

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

May 28, 2019

5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call:*

1. Minutes:

- 1.1. Approval of the May 7, 2019 meeting minutes

2. Petitions, Applications and Public Hearings

2.1. Legislative Items

a. New Business

1. ZTA 2019-01: Consideration and action on a request to amend §101-1-7 and §108-7, to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions. Applicant: Weber County. Staff Presenter: Steve Burton.
2. ZTA 2019-04: Public hearing to consider and take action on a proposal to amend Titles 101, 106, and 108 of the Land Use Code to update provisions related to culinary and secondary water requirements for subdivision lots, and other administrative edits to support the same. Applicant: Hooper Irrigation Company. Agent: Greg Seegmiller. Staff presenter: Charlie Ewert.
3. ZTA 2019-05: Public hearing to consider and take action on a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master planned developments. Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe. Staff presenter: Charlie Ewert.
4. ZTA 2019-07: Public hearing to consider and take action on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards. Applicant: Weber County. Staff presenter: Charlie Ewert.

3. Public Comment for Items not on the Agenda

4. Remarks from Planning Commissioners

5. Planning Director Report

6. Remarks from Legal Counsel

7. Adjournment

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

Minutes of the Ogden Valley Planning Commission Work Session Meeting for March 05, 2019 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: John Lewis, Chair; Jami Taylor, John Howell, Chris Hogge, Bob Wood, Steve Waldrip

Absent/Excused: Shanna Francis

Guests:

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

• **Pledge of Allegiance**

• **Roll Call:**

WS1. DISCUSSION: Regarding a forthcoming subdivision code amendment to culinary and secondary water provisions.

Charlie Ewert went through Title 101 the General Provisions:

Title 101-1-7. Definitions: (added) Water, secondary. The term "secondary water" means water typically used for crop or landscape irrigation and not usually treated for culinary drinking water purpose.

Title 106 – Subdivision: Section 106-1-2. Variances and definition has been deleted. Section 106-1-4 (4) – has been revised. Section 106-1-4 (5) has been added. It is noted that the (Utah Division of XXX (to be provided by the health department.) Section 106-1-4 (6) has been revised.

Charlie Ewert went through Chapter 2 – Subdivision Standards:

Section 106-2-1 Street configuration and connectivity: Revisions and additions were made. Section 106-2-2 Street and alley widths, cul-de-sacs, easements: New paragraph headers were added and minor changes were made. Subsection (l) was added.

Section 106-2-3 – Blocks. (a) Has been revised. Section 106-2-4 – Lots. Changes were made. Subsection (6) Flag lot was added. Subsection (c) has been revised. Subsection (d) deleted and reserved. Subsection (k) has been deleted.

Section 106-2-8 – General land development has been deleted and reserved.

Section 106-4-2 – Improvements required. This whole section has been revised and additions added. Section 106-4-2-(e) and (f) have been revised. Section 106-4-2 (m) Secondary Water has been deleted and revised.

Charlie Ewert went through Chapter 3 – Cluster Subdivisions:

Section 108-3-5 (3) 4. Has been added.

Section 108-3-7 (3) Yard Setbacks: (Rear) has be revised.

Charlie Ewert added Chapter 7 – Supplementary and Qualifying Regulations. Section 108-7-29 and 108-7-30 are reserved. Section 108-7-32 – has been added.

WS2. DISCUSSION: Regarding the land use table and supplemental standards.

Charlie Ewert went through the proposed code changes to be added in the land use table: Commercial and Industrial.

*N- Not Permitted

**P-Permitted

***C-Conditional

Alcohol Sales: Alcoholic Beverage Sales, in-store.

The retail-store sale of alcoholic beverages for off-site consumption: *N – C-1 and CV-1 Zones **P – DRR-1 and MV-1 Zones ***C – C-2, C-3, CV-2, CVR-1, M-1, M-2, & M-3

Accessory Alcoholic Beverage Sales for onsite consumption: **P – C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, M-1, M-2, M-3 & MV-1 Zones

Bar: A bar or any other establishment for sales and consumption of alcoholic beverages: *N – C-1, C-2, & CV-1 Zone

P – CVR-1, DRR-1& MV-1 Zones *C – -3, CV-2, M-1, M-2, & M-3 Zones

Amusement or Hobby Enterprises:

Amusement Park: *N – C-1, C-2, CV-1, CV-2, CVR-1, DRR-1, MV-1, G, & O-1 Zones ***C – C-3, M-1, M-2, & M-3 Zones
Amusement Park, Temporary, no greater than one month: *N – C-1, C-2, CV-1, CV-2, CVR-1, DRR-1, MV-1, G, & O-1 Zones **P – C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, & M-1 Zones
Amusement Facility, Small Indoor, limited to no more than 20,000 sq. ft.: *N – M-2, M-3, MV-1, G, & O-1 Zones **P – C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, & M-1 Zones
Amusement Facility, Large Outdoor, using greater than 20,000 sq. ft.: *N – C-1, CV-1, G, & O-1 Zones **P – C-3, M-2, & M-3 Zones ***C – C-2, CV-2, CVR-1, DRR-1, M-1, & MV-1 Zones
Amusement Facility, Outdoor Amusement Facility: *N – C-1, C-2, CV-1, CV-2, MV-1, G, & O-1 ***C – C-3, CVR-1, DRR-1, M-1, M-2 & M-3 Zones
Botanical or Zoological Garden, including petting zoo and pony ring: *N – C-1, C-2, C-3, CV-1, CV-2, M-1, M-2, M-3 & G Zones **P – CVR-1, DRR-1, & O-1 Zones
Racetrack, outdoor, a motor vehicle race track or drag racing facility: *N – C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, M-1, MV-1, G, & O-1 Zones ***C – M-1 & M-2
Shooting Range, an outdoor shooting range no less than five acres: *N – C-1, C-2, C-3, CV-1, CV-2, CVR-1, M-1, M-2, MV-1, G, & O-1 Zones

Animal Services and Uses:

Animal Groomer, small animals: *N – C-1, CVR-1, DRR-1, M-1, G, & O-1 Zones **P – C-2, C-3, CV-1, CV-2, M-1, M-2 & M-3 Zones
Dog or Cat Facility, subject to Section 104-2B-4: *N – FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, MV-1, G, & O-1 Zones **P – A-3, M-1, M-2, & M-3 Zones ***C – AV-3, A-1, A-2 Zones
Horse or Equestrian Training facility or Horse Stable, public: *N – FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, C-2, CV-1, CV-2, MV-1, G, & S-1 Zones **P – A-3, M-1, M-2, & M-3 Zones ***C – AV-3, A-1, C-3, & CVR-1 Zones
Horse or Equestrian Event Center: *N – AV-3, A-1, FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, MV-1, G, & S-1 Zones **P – M-1, M-2, & M-3 Zones ***C – A-2 & A-3 Zones
Pest Control and Extermination: *N – AV-3, A-1, A-2, A-3, FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, CV-1, CVR-1, DRR-1, G, & O-1 Zones **P – C-2, C-3, CV-2, M-1, M-2, M-3 MV-1 Zones
Veterinary Facility: *N – FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, R-1-15, R-1-20, RMHP, RMH-1-6, C-1, C-2, CV-1, CVR-1, DRR-1, G, & S-1 Zones **P – A-3, M-1, M-2, M-3, & MV-1 ***C – AV-3, A-1, A-2, C-3, & CV-2 Zone

Construction, Landscape, and Agricultural Supply Sales and Services:

Agricultural Implement: *N – C-1, C-2, & CV-1 Zones **P – C-3, M-1, M-2, M-3 & MV-1 Zones ***C – CV-2 Zones
Agricultural Feed and Seed Store: *N – C-1 & CV-1 Zones **P – C-2, C-3, CV-2, M-1, M-2, & M-3 Zones ***C – CVR-1 Zone
Building Materials Sales Yard: *N – C-1 & C-2 Zones **P – C-3, M-1, M-2, & M-3 Zones
Construction Equipment Storage Yard: **P – M-2, M-3, MV-1, & G Zones ***C – M-1 Zone
Hardware Store, Large: *N – C-1, CV-1, & CV-2 Zones **P – C-2, C-3M-1, M-2, M-3 & MV-1 Zones
Hardware Store, Small: **P – C-1, C-2, C-3, CV-1, CV-2, M-1, M-2, M-3 & MV-1 Zones
Contractor Shop, General: *N – C-1 & CV-1 Zones **P – C-2, C-3, CV-2, M-1, M-2, M-3 & MV-1 Zones
Greenhouse Commercial: *N – FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, CV-1, CVR-1, DRR-1, G, & S-1 Zones **P – A-3, C-2, C-3, CV-2, M-1, M-2, M-3, & MV-1 Zones ***C – AV-3, A-1, & A-2 Zone
Mobile Home Sales & Service: *N – C-1 Zone **P – C-3, M-1, M-2, & M-3 Zones ***C – C-2 Zone
Rock Crusher, Onsite: ***C – M-2 & M-3 Zones

Educational and/or Instructional Facilities:

Instructional Facility, Large: *N – C-1, C-2, CV-1, CV-2, CVR-1, DRR-1, & M-3 Zone **P – C-3, M-1, & M-2 Zones

Instructional Facility, Small: *N – M-3 Zone **P – C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, M-1, & M-2 Zones
Preschool: **P – C-2, C-3, M-1, M-2, & M-3 Zones ***C – C-1 Zone

Preparation and Services:

Bakery, Wholesale: *N – C-1, C-2, CV-1, CV-2, & DRR-1 Zones **P – C-3, M-1, M-2 & M-3 Zones
Bakery, Delicatessen, or Catering, Large: *N – C-1 & CV-1 Zones **P – C-2, C-3, CV-2, CVR-1, RR-1, M-1, M-2, M-3, & MV-1 Zones
Bakery, Delicatessen, or Catering, Small, and Offsite Catering: **P – C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, M-1, M-2, M-3 & MV-1 Zones
Butcher or other custom meat products, Large: *N – C-1, CV-1, CVR-1, & DRR-1 Zones **P – C-2, C-3, CV-2, M-1, M-2, M-3, & MV-1 Zones
Butcher or other custom meat products, Small: **P – C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, M-1, M-2, M-3, & MV-1 Zones

Manufacturing, Heavy:

Stockyard: *N – AV-3, A-1, A-2, A-3, FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, M-1, MV-1, G, & O-1 Zones ***C – M-1 & M-2 Zones (*M-1 shall be located at least 600 feet from any zone boundary)
Retail Sales, Accessory: **P – M-1, M-2, & M-3 Zones

Manufacturing, Light:

Alcoholic Beverage Production: **P – MV-1 Zone
Retail Sales, Accessory: **P – M-1, M-2, & M-3 Zones
Dairy, A Dairy or Creamery, for the processing of Dairy Products: *N – AV-3, A-1, A-2, FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, MV-1, G, & O-1 Zones **P – A-3, M-1, M-2, & M-3 Zones
Honey Extraction: *N – C-1 & C-2 Zones **P – C-3, M-1, M-2, & M-3 Zones

Motor Vehicle Sales, Rental, Service and Related:

Slaughterhouse, provided it is located 600 feet from a Zone: *N – AV-3, A-1, A-2, A-3, F-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, C-1, C-2, C-3, CV-1, CV-2, CVR-1, DRR-1, M-1, MV-1, G, & S-0 Zones ***C – A-3, M-2, & M-3 Zones

Motor Vehicle or Machine Service:

Car Wash, Automatic Accessory Use: **P – C-1, C-2, C-3, CV-2, M-1, M-2, & M-3 Zones ***C – CV-1 Zone

Retail, Food and Drug:

Produce Stan, Commercial: *N – AV-3, A-1, A-2, FR-3, FR-1, FV-3, F-5, F-10, F-40, S-1, R-2, R-3, R-1-12, R-1-10, RE-15, RE-20, RMHP, RMH-1-6, CVR-1, DRR-1, MV-1, G, & O-1 Zones **P – C-1, C-2, C-3, CV-1, CV-2, M-1, M-2, & M-3 Zones

Charlie Ewert asked the Planning Commission to review the map and have a discussion on the next meeting.

WS3. Adjournment: The meeting adjourned at 7:35 p.m.
Respectfully Submitted,



**Kary Serrano, Secretary;
 Weber County Planning Commission**



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §101-1-7 and §108-7 to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions.
Agenda Date:	Tuesday, May 28, 2019
Applicant:	Weber County Planning Division
File Number:	ZTA 2019-01

Staff Information

Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	CE

Applicable Ordinances

- Weber County Land Use Code, Title 101, Chapter 1 (Definitions).
- Weber County Land Use Code, Title 108, Chapter 7 (Supplementary and Qualifying Regulations).

Legislative Decisions

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

Summary and Background

The current Uniform Land Use Code of Weber County, Utah (LUC) defines the term "Agricultural Parcel" as follows:

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit. This definition needs to be fulfilled in order to qualify for the agricultural building exemption.

In order to remove regulation from the definition, the county is proposing to eliminate the last sentence of the existing definition. A definition for the term "agricultural building" is also being proposed so that a new section (see exhibit A) can regulate exemptions for agricultural buildings. The proposed amendments to the land use code will ensure that the county's regulations conform to the state regulations regarding agricultural building exemptions.

Conformance to the General Plan

This proposal conforms to the goals of the Ogden Valley General Plan, including the goal of supporting continued agricultural operations in Ogden Valley (2016 Ogden Valley General Plan, Land Use Goal 2, pg. 17).

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

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

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission recommend approval of the text included as Exhibit A of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.
3. The changes will enhance the general welfare of County residents.

Exhibits

- A. Proposed Ordinance – Clean Copy.
- B. Proposed Ordinance – Track Change Copy.

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Part II - Land Use Code

Title 101 - General Provisions

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

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit.

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with on-site agricultural use.

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Title 108 - Standards

Chapter 7.- Supplementary and Qualifying Regulations

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- **Sec. 108-7-34 - Agricultural Building Exemption**

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

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Part II - Land Use Code

Title 101 - General Provisions

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

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit. ~~This definition needs to be fulfilled in order to qualify for the agricultural building exemption.~~

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with on-site agricultural use.

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Title 108 - Standards

Chapter 7.- Supplementary and Qualifying Regulations

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- Sec. 108-7-34 - Agricultural Building Exemption

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-04, a proposal to amend Titles 101, and 106 of the Land Use Code to update provisions related to culinary and secondary water requirements for subdivision lots, and other administrative edits to support the same.

Agenda Date: Tuesday, May 28, 2019

Staff Report Date: Tuesday, May 21, 2019

Applicant: Hooper Irrigation Company; Agent: Greg Seegmiller

File Number: ZTA 2019-04

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
 §106-1: Subdivision General Provisions
 §106-2: Subdivision Standards

Legislative Decisions

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

Summary and Background

The attached proposed ordinance amendment will address two inter-related issues. They are as follows:

- The current code provides very limited standards to which secondary water infrastructure should meet. Often, culinary water services from a local water system is conditioned on secondary water service to the property. Current code allows secondary water service to be by onsite shallow well or any other unspecified means. Some culinary water providers have expressed concern that their condition of culinary service cannot be adequately enforced without better secondary water system standards. This amendment provides additional standards and oversight processes. However, it keeps the responsibility of verification of a functioning secondary system on the culinary provider that has conditioned their service. The county could get involved at the county engineer's discretion, but will not be required. This proposal also will require a connection to a local functioning secondary system if that system is within 300 feet multiplied by the number of lots from the subdivision boundary.
- Culinary water may be approved by means of a private well onsite. When a well is proposed, current code allows the approval and recordation of subdivision lots without proof of access to ground-water, and defers the responsibility of proving access to ground water onto the future owner/builder. There is inherent risk that the future owner/builder may not be able to access groundwater on the lot. This amendment will require a licensed engineer or geologist to assert that there is reasonable likelihood of accessing water by means of well onsite without an impact on others. It requires the engineer or geologist to review other wells in the area and local available hydrology and/or hydrogeology information.

Policy Analysis

Policy Considerations:

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan and existing ordinances.

General plan.

The Ogden Valley General Plan offers this guidance regarding water availability:

Utilities and Public Services Principle 1.1: Although Weber County has no direct regulatory role, the County should support communication among water and sewer service providers to coordinate the planning for and delivery of culinary water and sewer services in a manner that pursues the possibility of an eventual valleywide sewer and water system plan.

Utilities and Public Services Principle 1.2: Weber County will require that adequate water and sewer services are available as a condition of approval of all future developments.

Utilities and Public Services Principle 1.3: Support conservation of water resources

Utilities and Public Services Implementation 1.3.3: Weber County will encourage the Weber Basin Conservancy District to verify that clear evidence exists that the impacts of an exchange application can be mitigated.

The West Central Weber County General Plan does not offer as specific guidance regarding the regulation of access to water, but between it and the Western Weber County Resource Management Plan it appears to indicate that an important role of Weber County Government is to assist in enhancing access to safe and clean drinking water.

Ordinance.

The current subdivision code contains a paragraph, Section 106-4-2(m), that is poorly written. Essentially, this paragraph is intended to require secondary water provisions to subdivisions lots when the culinary water provider requires a secondary system as a condition of their culinary service. The poor clarity of this section has resulted in multiple reasonable interpretations, which has generated conflict over its administration and application. It is incumbent on the county to provide ordinances that are clear and predictable. This proposal replaces the current standards with clearer requirements.

In addition to this conflict, the Hooper Irrigation Company is asking the county to add standards regarding secondary water service – when required by a culinary water provider. This includes expectations for how a system is constructed and operated. It also includes an expectation for a developer to connect to an existing local system, rather than gain secondary water by means of private well or the creation of a new secondary system, when the development is within 300 feet multiplied by the number of lots in the subdivision.

Another subject of this ordinance change is how the county should verify whether there is sufficient access to ground water when a lot is proposed to be served by a well. This subject was not specifically a part of the applicant's request, however has ties to the request that should be addressed with the proposed changes.

The problem boils down to the following key discussion points:

- Several culinary water companies make their service dependent on access to other water for secondary water service. However, the culinary water companies often have little or no control over the functionality of the secondary system.
- Who is or should be responsible and accountable to verify that newly installed secondary water infrastructure can satisfy a culinary provider's conditions of service?
- Who is or should be responsible when a secondary system fails or goes defunct, and what impact does that have on a culinary water providers ability to serve?
- If there is a requirement to hook into a nearby existing secondary system that is built to a specific standard, functions, and is appropriately managed, then conditioning culinary water service on a local secondary company becomes less risky.
- Should the county be allowing lots proposed to be served by a well if the well has not been dug and pump-tested? If so, how can the county better assure that future purchasers might have access to water and that the access will not negatively affect others in the area?

Public culinary water and secondary water.

When a culinary water company conditions access to culinary water on a developer's ability to access secondary water, there seems to be some confusion regarding who is accountable for ensuring the secondary system is installed and functioning.

First, a "culinary water authority" is defined by UCA § 17-27a-103 as:

"... the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property."

Then, UCA § 17-27a-603(2)(a), says:

"Subject to Subsections (3), (5), and (6), if the plat conforms to the county's ordinances and this part **and has been approved by the culinary water authority**, the sanitary sewer authority, and the local health department, as defined in Section 26A-1-102, if the local health department and the county consider the local health department's approval necessary, the county shall approve the plat." (Italics offered for emphasis.)

This section requires a final subdivision plat to be approved by a "culinary water authority" *before* the county can take action on approving the final plat. This provision essentially grants a culinary water authority at least equal authority as the county when it comes to approving a subdivision plat. When a culinary water authority conditions its service on a secondary system's performance, it makes the culinary service wholly dependent on the performance of the secondary system. If the culinary water service has no control over the secondary system, then the culinary authority has shifted their responsibility of providing culinary water onto an entity that is beyond their control. However, once the culinary service is established it cannot be shutoff, even if the secondary system fails to perform.

In order to verify they will not fail to perform, a few culinary service providers have requested that the county be the overseer of the functionality of the secondary systems, asserting that they do not have the administrative capacity to do so themselves. Because the county is not in the water rights/shares business, nor in the water distribution or service business, the county has limited control over whether a secondary system functions according to the needs of the culinary provider. To the extent the county can control the performance of the secondary system, it would not be advisable for the county to assume that responsibility since the county has no responsibility or accountability for the culinary water service. That accountability and responsibility should remain with the culinary water service provider, as they are best suited to understand their own needs and are the entity designated by state law to be the authority.

The proposed ordinance offers better standards to which a secondary system should be constructed and managed. It enables the county to verify adequacy of the secondary system as a public benefit and courtesy to the local water companies, but it does not require the county to accept responsibility for the system's construction or performance. Staff feel that this might strike a balance between the interests of the water company, the interests of the public, and the interest of the county without transferring liability and responsibility to the county for systems over which it has no authority.

Private wells.

The current code allows a subdivision with lots served by a private well to be recorded without ever requiring verification that there is access to groundwater from an onsite well. This creates a "dry subdivision." A purchaser of such a lot will have no way to verify that there is access to groundwater from the site without first drilling and testing a well. They take a risk when purchasing a dry lot. The code requires a notice to be recorded to the lot to notify a purchaser of this risk, but does little else to minimize the risk.

It might be in the best interest of the purchaser and the surrounding well owners for verified access to groundwater to exist prior to the plat being recorded. However, requiring the drilling of a well onsite prior to plat recordation poses a couple of challenges:

- A well is not necessary until an onsite use requires it – usually a residential dwelling. It is not uncommon for a subdivision lot to sit vacant for a number of years before the landowner decides to build. Letting a well sit without continuous circulation can risk the health of the well water.
- It is difficult to get a construction loan to drill a well and construct a house without the lot being transferred to the new owner so the banks have something to lien. The lot ownership cannot be transferred until the plat is recorded.

Other counties have combated these challenges by allowing “dry subdivisions” to be recorded, but only after each proposed well has been vetted by a professional engineer or geologist for feasibility. The proposed ordinance offers similar new requirements. Even though this might not offer complete risk avoidance for the future lot owner or the surrounding well owners, it offers a layer of protection by means of expert review. If after the lot has been recorded a new well ends up affecting access to other well owner’s entitled water, the state engineer has a protest process that neighbors may engage to seek reprieve. The planning commission might determine that this a sufficient compromise to a difficult problem.

Noticing Compliance

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

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

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendment, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes align with the directives of the Ogden Valley General Plan, West Central Weber County General Plan, and the Western Weber County Resource Management Plan.
2. The changes will provide additional clarity to the existing ordinance.
3. The changes will strengthen the administration of the ordinance.
4. The changes will better promote the health, safety, and general welfare of the public.

Exhibits

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

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1 **Title 101 - GENERAL PROVISIONS**

2 ...

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

4 ...

5 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
6 dimensional regulations of the Land Use Code where such action will not be contrary to the public
7 interest and where, owing to conditions peculiar to the property and not the result of actions or
8 the situation of the applicant or previous owners, a literal enforcement of the Code would result in
9 unnecessary and undue hardship, other than an economic nature or self-imposed hardship. A
10 self-imposed hardship created by a previous owner is considered to run with the land.

11 *Water, secondary.* The term "secondary water" means water typically used for crop or
12 landscape irrigation and not usually treated for culinary drinking water purpose.

13 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
14 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
15 except as otherwise provided herein.

16 ...

17 **Title 106 - SUBDIVISIONS**

18 **CHAPTER 1. - GENERAL PROVISIONS**

19 ...

20 **Sec. 106-1-4. - Subdivision application requirements.**

21 (a) *Pre-application meeting required.* Each person who proposes to subdivide land shall confer
22 with the county planning staff before preparing any plats, charts, or plans in order to become
23 familiar with the county subdivision requirements and existing general plans and to discuss
24 the proposed development of the tract. Additional required submittal information will be
25 identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells,
26 taxes, state roads, and neighborhood circulation plan.

27 (b) *Subdivision application submittal.* Subdivision applications shall be submitted to the
28 planning division, by appointment, and shall include:

29 (1) *Application form.* A completely filled out subdivision application form, signed by the
30 property owners.

31 (2) *Copies of preliminary plan.* One 24-inch by 36-inch copy, one 11-inch by 17-inch copy,
32 and one 8½-inch by 11-inch copy of the proposed preliminary plan meeting the
33 requirements listed in this title. This shall also include one 24 inch by 36-inch copy of the
34 phasing plan, if applicable.

35 (3) *Electronic documents.* All documents required by this title shall be accompanied by a PDF
36 file of the respective document. All plans (including but not limited to subdivision plats,
37 improvement drawings, architectural drawings, phasing plans, etc.), and subsequent
38 submittals and revisions, shall be accompanied by a full-scale set of PDF files of the
39 respective plans.

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40 (4) *Statement of culinary water feasibility.* A written statement of feasibility, also known as a
41 "will-serve letter," specifying culinary water provisions for each lot.

42 a. The statement shall come from the culinary water authority pursuant to UCA § 17-27a-
43 603 as follows:

- 44 1. The local health department for lots proposed to be served by a private well; or
- 45 2. An existing culinary water service provider; or
- 46 3. If the culinary water authority is being newly formed, the statement shall come from
47 the manager of the newly formed water corporation. The applicant shall also
48 submit a written notification from the Utah Department of Environmental Quality
49 indicating their acknowledgement of the new culinary water authority and the
50 proposed system, and offer any other relevant information necessary for
51 demonstrating system feasibility.

52 b. The statement from the culinary water authority shall provide:

- 53 1. An acknowledgment of the number of lots proposed to be served;
- 54 2. An acknowledgement of all intended uses of the culinary water including, but not
55 limited to, fire suppression appurtenances or applicable secondary water uses as
56 provided for in Section 106-4-2;
- 57 3. The method of culinary water delivery to each applicable proposed lot;
- 58 4. From where the water rights or shares necessary to serve the lots are proposed to
59 come;
- 60 5. Any other requirement expected or necessary to attain the culinary water
61 authority's approval of the final subdivision plat.

62 (5) *Statement of sanitary sewer or septic system feasibility.* A written statement of feasibility,
63 also known as a "will-serve letter," specifying wastewater provisions for each lot.

64 a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-
65 27a-603 as follows:

- 66 1. The local health department for lots proposed to be served by a septic system;
- 67 2. An existing sanitary sewer service provider; or
- 68 3. If the sanitary sewer authority is being newly formed, the statement shall come from
69 the body politic or manager of the system. The applicant shall also submit a written
70 notification from the Utah State Department of Environmental Quality indicating their
71 acknowledgement of the proposed system, and offer any other relevant information
72 necessary for demonstrating system feasibility.
73 b. The statement shall provide:
 - 74 1. An acknowledgment of the number of lots proposed to be served;
 - 75 2. The method of wastewater disposal for each applicable proposed lot;

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76 3. An assertion that there is sufficient capability for safe wastewater disposal using
77 the proposed method; and

78 4. Any other requirement expected or necessary to attain the sanitary sewer
79 authority's approval of the final subdivision plat.

80 (6) *Application fee.* Full payment of the application fee is required at the time of application
81 submittal. The payment of a partial application fee, or the submittal of plans for a pre-
82 submittal review, does not constitute a complete application.

83 ...

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

85 (a) *Preliminary approval required.* Until all preliminary requirements outlined in the agencies'
86 review are met, the subdivision shall not proceed to final approval. Final plat submittal will not
87 be accepted until the conditions of preliminary approval are met.

88 ...

89 (c) *Final plat requirements.*

90 (1) Digital copies shall be submitted until the county engineer and surveyor give their
91 approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar
92 with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy
93 lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on
94 all four sides of the sheet. The final plat shall be signed and stamped by a licensed land
95 surveyor licensed in the state. All lines, dimensions and markings shall be made on the
96 mylar with permanent ink meeting industry standards. The plat shall be made to a scale
97 large enough to clearly show all details in any case not smaller than 100 feet to the inch,
98 unless specified otherwise by the county surveyor, and the workmanship on the finished
99 drawing shall be legible having a text size of not less than 0.10 of an inch (approximately
100 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of
101 this section, duly authorized and required to sign and shall contain the following
102 information:

103 ...

104 h. A signature block conforming to state code and county ordinances shall be included
105 on the plat for the following:

106 1. Description of land included in subdivision;

107 2. Private licensed land surveyor's "certificate of survey";

108 3. Owner's dedication certificate;

109 4. Notary public's acknowledgment;

110 5. County planning commission's certificate of approval, to be signed by the planning
111 director for the chair;

112 6. County engineer's certificate of approval;

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- 113 7. County attorney's certificate of approval;
- 114 8. Board of county commissioners' certificate of acceptance;
- 115 9. County clerk's certificate of attest;
- 116 10. County surveyor's certificate of approval;
- 117 11. Local health department certificate of approval if required by the local health
- 118 department;
- 119 12. Culinary water authority and sanitary sewer authority certificate of approval, if
- 120 required by the culinary water authority or sanitary sewer authority.

121 ...

122 **CHAPTER 4. - SUBDIVISION IMPROVEMENTS REQUIRED**

123 ...

124 **Sec. 106-4-2. - Improvements required.**

125 (a) *Culinary water supply.* (1) *Private well.* Unless required otherwise by part two (2) of

126 this subsection 106-4-2(a), culinary water may be provided by private well.

127 a. *Private well capacity assessment.* The applicant shall provide the following capacity

128 assessment verification prior to final plat approval.

129 1. Written verification from the Utah Division of Water Rights that a well permit has

130 been obtained for each lot proposed to be served by private well.

131 2. Written verification from Weber Basin Water Conservancy District that adequate

132 shares have been secured for each proposed well, or proof of sufficient culinary

133 water rights for each proposed well.

134 3. A signed, dated, and stamped written statement from a professional engineer or

135 professional geologist licensed by the State of Utah.

136 i. The statement shall attest that a thorough review has been conducted in

137 accordance with this part and that it is reasonably likely the proposed well will

138 offer adequate water flow and quality for all uses proposed.

139 ii. The statement shall offer an opinion that the proposed well location is unlikely

140 to offer unreasonable impact on other wells.

141 iii. The review shall include a study of logs of three or more wells which are closest

142 to the proposed well and which, wherever possible, are likely to be affected by

143 similar hydrogeologic conditions as the proposed well.

144 iv. If this statement cannot be made upon review of other wells, a well shall be drilled and

145 pump-tested from which this review and statement can be offered. Inability to provide

146 this statement shall result in a denial of the subdivision unless another lawfully

147 approved culinary water source can be provided. b. *Unapproved well notice.*

148 Except where an approved well exists on a lot at the time of plat recordation, together

149 with the recorded water rights or shares required, a notice shall be recorded to run

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150 with each lot proposed to be served by a well. The notice shall, at a minimum, specify
151 that prior to the issuance of a building permit for a structure intended for human
152 occupancy, a well shall be dug, pump-tested, and approved by the local health
153 department for all water uses proposed in the subdivision approval including, but not
154 limited to, applicable secondary water uses and fire suppression appurtenances. If a
155 well cannot be approved, the building permit shall not be approved unless another
156 lawfully approved culinary water source can be provided.

157 (2) *Public culinary water service provider.*

158 a. *Existing public culinary water service provider.* A connection to an existing culinary
159 water system is required where a subdivision is situated within 300 feet, multiplied by
160 the number of lots in the subdivision, of any part of a currently operating culinary water
161 service provider's system, and the service provider is willing and able to serve the
162 subdivision. If multiple systems are available, connection to the system that will yield
163 the best organization of culinary water infrastructure in the area is required. If conflict
164 arises in making such a determination, the county engineer shall make the final
165 determination. Overlapping culinary water infrastructure should be avoided whenever
166 possible.

167 b. *New public culinary water service provider.* Where outside the connection distance of
168 an existing culinary water service provider and where a private well will not be
169 proposed or cannot be approved by the Health Department, a new culinary water
170 service provider may be created pursuant to state law to serve the needs of the
171 subdivision.

172 c. *Capacity assessment.* Prior to final plat approval, the applicant shall provide the
173 county with written capacity assessment. Capacity assessment shall include:

174 1. Written verification from the public culinary water service provider. The
175 assessment shall verify:

176 i. That the system is, or will be at the time the subdivision improvements are
177 complete, capable of serving the culinary water needs of each applicable
178 subdivision lot;

179 ii. That adequate culinary water flow and culinary water storage is or will be
180 available at the time the subdivision improvements are complete for all
181 intended or proposed uses of culinary water including, but not limited to,
182 applicable secondary water uses and fire suppression appurtenances; and

183 iii. The specific details regarding the requirements or conditions for the culinary
184 service of which the county should be aware during the approval or
185 construction process.

186 2. Evidence that a state construct permit has been secured from the Utah Department
187 of Environmental Quality's Division of Drinking Water.

188 d. *Culinary water improvements required.* The applicant shall submit to the county
189 written approval of new culinary water infrastructure from the public culinary water

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190 service provider prior to final acceptance of the subdivision's improvements by the
191 county.

192 1. Culinary water infrastructure shall be provided to the furthest extent of the
193 subdivision boundary within a public street right of way or a public utility
194 easement and laterals shall be stubbed to each lot and/or irrigable parcel.

195 2. Culinary infrastructure shall be designed with sufficient capacity for the system
196 service area as determined by the culinary water service provider, or as may
197 otherwise be required by the county engineer.

198 3. Unless authorized by the county engineer, culinary water system infrastructure
199 shall be located outside of the asphalt area of a public street.

200 4. Water lines and fire hydrants shall be operational before building permits are
201 issued for any structures.

202 5. Acceptance of the subdivision's improvements shall not constitute an obligation
203 to the county for the ownership or operation of the water facilities.

204 (3) *Transfer of rights and penalty for removal.* All necessary culinary water rights or shares
205 required for each lot shall be transferred to the culinary water service provider, if required
206 by the culinary water service provider. Otherwise, the rights or shares required shall be
207 assigned to the lot or a governing homeowner's association at the time of subdivision
208 recordation. Removal or reallocation of required rights or shares shall constitute a violation
209 of this land use code, with all associated enforcement measures being at the county's
210 disposal. The county is also authorized to void the recorded plat or withhold any further
211 land use approvals for the affected lot or lots, as determined by the Planning Director.

212
213 ...

214 (m) *Secondary water.* When acting as the culinary water authority pursuant to UCA § 17-27a-603,
215 a culinary water service provider may require that a secondary water system serve some or
216 all lots within the subdivision as a condition of committing to serve culinary water. The culinary
217 water service provider shall be responsible for notifying the county, in writing, of this
218 requirement at the time it commits to serve, along with any other specific requirement applied
219 to secondary water provisions. Secondary water required under this provision shall comply
220 with the following:

221 (1) *Private well.* Unless required otherwise by part two (2) of this Section 106-4-2(m),
222 secondary water may be provided by private well.

223 a. *Capacity assessment.* Prior to final plat recording a signed, dated, and stamped written
224 statement from a professional engineer or professional geologist licensed by the State
225 of Utah shall be submitted.

226 1. The statement shall attest that a thorough review has been conducted in
227 accordance with this part and that it is reasonably likely the proposed well will offer
228 adequate water flow and quality for all uses proposed.

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- 229 2. The statement shall offer an opinion that the proposed well location is unlikely to
230 offer unreasonable impact on other wells.
- 231 3. The review shall include a study of logs of three or more wells which are closest to
232 the proposed well and which, wherever possible, are likely to be affected by similar
233 hydrogeologic conditions as the proposed well.
- 234 4. If this statement cannot be made upon review of other wells, a well shall be drilled
235 and pump-tested from which this review and statement can be offered. Inability to
236 provide this statement shall result in a denial of the subdivision unless another
237 lawfully approved secondary water source can be provided.
- 238 b. *Unapproved well notice.* Except where an approved well exists on a lot at the time of
239 plat recordation, together with the recorded water rights or shares required, a notice
240 shall be recorded to run with each lot proposed to be served by a well. The notice
241 shall, at a minimum, specify that prior to the issuance of a building permit for a structure
242 intended for human occupancy, a well shall be dug, pump-tested, and approved by
243 the local health department for all water uses proposed in the subdivision approval
244 including, but not limited to, applicable secondary water uses and fire suppression
245 appurtenances. If a well cannot be approved, the building permit shall not be approved
246 unless another lawfully approved culinary water source can be provided.
- 247 (2) *Secondary water service provider.*
- 248 a. *Existing secondary water service provider.* A connection to an existing secondary
249 water system is required where a subdivision is situated within 300 feet, multiplied
250 by the number of lots in the subdivision, of any part of a currently operating
251 secondary water service provider's system, and the service provider is willing and
252 able to serve the subdivision. If multiple systems are available, connection to the
253 system that will yield the best organization of secondary water infrastructure in the
254 area is required, as determined by the county engineer.
- 255 b. *New secondary water service provider.* Where outside the connection distance of an
256 existing secondary water service provider and where a private well will not be
257 proposed or will not yield adequate flow as required by this subsection, a new
258 secondary water service provider may be created to serve the needs of the
259 subdivision.
- 260 c. *Improvements required.* Written approval of secondary water infrastructure shall be
261 submitted to the county from the secondary water service provider and the culinary
262 water service provider prior to final acceptance of the subdivision's improvements
263 by the county.
- 264 1. Secondary water infrastructure shall be provided to the furthest extent of the
265 subdivision and laterals shall be stubbed to each lot and/or irrigable parcel.
- 266 2. Infrastructure shall be designed with sufficient capacity for the system service
267 area as determined by the secondary water service provider, or as may
268 otherwise be required by the county engineer.

- 269 3. Unless authorized by the county engineer, secondary water system
270 infrastructure shall be located outside of the asphalt area of a public street.
- 271 d. *Verification of capability to serve.* The culinary water service provider requiring the
272 secondary system bears full responsibility for verifying a secondary water system's
273 capability to satisfy the conditions and requirements of offering the culinary service
274 to the subdivision.
- 275 1. Final plat approval by the culinary water authority indicates satisfaction of the
276 proposal for secondary water services.
- 277 2. The culinary water provider is encouraged to secure any financial guarantees
278 necessary to ensure satisfactory performance from a secondary water provider.
279 At the county engineer's discretion and when the culinary water provider
280 declines, the county may require secondary water infrastructure to be a part of
281 the county's financial guarantee for the subdivision, pursuant to Section 106-4-
282 3.
- 283 3. As a basis to establish capability to serve, the culinary water service provider or
284 the county may determine adequacy of a secondary water system's source,
285 storage, pumping, distribution, and administration.
- 286 i. Source considerations may include diversion structures, source flow
287 measurement, screening of the water, adequate shares or rights deeded to
288 the system provider or the county.
- 289 ii. Storage considerations may include adequate volume for daily demands
290 (which may a week of storage depending upon water turns), chemical
291 treatment capability for algae and mussels, accounting for evaporation, basin
292 capable to accommodate groundwater table fluctuations, barrier to minimize
293 infiltration or exfiltration, fencing for security, and maintenance of water
294 quality including separation from storm water.
- 295 iii. Pumping considerations may include adequate power, pump capacity and
296 variability for minimum flows to peak instantaneous flows of the future
297 system, above-ground shelter, wet well, and ventilation.
- 298 iv. Distribution considerations may include consistent pipe materials, locating
299 wires, sizing adequate for future peak day flows, service laterals including
300 meters, draining and filling appurtenances, valves and installation of pipes
301 only within public rights-of-way for accessibility.
- 302 v. Administration considerations may include ability to provide billing to users,
303 enforcement of any watering restriction, maintenance ability, contingency
304 funding for emergency repairs, annual reporting ability to the State Division
305 of Water Rights, and management of Bluestakes.
- 306 e. *Exactions and denials.* A culinary water service provider shall not use this part to
307 require an unlawful exaction or an unlawful subdivision denial, pursuant to state law.

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308 Requirements for secondary water shall be reasonable and in accordance with
309 industry best practices.

310 (3) *Transfer of rights and penalty for removal.* All necessary secondary or irrigation water
311 rights or shares required for each lot shall be transferred to the secondary water service
312 provider, if required by the secondary water service provider. Otherwise, the rights or
313 shares required shall be assigned to the lot or a governing homeowner's association at
314 or prior to subdivision recordation. Removal or reallocation of required rights or shares
315 shall constitute a violation of this land use code, with all associated enforcement
316 measures being at the county's disposal. The county is also authorized to void the
317 recorded plat or withhold any further land use approvals for the affected lot or lots, as
318 determined by the Planning Director.

319

320 (n) Reserved. ...

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1 **Title 101 - GENERAL PROVISIONS**

2 ...

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

4 ...

5 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
6 dimensional regulations of the Land Use Code where such action will not be contrary to the public
7 interest and where, owing to conditions peculiar to the property and not the result of actions or
8 the situation of the applicant or previous owners, a literal enforcement of the Code would result in
9 unnecessary and undue hardship, other than an economic nature or self-imposed hardship. A
10 self-imposed hardship created by a previous owner is considered to run with the land.

11 Water, secondary. The term "secondary water" means water typically used for crop or
12 landscape irrigation and not usually treated for culinary drinking water purpose.

13 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
14 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
15 except as otherwise provided herein.

16 ...

17 **Title 106 - SUBDIVISIONS**

18 **CHAPTER 1. - GENERAL PROVISIONS**

19 ...

20 **Sec. 106-1-4. - Subdivision application requirements.**

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23 familiar with the county subdivision requirements and existing general plans and to discuss
24 the proposed development of the tract. Additional required submittal information will be
25 identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells,
26 taxes, state roads, and neighborhood circulation plan.

27 (b) *Subdivision application submittal.* Subdivision applications shall be submitted to the
28 planning division, by appointment, and shall include:

29 (1) Application form. A completely filled out subdivision application form, signed by the
30 property owners.

31 (2) Copies of preliminary plan. ~~Five full-size~~ One 24-inch by 36-inch ~~copies~~ copy, and ~~one~~
32 ~~reduced-size 11-inch~~ by 17-inch copy, and one ~~reduced-size 8½-inch~~ by 11-inch copy of
33 ~~a the proposed~~ preliminary plan meeting the requirements listed in this title. This shall also
34 include two one 24 inch by 36 36-inch copies copy of the phasing plan, if applicable. ~~One~~
35 ~~all preliminary requirements have been met, two 24 by 36 copies and a one digital copy~~
36 ~~shall be submitted to the planning division. This requirement shall be met prior to the~~
37 ~~submittal for final approval.~~

38 (3) Electronic documents. All documents required by this title shall ~~submitted in the~~
39 ~~subdivision application shall~~ be accompanied by a PDF file of the respective document.

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40 All plans (including but not limited to subdivision plats, improvement drawings,
41 architectural drawings, phasing plans, etc.), and subsequent submittals and revisions,
42 shall be accompanied by a ~~full-scale~~full-scale set of PDF files of the respective plans.

43 (4) Statement of culinary water feasibility. A written statement of feasibility, also known as a
44 "will-serve letter," specifying culinary water provisions for each lot.

45 a. The statement shall come from the ~~county or state~~ culinary water authority pursuant to
46 UCA § 17-27a-603 as follows:

47 1. The local health department ~~which states~~ for lots proposed to be served by a private
48 well; or

49 2. An existing culinary water service provider; or

50 3. If the ~~recommendation of~~ culinary water authority is being newly formed, the
51 statement shall come from the manager of the newly formed water corporation.
52 The applicant shall also submit a ~~the~~ written notification from the Utah Department
53 of Environmental Quality indicating their acknowledgement of the new culinary
54 water authority and the proposed system, and offer any other relevant information
55 necessary for demonstrating system feasibility.

56 b. The statement from the culinary water authority shall provide:

57 1. An acknowledgment of the number of lots proposed to be served;

58 2. An acknowledgement of all intended uses of the culinary water including, but not
59 limited to, fire suppression appurtenances or applicable secondary water uses as
60 provided for in Section 106-4-2;

61 3. The method of culinary water delivery to each applicable proposed lot;

62 4. From where the water rights or shares necessary to serve the lots are proposed to
63 come;

64 5. Any other requirement expected or necessary to attain the culinary water
65 authority's approval of the final subdivision plat.

66 (5) Statement of sanitary sewer or septic system feasibility. A written statement of feasibility,
67 also known as a "will-serve letter," specifying wastewater provisions for each lot.

68 a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-
69 27a-603 as follows:

70 1. The local health department ~~regarding~~ for lots proposed to be served by a septic
71 system;

72 ~~a. Sanitary sewage disposal;~~

73 ~~b. Culinary water availability; and~~

74 ~~c. A project notification form~~

75 2. An existing sanitary sewer service provider; or

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76 3. If the sanitary sewer authority is being newly formed, the statement shall come
77 from the body politic or manager of the system. The applicant shall also submit a
78 written notification from the Utah State Department of Environmental Quality;
79 ~~Division of Drinking Water;~~ indicating their acknowledgement of the proposed
80 system, and offer any other relevant information necessary for demonstrating
81 system feasibility.

82 b. The statement shall provide:

83 1. An acknowledgment of the number of lots proposed to be served;

84 2. The method of wastewater disposal for each applicable proposed lot;

85 3. An assertion that there is sufficient capability for safe wastewater disposal using
86 the proposed method; and

87 4. Any other requirement expected or necessary to attain the sanitary sewer
88 authority's approval of the final subdivision plat.

89 (6) ~~An~~ Application fee. Full payment of the application fee is required at the time of
90 application submittal. The payment of a partial application fee, or the submittal of plans
91 for a pre-submittal review, does not constitute a complete application.

92 ...

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

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95 agencies' review are met, the subdivision shall not proceed to final approval. Final plat
96 submittal will not be accepted until the conditions of preliminary approval are met.

97 ...

98 (c) *Final plat requirements.*

99 (1) Digital copies shall be submitted until the county engineer and surveyor give their
100 approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar
101 with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy
102 lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on
103 all four sides of the sheet. The final plat shall be signed and stamped by a licensed land
104 surveyor licensed in the state. All lines, dimensions and markings shall be made on the
105 mylar with permanent ink meeting industry standards. The plat shall be made to a scale
106 large enough to clearly show all details in any case not smaller than 100 feet to the inch,
107 unless specified otherwise by the county surveyor, and the workmanship on the finished
108 drawing shall be legible having a text size of not less than 0.10 of an inch (approximately
109 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of
110 this section, duly authorized and required to sign and shall contain the following
111 information:

112 ...

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- 113 h. A signature block conforming to state code and county ordinances shall be included
114 on the plat for the following:
- 115 1. Description of land included in subdivision;
 - 116 2. Private licensed land surveyor's "certificate of survey";
 - 117 3. Owner's dedication certificate;
 - 118 4. Notary public's acknowledgment;
 - 119 5. County planning commission's certificate of approval, to be signed by the planning
120 director for the chair;
 - 121 6. County engineer's certificate of approval;
 - 122 7. County attorney's certificate of approval;
 - 123 8. Board of county commissioners' certificate of acceptance;
 - 124 9. County clerk's certificate of attest;
 - 125 10. County surveyor's certificate of approval;
 - 126 11. ~~Weber-Morgan-Local Health-health Department-department~~ certificate of
127 approval if required by the local health department;
 - 128 12. Culinary water authority and sanitary sewer authority certificate of approval, if
129 required by the culinary water authority or sanitary sewer authority.

130 ...

131 **CHAPTER 4. - SUBDIVISION IMPROVEMENTS REQUIRED**

132 ...

133 **Sec. 106-4-2. - Improvements required.**

134 (a) Culinary ~~w~~Water supply.

135 (1) Private well. Unless required otherwise by part two (2) of this subsection 106-4-2(a),
136 culinary water may be provided by private well.

137 a. Private well capacity assessment. The applicant shall provide the following capacity
138 assessment verification prior to final plat approval.

139 1. Written verification from the Utah Division of Water Rights that a well permit has
140 been obtained for each lot proposed to be served by private well.

141 2. Written verification from Weber Basin Water Conservancy District that adequate
142 shares have been secured for each proposed well, or proof of sufficient culinary
143 water rights for each proposed well.

144 3. A signed, dated, and stamped written statement from a professional engineer or
145 professional geologist licensed by the State of Utah.

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146 i. The statement shall attest that a thorough review has been conducted in
147 accordance with this part and that it is reasonably likely the proposed well will
148 offer adequate water flow and quality for all uses proposed.

149 ii. The statement shall offer an opinion that the proposed well location is unlikely
150 to offer unreasonable impact on other wells.

151 iii. The review shall include a study of logs of three or more wells which are closest
152 to the proposed well and which, wherever possible, are likely to be affected by
153 similar hydrogeologic conditions as the proposed well.

154 iv. If this statement cannot be made upon review of other wells, a well shall be
155 drilled and pump-tested from which this review and statement can be offered.
156 Inability to provide this statement shall result in a denial of the subdivision
157 unless another lawfully approved culinary water source can be provided.

158 b. *Unapproved well notice.* Except where an approved well exists on a lot at the time of
159 plat recordation, together with the recorded water rights or shares required, a notice
160 shall be recorded to run with each lot proposed to be served by a well. The notice
161 shall, at a minimum, specify that prior to the issuance of a building permit for a structure
162 intended for human occupancy, a well shall be dug, pump-tested, and approved by
163 the local health department for all water uses proposed in the subdivision approval
164 including, but not limited to, applicable secondary water uses and fire suppression
165 appurtenances. If a well cannot be approved, the building permit shall not be approved
166 unless another lawfully approved culinary water source can be provided.

167 (2) *Public culinary water service provider.*

168 a. *Existing public culinary water service provider.* A connection to an existing culinary
169 water system is required where a subdivision is situated within 300 feet, multiplied by
170 the number of lots in the subdivision, of any part of a currently operating culinary water
171 service provider's system, and the service provider is willing and able to serve the
172 subdivision. If multiple systems are available, connection to the system that will yield
173 the best organization of culinary water infrastructure in the area is required. If conflict
174 arises in making such a determination, the county engineer shall make the final
175 determination. Overlapping culinary water infrastructure should be avoided whenever
176 possible.

177 b. *New public culinary water service provider.* Where outside the connection distance of
178 an existing culinary water service provider and where a private well will not be
179 proposed or cannot be approved by the Health Department, a new culinary water
180 service provider may be created pursuant to state law to serve the needs of the
181 subdivision.

182 c. *Capacity assessment.* Prior to final plat approval, the applicant shall provide the
183 county with written capacity assessment. Capacity assessment shall include:

184 1. *Written verification from the public culinary water service provider.* The
185 assessment shall verify:

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186 i. That the system is, or will be at the time the subdivision improvements are
187 complete, capable of serving the culinary water needs of each applicable
188 subdivision lot;

189 ii. That adequate culinary water flow and culinary water storage is or will be
190 available at the time the subdivision improvements are complete for all
191 intended or proposed uses of culinary water including, but not limited to,
192 applicable secondary water uses and fire suppression appurtenances; and

193 iii. The specific details regarding the requirements or conditions for the culinary
194 service of which the county should be aware during the approval or
195 construction process.

196 2. Evidence that a state construct permit has been secured from the Utah Department
197 of Environmental Quality's Division of Drinking Water.

198 d. Culinary water improvements required. The applicant shall submit to the county
199 written approval of new culinary water infrastructure from the public culinary water
200 service provider prior to final acceptance of the subdivision's improvements by the
201 county.

202 1. Culinary water infrastructure shall be provided to the furthest extent of the
203 subdivision boundary within a public street right of way or a public utility
204 easement and laterals shall be stubbed to each lot and/or irrigable parcel.

205 2. Culinary infrastructure shall be designed with sufficient capacity for the system
206 service area as determined by the culinary water service provider, or as may
207 otherwise be required by the county engineer.

208 3. Unless authorized by the county engineer, culinary water system infrastructure
209 shall be located outside of the asphalt area of a public street.

210 4. Water lines and fire hydrants shall be operational before building permits are
211 issued for any structures.

212 5. Acceptance of the subdivision's improvements shall not constitute an obligation
213 to the county for the ownership or operation of the water facilities.

214 (3) Transfer of rights and penalty for removal. All necessary culinary water rights or shares
215 required for each lot shall be transferred to the culinary water service provider, if required
216 by the culinary water service provider. Otherwise, the rights or shares required shall be
217 assigned to the lot or a governing homeowner's association at the time of subdivision
218 recordation. Removal or reallocation of required rights or shares shall constitute a violation
219 of this land use code, with all associated enforcement measures being at the county's
220 disposal. The county is also authorized to void the recorded plat or withhold any further
221 land use approvals for the affected lot or lots, as determined by the Planning Director.

222 ~~(1) — Public system.~~

223 ~~a. Where an approved public water supply is reasonably accessible or procurable, the applicant~~
224 ~~shall install water lines, or shall contract with the local water distributing agency to make the~~

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225 ~~water supply available to each lot within the subdivision, including laterals to the property line~~
226 ~~of each lot. Water lines and fire hydrants shall be operational before building permits are~~
227 ~~issued for any structures.~~

228 ~~b. Capacity assessment letter is required prior to final approval from the planning commission.~~
229 ~~A construct permit from the Utah State Department of Environmental Quality Division of~~
230 ~~Drinking Water for expansion of the water system and water lines serving the subdivision is~~
231 ~~required prior to the subdivision receiving final approval from the county commission.~~

232 ~~(2) New system. Where an approved public water supply or system is not reasonably accessible~~
233 ~~nor procurable, the applicant shall install a water distribution system and provide a water supply~~
234 ~~to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or~~
235 ~~the Weber-Morgan Health Department.~~

236 ~~(3) Wells. If individual well permits are issued by the Utah State Division of Water Rights, one~~
237 ~~well permit must be obtained along with a letter of feasibility from the Division of Water Rights and~~
238 ~~the Weber-Morgan Health Department, which states that well permits can be issued in the~~
239 ~~proposed area by the Division of Water Rights for exchange purposes. The owner of record of~~
240 ~~the proposed subdivision property shall record a covenant to run with the land which advises the~~
241 ~~new lot owner of the requirements to be fulfilled before a building permit can be obtained. This~~
242 ~~shall include but not be limited to:~~

- 243 ~~a. That a well permit must be obtained;~~
- 244 ~~b. The time it may take to obtain the permit;~~
- 245 ~~c. The well must be drilled;~~
- 246 ~~d. Water quality to be satisfactory; and~~
- 247 ~~e. Water quantity to be sufficient as required by the Weber County Health Department,~~
248 ~~before a building permit can be obtained.~~

249 ~~If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.~~

250 ...

251 (m) Secondary water. When acting as the culinary water authority pursuant to UCA § 17-27a-603,
252 a culinary water service provider may require that a secondary water system serve some or
253 all lots within the subdivision as a condition of committing to serve culinary water. The culinary
254 water service provider shall be responsible for notifying the county, in writing, of this
255 requirement at the time it commits to serve, along with any other specific requirement applied
256 to secondary water provisions. Secondary water required under this provision shall comply
257 with the following:

258 (1) Private well. Unless required otherwise by part two (2) of this Section 106-4-2(m),
259 secondary water may be provided by private well.

- 260 a. Capacity assessment. Prior to final plat recording a signed, dated, and stamped written
261 statement from a professional engineer or professional geologist licensed by the State
262 of Utah shall be submitted.

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263 1. The statement shall attest that a thorough review has been conducted in
264 accordance with this part and that it is reasonably likely the proposed well will offer
265 adequate water flow and quality for all uses proposed.

266 2. The statement shall offer an opinion that the proposed well location is unlikely to
267 offer unreasonable impact on other wells.

268 3. The review shall include a study of logs of three or more wells which are closest to
269 the proposed well and which, wherever possible, are likely to be affected by similar
270 hydrogeologic conditions as the proposed well.

271 4. If this statement cannot be made upon review of other wells, a well shall be drilled
272 and pump-tested from which this review and statement can be offered. Inability to
273 provide this statement shall result in a denial of the subdivision unless another
274 lawfully approved secondary water source can be provided.

275 b. *Unapproved well notice.* Except where an approved well exists on a lot at the time of
276 plat recordation, together with the recorded water rights or shares required, a notice
277 shall be recorded to run with each lot proposed to be served by a well. The notice
278 shall, at a minimum, specify that prior to the issuance of a building permit for a structure
279 intended for human occupancy, a well shall be dug, pump-tested, and approved by
280 the local health department for all water uses proposed in the subdivision approval
281 including, but not limited to, applicable secondary water uses and fire suppression
282 appurtenances. If a well cannot be approved, the building permit shall not be approved
283 unless another lawfully approved culinary water source can be provided.

284 (2) *Secondary water service provider.*

285 a. *Existing secondary water service provider.* A connection to an existing secondary
286 water system is required where a subdivision is situated within 300 feet, multiplied
287 by the number of lots in the subdivision, of any part of a currently operating
288 secondary water service provider's system, and the service provider is willing and
289 able to serve the subdivision. If multiple systems are available, connection to the
290 system that will yield the best organization of secondary water infrastructure in the
291 area is required, as determined by the county engineer.

292 b. *New secondary water service provider.* Where outside the connection distance of an
293 existing secondary water service provider and where a private well will not be
294 proposed or will not yield adequate flow as required by this subsection, a new
295 secondary water service provider may be created to serve the needs of the
296 subdivision.

297 c. *Improvements required.* Written approval of secondary water infrastructure shall be
298 submitted to the county from the secondary water service provider and the culinary
299 water service provider prior to final acceptance of the subdivision's improvements
300 by the county.

301 1. Secondary water infrastructure shall be provided to the furthest extent of the
302 subdivision and laterals shall be stubbed to each lot and/or irrigable parcel.

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- 303 2. Infrastructure shall be designed with sufficient capacity for the system service
304 area as determined by the secondary water service provider, or as may
305 otherwise be required by the county engineer.
- 306 3. Unless authorized by the county engineer, secondary water system
307 infrastructure shall be located outside of the asphalt area of a public street.
- 308 d. Verification of capability to serve. The culinary water service provider requiring the
309 secondary system bears full responsibility for verifying a secondary water system's
310 capability to satisfy the conditions and requirements of offering the culinary service
311 to the subdivision.
- 312 1. Final plat approval by the culinary water authority indicates satisfaction of the
313 proposal for secondary water services.
- 314 2. The culinary water provider is encouraged to secure any financial guarantees
315 necessary to ensure satisfactory performance from a secondary water provider.
316 At the county engineer's discretion and when the culinary water provider
317 declines, the county may require secondary water infrastructure to be a part of
318 the county's financial guarantee for the subdivision, pursuant to Section 106-4-
319 3.
- 320 3. As a basis to establish capability to serve, the culinary water service provider or
321 the county may determine adequacy of a secondary water system's source,
322 storage, pumping, distribution, and administration.
- 323 i. Source considerations may include diversion structures, source flow
324 measurement, screening of the water, adequate shares or rights deeded to
325 the system provider or the county.
- 326 ii. Storage considerations may include adequate volume for daily demands
327 (which may a week of storage depending upon water turns), chemical
328 treatment capability for algae and mussels, accounting for evaporation, basin
329 capable to accommodate groundwater table fluctuations, barrier to minimize
330 infiltration or exfiltration, fencing for security, and maintenance of water
331 quality including separation from storm water.
- 332 iii. Pumping considerations may include adequate power, pump capacity and
333 variability for minimum flows to peak instantaneous flows of the future
334 system, above-ground shelter, wet well, and ventilation.
- 335 iv. Distribution considerations may include consistent pipe materials, locating
336 wires, sizing adequate for future peak day flows, service laterals including
337 meters, draining and filling appurtenances, valves and installation of pipes
338 only within public rights-of-way for accessibility.
- 339 v. Administration considerations may include ability to provide billing to users,
340 enforcement of any watering restriction, maintenance ability, contingency
341 funding for emergency repairs, annual reporting ability to the State Division
342 of Water Rights, and management of Bluestakes.

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343 e. Exactions and denials. A culinary water service provider shall not use this part to
344 require an unlawful exaction or an unlawful subdivision denial, pursuant to state law.
345 Requirements for secondary water shall be reasonable and in accordance with
346 industry best practices.

347 (3) Transfer of rights and penalty for removal. All necessary secondary or irrigation water
348 rights or shares required for each lot shall be transferred to the secondary water service
349 provider, if required by the secondary water service provider. Otherwise, the rights or
350 shares required shall be assigned to the lot or a governing homeowner's association at
351 or prior to subdivision recordation. Removal or reallocation of required rights or shares
352 shall constitute a violation of this land use code, with all associated enforcement
353 measures being at the county's disposal. The county is also authorized to void the
354 recorded plat or withhold any further land use approvals for the affected lot or lots, as
355 determined by the Planning Director.

356 ~~The term "secondary water" shall mean water furnished for other than culinary purposes. Where~~
357 ~~a subdivision is proposed within an existing culinary water district or service area of an~~
358 ~~existing water corporation or within a water district or water corporation service area created~~
359 ~~to serve such subdivision, the planning commission shall, as part of the approval of the~~
360 ~~subdivision, require the applicant to furnish adequate secondary water and install a~~
361 ~~secondary water delivery system to the lots in the subdivision sufficient to conform to the~~
362 ~~public works standards, if such water district or company files or has filed a written statement~~
363 ~~with the Weber County Planning Division which specifies that the policy of such water district~~
364 ~~or company is to the effect that its water is not to be used for other than culinary purposes~~
365 ~~and will not permit culinary water connections unless secondary water is provided by the~~
366 ~~applicant. A certified copy of the minutes of the board of trustees of such water district or~~
367 ~~company showing the enactment of such policy must be furnished to the planning~~
368 ~~commission. If secondary water is to be by shallow well, then a copy of the approved well~~
369 ~~permit shall be submitted, and the shallow well shall be pump tested with a copy of the test~~
370 ~~results submitted for review prior to the subdivision being recorded. When subdivisions are~~
371 ~~within the service area of a secondary water provider company or district, the applicant shall~~
372 ~~install a secondary water system in accordance with the provider's requirements or~~
373 ~~standards.~~

Commented [E1]: Moved to definitions section.

374 (n) Reserved. ~~—Transfer of irrigation water rights. Where the county, on behalf of a culinary~~
375 ~~water agency, requires irrigation water to be provided to each lot in a subdivision as part of~~
376 ~~the required improvements, the applicant shall provide for the transfer of irrigation water rights~~
377 ~~by either of the following methods as determined by the planning commission.~~

Commented [E2]: Moved to definitions section.

Commented [CE23]: These requirements simplified and moved to part (3) in the previous section.

378 ~~(1) The applicant shall form a lot owners association as a non-profit corporation for owning the~~
379 ~~irrigation water rights or stock for the lots in the subdivision. The applicant shall transfer to~~
380 ~~the association at the time of subdivision recording, sufficient rights or stock as required by~~
381 ~~the irrigation agency for the number of lots in the subdivision. The articles of incorporation of~~
382 ~~the association shall provide, in addition to the association owning the required water rights~~
383 ~~or shares on behalf of each and every lot owner, that each lot owner shall automatically be a~~
384 ~~member of the association, is entitled to a pro-rata share of irrigation water, is subject to a~~
385 ~~water distribution schedule and procedure established by the association, and is responsible~~

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386 ~~for his share of the costs of ditch and system maintenance and assessments as made by the~~
387 ~~association from time to time; or~~

388 ~~(2) The applicant shall provide the county with evidence that sufficient irrigation water~~
389 ~~rights or shares for all of the lots in the subdivision are held by the developer/property~~
390 ~~owner. At the time of recording the approved subdivision plat, the developer/property~~
391 ~~owner shall record a covenant to run with the land that these rights or shares will not be~~
392 ~~disposed of except to the lots in the subdivision and with the sale of each lot, a transfer~~
393 ~~at no cost, the required water rights or shares needed to properly irrigate the lot, to the~~
394 ~~lot purchaser who is to be responsible for the proper use of the water as outlined in the~~
395 ~~irrigation water district or company's distribution schedule and procedures.~~

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396 ...

Text Amendment

Weber County Zoning Map Amendment Application

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

Date Submitted	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) <i>Hooper Irrigation Co.</i>		Mailing Address of Property Owner(s)	
Phone <i>801-985-8429</i>	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>Hooperirrigationco@msn.com</i>			

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Greg Secgwiller</i>		Mailing Address of Authorized Person	
Phone <i>801-499-9977</i>	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address <i>gsecgwiller@job.com</i>			

Property Information

Project Name		Current Zoning	Proposed Zoning
Approximate Address		Land Serial Number(s)	
Total Acreage	Current Use	Proposed Use	

Project Narrative

Describing the project vision.

*Text amendment to the Subdivision Code Sec 106*4-2.
 for Secondary Water Systems within 300' or 300'x lot numbers
 from an existing system.*



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

MEMORANDUM

DATE: April 2, 2019
TO: Weber County Planning and Engineering
CC: Hooper Irrigation Company
FROM: Greg Seegmiller, PE
SUBJECT: Secondary Water Systems in Weber County; J-U-B Project 55-19-009-000

In reviewing the Weber County Ordinance and in meeting with Weber County Planning and Engineering, concerns were raised about developers installing substandard secondary water systems that compete with larger systems. There are some reasons we would like to have Weber County consider when approving developments that want to do their own irrigation system. These benefits include:

1. **Treatment** - A larger system has the ability to treat Algae and Mussels that get into the water. Smaller systems don't have the same means.
2. **Source Water** - The water comes to the properties every 7.5 days. Until there is a full stream of water needed for a system (3cfs), this means that someone will need to be up sometimes in the middle of the night to turn on the water. That equates to around 500 connections.
3. **HOA Management** – Smaller systems are typically ran by HOAs. HOAs are difficult to maintain for extended periods of time and often return to the Governing Jurisdiction. There is a critical mass to starting one up and keeping it running.
4. **Storage Requirements** - The water storage for the development must be equal to a full week of usage in the peak of the summer.
5. **Evaporation** – larger system are able to use deeper reservoirs and keep them fenced and safe from intrusion and minimize evaporation.
6. **Environmentally Conscious** - Hooper Irrigation has started discussion with some of the Cities/Communities (Hooper Water Improvement District, and Taylor West Weber Improvement District) to return their Water Rights back to the land. The State allows this to be done in an effort to maximize the resource of water. Due to the tertiary treatment cost, this can't be done if several small systems are involved. That resource will be wasted if smaller systems are allowed.
7. **Recent State Legislation** – The State is starting to push for meters on secondary water in an effort to conserve. A larger system has the ability to not only put into place the meter reading equipment but also make that information available to the users. As other legislation come, It makes sense to work with one system rather than multiple similar to Culinary Water systems.
8. **Master Planning**- Hooper Irrigation has sized water reservoirs, pumps, and distribution lines for a certain areas and capacities. If this area is significantly reduced then our sizing is wrong and our reservoirs, pumps and pipes are less efficient.

9. **Loan Repayment** – our loans with the State Board of Water Resources for building the system assume that our pre-defined service area will connect as the County grows. These connection fees are used to pay back the loans. If smaller systems are allowed, we run the risk of default.
10. **Blue Staking** – if two secondary systems are in the same area we run the risk of contractors feeling confident that blue stakes are done once they see purple in the area, and then hitting the other pipe.
11. **Confusion in Maintenance** - if a leak surfaces, which utility is it, Culinary, Roy Secondary, or Hooper Secondary? When drains are open in the fall, which drain belongs to which system? Which valve shuts off which main?
12. **System Courtesy** – Hooper Irrigation Company currently has or is working on Boundary Agreements with Weber Basin Water, Davis and Weber Canal Company, and Roy Water Conservancy District for the reasons stated above. These boundary agreements has worked well in the past for the reasons stated above. If smaller systems are allowed, we would request that the county determine where those systems would be permitted so we can plan accordingly.

We request that Weber County modify their ordinance to require subdivisions to connect to existing secondary water systems. Please contact me if you have any questions.

The Weber County ordinance currently reads as follows:

Sec. 106-4-2. - Improvements required.

(m) Secondary water. The term "secondary water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the planning commission shall, as part of the approval of the subdivision, require the applicant to furnish adequate secondary water and install a secondary water delivery system to the lots in the subdivision sufficient to conform to the public works standards, if such water district or company files or has filed a written statement with the Weber County Planning Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the applicant. A certified copy of the minutes of the board of trustees of such water district or company showing the enactment of such policy must be furnished to the planning commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the applicant shall install a secondary water system in accordance with the provider's requirements or standards.

We propose that the following text be added to the above paragraph (m):

The provider's requirements and standards shall consider and provide for Source, Storage, Pumping, Distribution and Administration. Source considerations shall include: diversion structures, source flow measurement, screening of the water, adequate shares or rights deeded to the system provider or the county. Storage considerations shall include: adequate volume for daily demands (which may a week of storage depending upon water turns), chemical treatment capability for algae and mussels, accounting for evaporation, basin capable to accommodate groundwater table fluctuations, barrier to minimize infiltration or exfiltration, fencing for security, and maintenance of water quality including separation from storm water. Pumping considerations shall include: Adequate power, pump capacity and variability for minimum flows to peak instantaneous flows of the future system, above-ground shelter, wet well, and ventilation. Distribution considerations shall include: consistent pipe materials, locating wires, sizing adequate for future peak day flows, service laterals including meters, draining and filling appurtenances, valves and installation of pipes only within public rights-of-way for accessibility. Administration considerations shall include: ability to provide billing to users, enforcement of any watering restriction, maintenance ability, contingency funding for emergency repairs, annual reporting ability to the State Division of Water Rights, and management of Bluestakes.

Where any part of a Development situated within the unincorporated areas of the county is within 300 feet of any part of a Secondary Water System currently operating, or where the lot is close enough in the determination of the County Engineer to require a connection, or when the development is within the distance calculated by the number of lots in the development (including future phases) multiplied by 300 feet, the applicant shall connect to the Secondary Water System. Said system shall have a declared service area boundary incorporating the

development or ability to expand its boundaries. The development shall provide adequate pipe lines to the furthest extent of the frontages of the development and laterals to each lot and/or irrigable parcel. Secondary Water pipes and appurtenances shall be approved by the Secondary Water Company, and connections shall comply with the Standards of the company.

Where the construction of a Secondary water transmission line is required to serve the development, the applicant shall be required to construct transmission lines in accordance with plans and specifications approved by the county and secondary water company. The new transmission line shall be designed with sufficient capacity for the system service area as determined by the County Engineer and/or the secondary water company. The development shall be required to produce adequate shares/rights, and pay other connection or impact fees in accordance with the connection policy of the secondary water company. The applicant may be entitled to reimbursement for the extension and oversize costs through Oversize Agreements, Pioneering Agreements, Development Agreements or Impact Fees within the service area as applicable by the provider.



Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Planning Commission Staff Report -- Culinary and Secondary Water Provisions
Exhibit C: Application and Applicant Narrative

Customer Receipt	
Receipt Number	104447

Receipt Date
04/10/19

Received From:
Hooper Irrigation Co

Time: 14:10
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Zoning Map	\$600.00

Payment Type	Quantity	Ref	Amount
CHECK		6634	

AMT TENDERED:	\$600.00
AMT APPLIED:	\$600.00
CHANGE:	\$0.00



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-05, a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master planned developments.

Agenda Date: Tuesday, May 28, 2019

Staff Report Date: Tuesday, May 22, 2019

Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe

File Number: ZTA 2019-05

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
 §106-1: Subdivision General Provisions
 §106-2: Subdivision Standards

Legislative Decisions

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

Summary and Background

When the cluster subdivision code was amended in early 2018 the county amended the method of density calculations. Formerly, density calculations, in part, excluded area with certain slopes. In contrast, a traditional subdivision in most zones had no such reduction. This de-incentivized the use of the cluster code, hence the 2018 policy shift.

In making those changes, we missed a section of code buried in the subdivision title of the land use code. This proposal is intended to correct the oversight.

Policy Analysis

Policy Considerations:

General Plan: For a complete review of the general plan analysis for the cluster code revisions, please review the planning commission and county commission staff reports and memos on Miradi. They can be found here: <https://miradi.co.weber.ut.us/projects/view/3504>

Ordinance: The attached changes are a simple deletion of antiquated language in the subdivision code. It also addresses the definition of "net developable acreage" to be more reflective of real-world street area constraints as opposed to an estimated average, as requested by the Ogden Valley Planning Commission in the May 7, 2019 work session.

Noticing Compliance

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

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes are more reflective of the purpose of adopting the cluster subdivision ordinance amendments on May 8, 2018.
2. The changes reduce conflict in the ordinance.
3. The changes will strengthen the administration of the ordinance.
4. The changes are not detrimental to the health, safety, and general welfare of the public.

Exhibits

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

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

...

Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-8. – Reserved .

...

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. ~~ten percent of the total acreage within a project area shall be reduced to account for potential street rights of way. The portions of an existing street right of way located within the project boundaries may be included as part of the ten percent.~~ The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

...

Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-8. Reserved ~~General land development.~~

~~Cluster subdivision, master plan communities, or plan residential unit developments with slopes of 40 percent or more in the FR 1, FV 3, F 5, F 10, F 20 and F 40 zones and 30 percent or more in all other zones, shall not be classified as developable land. All other subdivisions shall meet the restricted lot requirement table, or show a buildable area as required by the Land Use Code.~~

...

Weber County Zoning Map Amendment Application

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

Date Submitted	Received By (Office Use)	Added to Map (Office Use)
----------------	--------------------------	---------------------------

Property Owner Contact Information

Name of Property Owner(s) <i>Steven Fenton Both Investment properties / Kevin Deppa</i>		Mailing Address of Property Owner(s) <i>110 W. 1700 N. Centerville, UT 84014</i>
Phone	Fax	
Email Address <i>Crimson Ridge Utah. Steven@gmail.com Crimson Ridge Utah. Kevin@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Chris Cave, Reeve + Assoc.</i>		Mailing Address of Authorized Person <i>5160 S. 1500 W. Riverdale, UT 84405</i>
Phone <i>(801) 621-3100</i>	Fax	
Email Address <i>CCave@reeve-assoc.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name <i>Crimson Ridge Phase 2</i>	Current Zoning <i>FV-3</i>	Proposed Zoning <i>FV-3</i>
Approximate Address	Land Serial Number(s) <i>20-005-0021</i>	
Total Acreage <i>135</i>	Current Use <i>agriculture</i>	Proposed Use <i>Cluster Subdivision</i>

Project Narrative

Describing the project vision.

Project Narrative

Crimson Ridge is a mountain luxury subdivision along the south western bench of Pineview Reservoir. It has been carefully designed to cluster the development away from Highway 158 and off of the highly visible hillside slope. Phase 1 had 35 lots and has already been completed. Phase 2 is designed to have approximately 45 lots on 135 acres. Since phase 1 was completed there has been a substantial revision to the cluster subdivision ordinance including a new definition for what constitutes developable land for the purpose of the open space calculation. This new definition renders the original Crimson Ridge cluster plan obsolete and discourages use of the cluster ordinance. Under this definition the number of lots possible is reduced from approximately 45 to 33. Under the standard subdivision ordinance we estimate that we would be able to plat nearly all of the 45 lots but with a much higher visual impact.

Specifically, the section of the new cluster subdivision ordinance which defines what land can be counted towards open space is in conflict with the definition of developable land used in the standard subdivision ordinance. For cluster subdivisions, section 106-2-8 defines undevelopable acreage as anything with a slope of 40% or greater. In contrast, the definition for the standard subdivision ordinance in section 101-7-7 provides that the developer must be able to prove that the property is developable under county, state and federal laws. This conflict creates a situation where it is more desirable to use the standard subdivision ordinance in the varied terrain of Ogden Valley to maximize the number of lots available rather than using the new ordinance clustering development.

We would propose deleting section 106-2-8 and allow the developer to count as open space anything that is not undevelopable under section 101-1-7, thus requiring the developer to show that under existing county, state and federal law the proposed open space would be developable. This would put the cluster subdivision ordinance and standard ordinance on equal footing and not tip the scales toward the standard subdivision ordinance thus fulfilling one of the main objectives of the General Plan.

This change is in compliance with the General Plan because one of the main objectives of the General Plan is to preserve open space by clustering development to reduce the development footprint and preserve natural green belts and minimize visual impacts. It would also keep control of those areas out of the hands of lot owners who could do damage to the hillsides which would be part of their lots and what would otherwise be open space.

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Property Owner Affidavit

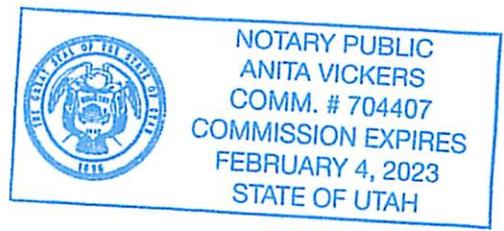
I (We), B+H Investment Properties LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our)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

[Signature]
(Property Owner)
B+H INVESTMENT PROPERTIES

(Property Owner)

Subscribed and sworn to me this 18th day of April, 20 19.

Anita Vickers
(Notary)





Weber County Corporation

Weber County Planning Commission Staff Report -- Cluster/PRUD/Master Plan Subdivision Slopes
2380 Washington Blvd Exhibit C: Application and Narrative
Ogden UT 84401

Customer Receipt	
Receipt Number	105780

Receipt Date
04/25/19

Received From:
B & H Investment Pro

Time: 16:30
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Text Amendment	\$1,052.00

Payment Type	Quantity	Ref	Amount
CHECK		210	

AMT TENDERED: \$1,052.00
 AMT APPLIED: \$1,052.00
 CHANGE: \$0.00



**Staff Report to the Western Weber and Ogden Valley
Planning Commission**
Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-07, a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code, and to add junk and refuse standards.

Agenda Date: Tuesday, May 28, 2019
Staff Report Date: Tuesday, May 22, 2019
Applicant: Weber County
File Number: ZTA 2019-07

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- Part 1
- § 30-5: Offenses involving refuse or garbage.

- Part 2
- § 101-1-7: Definitions
- § 101-1-13: General penalty; continuing violations
- § 102-4: Permits required and enforcement
- § 108-7-6: [New] Garbage, junk, and weeds unlawful

Legislative Decisions

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

Summary and Background

The County Commission has requested that land use code enforcement ordinances be updated to provide the county with better administrative tools to pursue code compliance. Currently, the land use code is not clear on a code enforcement process for most types of enforcement. Additionally, the county has adopted a junk ordinance prohibiting junk from being placed on private property when not in compliance with the zone, but has it located outside of the land use code.

The proposed ordinance, attached as Exhibits A and B, will give the code enforcement official additional administrative tools, including fines for violations, to attain compliance before any land use violation is turned over to district court.

Policy Analysis

Policy Considerations:

General Plan: Neither general plans offer specific directives on code enforcement, but it stands to reason that if the plan is intended to be effectively implemented by the adoption of ordinance, then those ordinance need an effective mechanism for enforcement. Updating and clarifying enforcement provisions is keeping with the intent of the general plan.

Ordinance: The proposed ordinance adds clear procedures for code enforcement, including what notice is due to a violator and the time a violator has to cure the violation. It also allows the county to impose administrative fines for ongoing violations, which will help motivate compliance without the immediate threat of criminal charges. For those offenders unresponsive to the administrative fines, the proposal clarifies additional judicial procedures, including prosecution for a class C misdemeanor.

The proposal also adds a new section regarding the prohibition of garbage, junk, and weeds, including a provision for landowners to keep adjacent public pathways clear of refuse, debris, and snow.

The proposal removes refuse and garbage standards from its current section in “public offenses” and places it into the land use code. It deletes in part and moves in other part existing unclear provisions for enforcement, and combines it with a more appropriate section of ordinance within Title 102, which is the administration title of the land use code.

Noticing Compliance

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

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

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes provide clearer procedures for code enforcement.
2. The changes provide better motivation to remedy code violations
3. The changes reduce conflicting and redundant language in the ordinance.
4. The changes will strengthen the administration of the ordinance.
5. The changes are keeping with the intent of the general plan and beneficial to the health, safety, and general welfare of the public.

Exhibits

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

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED**

4 **Part II**

5 **TITLE 101 – GENERAL PROVISIONS**

6 ...

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

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

10 ...

11 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"
12 means the minimum number of employees required to provide a particular service based on the
13 type and intensity of the service. Where employee generation values or FTEEs are not provided
14 by ordinance and a workforce consists of a combination of full- and part-time employees, the
15 FTEE shall be calculated by adding up the total number of employee hours worked during a
16 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent
17 employee number.

18 *Garbage.* The term "garbage" means household waste, food waste, and any other manner
19 of refuse, rubbish, or trash. *Garage, private.* The term "private garage" means a garage shall be
20 considered part of a dwelling if the garage and dwelling have a roof and/or wall in common.
21 Areas such as garages are not considered livable space. The term "private garage" means an
22 accessory building designed or used for the storage of:

23 (1) **Single-family:** Not more than four automobiles owned and used by the occupants of the
24 building to which it is accessory and in which no business, commercial service or industry
25 is carried on;

26 (2) **Multiple-family:** Provided that on a lot occupied by a multiple-family dwelling, the private
27 garage may be designed and used for the storage of 1½ times as many automobiles as
28 there are dwelling units in the multiple-family dwelling.

29 ...

30 *Independent living facility.* The term "independent living facility" means specially planned,
31 designed and managed multi-unit housing with self-contained living units. A retirement
32 community for senior citizens, age 55 or older, designed to provide supportive environments,
33 but also to accommodate an independent lifestyle. A limited number of support services, such
34 as meals, laundry, housekeeping, transportation and social/recreational activities, may be
35 provided; however, no medical services are provided.

36 *Inoperable or abandoned vehicle.* The term "inoperable or abandoned vehicle" means any
37 motor vehicle or trailer not currently registered and licensed in this state or another state; or any
38 motor vehicle or trailer that cannot be operated in its existing condition because the parts

39 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's
40 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,
41 deteriorated, or nonconforming.

42 *Junk.* The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,
43 building materials, plastics, or fiberglass which may have value secondhand but not in their
44 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;
45 waste paper products; unused or discarded building materials, machinery, machinery parts, or
46 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles
47 or vehicle parts; or any other waste materials.

48 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for
49 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,
50 scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment
51 of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition
52 shall not be deemed to include such uses which are clearly accessory and incidental to any
53 agricultural use permitted in the zone.

54 ...

55 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
56 dimensional regulations of the Land Use Code where such action will not be contrary to the
57 public interest and where, owing to conditions peculiar to the property and not the result of
58 actions or the situation of the applicant or previous owners, a literal enforcement of the Code
59 would result in unnecessary and undue hardship, other than an economic nature or self-
60 imposed hardship. A self-imposed hardship created by a previous owner is considered to run
61 with the land.

62 *Weeds* The term "weed" means any undesirable plant that the Utah Commissioner of
63 Agriculture designates as noxious; and also including all green debris, such as, but not limited
64 to, poison ivy, thistles, sticker plants, dyers woad, medusahead rye, leafy spurge, purple
65 loosestrife and other vegetation commonly considered weeds. It also includes ungrouted
66 grasses, but does not include crops grown as a source of food, income, or feed for livestock.

67 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
68 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
69 except as otherwise provided herein.

70 ...

71 **Sec. 101-1-13. – Reserved.**

72 ...

73 **TITLE 102 – ADMINISTRATION**

74 ...

75 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

76 **Sec. 102-4-1. - Purpose and intent.**

77 The purpose of this chapter is to establish the requirements for land use permits from the
78 planning division and building permits from the building division. This chapter identifies the
79 responsibilities for enforcing the requirements of this Land Use Code and the penalties for
80 violating this Land Use Code.

81 **Sec. 102-4-2. - Land use permit required.**

82 (a) In order to verify compliance with applicable regulations, all land uses that require a land
83 use permit or conditional use permit by this Land Use Code are prohibited until a land use
84 permit or conditional use permit has received final written approval from the appropriate land
85 use authority.

86 (b) No structure, including agricultural structures, shall be constructed, changed in use, or
87 altered, as regulated by this Land Use Code, until and unless a land use permit or, if
88 applicable, a conditional use permit, has received final written approval from the appropriate
89 land use authority.

90 (c) No application for permits or approvals governed by this Land Use Code shall be approved
91 for any lot or parcel until all unresolved zoning, subdivision, building, business license,
92 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as
93 part of the application, are resolved, unless approval of the application will resolve all of the
94 existing violations.

95 **Sec. 102-4-3. - Land use permit revocation.**

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

98 (1) Revocation shall be conducted by the land use authority that is authorized to approve
99 the permit.

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

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

108 (4) The land owner and, if different, permittee shall have a right to a hearing with the land
109 use authority to show cause for why the permit should not be revoked, if a written request
110 for such is submitted prior to a final written revocation decision. If a hearing is requested,
111 final revocation of the permit shall be stayed until after the hearing. The hearing shall be
112 scheduled at a time specified by the land use authority.

113 (5) Revocation of a permit is final upon the issuance of a final written decision. The final
114 written decision may be appealed pursuant to title 102, chapter 3.

115 (6) Revocation of a permit shall not prohibit prosecution or any other legal action taken on
116 account of the violation, as provided in this Land Use Code or any other applicable law.

117 **Sec. 102-4-4. - Code enforcement.**

118 (a) *General penalty; continuing violations.*

119 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this
120 Land Use Code" means:

- 121 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a
122 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land
123 Use Code;
- 124 b. Failure to perform an act that is required to be performed by the Land Use Code or
125 by rule or regulation authorized by the Land Use Code; or
- 126 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or
127 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use
128 Code.

129 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this
130 Land Use Code" does not include the failure of a county government officer or county
131 government employee to perform an official duty unless this Land Use Code specifically
132 provides that failure to perform the duty is to be punishable as provided in this section.

133 (3) Unless more specifically provided for in this Land Use Code, the violation of any
134 provision of this Land Use Code shall be punished as a class C misdemeanor or by
135 imposition of a civil penalty.

136 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate
137 offense. Any violation of this Land Use Code that constitutes an immediate danger to the
138 health, safety, and welfare of the public may be enjoined in a suit brought by the county
139 for such purposes.

140 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent
141 the revocation or suspension of any license, franchise, or permit issued or granted under
142 the provisions of this Land Use Code.

143 (6) The provisions of this Land Use Code may also be enforced and violations punished by
144 any of the following methods:

- 145 a. To remedy a violation of this Land Use Code, the county may order discontinuance
146 of the use of any land, water, or building; the removal of any building, addition, or
147 other structure; the discontinuance of any work being done; or any lawful act.
- 148 b. Specific provisions of this Code may provide for additional remedies.

149 (b) *Authorization of code enforcement official, powers and duties.* The county's planning
150 director or designee is designated as the code enforcement official and is, empowered, and
151 directed to enforce this Land Use Code by injunction, mandamus, abatement, civil penalty,
152 or any other remedy provided by law. The county's code enforcement official is hereby

153 authorized, empowered, and directed to make inspection of properties within the
154 unincorporated area of the county to determine whether there is any violation of this Land
155 Use Code. This authorization extends to all methods of inspection allowed under the state
156 and federal constitutions.

157 (c) *Notice of violation, time to cure.* When a violation is found, before taking any other
158 enforcement action the code enforcement official shall serve notice of the violation in writing
159 to the owner or occupant of the land. The notice shall:

160 (1) Be delivered personally or by certified mail to the owner or occupant at the last known
161 post office address as disclosed by the records of the county recorder or assessor;

162 (2) State the specific code or codes being violated and explain the nature and extent of the
163 violation; and

164 (3) State that the owner or occupant, as the case may be, shall correct or remove the
165 violation no later than 14 days after notice of the violation has been delivered personally
166 or mailed.

167 (d) *Alternative time to cure.* Within the 14 days as specified in Section 102-4-4(c), the owner or
168 occupant may arrange an alternative remedial schedule with the Code enforcement official.
169 The alternative remedial schedule shall be no greater than is reasonable and necessary
170 given the extent of the violation and the owner or occupant's ability to cure.

171 (e) *Single notice sufficient.* One notice shall be deemed sufficient on any lot or parcel of
172 property and the subsequent lapse of the notice period shall empower the county to take
173 other and further action as may be lawful.

174 (f) *Administrative citation and fines.* After issuance of a notice of violation, as specified in
175 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative
176 citation and fine may be issued for any violation of this code.

177 (1) The fine schedule is as follows:

178 a. First charge or violation: \$100 per violation per day.

179 b. Second charge or violation: \$200 per violation per day.

180 c. Third or subsequent charge or violation: \$400 per violation per day.

181 (2) An additional charge or violation specified by this section is applicable in circumstances
182 when an earlier violation has been resolved with all applicable fines and other costs paid
183 but the same violation reoccurs within a 12-month period of time.

184 (3) If a property owner or occupant fails to pay a fine issued under this section, the county
185 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may
186 petition the applicable court for a judgment against the owner or occupant in the amount
187 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two
188 petitions may be combined into one action.

189 (g) *Abatement.* If a property owner or occupant fails to correct or remove the violation from the
190 property after receiving an administrative citation, the county may petition the applicable

191 court for a judicial order enabling the county to remove some or all violations from the
192 property and ordering the property owner or occupant to pay all costs associated with
193 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
194 the provisions of State Law, the county may take any action as authorized by law in addition
195 to any other penalty imposed pursuant to this section.

196 (h) *Judgment lien.* Once a judicial order has been obtained under this section, ordering a
197 property owner or occupant to pay fines or abatement costs, the code enforcement official
198 may record a judgment lien against any real property owned by the responsible party, to the
199 extent allowed by law.

200 (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and
201 penalties, including the county's cost for abatement if applicable, and the terms of the
202 judicial order are deemed satisfied, the code enforcement official shall record a notice of
203 satisfaction of judicial order and shall release the lien as required by law.

204 (j) *Appeals.* A violation determination under this section shall only be appealable to district
205 court.

206 ...

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

208 **Sec. 108-7-1. - Purpose and intent.**

209 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may
210 be, the zoning regulations appearing elsewhere in this title.

211 **...Sec. 108-7-6. -- Garbage, junk, and weeds unlawful.**

212 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant
213 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain
214 on or about the premises whenever it is unsightly and in public view, or whenever it is
215 dangerous to the health, safety, and welfare of the people of the county. Every owner or
216 occupant of land is hereby required to remove, or provide for the removal of, such garbage,
217 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,
218 or a nuisance.

219 (b) *Weeds and unkempt yards.* All weeds shall be cleared from residential, commercial,
220 manufacturing, and institutional properties, including their perimeters and any adjacent
221 parkways or unimproved portions of public rights-of-way. The yard portions of the property
222 visible from the public right-of-way shall be maintained so that the property's appearance does
223 not detract from the appearance of the neighborhood.

224 (c) *Exemptions.* This chapter shall not apply to items which are clearly accessory and incidental
225 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed
226 within a building or enclosure where it is not visible from a public or private way or other public
227 or private property and which does not constitute a nuisance, endanger or adversely affect
228 the health or welfare of the community, or the keeping of which does not violate any other law
229 or ordinance.

230 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation
231 of this section shall make proper arrangements for the correction of the violation.

232 (e) *Public streets and other public property.*

233 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,
234 or other public property in unincorporated areas of the county any garbage, inoperable or
235 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or
236 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous
237 to the health, safety, and welfare of the people of the county.

238 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
239 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

240 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining
241 a pedestrian pathway shall also be required to ensure continual removal of snow from the
242 pathway.

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED OFFENSES INVOLVING REFUSE OR GARBAGE**

4 **~~Sec. 30-5-1. -- Definitions.~~**

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

7 ~~*Garbage* means household waste, food waste, all animal and vegetable refuse from kitchens or~~
8 ~~residences, hotels, cafes, restaurants and places where food is prepared for human~~
9 ~~consumption, including all animal and vegetable refuse from such kitchens, the materials in~~
10 ~~which such food products are packaged, and also all condemned, or decayed or unsound~~
11 ~~vegetables, meats, fish, fruit and all waste and offal therefrom markets, stores and factories and~~
12 ~~any other manner of refuse, rubbish or trash which in and of itself has no value.~~

13 ~~*Inoperable or abandoned vehicle* means and includes any trailer, semi-trailer or motor vehicle~~
14 ~~not currently registered and licensed in this state or another state, that cannot be operated in its~~
15 ~~existing condition because the parts necessary for operation such as, but not limited to, tires,~~
16 ~~windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are~~
17 ~~removed, destroyed, damaged, deteriorated, or nonconforming.~~

18 ~~*Junk* means all discarded metals, scrap metals, iron, glass, paper, wood, building materials,~~
19 ~~plastics, fiberglass which may have value secondhand but not in its present condition, unused~~
20 ~~or discarded bicycles, tricycles or other recreational vehicles or parts thereof, waste paper~~
21 ~~products, unused or discarded building materials, machinery or machinery parts, lumber,~~
22 ~~accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles,~~
23 ~~parts, or any other waste materials.~~

24 **~~Sec. 30-5-2. -- Appointment of inspectors.~~**

25 ~~The county commission, by and through its representatives, is hereby authorized and~~
26 ~~empowered to make inspection of properties within the unincorporated area of the county to~~
27 ~~determine whether there is any violation of this chapter.~~

28 **~~Sec. 30-5-3. -- Accumulation of garbage or junk prohibited.~~**

29 ~~It shall be unlawful for any person or persons to permit garbage or junk to accumulate or remain~~
30 ~~on or about the premises under the control of such person or persons whenever said items shall~~
31 ~~be unsightly and in public view, and/or dangerous to the health, safety and welfare of the people~~
32 ~~of the county; and every person or persons herein described is hereby required to remove, or~~
33 ~~provide for the removal of such garbage, junk, and other similar wastes before the same~~
34 ~~become objectionable, unsanitary or dangerous.~~

35 **~~Sec. 30-5-4. -- Exemptions.~~**

36 ~~This chapter shall not apply to items which are clearly accessory and incidental to any~~
37 ~~agricultural use permitted in the zone, or to items completely and lawfully enclosed within a~~
38 ~~building or enclosure where it is not visible from a public or private way or other public or private~~

39 ~~property and which does not constitute a nuisance, endanger or adversely affect the health or~~
40 ~~welfare of the community, or the keeping of which does not violate any other law or ordinance.~~

41 ~~**Sec. 30-5-5.-- Responsibility for removal of garbage and junk.**~~

42 ~~Any person or persons upon whose property garbage, junk or any other similar waste has~~
43 ~~accumulated is hereby required to make proper arrangements for the removal thereof.~~

44 ~~**Sec. 30-5-6.-- Depositing of garbage or other waste materials in public areas unlawful.**~~

45 ~~It shall be unlawful for any person or persons to place or deposit in or upon any of the public~~
46 ~~streets, alleys or parks of unincorporated areas of the county any garbage, debris, grass~~
47 ~~cuttings, leaves, tree limbs, branches, sticks, junk or other discarded items which may interfere~~
48 ~~with traffic both pedestrian or vehicular, and which may in any other way be dangerous to the~~
49 ~~health, safety and welfare of the people of the county.~~

50 ~~**Sec. 30-5-7.-- Inspection of premises; notice to property owner.**~~

51 ~~It shall be the duty of the county commission's representative or an officer of the county sheriff's~~
52 ~~department to make careful examination and investigation of properties which may or may not~~
53 ~~contain violations of this chapter or any provision described herein which shall include the~~
54 ~~collection of garbage, or junk as herein defined on any property within the unincorporated~~
55 ~~county; and it shall be the duty of those above named to ascertain the names of the owners of~~
56 ~~and the description of the premises where such violation exists, and to serve notice in writing~~
57 ~~upon the owner or occupant of such land either personally or by mailing said notice postage~~
58 ~~prepaid addressed to the owner or occupant at the last known post office address as disclosed~~
59 ~~by the records of the county recorder, or assessor, requiring such owner or occupant as the~~
60 ~~case may be, to correct or remove the violation not later than 14 days after notice of the~~
61 ~~violation has been served or mailed. One notice shall be deemed sufficient on any lot or parcel~~
62 ~~of property and the subsequent lapse of said notice shall empower the county to take such other~~
63 ~~and further action as may be lawful.~~

64 **Part II**

65 **TITLE 101 – GENERAL PROVISIONS**

66 ...

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

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

70 ...

71 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"
72 means the minimum number of employees required to provide a particular service based on the
73 type and intensity of the service. Where employee generation values or FTEEs are not provided
74 by ordinance and a workforce consists of a combination of full- and part-time employees, the
75 FTEE shall be calculated by adding up the total number of employee hours worked during a
76 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent
77 employee number.

78 Garbage. The term "garbage" means household waste, food waste, and any other manner
79 of refuse, rubbish, or trash.

80 *Garage, private.* The term "private garage" means a garage shall be considered part of a
81 dwelling if the garage and dwelling have a roof and/or wall in common. Areas such as garages
82 are not considered livable space. The term "private garage" means an accessory building
83 designed or used for the storage of:

- 84 (1) Single-family: Not more than four automobiles owned and used by the occupants of the
85 building to which it is accessory and in which no business, commercial service or industry
86 is carried on;
- 87 (2) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private
88 garage may be designed and used for the storage of 1½ times as many automobiles as
89 there are dwelling units in the multiple-family dwelling.

90 ...

91 *Independent living facility.* The term "independent living facility" means specially planned,
92 designed and managed multi-unit housing with self-contained living units. A retirement
93 community for senior citizens, age 55 or older, designed to provide supportive environments,
94 but also to accommodate an independent lifestyle. A limited number of support services, such
95 as meals, laundry, housekeeping, transportation and social/recreational activities, may be
96 provided; however, no medical services are provided.

97 Inoperable or abandoned vehicle. The term "inoperable or abandoned vehicle" means any
98 motor vehicle or trailer not currently registered and licensed in this state or another state; or any
99 motor vehicle or trailer that cannot be operated in its existing condition because the parts
100 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's
101 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,
102 deteriorated, or nonconforming.

103 ~~*Junk, inoperable or abandoned vehicle.* The term "junk, inoperable or abandoned vehicle"~~
104 ~~means and includes any trailer, semi-trailer or motor vehicle not currently registered and~~
105 ~~licensed in this state or another state that requires licensure, that cannot be legally operated on~~
106 ~~a public road in its existing condition because the parts necessary for operation, such as, but~~
107 ~~not limited to, tires, horn, brake lights, windshield, engine, drive train, driver's seat, steering~~
108 ~~wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, non-~~
109 ~~operative or nonconforming.~~

110 Junk. The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,
111 building materials, plastics, or fiberglass which may have value secondhand but not in their
112 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;
113 waste paper products; unused or discarded building materials, machinery, machinery parts, or
114 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles
115 or vehicle parts; or any other waste materials.

116 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for
117 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,

118 scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment
119 of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition
120 shall not be deemed to include such uses which are clearly accessory and incidental to any
121 agricultural use permitted in the zone.

122 ...

123 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
124 dimensional regulations of the Land Use Code where such action will not be contrary to the
125 public interest and where, owing to conditions peculiar to the property and not the result of
126 actions or the situation of the applicant or previous owners, a literal enforcement of the Code
127 would result in unnecessary and undue hardship, other than an economic nature or self-
128 imposed hardship. A self-imposed hardship created by a previous owner is considered to run
129 with the land.

130 *Weeds* The term "weed" means any undesirable plant that the Utah Commissioner of
131 *Agriculture designates as noxious; and also including all green debris, such as, but not limited*
132 *to, poison ivy, thistles, sticker plants, dyers woad, medus-ahead rye, leafy spurge, purple*
133 *loosestrife and other vegetation commonly considered weeds. It also includes ungroomed*
134 *grasses, but does not include crops grown as a source of food, income, or feed for livestock.*

135 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
136 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
137 except as otherwise provided herein.

138 ...

139 **Sec. 101-1-13. -- Reserved. ~~General penalty; continuing violations.~~**

140 ~~(a) In this section, the terms "violation of this Code" or "violation of any provision of this~~
141 ~~Code" means:~~

142 ~~(1) Doing an act that is prohibited or made or declared unlawful, an offense, or a~~
143 ~~misdemeanor by ordinance or by rule or regulation authorized by ordinance;~~

144 ~~(2) Failure to perform an act that is required to be performed by ordinance or by rule or~~
145 ~~regulation authorized by ordinance; or~~

146 ~~(3) Failure to perform an act if the failure is declared a misdemeanor, an offense, or~~
147 ~~unlawful by ordinance or by rule or regulation authorized by ordinance.~~

148 ~~(b) In this section, the terms "violation of this Code" or "violation of any provision of this~~
149 ~~Code" do not include the failure of a county government officer or county government~~
150 ~~employee to perform an official duty unless this Code specifically provides that failure to~~
151 ~~perform the duty is to be punishable as provided in this section.~~

152 ~~(c) Whenever in this Code or any other ordinance of the county, an act is prohibited or is~~
153 ~~made or declared to be unlawful or an offense or a misdemeanor, or wherever in such~~
154 ~~Code or ordinance the doing of an act is required or the failure to do any act is declared~~
155 ~~to be unlawful, and no specific penalty is provided therefor, the violation of any such~~

156 ~~provision of this Code or any such ordinance shall be punished as a class C~~
157 ~~misdemeanor or by imposition of a civil penalty.~~

158 ~~(d) A person who has been convicted of a class C misdemeanor may be sentenced to a term~~
159 ~~of imprisonment not exceeding 90 days.~~

160 ~~(e) Each day any violation of this Code or of any ordinance shall continue shall constitute a~~
161 ~~separate offense. Any violation of any provision of this Code of Ordinances which~~
162 ~~constitutes an immediate danger to the health, safety, and welfare of the public may be~~
163 ~~enjoined in a suit brought by the county for such purposes. If any violation of this Code is~~
164 ~~designated as a nuisance under the provisions of this Code, such nuisance may be~~
165 ~~summarily abated by the county in addition to any other penalty imposed pursuant to this~~
166 ~~section.~~

167 ~~(f) The imposition of a penalty under the provisions of this Code shall not prevent the~~
168 ~~revocation or suspension of any license, franchise or permit issued or granted under the~~
169 ~~provisions of this Code.~~

170 ~~(g) The provisions of this Code may also be enforced and violations punished by any of the~~
171 ~~following methods:~~

172 ~~(1) The county planning director or designee is authorized to enforce these provisions,~~
173 ~~and any person, firm, corporation, or agent determined to be in violation shall be~~
174 ~~subject to all penalties and remedies available to the county as provided by law.~~

175 ~~(2) The county may institute any appropriate action or procedure to bring about~~
176 ~~compliance or remedy. The county may order discontinuance of the use of any land,~~
177 ~~water, or building, the removal of any building, addition, or other structure, the~~
178 ~~discontinuance of any work being done, or any other act when such use or act is in~~
179 ~~violation of this Code.~~

180 ~~(3) The county may institute a citation process pursuant to state law and may enforce this~~
181 ~~Code under applicable procedures.~~

182 ~~(4) Specific provisions of this Code may provide for additional remedies.~~

183 ...

184 **TITLE 102 – ADMINISTRATION**

185 ...

186 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

187 **Sec. 102-4-1. - Purpose and intent.**

188 The purpose of this chapter is to establish the requirements for land use permits from the
189 planning division and building permits from the building division. This chapter identifies the
190 responsibilities for enforcing the requirements of this Land Use Code, [and the penalties for](#)
191 [violating this Land Use Code.](#)

192 **Sec. 102-4-2. - Land use permit required.**

- 193 (a) In order to verify compliance with applicable regulations, all land uses that require a land
194 use permit or conditional use permit by this Land Use Code are prohibited until a land use
195 permit or conditional use permit has received final written approval from the appropriate land
196 use authority.
- 197 (b) No structure, including agricultural structures, shall be constructed, changed in use, or
198 altered, as regulated by this Land Use Code, until and unless a land use permit or, if
199 applicable, a conditional use permit, has received final written approval from the appropriate
200 land use authority.
- 201 (c) No application for permits or approvals governed by this Land Use Code shall be approved
202 for any lot or parcel until all unresolved zoning, subdivision, building, business license,
203 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as
204 part of the application, are resolved, unless approval of the application will resolve all of the
205 existing violations.

206 **Sec. 102-4-3. - Land use permit revocation.**

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

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

228 **Sec. 102-4-4. - Code enforcement.**

229 (a) General penalty; continuing violations.

- 230 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this
231 Land Use Code" means:

232 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a
233 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land
234 Use Code;

235 b. Failure to perform an act that is required to be performed by the Land Use Code or
236 by rule or regulation authorized by the Land Use Code; or

237 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or
238 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use
239 Code.

240 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this
241 Land Use Code" does not include the failure of a county government officer or county
242 government employee to perform an official duty unless this Land Use Code specifically
243 provides that failure to perform the duty is to be punishable as provided in this section.

244 (3) Unless more specifically provided for in this Land Use Code, the violation of any
245 provision of this Land Use Code shall be punished as a class C misdemeanor or by
246 imposition of a civil penalty.

247 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate
248 offense. Any violation of this Land Use Code that constitutes an immediate danger to the
249 health, safety, and welfare of the public may be enjoined in a suit brought by the county
250 for such purposes.

251 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent
252 the revocation or suspension of any license, franchise, or permit issued or granted under
253 the provisions of this Land Use Code.

254 (6) The provisions of this Land Use Code may also be enforced and violations punished by
255 any of the following methods:

256 a. To remedy a violation of this Land Use Code, the county may order discontinuance
257 of the use of any land, water, or building; the removal of any building, addition, or
258 other structure; the discontinuance of any work being done; or any lawful act.

259 b. Specific provisions of this Code may provide for additional remedies.

260 (b) Authorization of code enforcement official, powers and duties. ~~The county's planning~~
261 ~~director or designee is designated as the code enforcement official and is-authorized-as-the~~
262 ~~official-charged-with-enforcement-of,~~ empowered, and directed to enforce this Land Use
263 Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided by
264 law. The county's code enforcement official is hereby authorized, empowered, and directed
265 to make inspection of properties within the unincorporated area of the county to determine
266 whether there is any violation of this Land Use Code. This authorization extends to all
267 methods of inspection allowed under the state and federal constitutions.

268 (c) Notice of violation, time to cure. When a violation is found, before taking any other
269 enforcement action the code enforcement official shall serve notice of the violation in writing
270 to the owner or occupant of the land. The notice shall:

- 271 (1) Be delivered personally or by certified mail to the owner or occupant at the last known
272 post office address as disclosed by the records of the county recorder, or assessor;
- 273 (2) State the specific code or codes being violated, and explain the nature and extent of the
274 violation; and
- 275 (3) State that the owner or occupant, as the case may be, shall correct or remove the
276 violation no later than 14 days after notice of the violation has been delivered personally
277 or mailed.
- 278 (d) Alternative time to cure. Within the 14 days as specified in Section 102-4-4(c), the owner or
279 occupant may arrange an alternative remedial schedule with the Code enforcement official.
280 The alternative remedial schedule shall be no greater than is reasonable and necessary
281 given the extent of the violation and the owner or occupant's ability to cure.
- 282 (e) Single notice sufficient. One notice shall be deemed sufficient on any lot or parcel of
283 property and the subsequent lapse of the notice period shall empower the county to take
284 other and further action as may be lawful.
- 285 (f) Administrative citation and fines. After issuance of a notice of violation, as specified in
286 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative
287 citation and fine may be issued for any violation of this code.
- 288 (1) The fine schedule is as follows:
- 289 a. First charge or violation: \$100 per violation per day.
- 290 b. Second charge or violation: \$200 per violation per day.
- 291 c. Third or subsequent charge or violation: \$400 per violation per day.
- 292 (2) An additional charge or violation specified by this section is applicable in circumstances
293 when an earlier violation has been resolved with all applicable fines and other costs paid
294 but the same violation reoccurs within a 12-month period of time.
- 295 (3) If a property owner or occupant fails to pay a fine issued under this section, the county
296 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may
297 petition the applicable court for a judgment against the owner or occupant in the amount
298 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two
299 petitions may be combined into one action.
- 300 (g) Abatement. If a property owner or occupant fails to correct or remove the violation from the
301 property after receiving an administrative citation, the county may petition the applicable
302 court for a judicial order enabling the county to remove some or all violations from the
303 property and ordering the property owner or occupant to pay all costs associated with
304 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
305 the provisions of State Law, the county may take any action as authorized by law in addition
306 to any other penalty imposed pursuant to this section.
- 307 (h) Judgment lien. Once a judicial order has been obtained under this section, ordering a
308 property owner or occupant to pay fines or abatement costs, the code enforcement official

309 may record a judgment lien against any real property owned by the responsible party, to the
310 extent allowed by law.

311 (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and
312 penalties, including the county's cost for abatement if applicable, and the terms of the
313 judicial order are deemed satisfied, the code enforcement official shall record a notice of
314 satisfaction of judicial order and shall release the lien as required by law.

315 (j) *Appeals.* A violation determination under this section shall only be appealable to district
316 court.

317 ...

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

319 **Sec. 108-7-1. - Purpose and intent.**

320 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may
321 be, the zoning regulations appearing elsewhere in this title.

322 **...Sec. 108-7-6. ~~Reserved~~ Garbage, junk, and weeds unlawful.**

323 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant
324 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain
325 on or about the premises whenever it is unsightly and in public view, or whenever it is
326 dangerous to the health, safety, and welfare of the people of the county. Every owner or
327 occupant of land is hereby required to remove, or provide for the removal of, such garbage,
328 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,
329 or a nuisance.

330 (b) *Weeds and unkempt yards.* All weeds shall be cleared from residential, commercial,
331 manufacturing, and institutional properties, including their perimeters and any adjacent
332 parkways or unimproved portions of public rights-of-way. The yard portions of the property
333 visible from the public right-of-way shall be maintained so that the property's appearance does
334 not detract from the appearance of the neighborhood.

335 (c) *Exemptions.* This chapter shall not apply to items which are clearly accessory and incidental
336 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed
337 within a building or enclosure where it is not visible from a public or private way or other public
338 or private property and which does not constitute a nuisance, endanger or adversely affect
339 the health or welfare of the community, or the keeping of which does not violate any other law
340 or ordinance.

341 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation
342 of this section shall make proper arrangements for the correction of the violation.

343 (e) *Public streets and other public property.*

344 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,
345 or other public property in unincorporated areas of the county any garbage, inoperable or
346 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or

347 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous
348 to the health, safety, and welfare of the people of the county.

349 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
350 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

351 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining
352 a pedestrian pathway shall also be required to ensure continual removal of snow from the
353 pathway.