying a farm's income through broadening its offerings and adding value to its products.
47 They operate during more than six (consecutive or non-consecutive) days per year and provide

48 agriculturally related, and in some instances, non-agriculturally related products and activities that attract
49 members of the public to the farm for retail, educational, recreational, and/or general tourism purposes.

50 ...

51 *Club or fraternal lodge/organization, private.* The term "club or fraternal lodge/organization, private"
52 means a non-profit association of persons who are bona fide members which owns or leases a building
53 or portion thereof, the use of such premises being restricted to members and their guests.

54 *Cluster of residential lots.* The phrase "cluster of residential lots" means a grouping of residential
55 lots, as provided Title 108 Chapter 3 of this land use code, that are contiguous and uninterrupted by
56 other nonresidential parcels except parcels required for a street and other allowed access or as
57 otherwise allowed by this land use code.

58 *Code.* The term "Code" means the Land Use Code of Weber County, Utah.

59 ...

60 *Conservation easement.* The term "conservation easement" means:

- 61 (1) An easement granting a right or interest in real property that is appropriate to retaining land or
62 water areas predominately in their natural, scenic, open or wooded condition;
- 63 (2) Retaining such areas as suitable habitat for fish, plants or wildlife; or
- 64 (3) Maintaining existing land uses.

65 ...

66 *Density, base.* The term "base density" means the number of units allowed in an area. For
67 development types that permit a reduced lot area than otherwise provided by the zone, the base density
68 shall be calculated as the net developable acreage, as defined herein, then divided by the minimum lot
69 area of the zone. This calculation can be observed by this formula: ((net developable acreage) /
70 (minimum lot area)) = base density. The result shall be rounded down to the nearest whole lot.

71 ...

72 *Estate lot.* The term "estate lot" means a lot within a subdivision intended for the use of a dwelling
73 unit that contains at least 5.25 acres.

74 ...

75 *Gross Acreage.* See "acreage, gross."

76 ...

77 *Net developable acreage.* See "acreage, net developable."

78 ...

79

80 **Title 104 - ZONES**

81 ...

82 **Sec. 104-29-2. – Development standards.**

83 ...

84

- 85 (i) Open space. A minimum of 60 percent of the net developable acreage, owned by the resort and
86 located within the destination and recreation resort zone, shall be designated as open space. A portion
87 of that open space shall consist of conservation open space in an amount equal to or greater than 30
88 percent of the resort's net developable acreage. The area designated as conservation open space
89 shall be encumbered by an irrevocable conservation easement meeting the general/applicable

90 requirements described in section 104-29-6 of this chapter and shall be granted prior to beginning any
91 construction within an overall project phase. The minimum number of acres encumbered by each
92 easement shall be equal to or greater than the number of acres involved in each project phase until
93 the total number, of required conservation open space acres, is met. Areas dedicated (platted and
94 recorded) as open space within residential and nonresidential subdivisions may count towards the
95 minimum open space requirement.

96

97 ...

98 **Title 108 - STANDARDS**

99 ...

100 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

101 **Sec. 108-3-1. – Purpose and Intent.**

102 The purpose of this chapter is to provide flexible development standards to landowners that are
103 committed to developing safe, attractive, conservation oriented neighborhoods that:

- 104 (1) are designed and arranged in a manner that considers, gives deference to, and ultimately protects
105 natural topography, environmentally sensitive areas, wildlife habitat, and agriculturally productive
106 lands;
- 107 (2) offer predictable support and encouragement in agricultural areas for a wide variety of long-term
108 agricultural operations on open space parcels;
- 109 (3) benefit those that create cluster subdivisions by offering an inherent gain in the form of reduced
110 infrastructure costs and the possibility for an increase in residential density in the Western Weber
111 Planning Area;
- 112 (4) benefit the residents of Weber County by promoting public welfare through the reduction of long-
113 term infrastructure maintenance costs; and
- 114 (5) permanently preserve the county's functional open spaces, picturesque landscapes, and rural
115 character.

116 **Sec. 108-3-2. - Allowed zones.**

117 Subject to the requirements of this chapter, cluster subdivisions are permitted in all zones except for
118 the commercial, manufacturing, gravel, residential mobile home, open space, and shoreline zones.

119 **Sec. 108-3-3. - Supplemental subdivision procedural requirements.**

- 120 (a) *Subdivision procedures and requirements apply.* All procedures and requirements of Title 106 shall
121 apply to a cluster subdivision unless there is a conflict or supplement in this chapter, in which case the
122 provisions of this chapter shall prevail.
- 123 (b) *Conceptual sketch plan.* In addition to the subdivision approval procedure in Title 106, the cluster
124 subdivision approval procedure requires a conceptual sketch plan endorsement from the planning
125 commission prior to the submission of a formal subdivision application. An application for a conceptual
126 sketch plan endorsement must demonstrate compliance with applicable standards contained within
127 the Weber County Code. The completed application must be submitted at least 21 calendar days prior
128 to the planning commission meeting at which the applicant wishes to be heard. Endorsement from the
129 planning commission is only a means to assist in the creation of a complete subdivision application
130 and shall not create any vested right except the right to apply for preliminary subdivision review. The
131 application is complete upon submission of the following:
 - 132 (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of Ordinances,
133 and submission of a complete sketch plan endorsement application on a form provided by the
134 county planning department.

- 135 (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject property,
136 surrounding streets, and relevant landmarks.
- 137 (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates in a
138 suitable manner compliance with all applicable codes. The plan shall include, but not necessarily
139 be limited to, a north arrow and scale, subdivision boundary according to county records,
140 approximate locations of proposed streets, lots with approximate area calculations, common
141 areas and open space parcels with approximate area calculations, easements, waterways,
142 suspected wetlands, floodplains, existing structures, and contour lines. Information related to
143 topography and contour lines may be submitted on a separate map. Contour information may be
144 omitted if the planning director or his designee determines that the subject property lacks
145 topographic characteristics that warrant representation.
- 146 (4) An electronic copy of all forms, documents, materials, and information submitted as part of the
147 application.
- 148 (c) *Preliminary and final cluster subdivision application.*
- 149 (1) Submission for preliminary cluster subdivision approval. A submission for preliminary cluster
150 subdivision approval shall:
- 151 a. conform to the endorsed sketch plan;
- 152 b. comply with all applicable preliminary plan requirements of Title 106;
- 153 c. contain an open space preservation plan, as required in Section 108-3-5.
- 154 (2) *Submission for final cluster subdivision approval.* A submission for final cluster subdivision
155 approval shall conform to the approval of the preliminary cluster subdivision approval and comply
156 with all applicable final plat requirements of Title 106. If applicable, submission shall also include
157 final conditions, covenants, and restrictions or a homeowner's association declaration that clearly
158 explain the maintenance method for each common area parcel, as required by this chapter or any
159 condition of preliminary cluster subdivision approval. Submission shall also include drafts of any
160 other relevant instrument required for the execution of applicable provisions of this Land Use
161 Code.

162 **Sec. 108-3-4. – Residential cluster subdivision design and layout standards, generally.**

- 163 (a) *Overall configuration.* A cluster subdivision's general design shall concentrate residential building lots,
164 with their adjoining street rights-of-way and any approved alternative access, if applicable, together in
165 accordance with the following:
- 166 (1) in all zones, clusters shall be designed to avoid, to the extent possible, lands that have
167 characteristics generally valuable for preservation or conservation, including but not limited to
168 viewsheds, ridgelines, canyons, waterways, stands or groupings of mature vegetation, wildlife
169 habitat, and other sensitive ecology identified as being of importance by the applicable general
170 plan or some other land preservation or conservation plan adopted by the county, state, or federal
171 government and that is applicable within the county. Preservation or conservation shall be tailored
172 to execute the goals, objectives, or policies of the relevant plan. The application shall provide
173 sufficient detailed information to clearly verify compliance.
- 174 (2) in an agricultural zone, only one cluster of residential lots is allowed unless more are necessary
175 to avoid development on prime agricultural land, as defined in Section 101-1-7, or sensitive lands
176 as provided in Section 108-3-5(b)(4). The cluster or clusters shall be organized in a manner that
177 supports viability of crop production on the open space lands including optimizing ease of access
178 and maneuverability, to and on the open space lands, of large equipment commonly used to
179 support crop production. The clusters shall be configured to support the required open space
180 design and layout standards of this chapter. Subdivision phasing that avoids this requirement shall
181 not be allowed.
- 182 (b) *Street configuration.* Streets shall have logical and efficient connections, with intersection distances
183 no less than provided in Section 106-2-3, and shall generally follow existing street grid design. Section

184 line streets are mandatory and shall not be waived. When practicable, quarter section lines shall
185 denote the general location of other through streets. If current parcel configuration does not make this
186 practicable, a through-street, or stubbed-street that will be a future through-street, shall be located as
187 close to these lines as otherwise reasonably possible.

188 (1) The planning commission may waive the quarter section-line street requirement for the following
189 reasons:

190 a. environmental constraints exist that render a through-street, or a stubbed-street that will
191 become a through-street, unreasonable and unnecessary; or

192 b. agricultural open space that is, or would otherwise be, permanently preserved as provided
193 in this land use code would be interrupted by the street in a manner that creates a hardship
194 for crop production.

195 (2) In allowing a waiver under this subsection the planning commission may require the street to be
196 placed in another location to offer optimal compensation for the lack of the connection required
197 herein. No waiver shall be granted for section line roads.

198 (c) *Pathways.* In lieu of a sidewalk on both sides of the street, as required by 106-4-2(f), a ten foot wide
199 asphalt pathway may be allowed on one side of the street. If only developing a half width street, where
200 otherwise allowed by this Land Use Code, the pathway shall be located on that side; otherwise,
201 preference shall be given to the side that could best support pathway connectivity based on other
202 factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts.

203 (1) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
204 motorized modes of transportation. The pathway or sidewalk infrastructure layout shall be such
205 that at any given point along a street within a cluster subdivision there shall be a route or
206 combination of routes available that offer ingress to and egress from the given point to the
207 exterior subdivision boundary in at least three different cardinal directions. This shall be
208 determined with a straight line from the given point to the point where the pathway or sidewalk
209 route meets the edge of the subdivision boundary. General intercardinal or secondary
210 intercardinal directions may be used to make this determination provided the pathway or
211 sidewalk system offers egress on at least three generally different or opposing sides of the
212 subdivision's exterior boundary. Each of these routes shall render a walking distance that is
213 shorter than twice the linear distance from the given point to the point on the route at the exterior
214 subdivision boundary, using the same straight line determination found herein.

215 (2) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks
216 from adjacent developed areas and for the continuation of new pathways or sidewalks to
217 adjacent undeveloped areas. Pathway and sidewalk arrangement shall not cause any
218 unnecessary hardship for creating convenient and efficient access to future adjoining
219 developments. A subdivision located adjacent to a previously stubbed pathway shall make a
220 connection to that stub using the shortest pathway distance reasonably possible.

221 (3) If a pathway does not intersect with another pathway, sidewalk or street within 500 linear feet, as
222 measured along the actual alignment of the pathway, but another pathway, sidewalk, or street
223 exists within 500 feet of any point of the pathway, or the same pathway exists within 500 feet by
224 looping back on itself, as measured using a straight line, then a connection shall be made from
225 the point of the first pathway to the other pathway, sidewalk, or street using the shortest pathway
226 distance reasonably possible. This may require a pathway between lots or through open spaces.

227 (4) In an agricultural zone, pathways in open space areas greater than five acres shall be located as
228 close to the outer boundaries of the open space area as reasonably possible so as not to disrupt
229 the contiguity of the open space area. (5) The planning commission may waive any of the
230 above pathway requirements for a pathway or sidewalk that is not intended to be a parallel part of
231 the general street transportation system.

232 a. The waiver may be granted for the following reasons:

- 233 1. environmental constraints exist that render the connection unreasonable and
234 unnecessary; or
- 235 2. agricultural open space that is, or would otherwise be, permanently preserved as provided
236 in this land use code would be interrupted by the pathway or sidewalk in a manner that
237 creates a hardship for crop production.
- 238 b. In allowing a waiver under this subsection the planning commission may require the pathway
239 or sidewalk to be placed in another location to offer optimal compensation for the lack of the
240 connection required herein.

241

242 **Sec. 108-3-5. - Open space preservation plan .**

243 (a) *Open space preservation plan procedure.*

244 (1) *Initial open space preservation plan approval.* An open space preservation plan shall accompany
245 an application for preliminary subdivision approval or an application for an open space
246 preservation plan amendment. Preliminary subdivision approval constitutes approval of the open
247 space plan. A final plat shall comply with the approved open space plan.

248 (2) *Open space preservation plan amendment.* After submittal of a new application and application
249 fee an open space preservation plan may be amended, from time to time in accordance with the
250 standards of this chapter. If an amendment of an open space preservation plan affects any part
251 of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an
252 approved open space preservation plan, then the two shall be amended together and final
253 approval of the amended subdivision plat shall constitute final approval of the amended open
254 space preservation plan. Otherwise, each may be amended independently. Submission for an
255 independently amended open space preservation plan shall be in compliance with the open space
256 plan submittal requirements of this chapter and shall require the approval of the planning
257 commission.

258 (b) *Open space preservation plan submittal requirements.* The open space preservation plan submittal
259 shall include the following:

260 (1) An overall cluster subdivision map identifying all open space areas and open space area
261 amenities.

262 (2) An open space site plan that:

263 a. identifies the open space parcel ownership types specified in (c)(9) of this section;

264 b. identifies each proposed ownership type with a unique color;

265 c. shows the locations of existing and proposed future structures and other open space
266 amenities; structures housing a subdivision utility or serving as a subdivision amenity shall
267 be subject to all applicable standards including all design review and applicable architectural
268 standards found in title 108 of the Weber County Land Use Code;

269 d. includes all park improvements and is accompanied by a letter of approval from the local
270 park district for open space that will be gifted as a park parcel to a local park district.

271 (3) A narrative describing all proposed open space parcels, their proposed method of ownership,
272 their proposed method of maintenance, their proposed uses, and any proposed building
273 envelopes.

274 (4) The phasing of open space parcels and their relationship to the overall subdivision phasing plan,
275 if any.

276 (c) *Open space development standards and ownership regulations.* All open space area proposed to
277 count toward the minimum open space area required by this chapter shall be clearly identified on the
278 open space site plan. The following standards apply to their creation. Open space area in excess of
279 the minimum required by this chapter is exempt from these standards.

280 (1) *Minimum required open space area.* A cluster subdivision requires a minimum percentage of its
 281 net developable acreage, as defined in Section 101-1-7, to be preserved as open space, as
 282 follows:

ZONE	REQUIRED OPEN SPACE
F-40 zone:	90 percent
F-5 and F-10 zones:	80 percent
AV-3, FV-3, and DRR-1 zones:	60 percent
Zones not listed:	30 percent

283 (2) *Non-agricultural preservation open spaces.* In all nonagricultural zones, and except as provided
 284 otherwise in parts (4) or (5) of this subsection (c), open space parcels shall preserve, to the extent
 285 possible, lands that have characteristics generally valuable for preservation or conservation,
 286 including but not limited to viewsheds, ridgelines, waterways, stands or groupings of mature
 287 vegetation, wildlife habitat, and other sensitive ecology. Open space parcels shall be organized
 288 into one contiguous open space area, except contiguity may be interrupted if preservation or
 289 conservation of those characteristics is best accomplished by allowing the interruption. The
 290 applicant bears the burden of proving the social or environmental value of the preservation or
 291 conservation based on specific objectives found in the general plan or based on objectives of
 292 some other land preservation or conservation plan, or other preservation or conservation policy
 293 as adopted by the county, state, or federal government, and applicable within the county.

294 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
 295 shall be arranged to create future long-term agricultural opportunities in the following ways:

- 296 a. By creating parcels of a sufficient size and configuration to support large-scale crop-producing
 297 operations. The area or areas of the subdivision that contains prime agricultural land, as
 298 defined by Section 101-1-7, shall first and foremost be used to satisfy the open space
 299 requirements of this chapter. Only then may any portion of the prime agricultural land be used
 300 for other development purposes.
- 301 b. Open space parcels shall be organized into one contiguous open space area. Contiguity may
 302 only be interrupted if preservation of long-term agricultural opportunities is best accomplished
 303 by allowing the interruption. The applicant bears the burden of proving this based on soil
 304 sampling, irrigation capabilities, parcel boundary configuration, and industry best practices.
- 305 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
 306 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
 307 reach all parts of the area with three or more passes or turns. Generally, this requires the area
 308 to be at least 450 wide in any direction at any given point to be considered contiguous. This
 309 three turn standard may be reduced by the planning commission for portions of the parcel
 310 affected by the following:
 - 311 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
 312 impossible;
 - 313 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
 314 would otherwise be one contiguous open space area if the street did not exist; or
 - 315 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
 316 realigned, cause an interruption to crop producing capabilities.

- 318 d. Open space area necessary to meet the requirements of part (4) or (5) of this subsection, or
319 open space areas never previously used for crop-production that currently contain areas
320 valuable for preservation or conservation as specified in part (2) of this subsection may be
321 exempt from this part provided they comply with those applicable parts.
- 322 (4) *Small open space parcels between lots within clusters.* In order to maximize the contiguous open
323 space acreage as required in part (2) and (3) of this subsection, an open space parcel or portion
324 thereof that is located within a cluster of residential lots, as defined in Section 101-1-7, or that
325 interrupts contiguity of a cluster of residential lots and is not intended to satisfy part (2), (3), or (5)
326 of this subsection shall be constrained in area and width to provide the minimum acreage and
327 width reasonably necessary for the functionality, operation, and maintenance of the intended
328 open space use. The open space preservation plan shall offer sufficient information regarding the
329 use and any proposed structures to allow the Planning Commission to verify compliance. See
330 also part (6) and part (8) of this subsection (c) for additional applicable area and coverage
331 regulations.
- 332 (5) *Sensitive lands requirements.* Cluster subdivisions in or on sensitive lands shall be governed as
333 follows:
- 334 a. Lands that can be mitigated such as floodplain and wetlands are considered developable for
335 the purpose of calculating net developable acreage, as defined in Section 101-1-7.
- 336 b. A floodway within river corridor, lake, or naturally occurring pond area, which is acreage
337 unsuitable for development, as defined in Section 101-1-7, but is offered as a community
338 amenity on an open space parcel with public access and a blanket public access easement,
339 shall receive 25 percent of the undevelopable acreage credited to the net developable
340 acreage calculation for the development.
- 341 c. Regardless of developability, the following areas shall be located within a cluster
342 subdivision's open space area:
- 343 1. areas designated as floodplain, as defined by the Federal Emergency Management
344 Agency or other qualified professional determined appropriate by the county engineer;
345 and
- 346 2. rivers and streams, with and including their designated river or stream corridor setbacks,
347 as defined by the Weber County Land Use Code.
- 348 (6) *Open space parcel area.* The minimum area for an open space parcel located within a cluster
349 subdivision is as follows:
- 350 a. *Common area.* An open space parcel designated as common area is not subject to minimum
351 area requirements.
- 352 b. *Park area.* An open space parcel conveyed to a local park district shall be of a sufficient size
353 to adequately accommodate park infrastructure, amenities, and parking.
- 354 c. *Individually owned open space parcel area.* An open space parcel designated as an
355 individually owned preservation parcel shall contain an area of not less than five acres and
356 shall be part of a contiguous area of open space consisting of not less than ten acres in total;
357 and shall be in compliance with the following:
- 358 1. The ten acre minimum contiguous area does not need to be platted in the same
359 subdivision.
- 360 2. Each individually owned open space parcel shall be provided clear and perpetual legal
361 access from a public or private street right of way.
- 362 3. Drainage detention or retention facilities may be located on an individually owned
363 preservation parcel and count toward the subdivision's overall open space area, but the
364 acreage of the facility shall not be included as part of the parcel's agricultural use, and

365 the acreage of the facility shall be in addition to, not a part of, the minimum parcel area
366 requirement.

367 d. *Estate lot area.* Up to eighty percent of an estate lot, as defined in Section 101-1-7, may
368 count towards the open space acreage requirement provided the following standards are
369 applied:

370 1. The area of the lot designated as open space shall contain an area of not less than five
371 acres and shall be part of a contiguous area of open space consisting of not less than
372 ten acres in total.

373 2. The estate lot shall contain a survey-locatable building envelope on the recorded plat
374 that shares a common boundary with a neighboring residential lot, or in the case of a
375 neighboring estate lot, shares a common boundary with the neighboring estate lot's
376 building envelope.

377 (7) *Parcel width, frontage, and access.* Open space parcels located within a cluster subdivision are
378 not subject to frontage requirements and do not have a minimum width standard. Section 106-2-
379 4(c) notwithstanding, all open space parcels without street frontage shall be provided an access
380 easement, recordable at the time of plat recordation, across other parcels and connecting to a
381 public or private street.

382 (8) *Parcel coverage.*

383 a. Coverage of common area or open space parcels under five acres by any roofed structures
384 or any structures or facilities that requires a building permit shall not exceed ten percent of
385 the total parcel area.

386 b. Coverage of individually owned preservation parcels by roofed structures or any
387 structures/facility that requires a building permit shall not exceed two and a half percent of
388 the total parcel area.

389 c. Coverage of the open space area of an estate lot of 5.25 acres or greater by roofed structures
390 or any structures/facility that requires a building permit shall be not exceed two and a half
391 percent of the lot's platted open space preservation easement area.

392 (9) *Open space lot or parcel ownership.*

393 a. *Common area parcel.* An open space parcel that is common area shall be commonly owned
394 by an appropriate homeowner's association established under U.C.A. 1953, § 57-8a-101 et
395 seq., the Community Association Act.

396 b. *Park parcel.* An open space parcel may be owned by a local park district.

397 c. *Individually owned open space parcel.* An open space parcel may be owned as an
398 individually owned preservation parcel by any person, regardless of whether the person
399 owns a residential lot within the subdivision. In order to keep an individually owned
400 preservation parcel from becoming uncondusive to multiple-acreage preservation uses, an
401 individually owned preservation parcel shall not be sectioned into sub-areas less than five
402 acres by fencing or other physical barriers unless the sectioning is intended for the rotation
403 of grazing animals provided consistent rotation occurs for the purpose of vegetation
404 regrowth. The planning commission may modify this requirement for uses that support the
405 longevity of the preservation, maintenance, and large-acreage use of the parcel.

406 d. *Estate lot.* An estate lot, as defined in Section 101-1-7, may be owned by any person. In
407 order to keep an estate parcel from becoming uncondusive to multiple-acreage preservation
408 uses, the preserved open space area shall not be sectioned into sub-areas less than five
409 acres by fencing or other physical barriers unless the sectioning is intended for the rotation
410 of grazing animals provided consistent rotation occurs for the purpose of vegetation
411 regrowth. The planning commission may modify this requirement for uses that support the
412 longevity of the preservation, maintenance, and large-acreage use of the parcel.

413 (d) *Open space phasing.* If development phasing is proposed and approved during preliminary cluster
414 subdivision approval, the percent of open space of the overall platted acreage shall at no time be less
415 than the percent of proposed open space approved in the open space plan.

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

420 (f) *Preservation.*

421 (1) Open space parcels shall be permanently preserved in a manner that is consistent with the
422 approved open space preservation plan.

423 (2) Language shall be included in the dedication of the subdivision plat that substantially reads as
424 follows; final language is subject to approval from the County Surveyor and County Attorney:

... and additionally dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan; ...

425 (3) An agreement, in a form acceptable to the County Attorney, shall be recorded with the final plat
426 that details the open space preservation plan and any related conditions of approval necessary
427 to execute the open space preservation plan. The approved site plan shall be included in the
428 agreement. If the plat recordation is also the means of conveyance of any open space parcel, the
429 agreement shall also specify the name and tax notification mailing address if the new owner.

430 (4) If a cluster subdivision contains open space intended to preserve substantial or crucial wildlife
431 habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting
432 the requirements of the Utah Division of Wildlife Resources shall be offered to the division.

433 (5) If a cluster subdivision contains an individually owned preservation parcel or estate lot with an
434 open space area, the applicant shall:

- 435 a. identify all open space preservation areas on the final plat with a unique hatch or shading;
- 436 b. further identify each individually owned preservation parcel with a unique identifying letter;
- 437 c. for an estate lot, delineate on the plat with survey locatable bearings and calls the area of
438 the lot being preserved as open space..

439 (g) The planning commission may impose any additional conditions and restrictions it deems necessary
440 to reasonably ensure maintenance of the open space and adherence to the open space preservation
441 plan. Such conditions may include a plan for the disposition or re-use of the open space property if
442 the open space is not maintained in the manner agreed upon or is abandoned by the owners.

443 (h) A violation of the open space plan or any associate conditions or restrictions, shall constitute a violation
444 of this Land Use Code.

445 **Sec. 108-3-6. – Reserved.**

446 **Sec. 108-3-7. - Lot development standards.**

447 Unless otherwise provided for in this section, residential building lots shall be developed in a manner
448 that meets all applicable standards, including but not limited to those found in the Weber County Land Use
449 Code and the requirements and standards of the Weber-Morgan Health Department, if applicable. The
450 following specific site development standards apply to lots in cluster subdivisions:

451 (1) *Lot area.* Unless otherwise regulated by the Weber-Morgan Health Department, a lot located
 452 within a cluster subdivision shall contain an area of not less than 9,000 square feet, unless
 453 otherwise provided in Section 108-3-8.

454 (2) *Lot width.* Unless otherwise regulated by the Weber-Morgan Health Department, the minimum lot
 455 width in a cluster subdivision is as follows:

ZONE	LOT WIDTH
F-40 and F-10 zones:	100 feet
FR-1, F-5, and AV-3 zones:	80 feet
RE-15, RE-20 zones:	60 feet
A-1, A-2, and A-3 zones:	60 feet
FR-3 zone:	50 feet
DRR-1 zone:	50 feet

456

457 (3) *Yard setbacks.* The minimum yard setbacks in a cluster subdivision are as follows:

YARD	SETBACK
Front:	20 feet
Side:	
Dwelling:	8 feet
Accessory building:	8 feet; except one foot if located at least six feet in rear of dwelling.
Accessory building over 1,000 square feet:	See Section 108-7-16
Corner lot side facing street:	20 feet
Rear:	20 feet

458 (4) *Building height.* The maximum height for a building in a cluster subdivision is as follows:

BUILDING	HEIGHT
Dwelling	40 feet
Accessory building	30 feet

459

460 **Sec. 108-3-8. - Bonus density.**

- 461 (a) *Western Weber Planning Area bonus density.* In the Western Weber Planning Area, bonus density
462 shall be awarded on a one to one ratio with the gross acreage of a project area. However, no bonus
463 density shall be awarded for a project with a gross acreage less than ten acres, and no bonus density
464 over 50 percent shall be awarded for projects with a gross acreage over 50 acres. A subdivision that
465 is awarded density shall:
- 466 (1) Provide a minimum 50 percent open space of the net developable acreage, as defined in Section
467 101-1-7.
- 468 (2) Provide one street tree of at least two-inch caliper, from a species list as determined by county
469 policy, every 50 feet on both sides of each street within the project boundaries. In the event
470 infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be
471 located as close to the 50-foot spacing as otherwise reasonably possible.
- 472 (3) Comply with all provisions of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance,
473 which is incorporated by reference herein as applicable to a cluster subdivision in the Western
474 Weber Planning Area that receives bonus density. A note shall be placed on the final subdivision
475 plat indicating this requirement.
- 476 (b) *Ogden Valley Planning Area bonus density.* A cluster subdivision shall create no new density
477 entitlements in the Ogden Valley.
- 478 (c) *Transferable density as bonus density.* A cluster subdivision is allowed bonus units in either planning
479 area when a proportionate number of dwelling units have been retired from another parcel or parcels
480 within the same planning area as the cluster subdivision receiving the bonus. The following limitations
481 apply:
- 482 (1) *Ogden Valley bonus transfers.* Units may be retired on a parcel in any area within the Ogden
483 Valley Planning Area except areas in the DRR-1, F-40, F-10, and F-5 zones, and except any area
484 within a quarter mile of a village, as depicted on the Commercial Locations and Village Areas Map
485 of the 2016 Ogden Valley General Plan;
- 486 (2) *Western Weber bonus transfers.* Units may be retired from any parcel or parcels in any area within
487 the Western Weber Planning Area provided the parcel or parcels are within one linear mile of the
488 cluster subdivision receiving the bonus. This bonus is in addition to the bonuses authorized in
489 subsection (a) of this section.
- 490 (3) *Bonus transfer supplemental regulations.* The following regulations apply for cluster subdivisions
491 receiving bonuses of transferable density.
- 492 a. *Dwelling unit retirement.* The retirement of a dwelling unit right from another parcel or
493 parcels shall comply with one of the following:
- 494 1. *Open space preservation easement.* An open space preservation easement shall be
495 granted on, under, and over the parcel or parcels to Weber County and written in a form
496 acceptable to the County Attorney. The easement shall specify the number of units
497 retired from the site, and the number that remain, if any. The easement may be
498 amended from time to time to retire additional units, if applicable.
- 499 2. *Rezone.* A rezone with a development agreement shall be executed prior to application
500 for preliminary subdivision review that reduces at least the necessary development units
501 from the parcel or parcels as is requested in the bonus allotment. The development
502 agreement shall, amongst other legislatively negotiated development, preservation, or
503 conservation requirements, specify the future developable potential of the property, if
504 any, and the number of development units retired from the property with the rezone.
- 505 3. *Other local, state, or federal conservation or preservation easement.* As a legislative
506 action, the County Commission may accept the voluntary contribution to a local land
507 trust, or other state or federal agency, whether in land acreage or monetary value, that
508 will yield the same dwelling-unit-retirement result as part (1)a. or (1)b. of this subsection

- 509 (b). This shall be executed in the form of an agreement prior to application for
510 preliminary subdivision review.
- 511 b. Determination of the actual number of development units retired shall follow the calculation
512 for base density, as defined in 101-1-7.
- 513 c. Bonus dwelling units granted under this subsection (c) are restricted to the approved cluster
514 subdivision and shall not be allowed to be moved or transferred in any form elsewhere,
515 except in the Ogden Valley this may occur in the DRR-1 zone as provided in Title 104,
516 Chapter 29.
- 517 (d) *Bonus dwelling units*. A dwelling unit resulting from bonus density may be any of the following:
- 518 (1) A single-family dwelling, if it is the only dwelling on the lot.
- 519 (2) One accessory dwelling unit, located on the same lot as a main dwelling unit normally intended
520 for a single-family, as defined in Section 101-1-7.
- 521 a. *Unattached accessory dwelling unit*. If not attached to the main single-family dwelling, the
522 height and footprint of the accessory dwelling unit shall be smaller than the main single-family
523 dwelling and shall be located behind an imaginary line that runs parallel to the front lot line
524 and is located at the rear corner of the main dwelling unit that is furthest from the front lot
525 line.
- 526 b. *Attached accessory dwelling unit*. If attached to the main dwelling unit, the accessory dwelling
527 unit shall not have an entrance that faces a street abutting the same lot and shall be designed
528 to appear as one dwelling.
- 529 c. *Setbacks for accessory dwelling unit*. All building setbacks for the main dwelling shall be
530 observed for the accessory dwelling.
- 531 (3) Combined to create up to a four-family dwelling unit, a four-unit condominium building, or up to
532 four attached town houses. Provided, however, that the four-unit building shall be located no
533 closer than 500 feet from the exterior boundary of the subdivision unless otherwise immediately
534 adjacent to another four-unit building on a lot in an adjacent subdivision and only when none of
535 the four-unit buildings are any closer than 500 feet from the exterior of the combined subdivision
536 boundaries.

537 **Sec. 108-3-9. - Homeowners association required.**

538 In order to provide for proper management and maintenance of commonly owned areas and private
539 improvements, all cluster subdivisions with such areas or improvements are required to have a
540 homeowners association. The applicant, prior to recording a final plat of the cluster subdivision, shall:

- 541 (1) Establish a homeowners association and submit for the county's review the necessary articles of
542 incorporation, bylaws, and declaration of covenants, conditions, and restrictions that provide for:
- 543 a. Compliance with Utah State Code;
- 544 b. The reason and purpose for the association's existence;
- 545 c. Mandatory membership for each lot or home owner and their successors in interest;
- 546 d. The perpetual nature of the easements related to all dedicated open space parcels;
- 547 e. Responsibilities related to liability, taxes, and the maintenance of recreational and other
548 infrastructure and facilities;
- 549 f. Financial obligations and responsibilities, including the ability to adjust the obligations and
550 responsibilities due to change in needs;
- 551 g. Association enforcement remedies; and
- 552 h. A notification of the county's ability to enforce the terms of the owner's dedication on the
553 subdivision dedication plat.

554 (2) Register the homeowners association with the State of Utah, Department of Commerce.

555 **Sec. 108-3-10. – Guarantee of improvements.**

556 (a) *Guarantee of improvements.* The county shall require an applicant to deposit a guarantee of
557 improvements, as provided in Section 106-4-3, for all improvements required by this chapter or as
558 otherwise volunteered by the applicant that are incomplete at the time of subdivision plat recording.
559 This includes improvements on open space parcels unless otherwise specified in subsection (b) of
560 this section.

561 (b) Improvements requiring certificate of occupancy. The county shall not require an applicant to deposit
562 a financial guarantee for open space improvements that require a certificate of occupancy and that
563 remain incomplete at the time of final approval of the proposed cluster subdivision by the board of
564 county commissioners. The applicant or developer shall complete the improvements according to the
565 approved phasing component of an open space preservation plan. If the applicant fails to complete
566 improvements as presented in the open space preservation plan, the county may suspend final plat
567 approvals and record an instrument notifying prospective lot buyers that future land use permits may
568 not be issued for any construction.

569 ...

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

571 ...

572 (1) Farm stay (residential and overnight accommodation) uses/activities.

573 (f) Carriage house.

574 1. Carriage houses shall be limited to a number that does not exceed the following
575 calculation: net developable acreage of the parcel upon which a carriage house(s) is
576 located divided by the minimum lot area required by the zone in which the lot or parcel(s)
577 is located, all multiplied by 20 percent (net developable acreage / minimum lot area) x
578 20 percent = Maximum number of carriage houses at an approved agri-tourism
579 operation.

580 ...

1 **Title 101 - GENERAL PROVISIONS**

2 ...

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

4 ...

5 *Building envelope.* The term "building envelope" means a portion of a lot, parcel, or tract of land which is
6 to be utilized as the building site as may be required by the cluster subdivision ordinance or as otherwise
7 volunteered on a subdivision plat. "Building envelope" shall not be construed to mean "buildable area"
8 as provided in this section.

9 *Building, height of.* The ~~term phrase~~ "height of building," or any of its variations, normally means the
10 vertical distance between the highest point of the building or structure and the average elevation of the
11 land at the exterior footprint of the building or structure using the finished grade. See Section 108-7-5 for
12 supplemental height provisions. ~~from the average of the highest natural grade and the lowest natural~~
13 ~~grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the~~
14 ~~highest point of the ridge of a pitch or hip roof.~~

15 *Building, main.* The term "main building" means the principal building or one of the principal buildings
16 located on a lot or parcel designed or used to accommodate the primary use to which the premises are
17 devoted. Where a permissible use involves more than one structure designed or used for the primary
18 purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this
19 title shall be deemed a main building.

20 ...

21 *Glare.* The term "glare" means light, originating from a direct artificial light source, or any light reflected
22 off a reflective surface, that causes visual discomfort or reduced visibility.

23 ~~*Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent ground~~
24 ~~elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or~~
25 ~~sidewalk within the area between the building and the property line or, when the property line is more~~
26 ~~than five feet from the building, between the building or structure and a line five feet from the building or~~
27 ~~structure.~~

28 *Grade, finished.* The term "finished grade," or any of its variations, means the final slope of the ground
29 after being altered from natural grade.

30 *Grade, natural.* The term "natural grade," or any of its variations, means the slope of the ground as it
31 existed immediately prior to any grading or recontouring done as part of or in anticipation of approval of
32 a land use permit.

33 *Guest house.* The term "guest house" means a separate dwelling structure located on a lot with one or
34 more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold
35 separate from the rental, lease or sale of the main dwelling.

36 ...

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

41 ...

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

47 Public utility substation. The phrase “public utility substation” means an unattended building or structure
48 designed for the provision of services of a public or quasi-public utility, excluding utility transportation lines
49 and incidental supports and their rights-of-way.

50 ...

51 Structure. The term "structure" means anything constructed or erected which requires location on the
52 ground or attached to something having a location on the ground.

53 Structure, height of. The phrase “height of structure,” or any of its variations, shall have the same
54 meaning as “height of building” as defined in this Section.

55 ...

56 Tower. The term "tower" means a structure that is intended to support antennas for transmitting or
57 receiving wireless signals including but not limited to television, cellular, radio, or telephone
58 communication signals. A tower is also a “public utility substation” as defined in this section.

59 ...

60 **Title 108 - STANDARDS**

61 ...

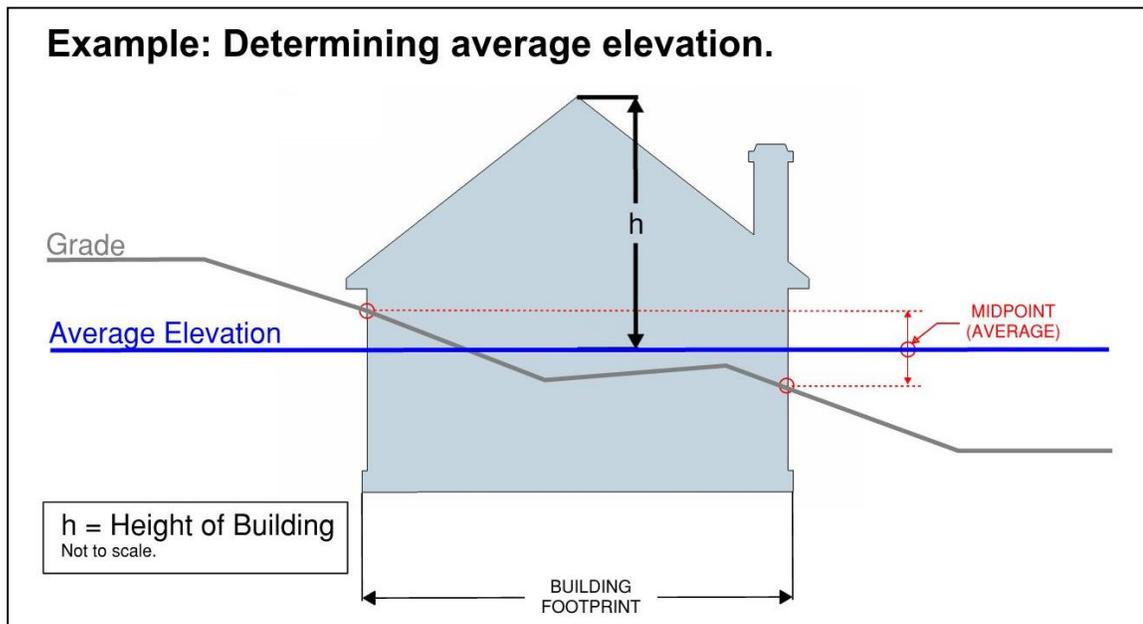
62 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

63 ...

64 **Sec. 108-7-5. - ~~Exceptions to height~~ Building or structure height limitations requirements.**

65 (a) Measuring height. For the purpose of determining “height of building,” as defined in Section 101-1-7,
66 the following shall apply:

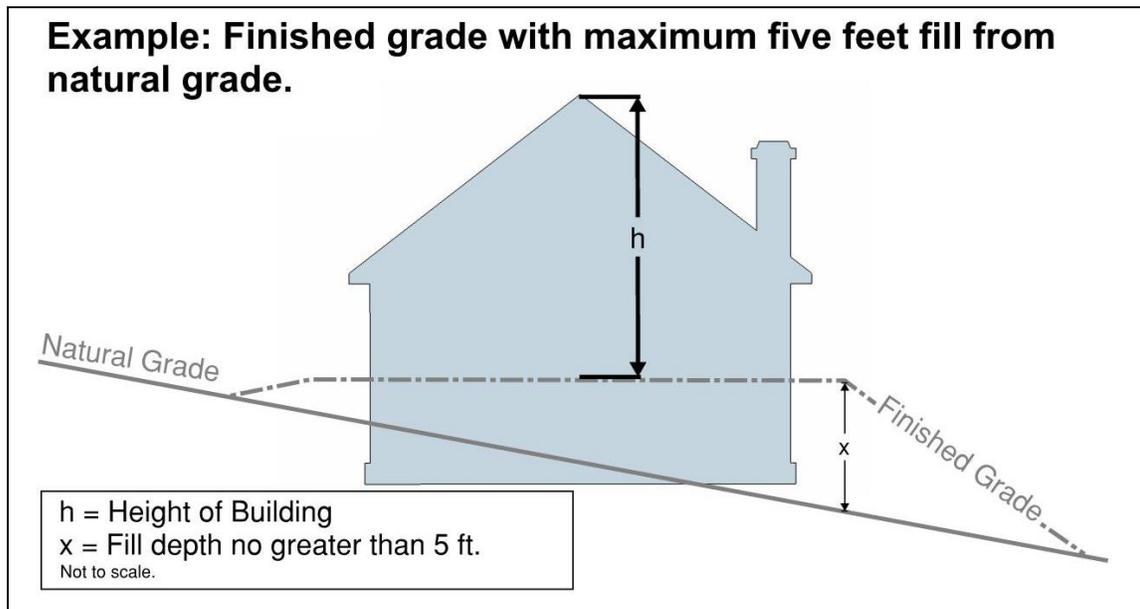
67 (1) Average elevation. Average elevation shall be determined by averaging the highest elevation and
68 the lowest elevation at the exterior footprint of the building or structure, including any support
69 posts that require a footing. An alternative means of calculating average elevation may be
70 approved by the Planning Director for an individual building if it follows industry best practices and
71 is proposed by a licensed surveyor, engineer, or architect.



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(2) Fill affecting building height. Except as provided in this subsection, when grading a site to obtain the finished grade, as defined in Section 101-1-7, no fill may exceed five vertical feet at any point from the site's natural grade, as also defined in 101-1-7.



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a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or

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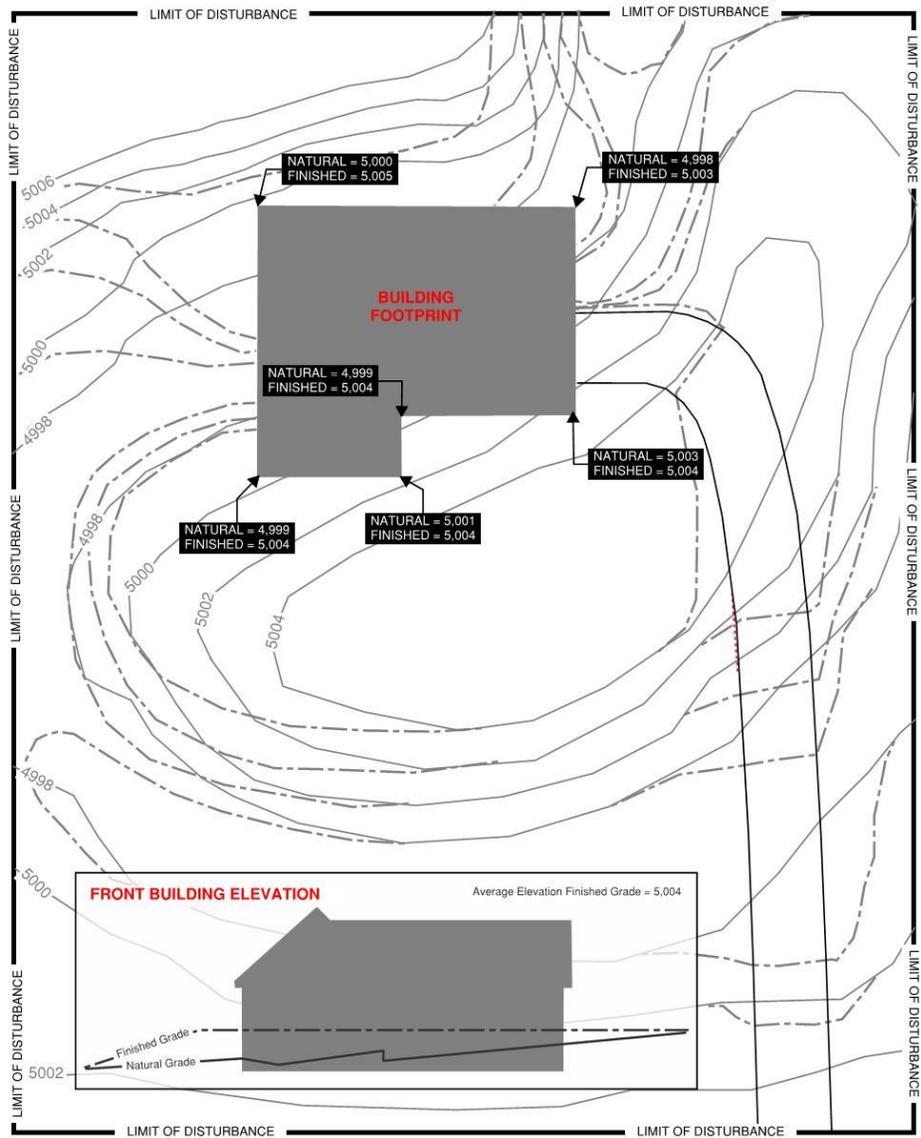
b. If the building or structure is within 75 feet of a public or private street upon which its lot or parcel has frontage, fill is allowed that will provide an average elevation of finished grade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.

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(3) Site plan submittal requirements. A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the Planning Director or County Engineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across lot or parcel lines shall require the consent of all affected owners. Building elevation drawings shall display natural grade and finished grade, and shall present the finished grade's elevation at each corner of the building. This requirement may be waived by the Planning Director or County Engineer for sites that are relatively flat, or if evidence is presented that clearly show the proposed structures will not exceed the maximum height of the zone.

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Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.



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95 (b) Roof structure height exception. Penthouse or roof structures for the housing of elevators, stairways,
96 tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or
97 parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water
98 tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the
99 height limit of the zone in which they are located, but no space above the height limit shall be
100 allowed for the purpose of providing additional floor space, and at no time shall the height be greater
101 than 15 feet higher than the maximum height of the zone. ~~and if in proximity to an airport, no~~
102 ~~heights exceptions are permitted above the maximum allowed under airport height regulations.~~

103 (b) All exceptions to height shall be subject to applicable design review requirements and all mechanical
104 equipment shall be screened by materials consistent with those used on the exterior of the main
105 building.

106 (c) Air traffic height conflicts. If in proximity to an airport, no building or structure or other appurtenance
107 is permitted above the maximum height allowed by the Federal Aviation Administration, or other
108 applicable airport or airspace regulation.

109 (d) Minimum height of a dwelling. Unless on a lot or parcel five acres or greater, no dwelling shall be
110 erected to a height less than one story above natural grade.

111 **Sec. 108-7-6. - ~~Minimum height of dwelling~~Reserved.**

112 ~~No dwelling shall be erected to a height less than one story above natural grade.~~

113 ...

114 **Sec. 108-7-12. - ~~Reserved Towers.~~**

115 ~~(a) — No commercial tower installation shall exceed a height equal to the distance from the base of~~
116 ~~the tower to the nearest overhead power line by less than five feet.~~

117 ~~(b) — A tower that exceeds the height limitation of the zone in which it is to be located as permitted~~
118 ~~by section 108-7-5, shall be considered a conditional use.~~

119 ~~(c) — In all zones, except in commercial and manufacturing zones, towers shall not be located within~~
120 ~~the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a~~
121 ~~corner lot, nor on the roof of a residential structure.~~

122 ~~(d) — A building permit shall be required for a tower. An application for a permit shall include~~
123 ~~construction drawings showing the method of installation and a site plan depicting structures on the~~
124 ~~property and on any affected adjacent property and a structural engineering certification by a registered~~
125 ~~structural engineer from the state.~~

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

127 **Sec. 108-10-1. - Location.**

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

131 **Sec. 108-10-2. - Site development standards for public utility substation ~~or structure.~~**

132 (a) Lot area, width, setback, and street frontage regulations. The lot area, width, ~~depth~~, setback, and
133 street frontage regulations for ~~an unmanned culinary or secondary water system facility, storage~~
134 ~~tank, or well house; unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline~~
135 ~~regulation station; unmanned telecommunication, television, telephone, fiber optic, electrical facility;~~
136 ~~or other unmanned utility service regeneration, transformation, or amplification facility~~ a public utility
137 substation, as defined in Section 101-1-7, are as follows:

138 (1) *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain
139 an area and width of sufficient size and dimension to safely accommodate the utility facility or
140 use, any necessary accessory use, any landscaping required by this Land Use Code, the
141 required setbacks, and space to park two maintenance vehicles.

142 (2) *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet if
143 the lot does not directly front on a public or private street right-of-way, provided that ~~the~~ no
144 substation ~~or structure~~ shall be located closer to a public or private street right-of-way than the
145 minimum front yard setback of the zone, or 20 feet, whichever is more restrictive.

146 (3) *Side yard setback.* The side yard setback requirement shall comply with the typical setback
147 specified in the applicable zone regulating the property.

148 (4) *Rear yard setback.* The rear yard setback requirement may be reduced to the following:

149 a. In a residential zone: five feet.

150 b. In an agricultural zone: ten feet.

- 151 c. In a forest zone: 20 feet.
- 152 d. In a zone not specifically listed above: typical zone setback as provided in the chapter for
- 153 that zone.
- 154 (5) Street Frontage. No frontage is required along a public right-of-way if clear and legal access
- 155 exists from a public right of way to the site for the purpose of the utility use.
- 156 (b) Co-location. Co-location of a public utility substation with other existing public utility substations is
- 157 required provided that the co-location does not cause interference with any public utility, or the
- 158 reasonable operation of the public utility substation.
- 159 (c) Towers. The following regulations govern the installation of public utility substation towers:
- 160 (1) Tower distance from overhead power. The height of a tower shall be one foot less than the
- 161 linear distance between the base of the tower and the nearest overhead power line, or lesser
- 162 height.
- 163 (2) Tower setbacks. In all zones, except in commercial and manufacturing zones, a tower shall not
- 164 be located within the minimum front yard setback of any lot, nor within the minimum side yard
- 165 setback facing a street on a corner lot, nor on the roof of a residential structure.
- 166 (3) Tower building permit. A building permit shall be required for a tower. An application for a permit
- 167 shall include construction drawings showing the method of installation and a site plan depicting
- 168 structures on the property and on any affected adjacent property and a structural engineering
- 169 certification by a registered structural engineer from the state.
- 170 (4) Tower disguise. A public utility substation tower may exceed the maximum height allowed in the
- 171 zone. A public utility substation tower that exceeds 35 feet and which cannot be reasonably co-
- 172 located on an existing tower shall be disguised so that the average person cannot discern that it
- 173 is a public utility substation from a distance greater than 200 feet.
- 174 a. With the exception of part b.1. herein, the disguise shall be constructed of painted, stained,
- 175 sandblasted or carved wood, log timbers, brick, stone, textured concrete or similar material.
- 176 Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent
- 177 reflective glare may also be used. Copper, brass, wrought iron, and other metals may
- 178 remain untreated and allowed to develop a natural patina. Support structures shall use
- 179 natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be
- 180 used as a predominant color, but may be used as an accent.
- 181 b. The disguise shall be designed by a licensed architect and shall:
- 182 1. replicate natural features found in the natural environment within 1000 feet such that the
- 183 average person cannot discern that it is not a natural feature from a distance greater
- 184 than 200 feet. If it replicates vegetation it shall be located no greater than 20 feet from,
- 185 and be no greater than ten feet taller than, three other native non-deciduous plants of
- 186 the same species. Any proposal for new vegetation intended to satisfy this requirement
- 187 shall:
- 188 i. be located no more than 1000 feet from the same species naturally occurring in the
- 189 area;
- 190 ii. cluster the new planting around the tower in a natural-appearing manner; and
- 191 iii. demonstrate sufficient availability of soil nutrients and soil moisture necessary for
- 192 species survival. A planting that dies shall be replaced no later than fall or spring,
- 193 whichever comes first, with a plant of equal or greater size as the originally proposed
- 194 planting.
- 195 2. architecturally replicate structures that are commonly accessory to onsite agricultural
- 196 uses;
- 197 3. if in a village area as depicted in the Ogden Valley General Plan's Commercial
- 198 Locations and Village Areas map, architecturally replicate structures that were

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commonly found in historic old-west or western mining towns prior to 1910, excluding poles, structures, or other features that were used for overhead utilities; or

4. if in an area governed by a master plan or development agreement that contains a specific architectural theme, replicate architectural structures that support the architectural theme.

c. The requirement for the disguise may be waived by the appropriate land use authority in cases where the disguise is inconsistent with existing or future-planned land uses onsite or in the area.