

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

September 15, 2020

5:00 p.m

Join Zoom Meeting

<https://us02web.zoom.us/j/84805736009>

Meeting ID: 848 0573 6009

One tap mobile

+13462487799,,84805736009# US (Houston)

+16699006833,,84805736009# US (San Jose)

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

1. Minutes: September 10, 2019, October 8, 2019 and August 11, 2020

2. Petitions, Applications, and Public Hearings:
Administrative items

LVB112219: Consideration and action on a request for final approval of Bridger Butler Subdivision consisting of 4 lots located at approximately 2843 S 4700 W in Taylor.

Applicant: *Lisa Butler*; **Staff Presenter:** *Scott Perkes*

3. Public Comment for Items not on the Agenda:

4. Remarks from Planning Commissioners:

5. Planning Director Report:

6. Remarks from Legal Counsel:

Adjourn to Work Session

WS1: Discussion regarding a proposed accessory dwelling unit ordinance.
Staff Presenter, Tammy Aydelotte

WS2: Discussion regarding short-term rental regulation scenarios
Staff Presenter, Scott Perkes

WS3: Training for Ex parte Communications and Conflicts of Interest.

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

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Via Zoom Video Conferencing at the link listed above.

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

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

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Western Weber Planning Commission meeting of September 10, 2019, held in the Weber County Commission Chamber, 2830 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Bren Edwards-Chair
Andrew Favero-Vice Chair
Wayne Andreotti
John Parke
Gene Atkinson

Members Excused Jannette Borklund
Greg Bell

Staff Present: Charlie Ewert, Principle Planner/Long Term Planner; Matthew Wilson, Legal Counsel

Pledge of Allegiance
Roll Call

1. Approval of May 14, 2019, and July 9, 2019, Meeting Minutes. Minutes approved as presented.

2. Public Comment for Items not on the Agenda. None

3. Remarks from Planning Commissioners. Commissioner Atkinson asks if they can get more information on the feasibility study. Mr. Wilson states that the Lieutenant Governor's Office. Chair Edwards notes that there will be a meeting on September 30, 2019, at West Weber Elementary at 6 pm. There is one on October 15, 2019, at 6 pm located at 1400 N 5900 W. He adds that if they want more information on that, they can subscribe on the State website to receive notifications. They are planning to hold four meetings. Commissioner Favero asks if the issue will be on the special election ballot. Mr. Wilson states that it cannot because there is not enough time. Mr. Atkinson asks if staff can keep the Planning Commission updated on this matter. He notes that he would like any information from anyone who knows the process.

Commissioner Favero asks Mr. Ewert how far he got on the water provisions. Mr. Ewert states that is what he will discuss in the work session. He notes that it is just an update on the last meeting. It will also be on the October work session. Chair Edwards asks if is the committee that was put together going to review that as well. Mr. Ewert states that he will ask the County Commission. Chair Edwards states that he would like to discuss the Terakee Village decision at the County Commission meeting. He notes that the County Commission overturned the Planning Commission because of the way the Planning Commission's decision was presented, He states that he has a discussion with Director Grover about getting more information in an open public meeting on the County Commission. Chair Edwards states that they are the face with the community and this makes the Planning Commission look bad. He adds that they had a lot of discussions and put a lot of effort into that decision. Mr. Ewert states that he will discuss with Director Grover to find a way to get the County Commissioners all the information.

4. Planning Director Report-None

5. Remarks from Legal Counsel-None

6. Adjourn to Work Session- 5:14 PM

WS1: Discussion regarding proposed rezone procedures text amendment.

Mr. Ewert states that there might be some confusion in the rezoning ordinance. The ordinance seems to almost ask for an engineering level of information when rezones are done. The ordinance has been crafted because jurisdiction wants to see what the

outcome will be before they make any kind of legislative decision. He adds that once something is allowed or conditionally allowed, it becomes a right and it needs to be approved if it complies with the code. It is not something that can be taken away without being compensated for. It has to be approved if it complies with the law. Rezoning is changing the law; this can include changing the colors of the map, the polygons. Written law effects that land, so it is changing the law. Legislative has a wide-open breadth of decision-making discretion as long as the findings are objective and in the interest of the public, health, safety, and welfare. Mr. Wilson warns that the Planning Commission should not give in to the public clamor concerning administrative and legislative items; this can lead to trouble with the courts. Mr. Ewert states that they need to pay attention to legitimate public interest. He notes that concerns such as, the traffic speed, affects on the community, anything that is tied to objectivity, it doesn't have to be high objectivity. It would be considered a fundamental change to the face of the community. He adds that it is important to have back up for this in the General Plan and the ordinances. Findings are important. At some point in time, the rezone was modified to ask for the exact locations of the buildings and building design. It might not be necessary to go to this extreme in all cases. He notes that they might have gone overboard when this was changed in 2009. He adds that he would like to make some tweaks to the 2005 version. At this point, it is cumbersome. This is concerning the rezones done in the past 2 years. All of these should have come with concept development. Mr. Ewert states that when looking at rezones in some cases if the change is not going to make a huge impact, staff can be general.

Mr. Ewert states that concerning unanimous Planning Commission decisions, it takes a unanimous vote from the County Commission to overturn the vote. He adds that his recommendation has changed. The Planning Commission should not have this level of legislative control to bind the hands of the County Commission. He doesn't recommend that any elected official delegate that kind of power. All it takes is one County Commissioner to say they are opposed or to put Planning Commission authority over any County Commission recommendations. He adds that he does recommend the County Commission should yield to the Planning Commission. Commissioner Favero asks if this is just on legislative changes. Mr. Ewert states that it is only on legislative changes and the paragraph is in an odd spot it might have gotten jumbled. He is working with the attorney's office. It seems like it is misplaced in the code. Commissioner Favero asks if it put the County in any kind of liability. Mr. Wilson states that if the County Commission starts to delegate that kind of authority to other bodies, the County can run into some liability issues. Mr. Ewert states that there is a provision in state code that states that a body cannot defer or delegate. He notes that he is not sure if this would fall under that restriction. As a practice of government, one that should foster democracy through voting there shouldn't be an authority at a higher level than the elected officials. It setups unnecessary conflict.

Mr. Ewert states that concerning the implementation of any plan adopted such as General Plans. There is a requirement in a section in the code that states that the Planning Commission cannot recommend approval of a rezone unless it complies with the General Plan.

Regarding concept design, he recommends it not be required unless it is a commercial development, planned residential development, or Cluster subdivision. He adds that concerning residential development the market should govern that. One thing that the old rezone code did that might cause struggle with the courts, is conditional zoning. Anything conditional is administrative zoning is legislative. He adds that the zoning should not be granted unless they like what is being proposed unless they are will to make the changes voluntarily. The developmental agreement should come with a rezone. Some attorneys will say that a developmental agreement should be in the administrative realm because it is contract law, but because most commonly in these cases it runs with rezones it should be tied to a legislative decision. This way a developer cannot construe that they are administratively tied to a mutually negotiated contract. There is a lot of flexibility that is built into contract negotiations. There have been several court cases concerning referendum and initiative. If a legislative decision is made state constitution protects the citizen's right to refer that decision to a vote on legislative decisions not administrative. If you want the decision to stick it needs to be administrative. There are a lot of different nuances to administrative and legislative ideas that affect a lot of different things. Mr. Ewert states that he would like to change it so states that concept development plans are not required unless they are needed. Commissioner Favero state that regarding the concept development plans he feels it is important to be about to see the roads on new subdivisions being developed and what the impact is going to be. It is important to be able to see how all the lines are going to match up and that is where the conception reading the planning standpoint. He asks if they are going to be able to maintain half-section roads. Mr. Ewert states that they should add some legislative discretion to require a concept plan. Planning Commission should be able to say if they need a concept plan. If there are solid ordinances that require good connectivity. He adds that hopefully, they can get to that point soon so that they can make more administrative decisions with finding that comply with the

law. It makes it predictable for the developer and it will make it nice for the County because they can make it through the process without a lot of conflicts. Commissioner Favero states that he doesn't want to write an ordinance that leaves them begging for information. Mr. Ewert agrees and states that they would write it in as " a concept development is required unless the Planning Director deems it routine enough that it is not needed. He adds that if they are going to require a concept plan it should only be done with a development agreement. He asks if there is any other information that should be included concerning rezoning. He notes that every jurisdiction does this differently. From the Planning perspective if it is a routine thing and completely complies with the General Plan it can be made simple. He adds that the nonroutine things that fundamentally change the community, this is where they should take more time to take a step back.

WS2: Discussion regarding proposed amendments to the second kitchen regulations.

Mr. Ewert states that this is something that has posed some challenges. He notes that this is because people take advantage of what is there and build multiple homes in one building. This is concerning the standard for detached single dwellings. One or more additional kitchens are permitted in the detached single-family dwelling if all of the requirements are met. One or more additional kitchen shall be connected by an open and common living area with outdoors or other obstructions. If they are going to add another kitchen it can not be closed off. He notes that it should be kept open because in some cases they have been quarantined off into accessory dwelling units the density goes up and there can be owner tenant issues. It should be kept at a single-family. The primary reason for the changes is mostly additions. There have been cases where the public wants to put a kitchen in the add on which is over the garage. It is still part of the house. In some cases, it is really easy to turn them into an apartment. There is a process that they can go through to build an accessory apartment it would be lawful if they went through that process.

Commissioner Atkinson asks if this is about density or safety or is it about both. Mr. Ewert states that he believes it is mostly about density. It fundamentally affects the intent of the code. He adds that he doesn't see the market turning any accessory apartments. This comes up a lot when reviewing new house plans and house plan additions. Mr. Ewert notes that a single-family dwelling is for a family. A family is defined as lawfully related people and their support staff. Matt Wilson notes that the legislature just passed a new statement that you cannot impose any fines or prevent anyone from listing a residential unit on a short term rental site. He adds that a short term rental is anything less than 30 days. Anything longer than 30 days is not considered short term. He adds that it can be rented for half a year as long as it's not consecutively and they might run into issues renting it to the same person longer than 30 days. Mr. Ewert states that they do regulate nightly rentals and they are not allowed except for in certain zones. If a homeowner accepts money for someone to come live in their space it is a nonwritten contract. That contract is good for 30 days and the tenant cannot be kicked out without notice for 30 days.

WS3: Discussion and update regarding water provisions in the subdivision code.

Culinary water needs to demonstrate paper and water before plat recording. Wells need to be drilled and pump tested. Someone needs to prove they have the water rights or shares to access that water. For wells, it would have to be an approved well, or the plat is not going to get approved, otherwise, it would mean putting in a community system. Chair Edwards states there are two separate situations and in the Ogden Valley and Western Weber it might be worth developing two separate codes. He adds that the only way to make this code clear would be to do it separately. He notes that there are 4 different water systems in Western Weber and Ogden Valley has 86 different individual companies. Mr. Ewert agrees that this could be a problem. Chair Edwards states that the state is not going to allow someone to come in and drill a well and get a well permit. He adds that it was good to get all the Planning Commissioner together but it's like talking about apples and oranges to the issues faced in Western Weber and Ogden Valley. Mr. Ewert states that concerning his comment about the wells he was not aware that the state would not permit wells. Chair Edwards states that not for culinary water because it is in such proximity to the culinary water system. It's like regionalizing wastewater systems. Commissioner Favero notes that getting a permit to drill in Western Weber is more difficult than in the Valley. The impact that the wells have on the aquifers is tremendous. He agrees that there are differences between the Ogden Valley and Western Weber. Mr. Ewert states that he is hoping to make a single unified code. If it doesn't apply in one area it can apply in the other. He adds that they may need to carve out exceptions where it doesn't make sense. He notes that if this could be minimized it could save tax dollars and having to hire more people. Chair Edwards states that the issues that concern water in the code are very complex. It is going to be convoluted. Mr. Ewert agrees that it is very complicated and he is trying to find the patterns of commonality, addressing,

and regulating those. He adds that diving too deep into the differences is where it gets more complicated. Commissioner Favero notes that there is more complexity to the secondary water than there is to the culinary water. Mr. Ewert agrees and notes that this is because the culinary water is a life source and it has to be worked out long before development got there. Commissioner Favero states that the use for culinary isn't as vast, the use for secondary was established for agriculture. He adds that the complexity concerning secondary water and knowing how it all works is where a lot of people don't want to delve into it to sort some of that out. He notes that they have overpopulated what the old codes and laws state in a certain area. Agriculture is not as big of a concern. This is where it gets difficult because you have to divide the water up to determine how much water is going to be utilized for watering the lawn. It is going to take expertise and patience to go through that. Concerning the number of water companies in the Upper Valley, he asks if it is for secondary and culinary. Mr. Ewert states that it is just culinary. Commissioner Favero asks what they have for canals and secondary water. Mr. Ewert states that they have some ditch systems and some gravity flow ditch systems. Most of the ditch systems are pressurized. He adds that the valley floor was farmed all the water was attached to the valley floor but it but the valley floor is not what is developing out there. Wolf creek the benches and the mountaintop are the ones that are being developed. The rights and shares that exist all have to be moved the point of diversion, they are all going somewhere else. He adds that he sees this issue from few different points, aquifer, rainfall, and access. It is important to look at what is going to affect the aquifer. Looking at the map that shows the Well map, it is so diverse and the wells are not very far away from each other, the geology gets weird. Rainfall is another issue, it's not as big of an issue if the plan is to regulate based on water availability. Rainfall is going to be based on what the state has already allocated in water rights. Concerning access, it would be the point of diversion, the flow, and how much is going to pump out of it. He asks if they are going to allow punching straws in the ground.

Chair Edwards notes that before moving forward Staff should contact the Rural Water Association. They work with more rural areas in the state and could provide more insight into the small system and regulation issues. He adds that they should not put too much into the ordinance concerning culinary water, because it is already being regulated. He adds that concerning the secondary water there is meter out there but he is not aware of there being a state agency to check the meters. He adds that recently there was a developer that got approved for a secondary water system, and there is no one out there to verify that meters are being installed. For example, Hooper has Hooper Irrigation to monitor and verify issues such as these. In areas like Western Weber where they are required to do it there is no one to monitor them, is it the County's Job to verify those things? Who should be doing it? Commissioner Favero asks if they can afford to do it? Are they willing to start charging to do it? Mr. Ewert states that they might be able to adopt an impact fee to charge the developer, not the customer. Commissioner Atkinson states that he was very concerned about the secondary water system approved last month because it was the long-term management of the water system. Commissioner Parke adds that there is no long-term management for that water system. Chair Edwards state that anytime an HOA has approved the people living in the area being charges double because they are paying their HOA fee and they have to pay to maintain the roads and there are no subsidies. He adds that those private roads are not usually built to County standards. Commissioner Favero states that he agrees that they should not be told what to do but to get the infrastructure people are going to have to look into it. Lots that have been sold to development the water goes with them, so there is water there that is for that ground, but now the gravity flow system has been taken away. People living in a 1-acre lot can't flood irrigate their property? The only way to get the water there is pressurized and that costs money. Commissioner Andreotti states that they are going to have to get an organized secondary water company in that area to regulate that. If Western Weber decided to incorporate this is one of the issues they are going to have to wrestle with. Commissioner Favero states that the problems are the same for that area is they are a part of the County or the become part of a city. Chair Edwards asks why it is the County's responsibility to dictate who has access if Hooper Irrigation is out there. He states that if Hooper Irrigation comes in and determines their area they can apply for funding or loans from the states then they can set the rules for that area. He states that Hooper Irrigation is trying to push the buck; it is not the County's job to dictate those things. Hooper irrigation needs to become a special services district; this would solve the whole problem with secondary water in the area. Commissioner Favero state that it would only solve issues for that part of the area. The Warren part of the area doesn't have a pressurized system and Hooper is not going to develop their water beyond their boundaries. the water shares that the canal company controls are for an area and those should be turned into secondary shares. They all agree something has to change. Mr. Ewert states that a few years ago West Haven tried to annex up quite a bit of Taylor. Chair Edwards states that West Haven is still trying to annex part of Taylor. Commissioner Favero states that there is only one place out there to get the money because there is no room for commercial development. Chair Edwards states that it is growing out there and they are going through another culinary set right now. The same thing is happening with the secondary water. He adds that he does not feel it is the County's job to regulate that. Commissioner Favero states that he agrees that but the County does need to be a part of the

permitting process. He adds that he feels they have run amuck out there with everything that has happened. He states that have experienced this there was a source but there. There were two phases of the subdivision and the first phase felt they were more important than the second. The second phase did not know what was going on other than they were not getting the water. He adds that he was a part of the HOA and when he had had enough he left and it fell apart and everyone hooked up their yards to the culinary water. Chair Edwards states that when he was at Plain City there was no culinary system Bona Vista served the area. There were two secondary systems and they had to get a will serve letter for culinary, and Bona Vista had to sign and verify that water was there. For secondary, the City engineer had to get a letter from them that verified that the system has been approved that there is enough water. Mr. Ewert states that this is written in the plan but it doesn't put it on the County Engineer. It covers the fact that the secondary water provider is covered until Hooper or someone creates a district out there. Chair Edwards states that it is a lot easier for Hooper to do it. people are already going to have the shares instead of people having to go get them. Commissioner Favero asks if they are considering a district out there. Mr. Ewert states they have talked about it, but they need consent from the people that they serve and so far there is no consent. They have not tried it yet. Commissioner Favero asks if the pressurized side of that business could not and leave the agricultural side split off and make a district. Mr. Ewert states that he was talking to Ryan from Taylor West Weber and he stated that the district is already there and that component is already there. Ryan said that secondary is different and they don't want to be in the second district business. Mr. Ewert responded to the County is not in any the Water business, but somebody should, and since Taylor West Weber is already there and Hooper is a private company why not just absorb that. Chair Edwards states that Weber Basin would likely go to with Hooper Irrigation before Taylor West Weber. He adds that they share a pond.

Commissioner Favero states the price of the hook up has gone up beyond the price of the water. He notes AG. Water is two times the value of pressurized irrigation water. Mr. Ewert asks who regulates that. Commissioner Favero states that this is what is required by Hooper Irrigation but there is some common sense to this, it is one share of water per one acre lot. It was not based on greed. Chair Edwards notes that it doesn't have to run through the land. Commissioner Favero agrees and notes that it is a separate entity but the property is not worth as much without the water. Mr. Ewert asks if all that is transferred without any negotiation with Weber Basin. Commission Favero states that it can. He adds that the water should stay where the water is now. In areas that are developable but do not have water on them, they should have the opportunity to xeriscape to a certain point. He states that he understands that certain percentages have to be irrigated, but that allows them to hang on to some of the water. Commissioner Favero states the economics is going to drive this. He states that the water going with the property gives the best yield. Chair Edwards state that he does not feel that the County should dictate how many water shares the land is sold with. Mr. Ewert states that there is something in the code that states that if you have assigned rights they have to stay there. This is a condition of approval for the development. Commissioner Favero states that once the water goes out of agriculture it should go-to title The water should go with the title too. There have been instances where the person who buys the property doesn't know they don't have secondary water until they go looking for it and they realize that it would cost them close to 15,000 dollars. Mr. Ewert states that if it is a secondary system the Commission doesn't want to require long stretches of trenches that developers have to build to install the systems. They are willing to consider 300ft multiplied by the number of lots if its within that distance of a secondary system that currently exists they can build a system on the property that meets the standards. If it is built to a standard it is a isolated stand-alone access to a source. He asks if at this point those shares should go into the water company. Chair Edwards states that it would need to stay with the HOA because the water company won't want to take it on because they don't want to lose the assessment. At this point they need to pay and assessment for each share of water which helps maintain the canal. They are not going to want to take on owning that water. They are not going to want to take it on because it's part of a private system, it doesn't matter if it is built to their standards. Someday it might be the water companies, but until then they are not going to want to take on that responsibility. Mr. Ewert goes over his notes, it goes all the way to title, stick to the covenant of the HOA, it not just water rights, it is contract that obligates them to consolidates into the bigger system at the time of the covenant, dead obligation should not be the responsibility of the existing bigger system the obligation would belong to the owners. Chair Edwards states that the it is essentially the owners impact fee. Commissioner Favero states he does not like the water go all the way to title, but there are a lot people who will take advantage. Once the property is developed the honest people are out of the loop. Mr. Ewert states that in these cases there people who have bought the problem and if the County wants to enforce they are enforcing against a victim. Commissioner Andreotti state that he does not want to have the situation where there is a lawsuit for secondary or culinary water or sewer. There has to be some way of oversight where the secondary water should be there. Commissioner Favero agrees and notes that in the

case where there is no water it could already be tacked on to the price of the lot. These are the nuances of the secondary water, culinary water is cut and dry. He asks how they ensure that they are built to standard. He asks who is going to do the inspection.

Mr. Ewert states that based on their discussion it seems to him it is still simplified it does not go into the bigger details of secondary water. He states that beyond the points they have discussed his recommendation would be to file for incorporation. Whether it be incorporation of a city or incorporation of a district. Chair Edwards states the city is not going to solve the secondary water issue. Commissioner Favero states that they will have to go through the growing pains and the cost of that as opposed to getting with a city that has already been through that. Chair Edward states that they will need to take on a sewer system that hasn't been well maintained. He notes that in the feasibility all the districts for parks, fire and sewer are not included. There are a lot of issue that are not addressed in the feasibility study. He adds that there a lot of issues that need to be addressed with the County and can't because it's not clear what is going to happen with the incorporation of West Weber. They need to be moving forward, in this time of growth. Commissioner Parke states that this is why it bothersome that the General Plan was put on hold, that could help guide Western Weber and the new city if it were happen. Chair Edwards states that there is so much diversity in that area. The community is so divided over the topic of incorporation that there is not going to be any good results from a General Plan update. Commissioner Andreotti states there are issues with participation, people only participate when there is an issue that concerns them and nobody shows up when it concerns the ordinances. Commissioner Favero agrees and states that if there are individuals who believe it will be much easier after a city is created than dealing with the County it's not going to be. Commissioner Parke states that nobody participates when they are putting the ordinance together, but they show up to complain when there is something going on in there back yard.

Work session Adjourned 7:25 PM

Respectfully submitted,

Marta Borchert

Minutes of the Western Weber Planning meeting of October 10, 2019 held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Andrew Favero – Acting Chair
Jannette Borklund
Gene Atkinson
Greg Bell

Members Excused: Bren Edwards
Wayne Andreotti
John Parke

Staff Present: Rick Grover, Planning Director; Charles Ewert, Principle Planner/ Long Term Planner; Steve Burton; Principle Planner; Matthew Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Alliance
- Roll Call

1.1 DR 2019-14: Consideration and action on a design review for a 59,152 square foot warehouse building located at 1300 W 2150 N, Ogden.

Steve Burton states that the approximate address 1300 W 2150 N, it is located in the Weber Industrial Park. It is on three parcels that have been combined for building purposes. It is a 59,000 sq. ft. warehouse building. The company is Challenger Pallets The use will be to manufacture and store wood pallets. They have sufficient parking and meet the setback requirements for the zone. Staff recommends approval based on the conditions and findings outlined in the staff report.

Commissioner Borklund asks if there is any outdoor storage or if it is all indoor. There is no outdoor storage but there are a couple of ramp areas. From the site plan, there is no specific spot dedicated to outdoor storage.

Chair Favero states that fire on this building would be a concern. The Fire Marshall will want to go through the plan well to make sure all of the design is satisfactory for that. Mr. Burton states that the Fire Marshall is one of the reviewers on this. They will not be able to get a building permit until the Fire Marshall has approved it.

Commissioner Bell asks regarding the parking plan. He notes that the proposal states there is enough parking for 26 employees and if there are more than 26 employees they need a new parking plan. Mr. Burton states that he had reached out to them with no response, they have since let him know there are 15 employees. Mr. Bell asks how do you know if they bring in more employees and it becomes a problem. Mr. Burton states that they would get involved when it becomes a concern for neighbors. He adds that given the size 26 should be enough, but they will confirm that before they move forward. If it becomes a problem it will be addressed.

Commissioner Atkinson asks regarding the reputation of the company and if they are credible. Mr. Burton states that as they reviewed the land-use code if it isn't specific to the approval of the design review, there isn't anything that says anything specific about the reputation of the company needs to be verified. Director Grover states that he has been in contact with Holin Wilbanks from Weber County's Economic Development department. Holin has been working with them and she has said good things about them.

Commissioner Borklund asks what they are supposed to be looking at regarding landscaping. Are they supposed to look at the building materials? Mr. Burton states that as far as building materials, the Planning Commission needs to look at how it fits into the

general area. What can be seen in the area, is metal, and aluminum? The buildings that are right in the center of the property that is surrounded by parking and landscaping.

Chair Favero asks if there is going to be a lot of outdoor storage of raw material before it goes through their process and building. Mr. Burton states that based on what he has reviewed there is nothing regarding outdoor storage. It seems to be a big enough building that they would not need to store items outside, given the material they would want to keep it all inside.

Chair Favero asks regarding the zoning, if there is outdoor storage, does it need to be secure from the general public. Isn't that part of the zoning code. Mr. Burton states that currently in the M-zones out west there is no requirement to screen outdoor storage. He adds that the planning staff is currently working on updates, looking at outdoor storage as a listed use in the zone. There is not currently anything requiring the security of outdoor storage in the area.

Commissioner Bell states that he would like a reminder on landscaping requirements. Is it a lot of asphalt? Mr. Burton states that it is 10% of the project area and it would cover the retention pond. It has to be drought-tolerant material. The applicant will provide a more detailed plan, so that staff can verify that they will be using drought-resistant materials.

Chair Favero states that there is no public present. There is no public comment.

MOTION: Commissioner Bell moves to recommend approval for file# DR2019-14, design review for a 59,152 square foot warehouse building located at 1300 W 2150 N, Ogden. The recommendation is subject to all the review agency requirements and the following conditions: 1. if the applicant wishes to have outdoor advertising a signage plan that conforms to the Western Weber Signage Ordinance, LUC 110-0, must be approved by the Planning Division prior to issuance of a land-use permit. 2. The applicant will be required to provide a landscaping plan that shows specific materials to ensure that drought-resistant materials are used prior to the issuance of a land-use permit. This recommendation is based on the following findings: 1 The proposed use conforms to the Western Weber General Plan. 2. The proposal, if conditions are imposed will not be detrimental to the public health, safety, or welfare. 3. The proposal, if conditions are imposed, will comply with all applicable County ordinances. 4. The proposed design implements quality development standards and will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Borklund seconds. Motion carries (4-0)

2. Public comment for items not on the agenda. There was none.

3. Remarks from the Planning Commissioners: Commissioner Bell states that he was not able to go to the conference last week. He asks how the conference was. Director Grover states that it was a good conference. There was some discussion on affordable housing and some discussion on the benefits of clustering and housing. There were also discussions on public infrastructure and how to handle that with stormwater. Often a problem that they run into onsite is that eventually, they would run into the riparian areas or in the main water sources. There have been instances where there are algae blooms. There was a discussion on ways to get rid of that onsite so that it does not run into the stormwater system. He states that these are a few things that are pertinent to the area. He adds that there was some discussion regarding detention ponds and taking advantage of them in other ways in subdivision looking at the park strip areas between the curb and water and the sidewalk managing stormwater in those areas. It is important to manage those aspects from the planning side before it gets to that point, but everyone needs to participate. Commissioner Bell asks if there is any way to implement that into the current ordinances. Director Grover states that they started looking at the General Plan and the engineering requirements and the landscaping section and the General Plan is not tough enough. Chair Favero states that in commercial and industrial areas there is a mitigation that can take place without even changing things. It is a bit costly. There is a company in that area that installed a water-oil separator.

Commissioner Atkinson asks if there have been any updates on the incorporation out west. Director Grover states that they have received varied comments. At first, there was a lot of positive feedback for incorporation. Now there are about 40% of people wanting incorporation and 40 percent against incorporation. Commissioner Atkinson asks what type of feedback they are receiving.

Director Grover states that they have received mostly phone calls. Primarily through the Planning Office. He adds that he cannot speak for the County Commission office. Until this issue is resolved they cannot move forward with the new General Plan.

4. Planning Directors Report: Director Grover states that the Planning Commission dinner is in January. He asks if this will work for everyone. No one is opposed to Planning Commission Dinner in January. He states that if they have any interest in attending the Utah Land Institute Conference it is a half a day conference on October 29th and the 30th it is in Sandy. It deals more with land policies and law cases.

5. Remarks from Legal Counsel: there is none.

6. Adjourn to Work Session: 5:26 pm

WS1: Discussion regarding the state-mandated moderate-income housing plan updates. Staff Presenter: Charlie Ewert

Charlie Ewert states that moderate-income housing went to the Supreme Court there was a jurisdiction that zoned their community, for high-class citizens to live there exclusively. It was taken to the Supreme Court and it was branded as unlawful discrimination against lower classes. This occurred in the civil rights era. Right now we are in an affordable housing crisis. Some serious issues are getting not just lower-income people but normal income people into homes. Ever since then there has been a mandatory requirement for every community throughout the nation to have a moderate income plan. Looking at the moderate-income plan as it stands, there are some really big issues. Out west there was a subdivision approved and installed, where bonus density was given for moderate-income and they ran into problems getting materials for 100,000 to 200,000 dollar homes. Because of this, there have been some changes to based on the median income for the specific neighborhood to allow them to put a larger home there. One of the challenges is building material and the cost of the building. One of the reasons building is going up so high is that there is more regulation. It cost a lot of money to supplement development. Those costs need to fall on the developer, not the neighbors. Why should they have to pay for all the new traffic? The State has said, "We need to do something about this, and take it seriously." He adds that the new state law doesn't have a lot more than what the County normally adheres to regarding the housing plan. Staff is currently looking at the housing plans, and are fairly confident that the existing plans are close to complying. He adds that they are working to make it a standalone document. The Department of Workforce Services come every year to verify. Commissioner Favero asks with the zoning how do you comply with the 1-acre lot, when looking at lots being 150,000. It makes it difficult to accommodate low-cost affordable housing. Mr. Ewert states that it is very subjective. Sprawl is expensive to maintain for a government. Commissioner Favero asks how the County will adjust for this. Mr. Ewert states that the legislature gave the County a list it is subjective, the County needs to do at least three of the items on the list. He states that they are creating a moderate-income plan. Moderate income housing is meant to increase affordability. Mr. Ewert gives a rundown of the moderate-income numbers in the area. He notes that Weber County is number 1 in the nation for the difference between wage increase and housing cost. Housing cost is multiple times what the wage increase is. Commissioner Atkinson asks if Terakee Village qualifies as a moderate-income housing. Mr. Ewert states that it would more than the standard zoning would because they are buying a fraction of an acre. The smaller lots make for smaller homes. He notes that he is not sure if they will reach the 68,000 dollar threshold. The States have asked that the County put some plans in place and start implementing it and then track it, even if the success doesn't get the County to the 68,000. Director Grover states that Terakee Farms might pick up more affordable homes than Terakee Village. He notes that they are both PRUDS the Terakee Farms is the larger one it had more clustering and smaller lots. It also had some ADU's associated with the single-family units.

Mr. Ewert states that on the PRUD code that is in the process there is a section that states that they can get a free 10 percent above and beyond the 50 percent if that 10 percent goes toward moderate-income housing. Moderate income housing. Commissioner Bell asks if there will be any bonus density in the cluster code or moderate-income. Mr. Ewert states that it is not but this was going to be his next suggestion to copy and paste that into everything. He adds that he would rather see it the cluster code than in the PRUD to incentivize that. If someone wants to do a one-acre development and the center of the development of those one acres lots or a lot averaged one in the epicenter the want to add some duplexes the would be okay. Commissioner Bell states that he was not for the lot averaging, and he does not see how this would benefit a lot averaging to have a tiny lot next to massive estate lots. He notes

maybe it would be a benefit for green space. He is having a hard time is that it is an estates lot is grass and it might be turned into agriculture to preserve like a cluster code. There are things that they could do to promote it. Commissioner Borklund states that the issue over time is that they are not well taken care of and there is a stigma there. Mr. Ewert starts that it happens and over time as they deteriorate so do the surrounding homes. Renters are treated differently because they are considered temporary. Commissioner Bell states that another issue is the ADU's and would be easy to slip into the subdivision code he states that they are already doing, why not incentive them to come out and register as an ADU. This could help meet the moderate-income housing requirement without building high rise apartments. Mr. Ewert states that there was a big concern with ADU's that were

Commissioner Favero states that HOA's need to start playing a role with long term care. The legislature needs to put more teeth in the HOA have to do. A lot of the time some of these PRUD's one person ends up running it and they get tired of it or sell out and leave. Director Grover states that concerning HOA sometimes the owners won't pay their dues and it is important to be cautious when putting them into the PRUD's and the Cluster subdivisions. Based on what has occurred in the past and what has occurred in Ogden city when they had lower income PRUD's in 7 to 10 years the HOA's were going defunct. The residents were not paying their dues. Commissioner Bell states that he has never had a good experience with an HOA and he has never met someone who had a good experience. Commissioner Favero states that he had one good experience with his mother in law place at Ironwood. He notes that it was all within the did not hire it out, that HOA ran well. He adds that he has also had terrible experiences with it as well, where the HOA fell apart. Commissioner Bell states that personal responsibility has gone out the window, it won't be effective for renters. Commissioner Favero states that the landowner should be responsible for that. If they want to collect fees from the renting party that is up to him. Commissioner Bell states this is one issue that bothers him, that if the HOA doesn't work then they are required to put liens on each other's properties. Commissioner Favero states that it is an ugly deal but if there is no HOA it is then turned over to an entity. He notes that some of the subdivisions sound great in theory, and they claim that they are going to be opening up some green space, but it creates other socio-economic problems. Commissioner Borklund states that the create private roads at a lesser width than the County will accept and they maintain it. Commissioner Atkinson asks if the trend is to build the subdivision under the new code. Mr. Ewert states that this was the intent.

Commissioner Bell asks what are the options to remove the HOA's and not allowing them at all. Mr. Ewert states that the cluster code allows for the common area to not exist. Director Grover states that without HOA's there will be a public street there will not be the big open park areas. If there are big park areas they will be dedicated to the municipalities. There is a park district that will maintain that. That area is then dedicated to public open space. Commissioner Bell asks if because Western Weber has park districts is there is a way to eliminate the creations of HOA's and just dedicate the open space to the park district. Director Grover states that the park district would have to want it. He states that they could also look at some type of banking issue. If they are willing to participate and put they are going to out a certain amount of money toward it.

Commissioner Favero states that there are going to be big open spaces and if small lots are facilitated and high density and then there are big open spaces. He adds that what they should be planning is for is the 30 to 40 years from now if the population keeps growing like it is the bigger chunks of land that are permanently preserved are not going to be permanently preserved. He states that he wants to be able to say that the Planning Commission worked on that area, and being what it should be for the future because it is going to have to constitute growth. He states that they need to be looking at that now, and they need to keep in mind that the big open spaces that are going to be permanently preserved are not likely to stay that way. He asks where everyone will go. This is the big picture, Weber County is vast right now and looks at fast that is declining. The one-acre lots are eating it up faster, because of the size. He states that he agrees that the open space could be dedicated and it could be parks and there has to be some open space, but it is important to look at what will happen in the future. Commissioner Bell states that this is where his mentality has changed over the last several years to where they should consider creating as residential zone out in Western Weber County to allow for homes to go in there and in further out west preserve some of the agricultural zones for the long run. Commissioner Favero states that he is glad to hear Commissioner Bell's comment about the residential zone because he had mentioned it a few years back when he was on the Planning Commission previously and it was not a popular idea, there are areas in Western Weber should be zoned residential. Commissioner Borklund states that estate lot in the County is bigger than most lots in other cities. Commissioner Favero states that as far as those areas being agricultural they will be good for neighborhood agricultural, but big agricultural going away. He states that the hope is for is that it won't be an eyesore in the end. Commissioner Bell states that this is the dilemma that he is experiencing, there are still a lot of people in the area with horses and livestock and they need to feed those

horses and livestock. He adds that if homes keep getting built in the lots that need to produce the food for the animals, they are going to have to go long distances to buy hay and this brings the cost up. It would be good to have some kind of agricultural available, that people with horses or cows can get hay locally. Commissioner Favero states that he agrees with this but they will not be able to produce enough, the agricultural area in Western Weber County is not big enough to support what is out there now. Looking at the big farms. He notes that two big dairy's in the area lease land near the Idaho border and go as far they can go into Davis County. This was a poor location to put that kind of a facility to have to support 1500 to 2000 dairy cows. There is not enough agriculture around it to support it. He adds he wants to make it clear he doesn't want to push the agriculture out, it is important to look at the effort they have to go through. He adds that he is a third-generation farmer. It is the reality that they need to address. It is a long way to truck feed. Director Grover states that some other challenges that they will face as they cluster, the question will be with all the density how to get the farm equipment up and down the roads, with the roads and the traffic. Commissioner Favero states that some of the farm equipment that they have to drive takes up most of the road and it can be dangerous. He states that they drive that equipment from Taylor to Plain City 4 or 5 times a year. The expense of hauling the feed is nothing compared to the liability if anybody gets hurt. Mr. Ewert states that there are some areas for agriculture but it's not going to be big agriculture, it is going to be community agriculture. When there is enough pressure to undo the permanent side for those preserved areas it's going to happen and the areas will be opened up to areas for parks, schools, and community areas. It would not just be a sea of homes. He adds that this allows for taking it in increment of time at a time.

Mr. Ewert states concerning the Transportation Commission and the new legislature and moderate-income housing when it comes to the funding they want to know that the County is in compliance and when it comes to giving the funding to Weber County versus other Counties they are going to give the funding to the jurisdiction that has the best moderate-income plan. He states that the County has to show that they are trying.

Concerning the Transportation Finance Act, no funding will be given if there is no plan or reporting to the Department of the Workforce on an annual base, and then it is still up to the Department of Workforce services to determine if it was not implemented. Mr. Ewert states that not all money that the County spends is State money but a lot of what goes through WACOG is. The transportation alternative that was UDOT funded is 70,000 worth pathways in the Ogden Valley. He adds that he would like to see this happen in Western Weber. The County needs to show that they are trying and it doesn't necessarily mean that they have to hit the 68,000. Part 3 states the General Plan should allow for moderate-income housing on or before December 1st, 2019. A County that does not comply shall amend the General Plan to comply with subsection 3AI. He states that if it is not done the County may not receive the funding. He adds that funding cycles are coming up, letters of intent were due on the last week and the funding awards could go out in January. Commissioner Favero states that it needs to be done because the County needs the money. He states that if you take a drive in Western Weber County between 6 and 8:30 AM and 5:30 and 6 PM it is all inadequate whether it is a State road or a County road. Mr. Ewert states that the new transportation impact fund and the way that money is being allocated it is more than just moderate-income, they are being allocated based on land use and density, trends that oriented development. Part of the reason Planning staff was asked to do studies in Western Weber was because of Legacy Parkway and where it is headed. Commissioner Favero states that this will not just be on the County it will be on the potential city as well. Mr. Ewert states that this language has been adopted in the municipal code. The legislature knows that it needs to be adopted, because the municipalities will not voluntarily do that.

Mr. Ewert goes over some options to accommodate for the moderate-income housing requirement.

Rezoning for density to accommodate moderate-income housing. Commissioner Bell states that he doesn't want to do rezones unless it is in the General Plan. All Planning Commissioners agree that the General Plan needs to be updated to include residential rezoning.

Facilitating the rehabilitation and expansion of infrastructures and encouraging the construction of moderate-income housing. Planning Commissioners do not have an issue with this.

Facilitate the rehabilitation of existing uninhabitable housing stock into moderate-income housing. He states that the ones that are uninhabitable out in Western Weber, he is unsure if they can become habitable.

Consider General Plan subsidies for other sources of revenue to wave the structure related fees generally imposed by the County. He notes that the development fees are increasing the cost of housing to a degree. Commissioner Bell states that mostly the market is driving it. Mr. Ewert states that it does not necessarily have to speak to the 80 percent median income, but it needs to speak to strategies that that will create a culture or environment that enhances the 80 percent.

Reduce regulations related to accessory dwelling units, allow for higher density or moderate-income residential development in commercial and mixed-use zones.

Encourage higher density moderate-income residential development near transit investment corridors. Director Grover notes that at this point there isn't any. Commissioner Favero asks what the timeline is on the extended Legacy project to hit the Weber Corridor. Mr. Ewert states that it is still not funded. Commissioner Favero asks if Davis is funded. Mr. Ewert states that it is and the gearing up for construction, the environmental got done. The plan is to build it and merge it into Weber at 5500. Commissioner Bell asks if there is a timeline to get it to 12th street. Commissioner Favero states it will be likely 10 to 15 years. He notes that they are talking about expanding 5900 W to 12th Street at some point. He notes that they will have to look into this. Commissioner Bell states that he agrees that this is something they can add, but not at this point it wouldn't mean a lot. Mr. Ewert states that he is taking notes so that when the General Plan update is done these items can be addressed. Looking at that freeway it will be transit. The buses can get up and down there is some high-density concentration along the freeway off-ramps. Commissioner Favero states that 2550 will be expanded down to meet the new corridor, it already goes to 5100. Depending on what the timing is on that, it might be much sooner than the timing of the divided highway. Mr. Ewert states that the County is already trying to acquire the right of way on 2550.

Eliminate and reduce parking requirements for residential development where the resident is less likely to rely on the resident's vehicle, such as residential development near major transit investment corridor or senior living facilities.

Allow for single room occupancy developments. Director Grover states that this does not apply to Weber County the closes thing that the County has to an SRO is the Marriot Hotel on 25th. This is referring to rooms that have a shared bathroom. Commissioner Bell states that he does not think this should be allowed in any of the developments. Mr. Ewert states that they would only need to choose three on the list.

Implement zoning incentives for low to moderate-income units in new developments. Mr. Ewert states that this would be cluster and PRUD. He states that they could incentivize it a bit more.

Utilize strategies that preserve subsidies low to moderate-income units on a long term basis. Mr. Ewert states that this could be done through deed restrictions. Commissioner Bell states that when talking about the discrepancies of property values versus household income this could get offset. If the median income drops and the property values rose quicker than the median income how can it be called affordable housing? Director Grover states that it would be based on the time of development. Commissioner Bell asks what they do for the long term. Mr. Ewert states that in the deed restriction it will state that it has to be sold to a family who is 80 percent of the median income. Commissioner Bell asks if they would be able to sell the house for the valued. Mr. Ewert states that they would not if the buyer is getting a loan. If it was paid for in cash they could go around the restriction. Commissioner Borklund asks how long the term is. She asks if there is a definition for the long term. Director Grover states that it runs with the land. Mr. Ewert states that the deed restriction will stay on there, it runs with the land, just like the taxes run with the land. He suggests that if they are trying to capture the 80 percent and none of the other tools work, he has seen it done as 5 percent of all development needs to contribute to moderate-income housing. This would be charging the developer 5 percent of the development market value profit of every lot that is sold put that money into an account and use it to build homes for low-income people. Commissioner Favero states that they would be building government-owned homes for low-income people. Private entities would not be able to take money out of that fund. He states that he likes that idea but he wants to know how it works. Mr. Ewert states that that jurisdiction bought lots and built homes and sold them with the deed restriction to the people that meet the criteria.

Preserve existing moderate-income housing.

Reduce impact fees related to low and moderate-income housing. Mr. Ewert notes that they could do this as long as it is related to low income and moderate-income housing.

Participate in a community land trust program for low or moderate-income housing.

Implement mortgage assistance programs for employees of the County and anybody that provided contracted services for the County. Mr. Ewert notes that Ogden City is doing this with its community development program. He notes that they would need more administration for that.

Apply for or partner with an entity that applies for states or federal funds or tax incentives to promote the construction of moderate-income housing.

Apply or partner with an entity that applies for programs offered by the Utah Housing Corporation within the agencies' funding capacity.

Apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services. Mr. Ewert notes that all of these are with the prevue of the Housing Authority.

Apply or partner with an entity that applies for services provided by a public housing authority to preserve moderate-income housing.

Apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance.

Apply for or partner with a moderate-income housing set aside from a community reinvestment agency review development agency or community development and renewal agency. Mr. Ewert notes that they would be able to generate revenue with the RDA's or CDA's and use some of that money toward supplementation.

Consider another program or strategy to address this.

Mr. Ewert goes over reporting requirements.

Mr. Ewert states that the County has a housing plan this was done with some other jurisdiction and it makes challenging because there is less focus on our area. He goes over the excerpts from the Weber County area.

Minutes for the Western Weber Planning Commission meeting of August 11, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 pm & Via Zoom Video Conferencing

Members Present: **Bren Edwards-Chair**
 Greg Bell-Vice Chair
 Andrew Favero
 Wayne Andreotti
 Sarah Wichern
 Bruce Nilson

Members Excused: **Jed McCormick**

Staff Present: **Rick Grover; Planning Director; Steve Burton, Principle Planner; Scott Perkes, Planner II; Courtlan Erickson, Legal Counsel; Marta Borchert, Secretary**

Chair Edwards asks if there are any ex parte communications or conflicts of interest to declare. There are none.

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

1. Appreciation of Service Presentation:

Chair Edwards states that the Planning Commission and Planning Staff would like to take a minute and thank Commissioner John Parke and Commissioner Janette Borkland. They both have served on the Planning Commission for Western Weber County for 12 years. He states that Planning Staff and the Planning Commission would like to thank them for their dedicated service to the members of the community members of Western Weber County and, for all of the insight that they brought to the Planning Commission. Commissioner Parke and Commissioner Borklund will receive a commemorative clock in appreciation of their service. He adds that he just wants them, to know that Staff and the Planning Commission are very thankful for the impact they have had in the area of over the last 12 years of service.

Director Grover states that he really appreciates them. They always read their packets and were always up to speed on the issues and that helped the meeting go smoothly. He adds that on behalf of the Weber County Staff he would like to thank them.

2.1 ZTA 2018-05: Discussion and action on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments. Staff Presenter: Steve Burton

Director Grover states that this will be a public hearing it is a discussion and action on a proposal to amend the following section to the Weber County code §102-1-5 and §102-5 regarding rezoning procedures and legislative amendments. This is a staff initiated project. Mr. Burton is going to be presenting. Director Grover states that at present staff is convening Commission Chambers for the public to able to participate. He adds that this is also to meet the order Open Meetings Law Act. Mr. Burton will be presenting.

Steve Burton states that this item has been noticed as a public hearing to look at amending the rezone procedures and other legislative amendments. The primary reason behind making amendments because currently, the Planning Commission has some legislative authority, the Planning Commission is a recommending body, and the County Commission should have that full legislative authority. The other change is to clarify the language and remove some redundancy. The Planning Commission will be making a recommendation to the County Commission. He goes through all the changes listed in the staff report.

Commissioner Bell asks who gets to decide if a concept development plan is required. Mr. Burton states that it could be Staff, Planning Commission, or the County Commission.

Commissioner Nilson asks if development agreements have been used a lot in the County. Mr. Burton states that are used frequently most often with larger projects in Master-planned areas. They are mostly seen in the Ogden Valley with the resort areas to outline how the development is going to happen. Commissioner Bell asks if development agreements are also used in PRUDs for the Western Weber area. Mr. Burton states that it can be part of the PRUD, it might be specific to a rezoning. He references the code noting that on line 290 *Unless expressly required elsewhere in this title, a development agreement is an optional 291 land use regulatory tool that may be used, at the discretion of the county commission, as 292 provided in section 102-5-7 of this chapter. No provision herein shall obligate the county 293 commission to enter into a development agreement.* Mr. Burton states it can be used in the County and the developer wants that. He notes that they would not necessarily need one. Director Grover states that typically that is done before the PRUD and as a part of the rezoning.

Mr. Erikson states that concerning the PRUD and development agreements. The PRUD requires an overall development plan which is essentially the same concept. He notes that some of the languages in the new chapter drafted seems to imply it is talking about a rezone. He asks that they have a discussion about this to see how broadly this will apply and make sure there are specific reasons or if it needs to be changed in any way.

MOTION: Commissioner Nilson moves to open the public hearing. Commissioner Favero seconds. Motion carries (6-0)
Chair Edwards opens the public hearing. There is no public comment.

MOTION: Commissioner Favero moves to close the public hearing. Commissioner Wichern seconds. Motion carries (6-0)

Chair Edwards closes the public comment.

MOTION: Commissioner Favero moves to forward a positive recommendation concerning ZTA 2018-05: Discussion and action on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments based on the findings that 1. The changes cause no adverse effect on the intent of the general plans. 2. The clarifications will provide for the more efficient administration of the Land Use Code. Commissioner Nilson seconds. Motion carries (6-0)

3. Public Comment for Items not on the Agenda: None

4. Remarks from Planning Commissioners: None

5. Planning Director Report: Director Grover states that typically in the fall there is a Utah Chapter Conference and usually all Planning Commissioners are invited to attend. He notes that he has heard anything. Typically for this meeting, one Planning Commission from Ogden Valley and one from Western Weber are sent to the Spring National Conference. He is not sure if there will be a Spring National Conference, they will just play it by ear.

6. Remarks from Legal Counsel: Chair Edwards states that he appreciates Mr. Erikson filling in for Matt Wilson.

Adjourn to Work Session: 5:43 PM

WS1: Discussion about short-term rentals in Weber County and regulatory options.

Director Grover states that on the 25th of August there will be meeting with the Ogden Valley Planning Commission and they will be going over the same presentation that the Western Weber Planning is receiving today. On the first of September, there will be a joint meeting with the Ogden Valley Planning Commission to get the feedback they will be probably looking at scheduling public hearings after that. There will be no premeeting, it will start right a 5:00 PM. He notes that the next WWPC meeting will be on September 8, 2020. Typically they try not to schedule a meeting after Labor Day, but because of the workload, he does not want staff to get behind. If Planning Commissioners are unable to make it they can look at rescheduling that.

Scott Perkes notes that there was a joint work session with the Planning Commissions and the County Commissions Planning Staff presented some information about what is happening in the County from a short term rental perspective, Staff presented some data, what is happening relative to where it is allowed. Some feedback has been received from the public. Following that joint work session Staff was asked to present some ideas, and solutions to the issues known and the concerns of the public have and go from there. Short term rentals are occurring, both legally and illegally. The question is what can be done and what the County is allowed to do. The state has some provisions for this but also some limitations. Over the last several month's Staff has been doing a lot of research on how the communities have addressed their short term rentals. Planning Staff has provided the Planning Commission, with a large printout physical printout of a matrix, that shows various regulation variables and how various communities have applied those regulation variables to address them, the short term rentals, and the concerns a community has with rentals. This is also looking at what could work for Weber County based on what other communities are doing. He notes that Staff would put together some scenarios for consideration for the next meetings. He states that they would like to get Staff input and Planning Commissions input before they land on some scenarios.

Mr. Perkes goes through the information listed in the Regulation Research Matrix.

Mr. Perkes states that Planning believes that licensing would be a good idea to be able to track everything. The County would have a database with all the rentals. Staff would be able to check their tax remittance and their compliance.

Commissioner Wichern states that according to state law they are not allowed to find units that are unlicensed through the online listings. She asks what can be done with those who do not have licenses. She asks if there are complaints about unlicensed rentals would the County then be able to step in. Mr. Perkes states this is the current system that is being used. If there is a complaint made the County can enforce and impose a fine. He notes that it is all reactionary, and they have to wait on a complaint. Commissioner Wichern asks if the state allows for the County to go after them for anything other than complaints. Are there any other ways of finding and establishing compliance? Mr. Perkes states that the County cannot solely use the internet advertisement as cause to go after the rentals. The Code Enforcement Officer needs to have some kind of proof.

Mr. Erikson states that the code section that is being referred to is written in a way that may seem toothless. It has been difficult to interpret. There are differences in opinion in terms of exactly what it means. Looking at the language of the code it says that the County cannot enact or enforce an ordinance that prohibits the act of advertising, listing, or offering a renting short term rentals on a short term rental website. The second part states that they can not use an ordinance to fine charge or otherwise prosecute and individual solely for the act of listing or offering a short term rental on a short term rental website. Mr. Erikson notes that there might be room on there to find people who are doing the short term rentals by looking at the websites, but it prohibits from punishing them for the act of listing. He notes that they could use the websites to find the places that are being used as short term rentals, but there would have to be something more than just the advertisement to be able to take any action. He adds that he wants everyone to be careful and not believe that they can not use advertisements at all. If the advertisements lead to information that shows that an actual illegal short term rental is occurring the County may be able to take action.

Commissioner Wichern asks that if state law doesn't prohibit from soliciting compliance, like sending a letter. Letting them know the rules in the area, to simply inform them that this is the process of becoming compliant. Mr. Erikson states there is nothing in the code that would prevent that. Mr. Perkes states that this is a good question and several communities in the state of Utah are already

gone down the route of a third party enforcement option, they find rental listings, addresses and mail out the notices on how to become compliant, or that the area that they are in are not allowed. There are a lot of cases out there where they've already started doing that. They haven't found state requirements as a hindrance to taking that approach.

Commissioner Favero states that concerning licensing in the discussion with the Commissioners, is there a bias for or against the licensing? Mr. Perkes states that in their discussion licensing they have always been in favor of licensing. Even in the areas where they are allowed. There are already a lot of rentals that are operating but simply haven't gone through to get a business license. He states that they might need to be actively engaged and let them know how to get licensed. Having them licensed would help track data and do some audits, and it would help with tax collection. Most communities that have addressed the topic short term rentals have had to grapple with how to enforce and what can be seen every ordinance, there's authorized records representative or designated individual who is tied to a property who's renting in the year they serve as an augmented enforcement arm. For a person who is operating your short term rental, they're required to designate an authorized representative who's available at all hours of the night to respond to any concerns or complaints on the property. Third-party enforcement companies also offer that augmentation they have hotlines and they can track the complaints routed to a particular authorized representative for a property, who reaches out to their tenant to address the complaints. The Planning Division has a single code enforcement officer. He asks how to get one person to enforce all the rentals. He states that it cannot be done by one person it needs to be augmented. He asks can they have the licensed properties designate somebody who is also working to enforce? They could also have a third party company that is paid for their services through licensing fees through the actual renters themselves not through the public dollar to augment our, our ability to enforce and most, communities have gone that route. They've had a third party enforcement company they've designated these authorized representatives between those three layers were able to get 24/7 coverage.

Commissioner Favero asks if there is any benefit to working with Ogden city or other municipalities to have one service might be some advantages to that on one contract versus multiple contracts to save some money. Mr. Perkes states that they have seen as they do the research looking at pocket areas like Colorado, with various communities, when we started reading one ordinance, have partnered with the same enforcement company as the other communities in the area. They have come into the fold. They set up a single hotline phone number single website for complaints so whether you're in the unincorporated area or incorporated areas in there is one number to call and a voicemail method.

Director Grover states that this is one thing they may want to think about doing is, if the County does decide to go with a third party who may be working with Ogden City because it's not working for the city with all their code enforcement officers, they want to hire a third party it might be good to go in together with them. Mr. Perkes states that it might help, there could be some cost savings or some economies of scale. Looking at communities that did not choose to go with a third party route. They staffed up either their Planning Department or their Community Development Department or the code enforcement person whomever this enforcement was filed under. They staffed up, some communities set up an entire department for short term rental management, licensing, complaint resolution, complaint tracking, and more. Some communities kept it like Ogden City where they said well here's the ordinance we're going to continue to use our current code enforcement. With this, the ordinance falls on deaf ears and nothing happens. Those are the three approaches, enforce it and hope for the best, staff up and enforce on your own, or augment by going to the third party enforcement.

Commissioner Favero asks from a dollars and cents standpoint is there enough in licensing fees and potential fines and taxes, to be able to staff up like that. Director Grover states that one thing he is looking at right now the possibility of getting another Code Enforcement Officer, this year. He notes that it is a bit of a push with the budget. He notes that if they could get another Code Enforcement Officer it might not be sufficient it might be sufficient to manage a third party, but it wouldn't be sufficient to enforce. He notes that it might be sufficient to manage the third party. Mr. Perkes states that even if the Planning Division had an additional Code Enforcement Officer someone would have to be on call with a cell phone or some sort of communication at all hours of the day. With just one extra code enforcement officer that would be challenging the best. There are economies of scale and some things

to be learned by looking at various areas and how they've banded together with other cities or counties to make it as simple seamless as possible for the process for the residents.

Mr. Perkes continues to go through the information listed in the Regulation Research Matrix.

Mr. Perkes asks if there are any questions or points that ought to be discussed.

Commissioner Wichern states that she disagrees that there is no authority to limit the short term rentals. She notes that she is not sure how advantageous it would be for the community to prohibit that. If they are allowed there are some concerns, they would need to make sure that a short term rental property can generate enough in fees to cover whatever regulation and type of enforcement are used. She adds that they need to make sure that they are not requiring the rest of the community to subsidize the short term rentals and make sure that it is the renters that are paying those fees. The regulation should be paid by the fees and taxes generated by the properties. She states that looking at Sun Valley Idaho it is very expensive to live there and it is getting to the point where the people who live and work in Sun Valley can no longer afford to live in Sun Valley and they are having a commute to get to their jobs. There is no restriction to regulate and to prevent that. She asks how this issue can be addressed. She asks can HOA's in a certain area be made retroactive in existing communities and possibly regulate that themselves. Director Grover states that the legal department is looking into whether or not they can limit the areas where they can and cannot have short-term rentals. There is no determination on that at this time. Concerning the HOA's they can make things more restrictive it would require a vote to change the laws. Mr. Erikson states that he agrees that there was some discussion about the applicability and scope of the house bill. Concerning the HOA question and whether it can be influenced retroactively and voluntarily by the members of the community this is something he is not sure about. He notes that he has only seen it when it was already in existence or when it was newly formed. This will need to be looked at unless somebody already has the answer. He adds that he would be happy to look into this. Mr. Perkes notes that the could get a group of neighbors to make an HOA and set the boundary. Commissioner Favero states that he just wants to make sure that a group of neighbors doesn't get together and decide they all want to be in the short term rental business. It should be designated per a certain amount of households. He states that he would hate to see a whole street that is nothing but short term rentals. There might as well just be a hotel there. If the houses change hands and people want to live there full time, this could create a problem with them relinquishing any control.

Mr. Perkes states that another issue was quotas, and setting caps on the numbers of licenses being issued. The cap would be based on a percentage and wouldn't increase unless there are additional homes added. From a community character perspective, it does try to midgate entire neighborhoods from becoming short term rentals with absentee owners. Second homeowners are not members of the community. Director Grover states that looking at Ogden City they allow one short term rental per linear block. Mr. Perkes states that Ogden City allows for 2 types of licenses, Owner Occupied Short Term Rental, and a Vacant Owner Short Term Rental. An owner-occupied operates as a bed and breakfast without the food component. Most communities do not do that, this was unique to Ogden City they separated those two designations of licensing.

Commissioner Favero states that it will be interesting to get input on this on the Ogden Valley, this is more prevalent there. Their knowledge on that might answer some of the questions that Western Weber might have. Mr. Perkes notes that it is primarily in Ogden Valley, but it does occur in Western Weber as well. He notes that it would be good to have some sort of regulation in the book that is enforceable for Western Weber. Commissioner Favero agrees and states that he is sure they have more experience and can share some insight into Western Weber.

Chair Edwards asks if there are any further questions. Commissioner Nilson states that he would like to thank Scott, that was a very good presentation and very helpful.

Mr. Perkes notes that Planning Staff will be taking a trip to Colorado, to some of the resort areas. Many of these communities have been using the third party, and it would be good to get some insight from their staff. He asks if there is anything that Planning Commissioners would like staff to look at. Commissioner Favero states that he is interested in a distancing formula.

Commissioner Andreotti states if the goal is going to have short term rental the noise level should not be any more than it would be in a normal neighborhood. He is okay with some sort of taxation, it should pay its way and not get any public money. He asks if there is a timeline to get this ready for motion. Director Grover states that staff is hoping to get it to the Ogden Valley on September 22nd and back to Western Weber on October 13th.

Adjournment: 6:50 PM

Respectfully submitted,

Marta Borchert

DRAFT



Staff Report to the Western Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on final approval of Bridger Butler Subdivision consisting of 4 lots.
Type of Decision:	Administrative
Agenda Date:	Tuesday, September 15, 2020
Applicant:	Jeff Butler, Owner
File Number:	LVB112219

Property Information

Approximate Address:	2843 S 4700 W, Taylor, UT, 84401
Project Area:	5.109 acres
Zoning:	Agricultural (A-1)
Existing Land Use:	Residential/Agriculture
Proposed Land Use:	Residential
Parcel ID:	15-086-0030, 15-086-0031
Township, Range, Section:	T6N, R2W, Section 32 NW

Adjacent Land Use

North:	Residential	South:	Agriculture
East:	4700 West St/Residential	West:	Agriculture

Staff Information

Report Presenter:	Scott Perkes sperkes@co.weber.ut.us
Report Reviewer:	SB

Applicable Land Use Codes

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

Background and Summary

The applicant is requesting final approval of Bridger Butler Subdivision consisting of one existing, and three new lots, located at approximately 2843 S 4700 W in the A-1 Zone. Access for each of the four lots is provided via a 30-foot private access easement that was recently approved under file AAE 2020-01. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of one acre single family residential development in the area (2003 West Central Weber County General Plan, Residential Uses, Page 1-4).

Zoning: As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-1 zone standards in LUC § 104-5. The subject property is located in the A-1 Zone. Single-family dwellings are a permitted use in the A-1 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-1 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. The area and width of each of the four lots within the subdivision equal or exceed the minimum requirements for the zone.

Streets and rights-of-way: The proposed subdivision will not create any new public streets. Due to limited frontage along 4700 West St., access to each of the four lots is being provided by a 30-foot wide private access easement as approved by Alternative Access Exemption file AAE 2020-01. As part of this approved Alternative Access Exemption application, staff worked with the applicant in an attempt to secure additional frontage along 4700 West St. from the property owner to the south (Utah Power and Light). These efforts failed as UPL was not interested in any type of land swap or right-of-way dedication scenario at this time (see Exhibit D for a letter from UPL stating their position). This limited frontage was part of

the consideration that lead to the approval of an alternative access exemption. However, in an effort to ensure sufficient building setbacks on the created lots, a 66-foot right-of-way line to accommodate a future public street has been added to the plat. This will allow the county to continue working with Utah Power and Light to possibly secure the additional frontage on 4700 West necessary to develop a full county standard public street in the future if needed and desired. This right-of-way depiction has been required as part of the final platting of this proposed subdivision and will ensure that homes built on the newly created lots are compliant with setbacks from a potential future public street should it ever convert from an access easement.

Additionally, the proposed subdivision will dedicate a small strip of right-of-way along its frontage with 4700 West St. to complete a 55' right-of-way width to centerline.

A letter from UDOT has been submitted verifying UDOT approval of access being taken off of 4700 West St.

Culinary water and sanitary sewage disposal: Taylor West Weber Water has given Feasibility and preliminary approval for culinary water services for three lots. Lot #1 of this subdivision has an existing home, and is already connected to culinary water. Hooper Irrigation has provided a will-serve letter for secondary water to be provided to all four lots. Lot #1 is connected to an existing onsite waste water system. Each of the three new lots will be connected to individual on-site waste water systems as well. The Weber Morgan Health Department has conducted percolation testing and have issued a feasibility letter for these new systems.

Review Agencies: All review agency requirements must be addressed and completed prior to the final plat mylar being recorded with the Records Office.

Tax Clearance: There are no outstanding tax payments related to the subject property. The 2020 property taxes are not considered due at this time, but will become due in full on November 30, 2020.

Public Notice: A notice was mailed not less than seven calendar days before the first public meeting held to grant preliminary approval of this project. This notice was sent to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC § 106-1-6.

Staff Recommendation

Staff recommends final approval of the Bridger Butler Subdivision consisting of four lots, located at approximately 2843 S 4700 W, in Taylor, UT. This recommendation is subject to all review agency requirements, and the following conditions:

1. Resolution to the three existing boundary line discrepancies identified in the submitted title report will be required simultaneously with the recording of the final plat.
2. Prior to recording the final plat, final improvement plans will need to be reviewed and approved by the County Engineer.
3. Prior to recording the final plat, approved improvements will either need to be installed or a financial guarantee will need to be approved and submitted. Should the applicant desire to submit a financial guarantee for improvements that exceed \$25,000, such a guarantee will need to be approved by the County Commission.
4. Prior to recording the final plat, the proposed right-of-way dedication will need to be approved and accepted by the County Commission.
5. Application review fees were collected based on a 3 lot subdivision. However, with the subdivision consisting of 4 lots, additional review fees will need to be submitted in the amount of \$75.00 (\$25.00 Planning, \$25.00 Engineering, & \$25.00 Surveying).
6. At the time the final plat is recorded, the owner will also be required to record the following agreements or covenants:
 - a. Declaration of Deed Covenant Concerning Provision of Irrigation Water
 - b. Onsite Wastewater Disposal Systems Deed Covenant and Restriction
 - c. Deferral of Public Improvements Agreement for curb, gutter, and sidewalk along the subdivision's frontage of 4700 West
 - d. Alternative Access Equitable Servitude and Covenant
7. Final approval letters from Taylor-West Weber Water and Hooper Irrigation will need to be submitted prior to recording the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision application
- B. Proposed Final Subdivision plat
- C. Will-serve & feasibility letters
- D. Utah Power & Light Letter

Area Map

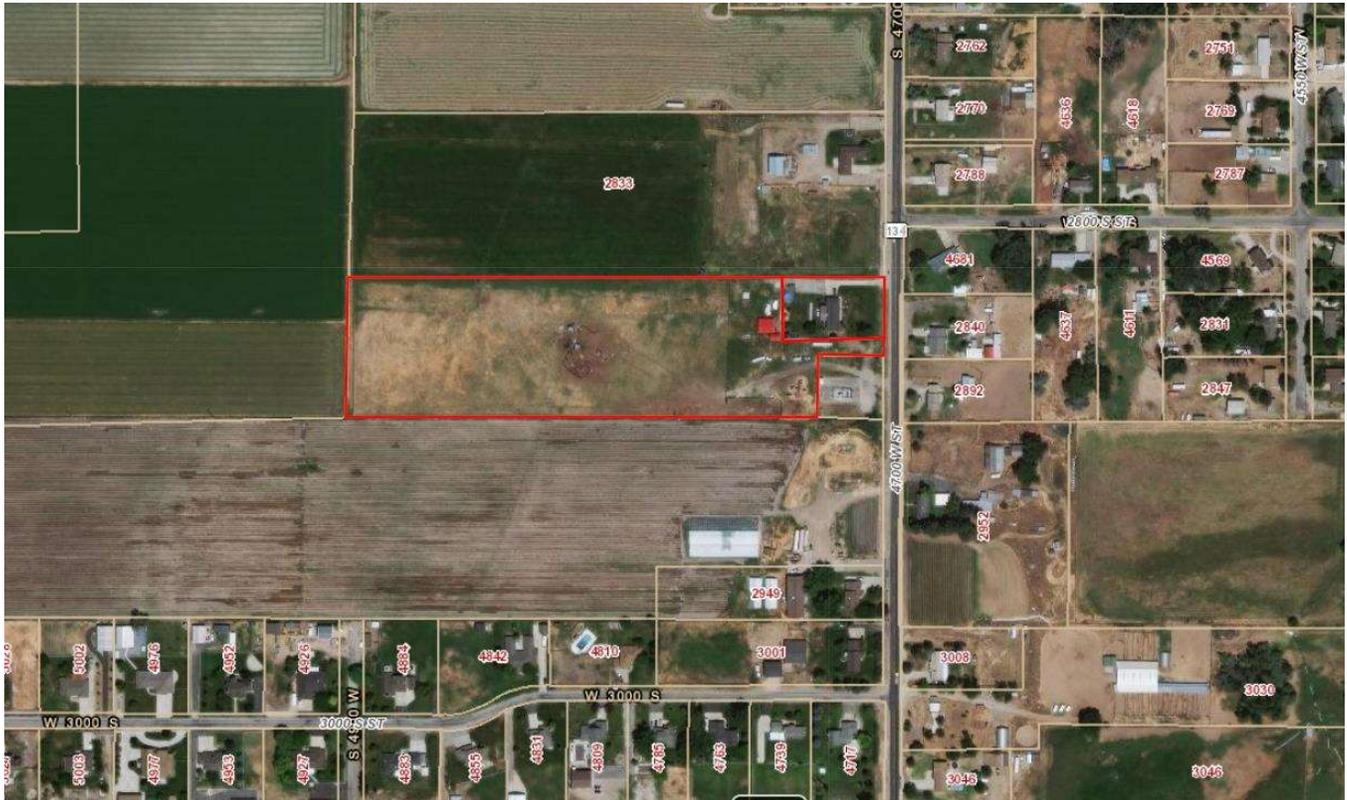


Exhibit A – Subdivision Application

Weber County Subdivision Application			
All subdivisions submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401.			
Date Submitted / Completed 11/19/19	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Subdivision and Property Information			
Subdivision Name Butler			Number of Lots 3
Approximate Address 284350 4700w Taylor		Land Serial Number(s) 150840030	
Current Zoning A-1	Total Acreage 8.91		
Culinary Water Provider Taylor West Weber	Secondary Water Provider Taylor West Weber?	Wastewater Treatment Septic	
Property Owner Contact Information			
Name of Property Owner(s) Jeff + Lisa Butler		Mailing Address of Property Owner(s) 284350 4700w Ogden UT 84401	
Phone 801 648-3002	Fax		
Email Address butteryardcare@yahoo.com		Preferred Method of Written Correspondence <input checked="" type="radio"/> Email <input type="radio"/> Fax <input type="radio"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Lisa Butler		Mailing Address of Authorized Person 284350 4700w Ogden UT 84401	
Phone 801 648-3002	Fax		
Email Address butteryardcare@yahoo.com		Preferred Method of Written Correspondence <input checked="" type="radio"/> Email <input type="radio"/> Fax <input type="radio"/> Mail	
Surveyor/Engineer Contact Information			
Name or Company of Surveyor/Engineer Reeves + Associates		Mailing Address of Surveyor/Engineer See plans	
Phone	Fax		
Email Address		Preferred Method of Written Correspondence Email Fax Mail	
Property Owner Affidavit			
I (We), <u>LISA BUTLER</u> , 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. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.			
<u>Lisa Butler</u> (Property Owner)		 (Property Owner)	
Subscribed and sworn to me this <u>19</u> day of <u>Nov</u> , 20 <u>19</u>			
			

BRIDGER BUTLER SUBDIVISION

PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY
WEBER COUNTY, UTAH
JUNE, 2020



VICINITY MAP
SCALE: NONE

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE NORTH QUARTER CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION 32, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. SHOWN HEREON AS: S00°34'18"W

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THE BELOW DESCRIBED PROPERTY INTO FOUR LOTS WITH A REMAINDER PARCEL. THE BOUNDARY WAS ESTABLISHED BY DEED AND FOUND SECTION CORNERS AS SHOWN HEREON. ALL BOUNDARY AND LOT CORNERS TO BE SET WITH A 5/8" X 24" REBAR AND RED PLASTIC CAP STAMPED "REEVE & ASSOCIATES".

BOUNDARY DESCRIPTION

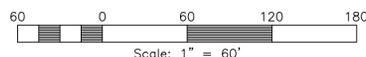
PART OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S00°34'18"W 2293.38 FEET AND N89°25'42"W 9.11 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 32; THENCE S00°49'03"W 196.40 FEET; THENCE N89°25'42"W 180.87 FEET; THENCE S00°54'14"W 149.32 FEET TO AN EXISTING FENCE LINE; THENCE N89°10'57"W ALONG SAID EXISTING FENCE LINE, 595.54 FEET; THENCE N00°34'18"E 199.19 FEET; THENCE S89°25'42"E 134.23 FEET; THENCE N00°34'18"E 146.74 FEET TO AN EXISTING FENCE LINE; THENCE S89°10'57"E ALONG SAID FENCE LINE, 643.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 222,530 SQUARE FEET OR 5.109 ACRES MORE OR LESS.

LEGEND

- ◆ = SECTION CORNER
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- ⊕ PIT # = EXPLORATION PIT LOCATION
- = BOUNDARY LINE
- - - = LOT LINE
- x - x - = EXISTING FENCE
- - - - - = SECTION TIE LINE
- - - - - = ADJOINING PROPERTY LINE
- - - - - = EASEMENT LINE
- [Hatched Box] = EXISTING STRUCTURE
- [Solid Box] = EXISTING STRUCTURE



MONUMENT DETAIL 1
(NOT TO SCALE)

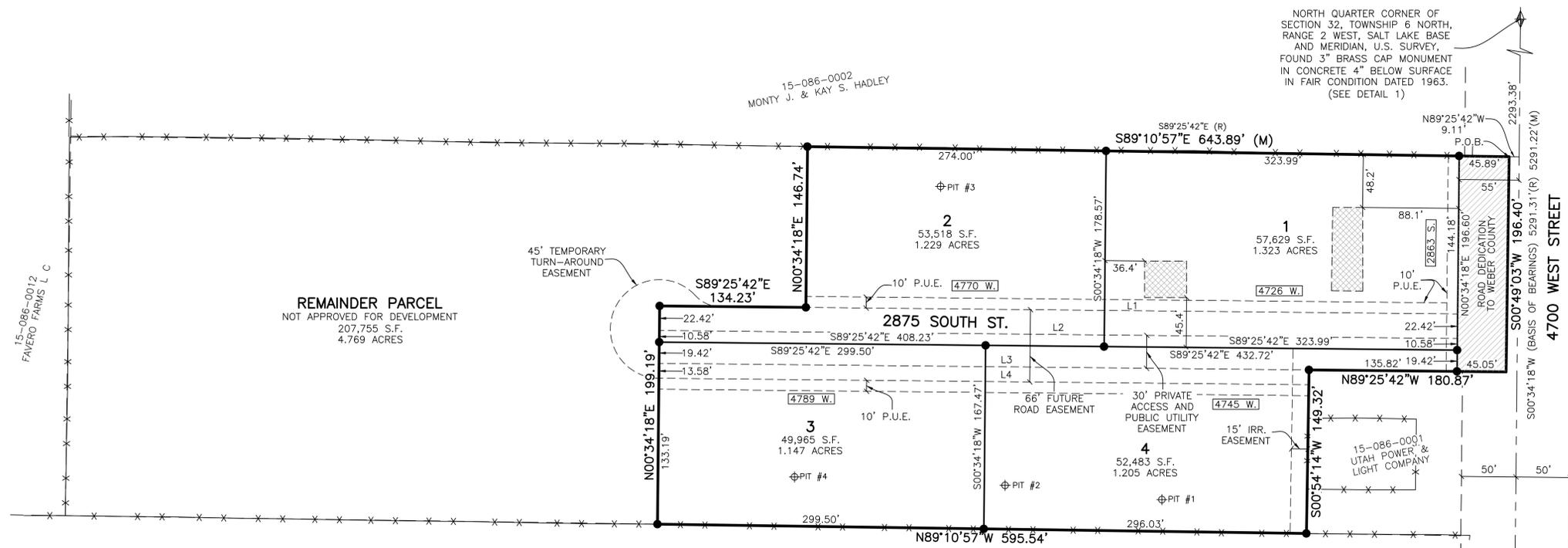
MONUMENT DETAIL 2
(NOT TO SCALE)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°25'42"E	597.99'
L2	S89°25'42"E	732.22'
L3	S89°25'42"E	596.40'
L4	S89°25'42"E	596.32'

DEVELOPER

JEFF BUTLER
2843 S. 4700 W.
TAYLOR, UT 84401
801-710-9568



REMAINDER PARCEL
NOT APPROVED FOR DEVELOPMENT
207,755 S.F.
4.769 ACRES

NOTE

AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURAL ZONES. AGRICULTURAL OPERATIONS AS SPECIFIED IN THE LAND USE CODE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURAL USE SHALL BE SUBJECT TO RESTRICTION ON THE BASIS THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT **BRIDGER BUTLER SUBDIVISION**, AND DO HEREBY DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS AND ALSO DO DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO DO GRANT A TEMPORARY TURN AROUND EASEMENT AS SHOWN HEREON TO BE USED BY THE PUBLIC UNTIL SUCH TIME THAT THE ROAD IS EXTENDED, THE TEMPORARY TURN AROUND EASEMENT SHALL BE REVOKED AND NULLIFIED AT THE EVENT OF THE EXTENSION OF THE ROAD WITHOUT FURTHER WRITTEN DOCUMENT AND THE ENCUMBERED LAND WITHIN THE AFFECTED LOTS SHALL BE RELEASED FOR THE FULL AND EXCLUSIVE USE AND BENEFIT OF THE LOT OWNERS AND DO HEREBY GRANT A 30' PRIVATE ACCESS EASEMENT TO THE INDIVIDUAL LOT OWNERS TO BE OWNED AND MAINTAINED BY THE SAME AND DO HEREBY GRANT A 66' FUTURE ROAD EASEMENT TO WEBER COUNTY TO BE USED FOR A FUTURE ROAD AND TO BE OWNED AND MAINTAINED BY THE INDIVIDUAL LOT OWNERS.

SIGNED THIS _____ DAY OF _____, 20____.

JEFF BUTLER AND LISA BUTLER

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF _____)
ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ OF SAID LIMITED LIABILITY COMPANY AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES _____ NOTARY PUBLIC _____

EXPLORATION PIT DATA

- EXPLORATION PIT #1** - (UTM ZONE 12 NAD 83 0408282 E 4562964 N)
0-18" LOAM, GRANULAR STRUCTURE, 5% FINE GRAVEL
17-48" SANDY LOAM, MASSIVE STRUCTURE
18-44" SANDY LOAM, MASSIVE STRUCTURE
44-68" SANDY LOAM, MANY MOTTLES THROUGHOUT @ 45 INCHES GROUND WATER @ 68"
- EXPLORATION PIT #2** - (UTM ZONE 12 NAD 83 0408240 E 4522966 N)
0-08" LOAM, GRANULAR STRUCTURE
11-29" SANDY LOAM, MASSIVE STRUCTURE
29-65" SANDY LOAM, HORIZON AS IS LIGHT GRAY TO WHITE INDICATING SATURATED CONDITIONS.
63-73" SANDY LOAM, MOTTLING @ 64 INCHES GROUND WATER @ 73"
- EXPLORATION PIT #3** - (UTM ZONE 12 NAD 83 0408222 E 4563049 N)
0-16" LOAM, GRANULAR STRUCTURE
17-48" SANDY LOAM, MASSIVE STRUCTURE
48-72" SANDY LOAM, MOTTLING @ 60 INCHES GROUND WATER @ 71"
- EXPLORATION PIT #4** - (UTM ZONE 12 NAD 83 0408181 E 4562972 N)
0-11" LOAM, GRANULAR STRUCTURE
11-29" SANDY LOAM, MASSIVE STRUCTURE
29-65" SANDY LOAM, HORIZON AS IS LIGHT GRAY TO WHITE INDICATING SATURATED CONDITIONS.
THE SOIL WAS EVALUATED IN EARLY SPRINGS SOIL WERE WET AT TIME OF EVALUATION



Project Info.
Surveyor: T. HATCH
Designer: N. ANDERSON
Begin Date: 6-25-2020
Name: BRIDGER BUTLER SUBDIVISION
Number: 6403-01
Scale: 1"=60'

WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION. SIGNED THIS _____ DAY OF _____, 20____.

CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS. SIGNED THIS _____ DAY OF _____, 20____.

WEBER COUNTY ENGINEER

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WORKS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH. SIGNED THIS _____ DAY OF _____, 20____.

CHAIRMAN, WEBER COUNTY COMMISSION

ATTEST

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH. SIGNED THIS _____ DAY OF _____, 20____.

WEBER COUNTY SURVEYOR

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT. SIGNED THIS _____ DAY OF _____, 20____.

WEBER COUNTY ATTORNEY

WEBER-MORGAN HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS. SIGNED THIS _____ DAY OF _____, 20____.

WEBER-MORGAN HEALTH DEPARTMENT

Weber County Recorder

Entry No. _____ Fee Paid _____
And Recorded, _____
At _____ in Book _____
Of The Official Records, Page _____
Recorded For: _____

Weber County Recorder
Deputy.

TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT

2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
OCTOBER 4, 2019

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***preliminary*** approval has been given and the District has the capacity to provide culinary water only for three lots at the proposed Butler Subdivision the approximate address is 2843 S 4700 W Taylor, Utah.

Requirements:

- *Water rights fee = (\$4,363 per lot or current cost when paid) Must be paid prior to subdivision construction.
- *Secondary water = Must connect to Hooper Irrigation pressurized system.
- *Connection /Impact fees will need to be paid by the lot owner (Impact fee \$5,228 per lot (or current cost when paid).
- *\$375 for each meter connection.
- *\$25 per lot for plan review fees. (\$75 total)

SUBDIVISION PERMITS SHOULD NOT BE ISSUED UNTIL FINAL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER. Final approval is subject to meeting all of the requirements of the District and all fees being paid and received. This letter expires six months from the day it is issued.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.



Ryan Rogers - Manager

Expires 4/4/20



PO Box 184	Phone: (801)985-8429
5375 S 5500 W	Fax: (801)985-3556
Hooper, Utah 84315	hooperirrigationco@msn.com

February 10, 2020

Weber County Planning Commission
2380 Washington Blvd, #240
Ogden, Utah 84401

RE: PRELIMINARY WILL SERVE LETTER – Butler Subdivision

The development is located at 2843 South and 4700 West approximately and consists of 4 lots. Hooper Irrigation Company has pressure irrigation water available for the afore mentioned project located at the above address.

This letter states that the afore named project is in the boundaries of Hooper Irrigation Company. A formal application has been made to our office and the fee for application has been paid.

The subdivision plat plan has been reviewed by Hooper Irrigation. The preliminary plans have been conditionally approved for the above subdivision with some changes possibly needed. The issue will be the private road. Hooper Irrigation does not install secondary water lines along private roads, only public easements. The developer will be responsible to run 8 in lines from the street to the lots in the development and will also be responsible for the maintenance of the lines along the private road. Hooper Irrigation will not maintain lines in a private road. Only this project is in consideration and guaranteed service and the plan review is good only for a period of one year from the date of this letter, if not constructed.

Hooper Irrigation's specifications are available at the Company office.

If you have questions, please call 801-985-8429.

Sincerely,

Michelle Pinkston
Office Manager
Board Secretary



March 24, 2020

Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

RE: Preliminary Subdivision **Determination**
Butler Subdivision, 4 lots
Parcel #15-086-0030
Soil log #14122

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on November 19, 2014 and March 23, 2020. The exploration pit (s) is located at the referenced GPS coordinate and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1, completed November 19, 2014 (UTM Zone 12 Nad 83 0408282 E 4562964 N)
0-18" loam, granular structure, 5% fine gravel
18-44" sandy loam, massive structure,
44-68" sandy loam, many mottles throughout @ 45 inches
Ground water @ 68"

Exploration Pit #2, completed November 19, 2014 (UTM Zone 12 Nad 83 0408240 E 4522966 N)
0-08" loam, granular structure
08-63" sandy loam, massive structure
63-73" sandy loam, mottling @ 64 inches
Ground water @ 73"

Exploration Pit #3, completed November 19, 2014 (UTM Zone 12 Nad 83 0408222 E 4563049 N)
0-16" loam, granular structure
17-48" sandy loam, massive structure
48-72" sandy loam, mottling @ 60 inches
Ground water @ 71"

Exploration Pit #4, completed March 23, 2020 (UTM Zone 12 Nad 83 0436137 E 4569006 N)
0-11" loam, granular structure
11-29" sandy loam, massive structure
29-65" sandy loam, horizon as a is light gray to white indicating saturated conditions. The soil were evaluated in early springs soil were wet at time of evaluation.

Exploration pits should be backfilled immediately upon completion to prevent a hazardous environment that may cause death or injury to people or animals.

DESIGN REQUIREMENTS

Culinary water will be provided by Taylor-West Weber Water Improvement District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit.**

Lot 1: Has an existing home, serviced by an approved onsite wastewater system which was given final approval by this office in June 1972, under permit number W72160.

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org

Lot 2-4; Documented ground water tables not to exceed 12 inches, fall within the range of acceptability for the utilization of a Mound Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.22 gal/sq. ft. /day as required for the sandy loam, massive structure soil horizon.

Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

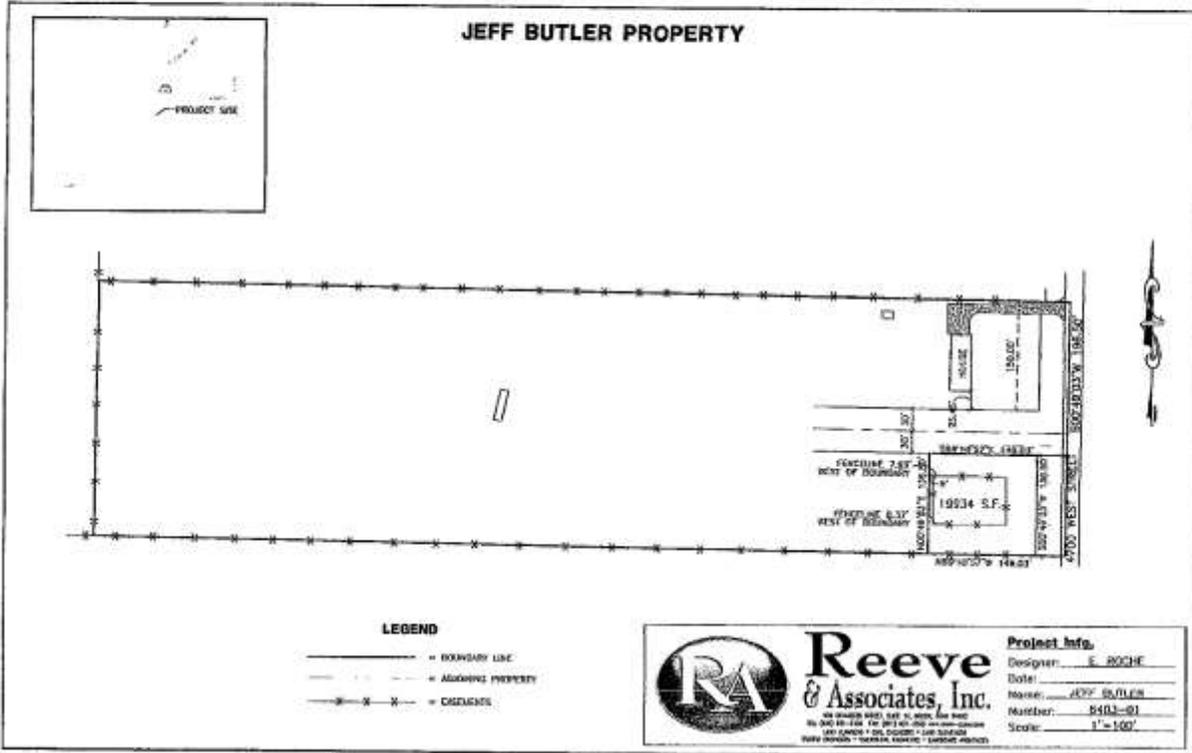
The following items are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,


Summer Day, LEHS III, Program Manager
Environmental Health Division
801-399-7160



After careful review of your request to relocate Rocky Mountain Power's access to the Taylor substation located at 4700 West 2900 South, Weber County Utah, we have determined that the proposed new access will not work for our needs therefore the existing access must remain in place. Please don't hesitate to call should you require any additional information.

Thanks

Mike Wolf

Rocky Mountain Power

Transaction Services

1407 West North Temple, Suite 110

Salt Lake City, Utah 84116

Office: 801 220-2485

Fax: 801 220-4373

mike.wolf@rockymountainpower.net



Proudly serving our customers for 100 years.

SECTION 1:**AMENDMENT** “Sec 101-2-2 A Definitions” of the Weber County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 101-2-2 A Definitions

Abandonment. The term "abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

Abutting. The term "abutting" means having a common border with, or being separated from such a common border by a right-of-way.

Accessory dwelling unit. The term "accessory dwelling unit," also referred to as an "ADU," means a dwelling unit, as defined by this section, that is either attached to the main single-family dwelling or is otherwise located on the same lot or parcel as the main single-family dwelling or an agritourism operation. ~~An accessory dwelling unit is not an accessory apartment, as otherwise defined by this section. Ownership of an accessory dwelling unit shall not be transferred separate from the main single family dwelling to which it is accessory. See also "carriage house."~~

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

Acreage, agri-tourism activity center. The term "agri-tourism activity center acreage" means the land area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism uses/activities. Activity center area consists of that impacted ground lying immediately adjacent to, in between, and within a reasonable distance around each use/activity. Distances greater than 300 feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

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

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 or proposed to be 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.

Acreage, productive agri-tourism. The term "productive agri-tourism acreage" means agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.).

Acreage unsuitable for development. The phrase "acreage unsuitable for development," means the area within a project that has extraordinary circumstances that under existing county, state, or federal laws render development on it very unlikely. The applicant bears the burden to prove an area does not meet this definition.

Agricultural arts center. The term "agricultural arts center" means a facility designed for the purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of concepts related to art, art history, and art theory. It, in a conducive agricultural setting, acts as a venue for the community to experience, appreciate, and consume art in a variety of forms, including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not provide accommodation for nightly farm-stays; however, it may serve meals when served to event participants and/or guests.

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

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with an onsite agricultural use.

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.

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

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

Agro-ecology research and education center (AREC). The term "agro-ecology research and education center (AREC)" means a facility designed for the purpose of providing academic training in the techniques of agro-ecology and sustainable agricultural systems. An AREC conducts (theoretical and applied) research and community outreach while offering academic education, practical experience/training and public service/instruction opportunities for audiences ranging from local school children to international agencies. Such a facility may afford meals and overnight lodging facilities for faculty, staff, and/or students/apprentices.

Airport hazard. The term "airport hazard" means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of an airport, or is otherwise hazardous to such landing, taking off or maneuvering of aircraft.

Alley. The term "alley" means a public thoroughfare less than 26 feet wide.

Animal/veterinary hospital. The term "animal/veterinary hospital" means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.

Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.

~~**Apartments, accessory.** The term "apartments, accessory" means accessory apartments shall have a common wall and roof for at least 20 feet with the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and opens up into the common living space of the main home, can be closed off by a door. The accessory apartment opening into a garage or storage area doesn't meet the intent of the ordinance, and is not permitted. An accessory apartment doesn't constitute a dwelling unit.~~

Appeal authority. The term "appeal authority" means a person, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application or variance.

Automobile recycling (parts dismantling). The term "automobile recycling (parts dismantling)" a process carried out within a completely enclosed building, of systematically disassembling or dismantling automobile vehicles for their component parts which are cleaned, refurbished, catalogued, and shelf stored as inventory for the purpose of resale. It includes the storage, both inside and outside the building, of not more than 40 disused or damaged vehicles awaiting movement to within the building for disassembly. The process also includes the immediate removal from the site of the vehicle body hulk and other waste material.

Automobile repair/auto body shop (nonmechanical). The term "automobile repair/auto body shop (nonmechanical)" means any building, structure or premises used for the external/non-mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of external body repairs and/or painting of automotive vehicles within an enclosed structure.

Automobile repair shop (mechanical). The term "automobile repair shop (mechanical)" means any building, structure or premises used for the mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of mechanical repairs of automotive vehicles within an enclosed structure.

Automobile service station. The term "automobile service station" means any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing, of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for which all work takes place within an enclosed building or structure, but excluding body and fender work, engine overhauling, painting, welding, storage of autos not in operating condition, or other work involving the creation of a nuisance to adjacent property.

Average percent of slope. The term "average percent of slope" means the average percent of the slope of terrain of a given area. It shall be calculated as follows: $(0.00229 \times I \times L) / A = S$, where "S" is the average percent of slope, "I" is the contour interval in feet, "L" is the combined length of all contours within the given area in feet, and "A" is the acreage of the given area. As may be approved by the county engineer, alternative methods of calculating the average percent of slope are permissible provided the calculations render similar results and address the entire given area.

SECTION 2: AMENDMENT "Sec 101-2-4 C Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-4 C Definitions

Cabaret/nightclub. The term "cabaret/nightclub" means a business establishment open to public patronage where food and drink is prepared, served or offered for sale or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts, and where the patrons may or may not dance.

Campground. The term "campground" means a private, public or semi-public open area with sanitary facilities for overnight camping and may include the parking of camping trailers, tent trailers or other vehicle types intended for camping purposes.

~~**Carriage house.** The term "carriage house" means an accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The carriage house may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, a carriage house may not, by any means, be sold separately from the main house. The right to construct a carriage house does not constitute a transferable development right. See also Accessory dwelling unit.~~

Cemetery. The term "cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

Church. The term "church" means a permanently located building or structure, together with its accessory buildings commonly used for religious worship. A church is not a "public building."

Clinic, medical/dental. The term "clinic, medical/dental" means a building wherein a staff of one or more doctors and/or medical staff conducts the examination and treatment of out-patients, excluding the performance of surgical procedures which require overnight stays.

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

Cluster of residential lots. The phrase "cluster of residential lots" means a grouping of residential lots, as provided title 108 chapter 3 of this Land Use Code, that are contiguous and uninterrupted by other nonresidential parcels except parcels required for a street and other allowed access or as otherwise allowed by this Land Use Code.

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

Commercial use. The term "commercial use" means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Common open space. See Open space, common.

Community center. The term "community center" means a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Compatible. The term "compatible" means capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

Complete street. The term "complete street" means a transportation facility that is planned, designed, operated, and maintained to provide safe, convenient, and inviting mobility for all users of the facility, including pedestrians, bicyclists, transit vehicles, and motorists.

Conditional use. See Use, conditional.

Condominium. The term "condominium" means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Condominium dwelling unit. The term "condominium dwelling unit" means an individual living/dwelling unit located within a residential condominium project.

Condominium project. The term "condominium project" means a real estate condominium project, a plan or project whereby two or more units, whether contained existing or proposed apartment, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered, for sale. The term "condominium project" shall also mean the property where the context so requires.

Condominium rental apartment (condo-tel). The term "condominium rental apartment (condo-tel)" means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit.

Condominium unit means a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a unit in accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).

Conference/education center. The term "conference/education center" means a facility designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. A conference/education center may provide office facilities and schedule a range of business related and/or leisure activities (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and offer day use and/or overnight lodging facilities.

Conservation easement. The term "conservation easement" means: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses.

Convalescent home. The term "convalescent home" means a facility for the care of children, the aged, infirm, or convalescent of any age. See also Nursing home.

Convenience store. The term "convenience store" means any retail establishment offering for sale prepackaged food products, household items, and other goods which are commonly associated, may be in conjunction with gasoline sales, and having a gross floor area of less than 5,000 square feet.

Corral. The term "corral" means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.

Cost benefit analysis (CBA). The term "cost benefit analysis" (CBA) means a formal discipline used to help appraise, assess, or evaluate the desirability of a project or proposal. The CBA shall itemize, quantify, consider and weigh the total expected (tangible and intangible) costs against the total expected (tangible and intangible) benefits of one or more actions in order to demonstrate the viability, efficiency and compatibility of a particular proposal.

County health officer. The term "county health officer" means the administrative and executive officer of the county health department and local registrar of vital statistics or his duly authorized representatives.

Cross-access. The term "cross-access" means a logical, convenient, and safe two-way vehicle and pedestrian ingress and egress between a lot or parcel and an adjoining lot or parcel.

Cross-access easement. The term "cross-access easement" means an easement for the purpose of cross-access on a lot or parcel that contains or will contain a cross-access.

Cul-de-sac The term "cul-de-sac" means a minor terminal street provided with a turnaround.

Custom exempt meat cutting. The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

SECTION 3: AMENDMENT "Sec 101-2-5 D Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-5 D Definitions

Dairy. The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

Dark sky. The term "dark sky" means a nighttime sky that is substantially free of interference from artificial light.

Day care. The term "day care" means the supervision of children, unaccompanied by parent or guardian, or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term "day care" is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

Day care (adult) facility. The term "day care (adult) facility" means any building or structure used for the purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or emotionally disabled adults for periods of less than eight hours per day.

Day care (child) center. The term "day care (child) center" means a building or structure, other than an occupied residence, where care, protection and supervision are provided.

Day care (child) home. The term "day care (child) home" means an occupied residence where care, protection, and supervision are provided to no more than eight children at one time, including the caregiver's children under six years of age.

Density, base. The term "base density" means the number of dwelling units allowed in an area. For development types that permit a reduced lot area than otherwise provided by the zone, the base density shall be calculated as the net developable acreage, as defined herein, divided by the minimum lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used. This calculation can be observed by this formula: $((\text{net developable acreage}) / (\text{minimum lot area})) = \text{base dwelling unit density}$. The result shall be rounded down to the nearest whole dwelling unit.

Detached lockout. In the Ogden Valley Destination and Recreation Resort Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A detached lockout is accessory to the main use and shall not be sold independently from the main unit. Unless specifically addressed in the development agreement for the specific Ogden Valley Destination and [Recreation] Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density on a parcel of land.

Development. The term "development" means all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development master plan. The term "development master plan" means a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include planned residential unit development, clustered subdivision and planned commercial development.

Distillery. The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound, process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to others.

Duplex. See "dwelling, two family."

Dwelling. The term "dwelling" means a building or portion thereof, which is constructed in compliance with the county's adopted building codes and designed as a place for human habitation, except hotel, apartment hotel, boardinghouse, lodginghouse, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The term "dwelling" shall include manufactured home and modular home when the requirements of title 108, chapter 14 are met.

Dwelling, group. The term "dwelling, group" means two or more dwellings arranged around a court.

Dwelling, multiple-family. The term "~~dwelling~~, multiple-family dwelling" means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels, but not including tourist courts.

Dwelling, single-family. The term "~~dwelling~~, single-family dwelling" means a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit, unless specified otherwise by this Land Use Code.

Dwelling, two-family (duplex). The term "~~dwelling~~, two-family dwelling (duplex)" also referred to as a "duplex," means a building arranged or designed to be occupied by two families, the structure having only two dwelling units with approximately the same floor area.

Dwelling unit. The term "dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

SECTION 4: AMENDMENT "Sec 104-3-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-3-2 Permitted Uses

The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture and agricultural experiment station;
- (d) Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot;
- (e) Church, synagogue or similar building used for regular religious worship;
- (f) Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code;
- (g) Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line;
- (h) Golf course, except miniature golf;
- (i) Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation;
- (j) Home occupations;
- (k) Household pets;
- (l) Parking lot accessory to use permitted in this zone;
- (m) Private stables; horses for private use only, and provided that not more than one horse may be kept for each one-half acre of land used for horses within any lot and no horses shall be kept on any lot of less than one-half acre in area;
- (n) Public building; public park, recreation grounds and associated buildings, public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools;
- (o) Single-family dwelling; and
- (p) Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

(Ord. of 1956, § 3-2; Ord. No. 7-76; Ord. No. 28-82; Ord. No. 14-92; Ord. No. 9-93; Ord. No. 96-35; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No 2011-2, § 3-2, 1-18-2011; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 5: AMENDMENT “Sec 104-5-3 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-5-3 Permitted Uses

The following uses are permitted in Agriculture Zone A-1:

- (a) Accessory building incidental to the use of a main building; main building designed or

used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse, and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (p) Private stables; horses for private use only, provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Sugar beet loading or collection station.
- (v) Temporary buildings or use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5-2; Ord. No. 7-76; Ord. No. 12-91; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 6: AMENDMENT “Sec 104-6-3 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-6-3 Permitted Uses

The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets which do not constitute a kennel.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only and provided that not more than two horses may be kept for each 20,000 square feet of area devoted exclusively to the keeping of the horses.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5B-2; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 7: **AMENDMENT** “Sec 104-8-3 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-8-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station, apiary; aviary.
- (d) Animals or fowl kept for food production as an accessory use; animal hospital or clinic, dog breeding, dog kennel, dog training school, provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (e) Cemetery, chinchilla raising, convalescent or rest home.
- (f) Church, synagogue, or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (h) Corral, stable, or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only, and provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building, public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Single-family dwelling.
- (s) Sugar beet loading or collection station and dump sites.
- (t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 7-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 8: AMENDMENT “Sec 104-9-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-9-2 Permitted Uses

The following uses are permitted in Forest Zones F-5, F-10, and F-40:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.
- (e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to the animal. The keeping of animals and fowl for family food production. Golf course, except miniature golf courses.
- (f) Home occupations.
- (g) Household pets.
- (h) Private stables, not to exceed one horse per acre.
- (i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County; public buildings.
- (j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less than 180 days for recreational use only and not for longer term placement nor for full time living. The following additional conditions shall apply:
 - (1) The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this chapter.
 - (2) County environmental health department approval as to waste disposal by an approved septic tank and drain field with approved connection to the R.V., and a land use permit from the county planning commission for each unit, which shall expire after 180 days from date of issue, and including only the following accessory uses: not more than one storage shed of not more than 200 square feet per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and tent type screens.
 - (3) A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or parcel as qualified in subsection (f)(2) of this section containing a minimum area of two acres excluding land known as common land and/or open space.
 - (4) The following state and local division of health codes and requirements are complied with:
 - a. International Utah Plumbing Code.
 - b. Rules and regulations relating to public water supplies.
 - c. Code of Waste Disposal Regulations.
 - d. Code of Solid Waste Disposal Regulations.

- e. Recreation regulations.
- (k) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley area. ~~Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
- (l) Single-family residences. ~~Facilities for persons with a disability meeting the requirements of section 108-7-13. Private stables, not to exceed one horse per acre. Household pets.~~

(Ord. of 1956, § 8-2; Ord. No. 96-35; Ord. No. 99-21; Ord. No. 2001-4; Ord. No. 2003-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2014-14, 5-20-2014; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 9: AMENDMENT “Sec 104-10-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-10-2 Permitted Uses

The following uses are permitted in the

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, grazing and pasturing of animals.
- (d) Boating.
- (e) Cemeteries.
- (f) Fishing.
- (g) Golf courses, excluding miniature golf courses.
- (h) Home occupations.
- (i) Keeping of animals and fowl for family food production.
- (j) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County. Public buildings
- (k) Single-family dwelling. Signs.
- (l) Water skiing and other water recreation activities.

(Ord. of 1956, § 9A-1; Ord. No. 6-61; Ord. No. 10-73B; Ord. No. 96-35; Ord. No. 98-3; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 10: **AMENDMENT** “Sec 104-12-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-12-2 Permitted Uses

The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Church, synagogue or similar building used for regular religious worship.
- (e) Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse, for private use only.
- (i) Home occupations.
- (j) Household pets, which do not constitute a kennel.
- (k) Parking lot accessory to uses permitted in this zone.
- (l) Public building, public park, recreation grounds and associated buildings.
- (m) Single-family dwelling.
- (n) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (o) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 10-2; Ord. No. 96-35; Ord. No. 99-25; Ord. No. 2006-24; Ord. No. 2009-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 11: **AMENDMENT** “Sec 104-13-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-13-2 Permitted Uses

The following uses are permitted in the Forest Residential Zone FR-1:

- (a) Accessory building incidental to the use of a main building; main building designed or

used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

(b) Accessory dwelling unit, in compliance with Chapter 108-19.

- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line, 40 feet from the residence and 75 from the nearest adjacent residence.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land - exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 99-23; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 12: **AMENDMENT** “Sec 104-14-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-14-2 Permitted Uses

The following uses are permitted in the Forest Valley Zone FV-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.**
- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any

side or rear lot line.

- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12B-2; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 13: AMENDMENT “Sec 104-15-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-15-2 Permitted Uses

The following uses are permitted in the Two-Family Residential Zone R-2:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11 of this Land Use Code.
- (j) Home occupations.
- (k) Household pets.
- (l) Parking lot accessory to uses permitted in this zone.
- (m) Public building, public park, recreation grounds and associated buildings.
- (n) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (o) Residential facility for elderly persons meeting the requirements of section 108-7-15.

- (p) Single-family dwelling.
- (q) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (r) Two-family dwelling.

(Ord. of 1956, § 13-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 14: AMENDMENT “Sec 104-16-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-16-2 Permitted Uses

The following uses are permitted in the Multiple-Family Residential Zone R-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11.
- (j) Home occupations.
- (k) Household pets.
- (l) Library or museum, public or nonprofit.
- (m) Multiple-family dwelling with 24 or less dwelling units.
- (n) Parking lot accessory to uses permitted in this zone.
- (o) Public building, public park, recreation grounds and associated buildings.
- (p) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (q) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (r) Single-family dwelling.
- (s) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (t) Two-family dwelling.

(Ord. of 1956, § 14-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 15: **AMENDMENT** “Sec 104-17-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-17-2 Permitted Uses

The following uses are permitted in the Forest Residential Zone FR-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Cluster subdivision in accordance with title 108, chapter 3.
- (d) Dwelling unit as part of a Homeowner Association's common facility building, such as a clubhouse, for use by an on-site employed manager or night watchman with the density not greater than one manager or night watchman dwelling for every one hundred residential units within a project or combination of projects.
- (e) Home occupations.
- (f) Household pets.
- (g) Single-family, two-family, three-family and four-family dwellings.
- (h) Temporary building or use incidental to construction work. Such building or use to be removed upon completion or abandonment of the construction work.
- (i) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 15-2; Ord. No. 96-35; Ord. No. 99-29; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2012-3, 2-21-2012; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 16: **AMENDMENT** “Sec 108-8-2 Parking Spaces For Dwellings” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-8-2 Parking Spaces For Dwellings

In all zones there shall be provided in a private garage or in an area designated for vehicle parking, that includes a hard surface area; ~~properly located for a future garage:~~

Single-family dwelling	Two side-by-side parking spaces
<u>Accessory dwelling unit</u>	<u>One parking space</u>
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

- (a) Increased occupancy. If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
- (b) Rental sleeping room. In addition to the above parking space requirements, dwelling units with more than two sleeping rooms shall provide three-fourths additional parking space per each additional room used as a rental sleeping room.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011; Ord. No. 2014-18, Exh. A, 6-17-2014)

SECTION 17: AMENDMENT “Sec 108-8-7 Parking Lot Design And Maintenance” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-8-7 Parking Lot Design And Maintenance

- (a) Parking space location. Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.
- (b) Public parking lot standards. Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a

fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

- (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking of no more than two automobiles, which shall be functional and licensed with current registration. ~~but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards.~~ In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:
- (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.
 - (2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
 - a. Up to and including four dwelling units, 16 feet.
 - b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.
 - c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.
 - (3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
 - (4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.
 - (5) Parking requirements for dwellings will be located on the same lot with the dwelling.
 - (6) All private parking facilities must be improved with a hard surface such as

concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

SECTION 18: **AMENDMENT** “Sec 108-15-2 Other Standards And Requirements” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-15-2 Other Standards And Requirements

In addition to the above, the following standards and requirements shall also be met:

- (a) Single-family dwellings shall:
 - (1) Be attached to a site-built permanent foundation which meets all applicable codes; and
 - (2) Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
 - (3) Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
 - (4) Be permanently connected to all required utilities; and
 - (5) Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.
- (b) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:
 - (1) Concrete or masonry materials; or
 - (2) Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
 - (3) Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.
- (c) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:

- (1) A roof pitch of not less than a 2:12 ratio; and
 - (2) Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and
 - (3) A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (d) One or more additional kitchen(s) in detached single-family dwellings shall be allowed in ~~all~~ each zones, where single family dwellings are permitted, provided compliance with the following: ~~if all of the following requirements are met:~~
- (1) The main dwelling unit shall have only one front entrance.
 - (2) The main dwelling unit shall have only one address. ~~An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. No portion of the single family dwelling shall be locked for the purpose of rental. The dwelling unit shall have no more than one (1) electrical meter.~~
 - (3) Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory ~~or "out"~~ building provided no more than one dwelling unit is established in the main single-family dwelling or in an accessory building. ~~the use and occupaney limitations of this section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.~~
 - (4) The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by Weber County, which provides that a second dwelling unit shall not be created as a result of the additional kitchen unless in accordance with Chapter 108-19. ~~the dwelling unit, including any accessory building, may not be converted into two or more dwelling units unless allowed by and in accordance with applicable provisions of this title.~~ The document shall be recorded with the Weber County Recorder's Office prior to issuance of a building permit. ~~An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to title 108, chapter 19.~~

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17, Exh. A, 5-9-2017; Ord. No. 2018-12, Exh. A, 8-28-2018)

SECTION 19: **AMENDMENT** “Chapter 108-19 Accessory Apartments” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Chapter 108-19 Accessory ~~Apartments~~ Dwelling Units

SECTION 20: AMENDMENT “Sec 108-19-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-19-1 Purpose And Intent

The purpose of allowing an accessory dwelling unit, whether attached or detached to a single-family dwelling, is to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. ~~accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.~~

(Ord. of 1956, § 42-1)

SECTION 21: REPEAL “Sec 108-19-2 Conditional Use” of the Weber County County Code is hereby *repealed* as follows:

R E P E A L

~~Sec 108-19-2 Conditional Use (Repealed)~~

~~Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:~~

- ~~(a) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.~~
- ~~(b) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.~~

- ~~(e) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.~~
- ~~(d) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.~~
- ~~(e) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.~~
- ~~(f) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. In the Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by an approved parking plan pursuant to section 108-8-13.~~

~~(Ord. of 1956, § 42-2; Ord. No. 2016-4, Exh. F2, 5-24-2016)~~

SECTION 22: **ADOPTION** “Sec 108-19-2 Applicability” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-2 Applicability(*Added*)

- (a) *Applicability.* The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.
- (b) *Ogden Valley Accessory Dwelling Unit.* In the Ogden Valley, a detached accessory dwelling unit shall only be allowed on a lot:
 - (1) that contains twice the minimum acreage required by the zone; or
 - (2) where an applicant requesting an accessory dwelling unit has successfully negotiated the reallocation of a development right from another landowner's property. The reallocation shall be made by recording an instrument to the lot or parcel that is sending the development right. The instrument shall prohibit the right to develop the applicable dwelling on the sending parcel. The instrument shall be in a form as acceptable to the County Attorney.

SECTION 23: AMENDMENT “Sec 108-19-3 General Provisions” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-3 General Provisions

In addition to the section above, the following ~~general~~ provisions shall apply:

- (a) Number of accessory dwelling units per parcel. No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.
- (b) Amenities. An accessory dwelling unit shall contain sufficient amenities to be definable by Section 101-1-7 as a dwelling unit.
- (c) Parking. Parking shall be as provided in Section 108-8 for an accessory dwelling unit, and shall be on a hard-surfaced area prepared to accommodate vehicle parking.
- (d) Occupancy. Either the accessory dwelling unit or the single-family dwelling unit shall be owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent. The non-owner-occupied unit is limited to no more than one family. For the purposes of this subsection 3(d), "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of seven months of the calendar year. Temporary leave for religious, military, or other legitimate purpose may be permissible.
- (e) Short-term rentals not allowed. Neither the single-family dwelling, nor the accessory dwelling unit, shall be used or licensed as a short-term rental, otherwise known as "nightly rental" elsewhere in this Land Use Code.
- (f) Relevant authority approvals. The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling unit. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

~~Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences. Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation. There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section. All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment. The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety. The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal. (Ord. of 1956, § 42-3)~~

SECTION 24: **ADOPTION** “Sec 108-19-4 Standards And Requirements” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-4 Standards And Requirements(*Added*)

(a) Accessory dwelling units shall comply with the following:

- (1) Standards same as single-family dwellings. If new construction for an accessory dwelling units is proposed or will occur, the standards for detached single-family dwellings, as provided in Title 108 Chapter 15 shall apply, except that an accessory dwelling unit shall not have a second kitchen.
- (2) Size. The floor area of an accessory dwelling unit shall not be less than 400 square feet and shall not exceed 1,000 square feet. In no case shall the floor area of the accessory dwelling unit exceed 40 percent of the gross livable area of the main dwelling, except that if the accessory dwelling unit is entirely located in a basement, the entire basement area may be used for the accessory dwelling unit.
- (3) Relationship to the main use; appearance. The exterior of the accessory dwelling unit shall conform to the main dwelling in architectural style and materials on all sides of the building and roof.
- (4) Location. An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone.
- (5) Access. The main access into the accessory dwelling unit shall be on the side or rear of the building, as viewed from the front lot line. Each accessory dwelling unit shall have direct access to the exterior of the building in a manner that does not require passage through any other part of the building.
- (6) Undivided ownership. Ownership of an accessory dwelling unit shall not be transferred separate from the main single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable lot standards of this Land Use Code, including building setbacks and access across the front lot line. A notice shall be recorded to the title of the lot that states that ownership may not transfer except in these circumstances.

SECTION 25: **AMENDMENT** “Sec 108-19-4 Application Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-~~4~~5 Application Procedure

Approval of an accessory dwelling unit requires a land use permit. The application and review procedure for a land use permit area as follows:

(a) Application submittal requirements.

- (1) A completed application form signed by the property owner or assigned agent.
- (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
- (4) Details floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.
- (5) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) Review procedure.

- (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
- (2) Planning Division staff will route the application to the local fire authority, local health department, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.
- (3) If the land use permit application complies with relevant land use laws, and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning Division staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.
- (4) If the application does not comply, Planning Division staff shall notify the applicant using the notification method typical for similar Planning Division correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.
- (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory

dwelling unit.

- (6) If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

~~The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment: A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the respective planning area planning commission in accordance with the decision requirements of title 108, chapter 4 of this Land Use Code. Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.~~

(Ord. of 1956, § 42-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 26: AMENDMENT “Sec 108-19-5 Moderate Income Housing Provision” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-~~5~~6 Moderate Income Housing Provision

In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in the planning advisory areas of unincorporated Weber County. Accessory dwelling units created in accordance with this chapter will assist in provided for this need.

~~In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines. To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy. The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.~~

(Ord. of 1956, § 42-5)

SECTION 27: **ADOPTION** “Sec 108-19-7 Enforcement” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-7 Enforcement(*Added*)

Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Noncompliance with the standards of this section shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allow for long term rental of the accessory dwelling unit.

SECTION 28: **AMENDMENT** “Sec 108-21-5 Permitted Uses/Activities Table” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-21-5 Permitted Uses/Activities Table

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See section 108-21-7 for these specific design and/or limitation standards associated with each use/activity marked with an asterisk (*).

Uses/Activities	Farm Designations					
	Market Garden (3—<5 acres)	Family Farm (5—<10 acres)	Small Farm (10—<20 acres)	Medium Farm (20—<40 acres)	Large Farm (40—<80 acres)	Ranch (=80 acres)
Farm Stay (Residential and Overnight Accommodation) Uses/Activities						
<u>Accessory dwelling unit*</u>
Agro-ecology research and education center (AREC)*
B&B farm dwelling (2 room)*	
B&B farm retreat (7 room)*
B&B farm inn (16 room)*				.	.	.
Glamorous camping (glamping)*
Carriage house*
Conference/education center*		
Single-family dwelling; a.k.a. Farm house*
Health farm*		
Motor coach/caravan area, agri-tourism*
Agriculturally Related Uses/Activities						
Agro-ecology research and education center (AREC)*	
Barn dance	

Community garden/rent-a-row	•	•	•	•	•	•
Community supported agriculture	•	•	•	•	•	•
Corn maze			•	•	•	•
Educational classes	•	•	•	•	•	•
Farm museum		•	•	•	•	•
Farm tour	•	•	•	•	•	•
Fee fishing (if aquaculture)		•	•	•	•	•
Harvest-market*	•	•	•	•	•	•
Multi-farmer open air (farmer's) market, agri-tourism*				•	•	•
Nursery (plant cultivation)	•	•	•	•	•	•
Petting farm/zoo	•	•	•	•	•	•
Sleigh/hay ride			•	•	•	•
Special event; as defined by title 38, special events	•	•	•	•	•	•
Special occasion, agri-tourism			•	•	•	•
U-pick operation/pumpkin patch	•	•	•	•	•	•
Non-Agriculturally Related Uses/Activities						
Agricultural arts center			•	•	•	•
Bakery/cafe featuring farm products*				•	•	•
Conference/education center*					•	•

Fee fishing		•	•	•	•	•
Food concessions stand*			•	•	•	•
Gift shop (retail)*	•	•	•	•	•	•
Haunted house/hay stack/farm			•	•	•	•
Hunting preserve*						•
On-farm store/retail market, agri-tourism*					•	•
Play area, agri-tourism		•	•	•	•	•
Restaurant featuring farm products*				•	•	•
Special event; as defined by title 38, special events	•	•	•	•	•	•
Health farm*				•	•	•
Motor coach/caravan area, agri-tourism*				•	•	•
Value added product processing*	•	•	•	•	•	•

(Ord. No. 2012-19, pt. 1(§ 46-5), 12-18-2012)

SECTION 29: **AMENDMENT** “Sec 108-21-6 Use/Activity Standards And Limitations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-21-6 Use/Activity Standards And Limitations

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

(a) *Farm stay (residential and overnight accommodation) uses/activities.*

(1) *Agro-ecology research and education center (AREC).*

- a. An AREC shall be limited to providing nightly accommodations for faculty, staff, and/or students/apprentices only.
- b. An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms that does not exceed two rooms per one gross acre.
- c. A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a single-family dwelling.
- d. An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 100 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(2) *B&B farm dwelling (two guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.
- c. A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title 106, subdivision.

(3) *B&B farm retreat (seven guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.
- c. A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial

natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

- d. A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106, subdivision.

(4) *B&B farm inn (16 guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.
- c. The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(5) *Luxury camping (glamping).*

- a. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two tents or cabins per five gross acres.
- b. Occupancy shall not exceed six persons per tent or cabin.
- c. Meals shall only be served to overnight guests.
- d. Glamping area(s) shall be completely screened from street view.
- e. Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(6) *Accessory dwelling unit. ~~Carriage house.~~*

- a. An agritourism operation may have more than one accessory dwelling unit onsite, whether or not a main single-family dwelling is also onsite. The number of accessory dwelling units shall not exceed ~~Carriage houses shall be limited to a number that does not exceed~~ the following calculation: net developable acreage of the parcel upon which a ~~carriage house(s)~~ accessory dwelling unit is located, divided by the minimum lot area required by the zone in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot area) × 20 percent = Maximum number of ~~carriage houses~~ accessory dwelling units at an approved agri-tourism operation.
- b. Meals shall only be served to overnight guests.

- e. ~~A carriage house shall consist of not more than 800 square feet, as measured by its footprint.~~
- d. ~~Carriage houses~~ An accessory dwelling unit shall not be located closer than 150 feet to ~~the any~~ agri-tourism operation's ~~perimeter~~ exterior boundary ~~line~~ and in no case located closer than 300 feet ~~to~~ from an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) *Conference/education center.*

- a. An agri-tourism operation shall be limited to one conference/education center.
- b. A conference/education center shall be limited to a maximum of 20 guest units/rooms.
- c. Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) *Health farm.*

- a. An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or hotel).
- b. A health farm shall be limited to a maximum of ten guest units/rooms.
- c. A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(9) *Motor coach/caravan area.*

- a. A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number of individual sites that does not exceed one site per five gross acres. In no case shall a motor coach/caravan area or combination of areas exceed 20 sites.
- b. A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual

- and/or audible impacts to neighboring property.
- (10) *Single-family dwelling; a.k.a. farm house.*
- a. An agri-tourism operation shall be limited to one single-family dwelling/farm house and is subject to the Weber County zoning and platting requirements of title 106, subdivision.
- (b) *Agriculturally related uses/activities.*
- (1) Argo-ecology research and education center (AREC).
 - a. See section 108-21-6(a)(1).
 - (2) Educational classes.
 - a. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.
 - (3) Harvest-market.
 - a. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.
 - (4) Multi-farmer open air (farmer's) market.
 - a. The operation of a multi-farmer open air (farmer's) market shall be limited to the months of June through December.
 - b. A multi-farmer open air (farmer's) market shall not be located closer than 200 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
 - (5) Petting farm/zoo.
 - a. Limited to parcels with access provided by a collector or arterial road when located within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation information.
- (c) *Non-Agriculturally Related Uses/Activities.*
- (1) Bakery/cafe featuring farm product(s).
 - a. Not less than one agricultural product, offered at a bakery/cafe featuring farm product(s), shall be raised/cultivated and/or produced by the farm on which the bakery/cafe featuring farm product(s) is operated.
 - b. A bakery/cafe shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
 - (2) Farm stay.
 - a. See section 108-21-6(a).
 - (3) Gift shop (retail).

- a. A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

(4) Hunting preserve.

- a. Limited to the Western Weber County Planning Area.
- b. Limited to upland game and waterfowl hunting only.
- c. Subject to Utah Division of Wildlife Resource standards.

(5) Motor coach/caravan area.

- a. See section 108-21-6(a)(1).

(6) On-farm store/retail market.

- a. Not less than one agricultural product, offered at an on-farm store/retail market, shall be raised/cultivated and/or produced by the farm on which the on-farm store/retail market is operated.
- b. An on-farm store/retail market and its outdoor display area or on-farm store/retail market area within a multi-use building shall be limited to the following size standards:

1.	Large farm (40<80 ac)	600 square feet maximum.
2.	Ranch (>80 ac)	800 square feet maximum.

- c. Products made available at an on-farm store/retail market shall be limited to those commonly offered by a small-scale neighborhood grocer.
- d. An on-farm store/retail market shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be

reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) Restaurant featuring farm product(s).

- a. Not less than one agricultural product, offered at a restaurant featuring farm product(s), shall be raised/cultivated and/or produced by the farm upon which the restaurant featuring farm product(s) is operated.
- b. A restaurant shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) Value added product processing and packaging (VAPPP).

- a. VAPPP shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm upon which the processing and packaging is taking place.
- b. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations and parcels consisting of five acres or more. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's property boundary.
- c. A VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

- d. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
- e. The structure in which VAPPP takes place shall in no case be located closer than 200 feet to an existing single-family dwelling on an adjacent

lot/parcel.

(Ord. No. 2012-19, pt. 1(§ 46-6), 12-18-2012; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2018-6, Exh. A, 5-8-2018)