

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:

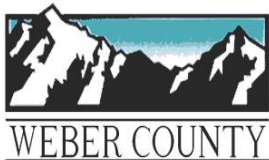
- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information 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.



OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

April 27, 2021

5:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/87594802803>

Meeting ID: 875 9480 2803

One tap mobile

+12532158782,,87594802803# US (Tacoma)

+13462487799,,87594802803# US (Houston)

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

1. Minutes: Approval of minutes for April 6, 2021

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

2.1 A public hearing and possible action on an applicant driven request to rezone approximately 5 acres at 947 E Old Snowbasin Road, (unincorporated Huntsville area) from the CVR-1 zone to the FR-3 zone.

Staff presenter: Charlie Ewert; Applicant: CW Land, Todd Meyers (rep)

2.2 A public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to ensure adequate culinary and secondary water for each new subdivision.

Staff presenter: Charlie Ewert

2.3 A public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private streets in certain subdivisions and provide for future public street conversion and connectivity, if needed.

Staff presenter: Charlie Ewert

2.4 A public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private lanes in certain subdivisions and provide for future public street conversion and connectivity, if needed.

Staff presenter: Charlie Ewert

2.5 A public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to require public street connectivity in certain intervals.

Staff presenter: Charlie Ewert

3. Public Comment for Items not on the Agenda:

4. Remarks from Planning Commissioners:

5. Planning Director Report:

6. Remarks from Legal Counsel:

Adjourn

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

&

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 801-399-8761



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone at approximately 947 East Highway 39.

Agenda Date: Tuesday, April 29, 2021

Applicant: CW Land Company; Agent: Todd Meyers

File Number: ZMA 2021-01

Property Information

Approximate Address: 947 East Highway 39, Huntsville (Unincorporated Weber County)

Zoning: The property is currently zoned CVR-1

Existing Land Use: Vacant

Proposed Land Use: Residential (FR-3 zone)

Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

North:	Residential	South:	Residential
East:	Underdeveloped Residential	West:	Residential

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

§104-11: Commercial Valley Resort Recreation Zone (CVR-1)

§104-17: Forest Residential Zone (FR-3)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This report is a review of a request to rezone approximately 3.22 acres from the CVR-1 zone to the FR-3 zone. Upon an evaluation of the zoning in the area, staff recommends also rezoning the adjacent property (to the east across Old Snowbasin Road) from the CV-2 zone to the FR-3 zone. This will preserve zoning consistency in the area. The two properties together comprise about 5 acres. We have received consent from the other landowner for this rezone.

The CVR-1 zone and the FR-3 zone have almost identical lot development standards, meaning the overall density of the area will not be increased with this rezone, which is a critical recommendation found in the Ogden Valley General Plan.

The subject properties are located in a village area, as depicted in the general plan. A village area is noted as being a primary receiving area for residential uses. Between the residential uses allowed by the CVR-1 zone and the village areas of the plan, residential uses of the applicant's property appears to be a foregone conclusion. The future of commercial in this village, however, may not be as certain, or even recommended.

Despite the property to the north of the subject parcel also being zoned CVR-1, very little if any commercial uses have been established. The commercial uses approved within that development are likely to be the result of the minimum requirement of the CVR-1 zone to provide 10 percent commercial space. The location of the intersection in proximity to existing residential properties, the reservoir, and federal land may render this location a poor choice for a commercial village. Even if a market existed to establish commercial uses in this village, the additional supply of commercial land will reduce the demand for commercial space at the intersection of Trappers Loop and Highway 39 – which is only a little over three quarters of a mile to the east of this intersection. The Trappers Loop intersection provides for a better location for commercial opportunities, and is already pre-planned in the Snowbasin Masterplan.

For these reasons, staff feel it may be prudent to consider this village more residential in nature. Staff are recommending approval of the rezone.

Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices. Figure 1 displays the subject parcels.

Figure 1: Subject Parcels.



Zoning. The current zone of the subject parcel is CVR-1. **Figure 2** displays current zoning and the subject parcels and surrounding area, and **Figure 3** displays the proposed zoning.

Figure 2: Current Zoning Map and the Subject Parcel(s).

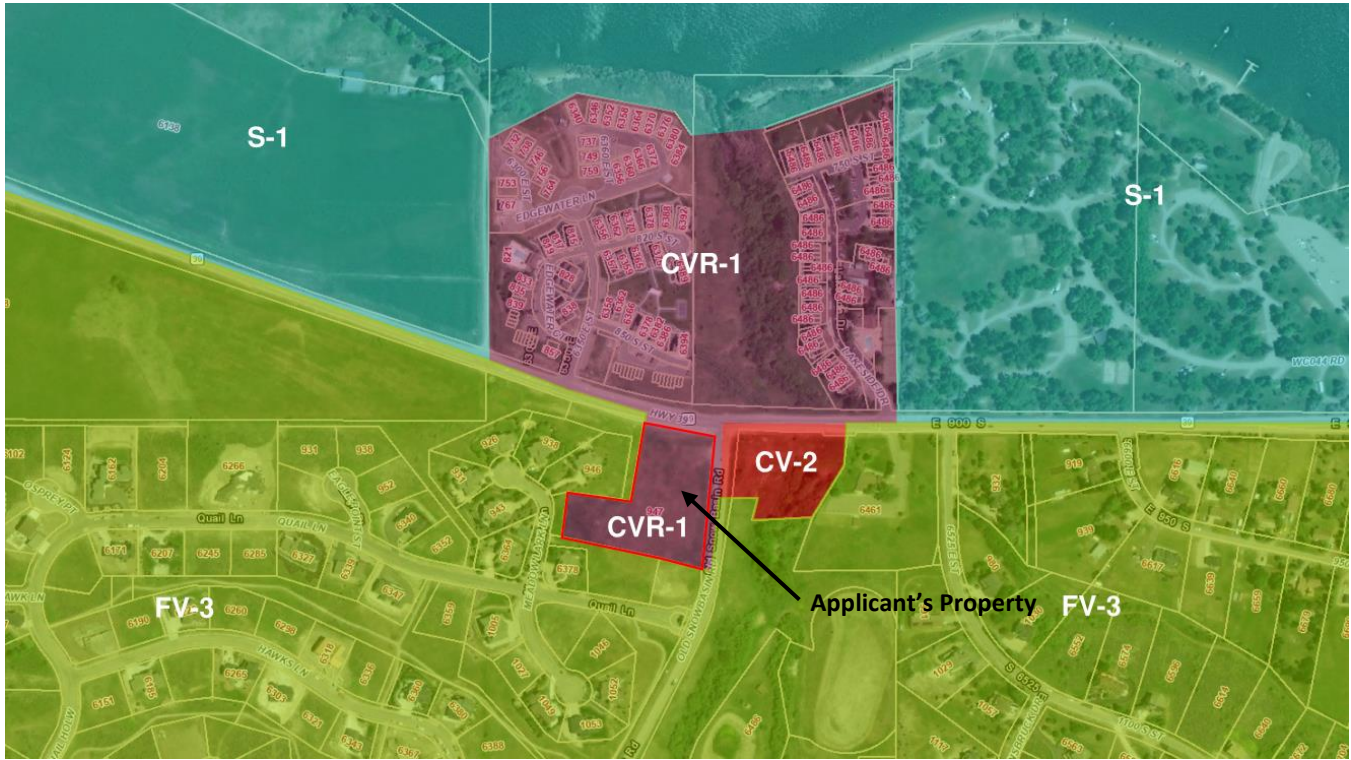


Figure 3: Proposed Zoning Map and the Subject Parcel(s).



The purposes of the CVR-1 zone and the FR-3 zone are interrelated:

Weber County Code §104-11-1 says the purpose of the CVR-1 zone is:

"The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained. In this role, even though the area is primarily commercial in nature, it should be compatible with the general surrounding natural environment. To this end, the general siting and architectural design of buildings and structures, the layout of parking areas and landscaping shall be subject to review and recommendations by the public agencies, design review and approval by the planning commission to ensure that the natural environment is preserved to the greatest possible extent."

Weber County Code §104-11-1 says the purpose of the FR-3 zone is:

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

As can be reviewed in these purposes, the FR-3 zone is the residential compliment of a CVR-1 zone, and is intended to be located near recreation/resort areas.

The intent for the FR-3 zone to be located near and be a part of "recreation areas and facilities" in the mountains could be interpreted to mean that this location is not intended for the zone since no recreation resort or area is immediately adjacent. If the Planning Commission desires to interpret it this way, then the rezone probably be denied. However, when staff evaluated other FR-3 zones in the valley, it seems that locating the FR-3 zone in the general proximity of recreation land or other property zoned for recreational uses in the valley have been sufficient to grant this zone on other property. Considering that the applicant's property is currently zoned for recreation uses, as are the properties on the north side of Highway 39, Anderson Cove campground and the Pineview boat launch area are just east of the property, and Highway 39 is a major access corridor to Snowbasin and National Forest access, the area may be sufficiently recreational in nature to meet the FR-3 zoning intent.

The site development standards of the two zones are very similar in application. See **Figures 4 and 5**.

Figure 5: FR-3 Site Development Standards:

- (2) Developments using a community or group wastewater disposal facility meeting the requirements of the state division of health code of wastewater disposal regulations:
- a. One building dwelling: 6,000 square feet of net developable area:
 1. Single-family.
 2. Two-family: 7,500 square feet or net developable area for a two-family dwelling.
 3. Multiple-family: 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two.
 - b. Group dwellings: 7,500 square feet of net developable area for each dwelling plus 2,000 square feet of net developable area for each dwelling unit in excess of two in each building.
 - c. Other main buildings: 7,500 square feet of net developable area. Each rental sleeping room including lockout sleeping: 500 square feet of net developable area in including lockout sleeping addition to the area required for the room dwelling unit containing the sleeping room.
 - d. Notwithstanding the above requirements, the maximum residential density shall not exceed 20 dwelling units or 40 rental guest sleeping rooms per net developable acre of land or part thereof.
 - e. Net developable area or acre. The term "net developable area" or "net developable acre" is defined as a quantity of ground within a parcel or parcels of land with slopes of less than 30 percent and with soils of sufficient depth and suitable types to ensure against development being a detriment to surface water and groundwater quality.

Figure 5: CVR-1 Site Development Standards:

- (a) **Area.** The following minimum overall project development area is required for the uses specified, but never less than two and one-half acres:

USE	AREA
Condominium rental apartment or other lodging use that provides nightly or longer lodging:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Dwelling unit, if approved as part of a PRUD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

- (b) **Width.** 150-foot minimum overall project development width is required, as measured at the yard setback and the street frontage.
- (c) **Yard setback.** The minimum yard setbacks from the overall project development boundary are as follows:

YARD	SETBACK
Front:	30 feet
Side:	20 feet minimum, except as otherwise required by this or any other county ordinance.
Rear:	20 feet minimum, except as otherwise required by this or any other county ordinance.

Because the CVR-1 zone requires 10 percent commercial uses, rezoning the property to the FR-3 zone provides for a less intense use of the land than allowing it to remain in the CVR-1 zone. In fact, at the time the property was zoned to the CVR-1 zone, it was approved for a hotel. The proposed change will have less impact on the surrounding area.

The maximum residential density for both zones is approximately 20 dwelling units to the acre. Despite this maximum potential, obtaining a density this great will require a sewer connection for every dwelling unit. Currently, the applicant asserts that no more than 13 sewer connections are available for the property, so the actual resulting density will be no greater than 13 total units on the applicant's property. The applicant's intended subdivision layout can be seen in **Figure 6**.

Figure 6: Site Development Plan



A review of **Figures 7-8** will show that the allowed uses between the two zones also generally show less intense overall uses in the FR-3 zone.

Figure 8: FR-3 Use**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)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

Sec 104-14-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code:

- (a) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (b) Bed and Breakfast dwelling subject to the following standards:
 - (1) Two parking spaces shall be provided for the host family plus one space for each guest room;
 - (2) Proprietor or owner shall occupy the property;
 - (3) Meals shall only be served to overnight guests;
 - (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
 - (5) Not more than two guests sleeping rooms per dwelling;
 - (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
 - (7) Business license shall be obtained.
- (c) Bed and breakfast inn subject to the following standards and criteria:
 - (1) Proprietor or owner shall occupy the premises;
 - (2) Not more than seven sleeping rooms per inn;
 - (3) The lot shall be at least three acres in area with frontage on a public street of at least 250 feet in width;
 - (4) The lot shall have frontage on a major street as shown on the county master plan (state highway or county major street);
 - (5) The inn shall be at least 300 feet from the nearest existing dwelling;
 - (6) Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
 - (7) The guest parking shall be in the rear of the Inn;
 - (8) Meals shall be served to registered overnight guests only;
 - (9) Signs are limited to one name plate or one identification sign of not more than eight square feet in area;
 - (10) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan.
 - (11) The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
 - (12) A business license shall be obtained;
 - (13) All units to be in one building together with owner's residence.
- (d) Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75 participants and not more than four events held per calendar month, and only when conducted as an accessory use to an approved bed and breakfast inn.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Educational/institutional identification sign.
- (h) Golf course, except miniature golf.
- (i) Parking lot accessory to uses permitted in this zone.
- (j) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (k) Public building, public park, recreation grounds and associated buildings.
- (l) Public utility substations.
- (m) Recreation lodge.
- (n) Ski resorts, including summer skateboard activities as an accessory use.
- (o) Water pumping plants and reservoirs.
- (p) Recreation lodge.
- (q) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.

Figure 8: CVR-1 Uses**Sec 104-11-3 Permitted Uses**

The following uses are permitted in the Commercial Valley Resort Recreation Zone CVR-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) Art gallery.
- (c) Bank.
- (d) Bookstore/newsstand.
- (e) Beauty shop/barbershop.
- (f) Day spa/fitness center.
- (g) Deli/small grocery store.
- (h) Florist shop.
- (i) Gift shop, boutique.
- (j) Music and video store.
- (k) Restaurants, excluding those with drive-up windows.
- (l) Restaurant: fast food, excluding those with drive-up windows.
- (m) Sporting goods store.
- (n) Sports clothing store.
- (o) Public and private swimming pools.
- (p) Vendor, short term.

Sec 104-11-4 Conditional Uses

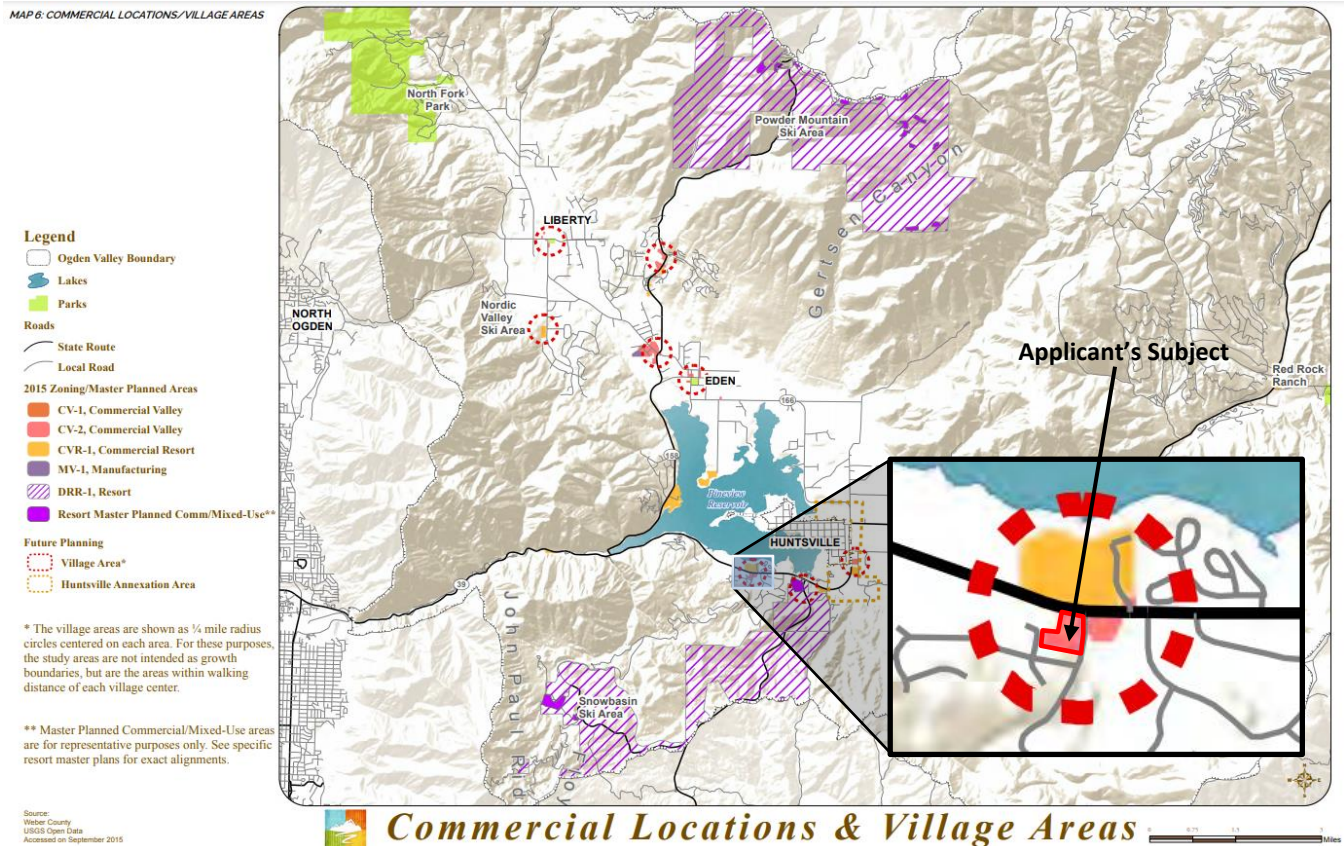
The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in title 108, chapter 4 of this Land Use Code:

- (a) Beer parlor, sale of draft beer.
- (b) Bed and breakfast inn.
- (c) Bed and breakfast hotel.
- (d) Recreation lodge.
- (e) Dry cleaning pickup station.
- (f) Dwelling unit, when a part of a recreation resort development.
- (g) Recreation resort complex.
- (h) Horse rentals (up to ten horses per acre, if stabled), horse feed store and haystack yard.
- (i) Indoor facilities for rental to clubs, private groups, parties and organizational groups for recreation activities, including dancing.
- (j) Liquor store.
- (k) Medical/dental office.
- (l) Outfitters base camp.
- (m) Pet grooming and supply store.
- (n) Public utility substations.
- (o) Real estate office.
- (p) Ski equipment, snowmobile, boat, and bicycle rentals.
- (q) Outdoor skating rink (ice or roller).
- (r) Skateboarding course.
- (s) Snowmobile and Nordic ski trails.
- (t) Equestrian trails.
- (u) Public parks.
- (v) Golf courses, including miniature golf as part of a recreation resort.
- (w) Conference/education center.
- (x) Condominium rental apartment, including lockout rooms.
- (y) Gazebo, pavilion.
- (z) Time share condominiums including lockout rooms.
- (aa) Travel agency.
- (ab) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.
- (ac) Residential property rental and management agency for recreation resort complexes.
- (ad) Off road vehicle and recreation equipment sales and service, and rental.
- (ae) Service stations.
- (af) Ski resort and ski schools.
- (ag) Hotel/motel, including lockout rooms.
- (ah) Restaurants, including those with drive-up windows.
- (ai) Accessory uses to the above listed.
- (aj) Brewpub.
- (ak) Reception/banquet facilities.

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but rather, it suggests pursuing opportunities to implement the plan.

The applicable general plan is the Ogden Valley General Plan. The rezone proposal appears to comply with the plan, provided the Commission is comfortable with the village in which the property is located being a residential village rather than a commercial or mixed-use village. **Figure 9** displays the commercial locations and village map from the general plan.

Figure 9: Figure 4: Ogden Valley Commercial Locations and Villages Map.



General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important. A review of the uses and existing development in the area show that the north side of Highway 39 has high density housing relative to the neighborhoods on the south side of the highway. A residential cul-de-sac immediately adjacent to the applicant's property has seven lots with an average lot size of approximately 26,500 square feet. The proposal will create 13 residential lots with an average lot size of approximately 9,200 square feet. Keep in mind however, that not rezoning the property could result in about the same residential lots or equivalent impact.

Another key consideration is traffic impact. The proposed development is a cul-de-sac with a single access onto Old Snowbasin Road. During high-traffic events, the left-hand-turn wait time to get from Old Snowbasin Road to westbound Highway 39 can get lengthy. The engineering division has no concerns over the proposal at this time, but if it is likely that traffic wait times will be materially reduced as a result of this development, then the engineering division will pursue a traffic impact analysis to determine whether turning lanes should be installed at the time of development.

Rezoning. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

Water, waste water, fire, engineering, and other utilities. This application was sent for review by all relevant review agencies. None of them returned any negative responses. When the project proceeds to subdivision review, all utility and firefighting provisions will be required before the subdivision can be approved.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-01, a proposal to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone. This recommendation comes with the following findings:

Findings:

1. The Ogden Valley General Plan provides for a greater residential density on this property – as long as no new density is created. The proposal creates no new residential density than already entitled.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The proposed zone is more harmonious with surround land uses than the property's current zone.

Exhibits

Exhibit A: Concept Development Plan

Reeve & Associates, Inc.

5160 SOUTH 1500 WEST RIVERDALE, UTAH 84405
TEL: (801) 821-3100 FAX: (801) 821-2666 www.reeve-assoc.com

LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

REVISIONS	DESCRIPTION
DATE	

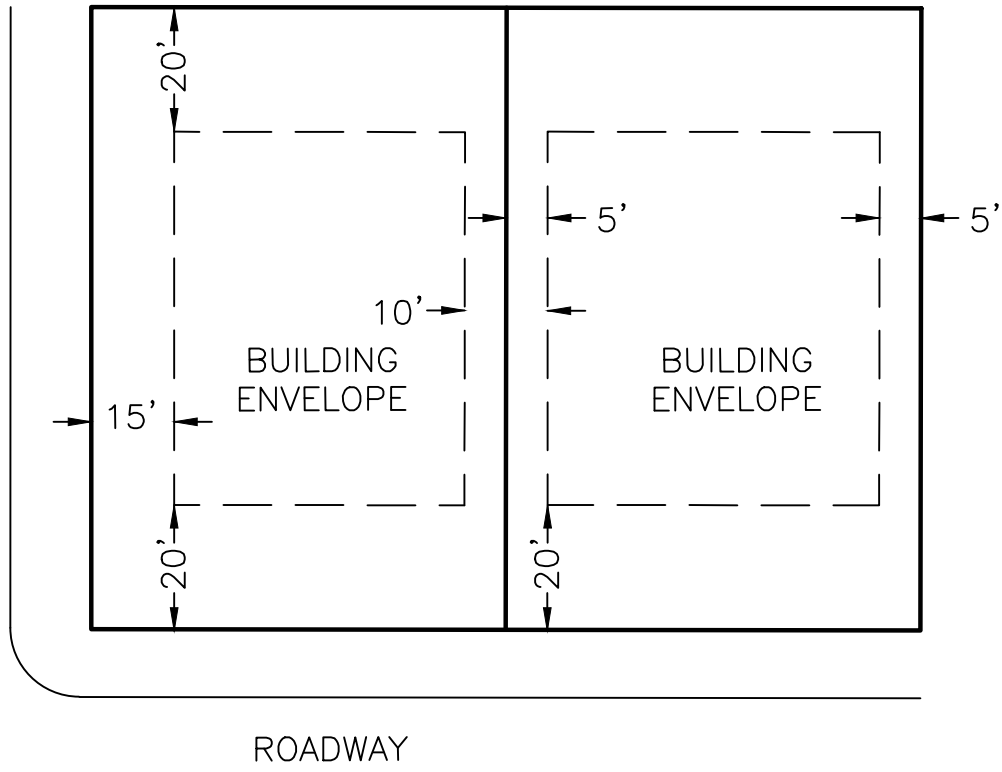
Pineview Waterside Property

PART OF THE NW 1/4 OF SECTION 24, T.6N., R.1E., S.14B & M., U.S. SURVEY
WEBER COUNTY, UTAH

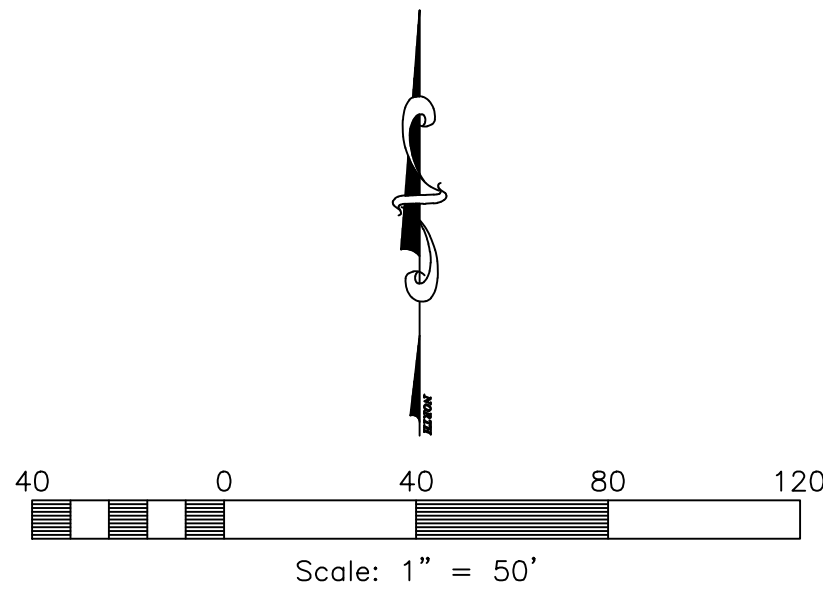
Sketch Plan

Project Info.	
Engineer:	N. Reeve
Designer:	C. Cave
Begin Date:	DEC. 1, 2020
Name:	PINEVIEW WATERSIDE
Number:	7562-03

Sheet	1
1	Sheets



Proposed Setback Details
SCALE:NONE



Pineview Waterside Property

Weber County, Utah

Developer:
CW Land
Colin Wright
1222 W Legacy Crossing BLVD, Ste 6
Centerville, UT. 84014
(801) 725-9079



1 Site Plan
1" = 30'-0"

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION

C.W.
URBAN

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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Site Plan

SHEET:
A003

ISSUE DATE : 12.11.2020

Design Development



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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Renderings

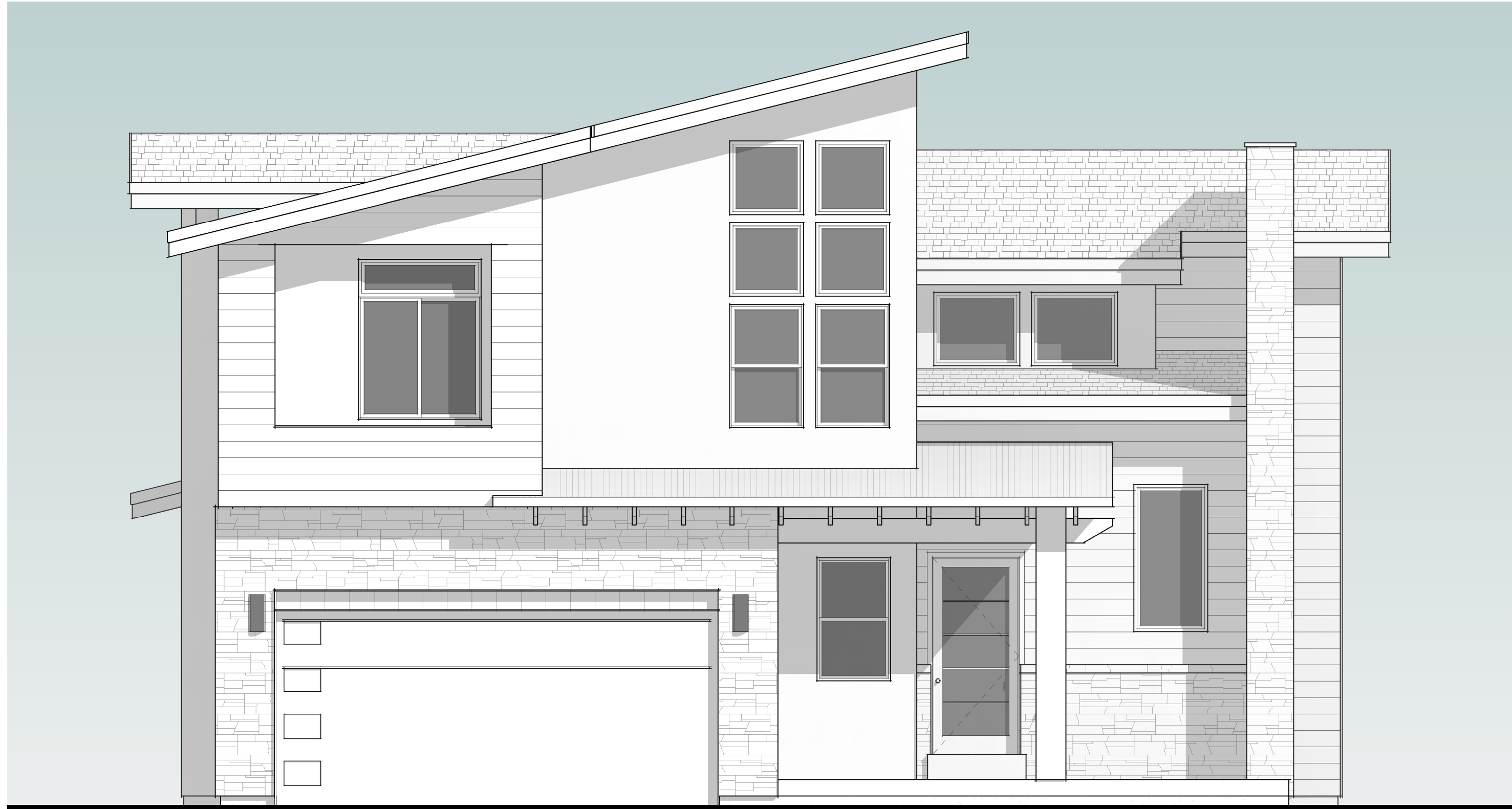
SHEET:
A200

ISSUE DATE : 12.11.2020

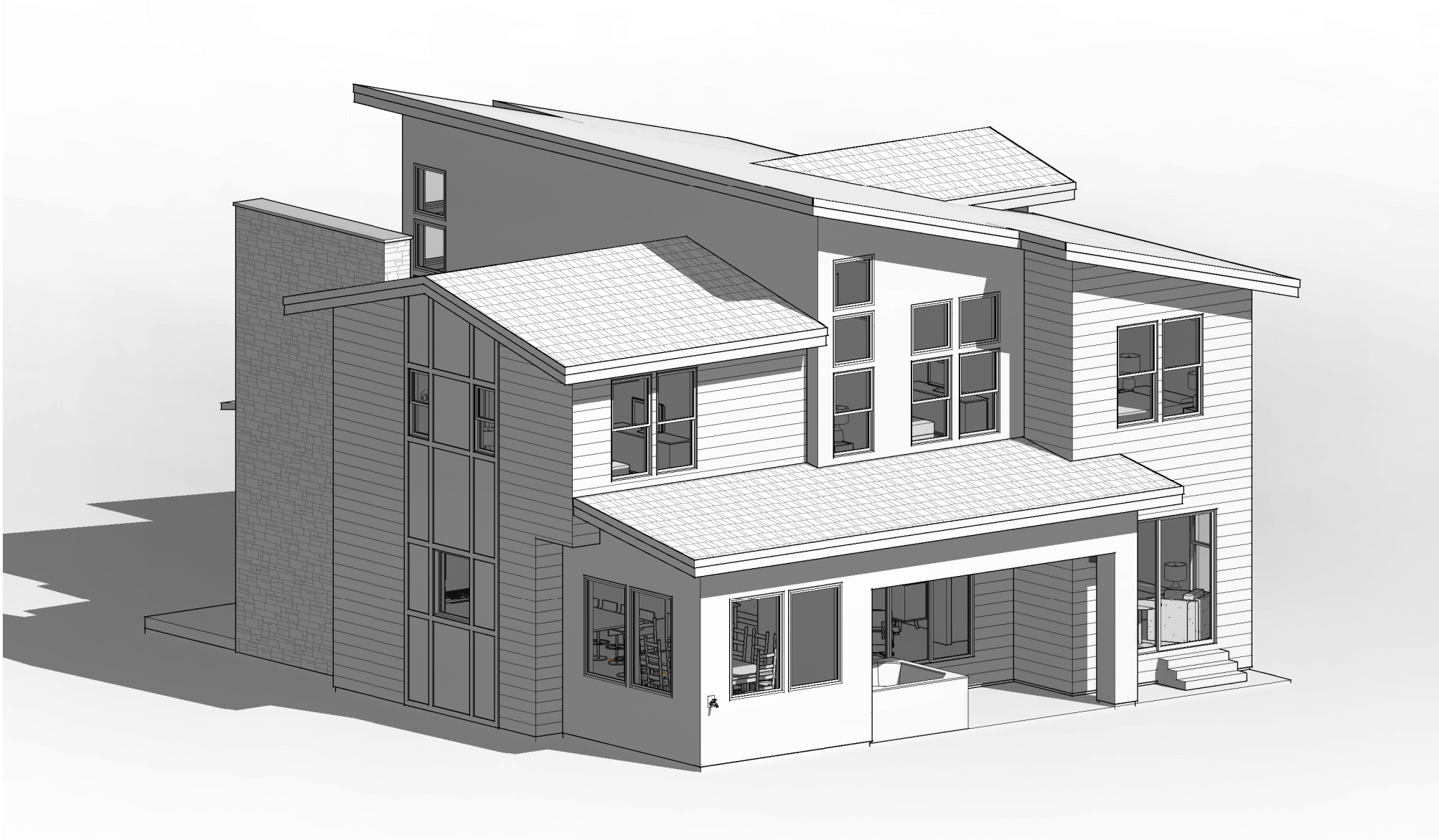
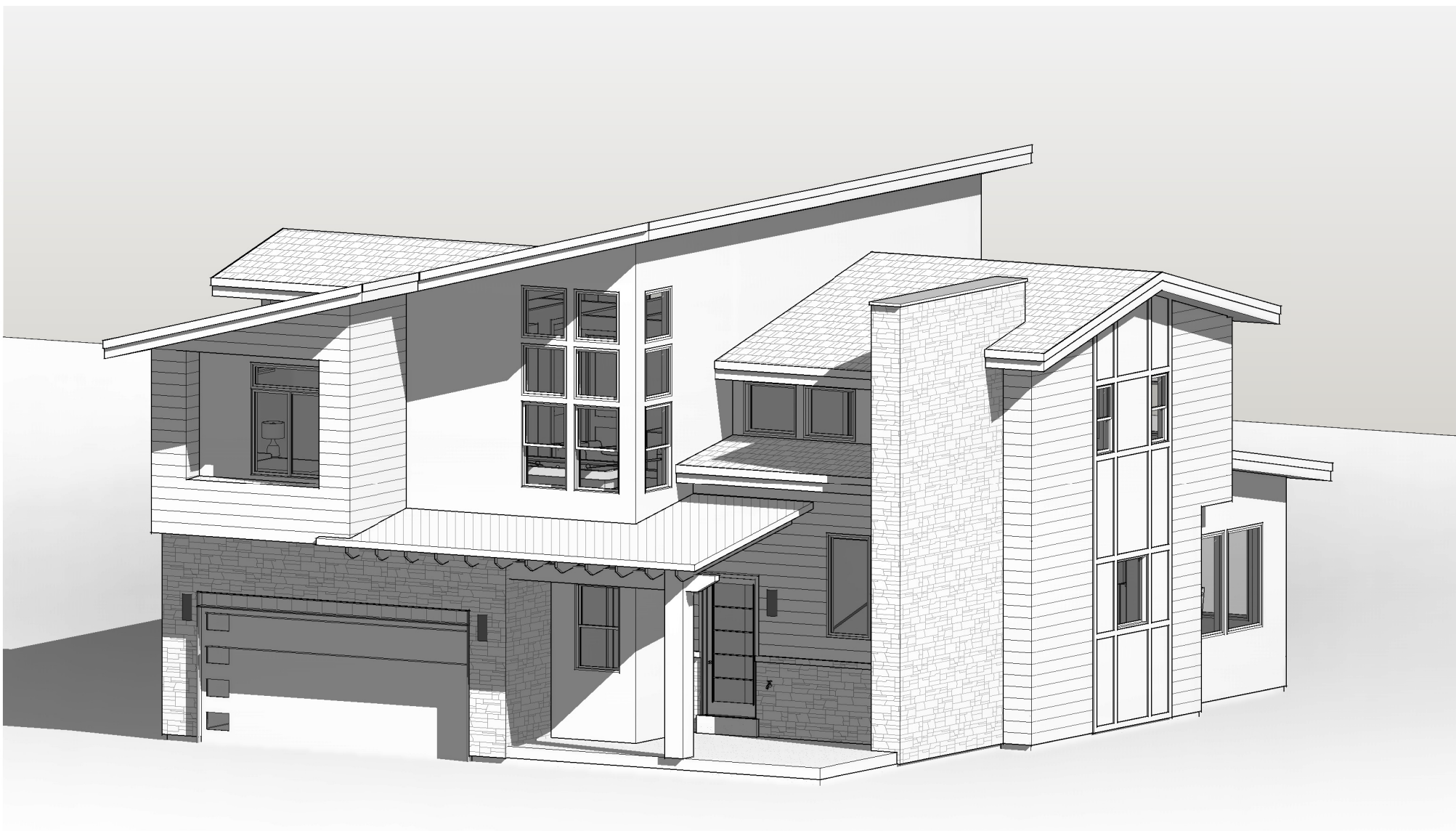
Design Development



1 Rear Elevation
1/4" = 1'-0"



2 Front Elevation
1/4" = 1'-0"



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C.W.
URBAN

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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Exterior Elevations

SHEET:
A201

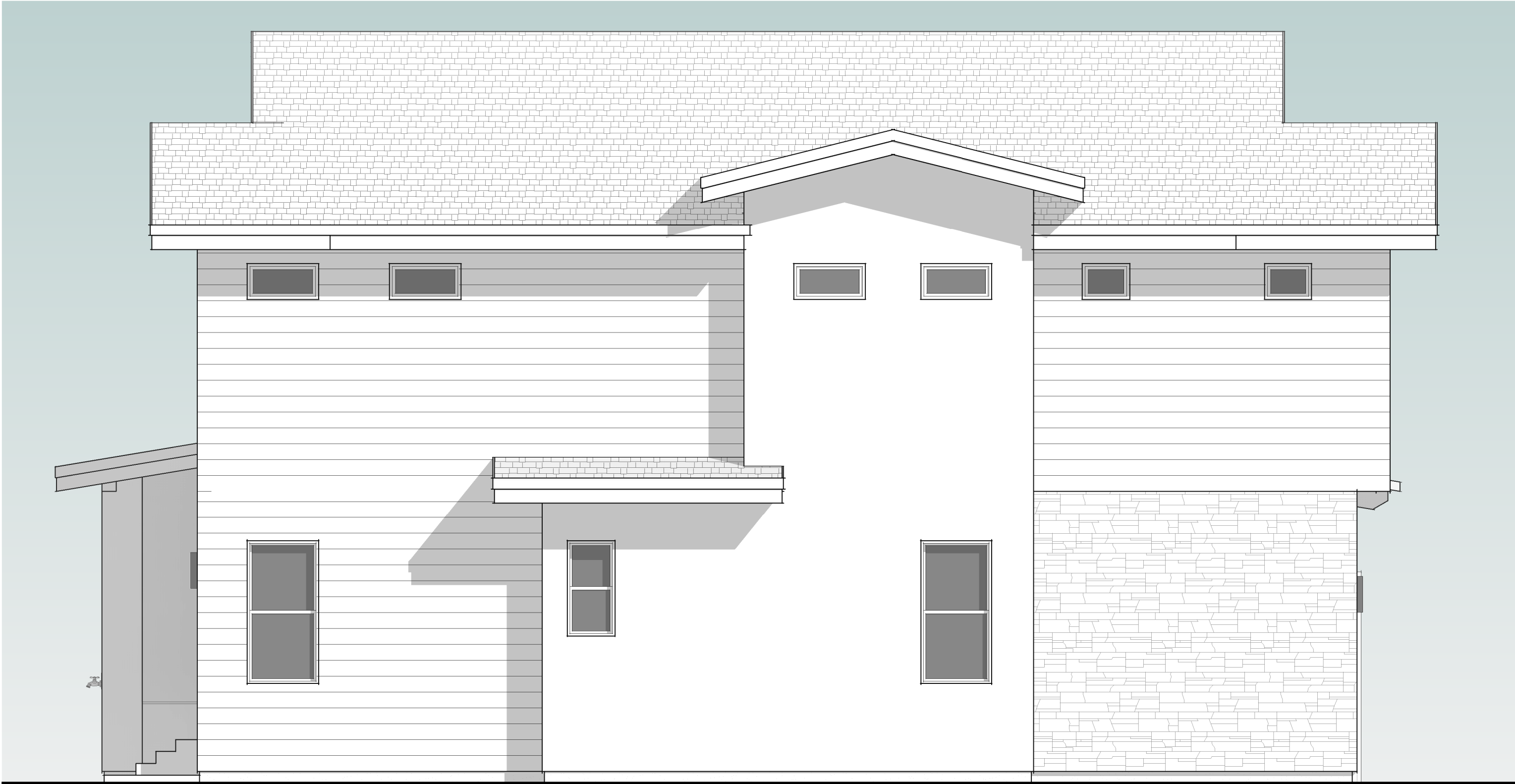
ISSUE DATE : 12.11.2020

Design Development



1 Right Elevation

1/4" = 1'-0"



2 Left Elevation

1/4" = 1'-0"



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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Exterior Elevations

SHEET:
A202

ISSUE DATE : 12.11.2020

Design Development

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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Bsmt

SHEET:

A101

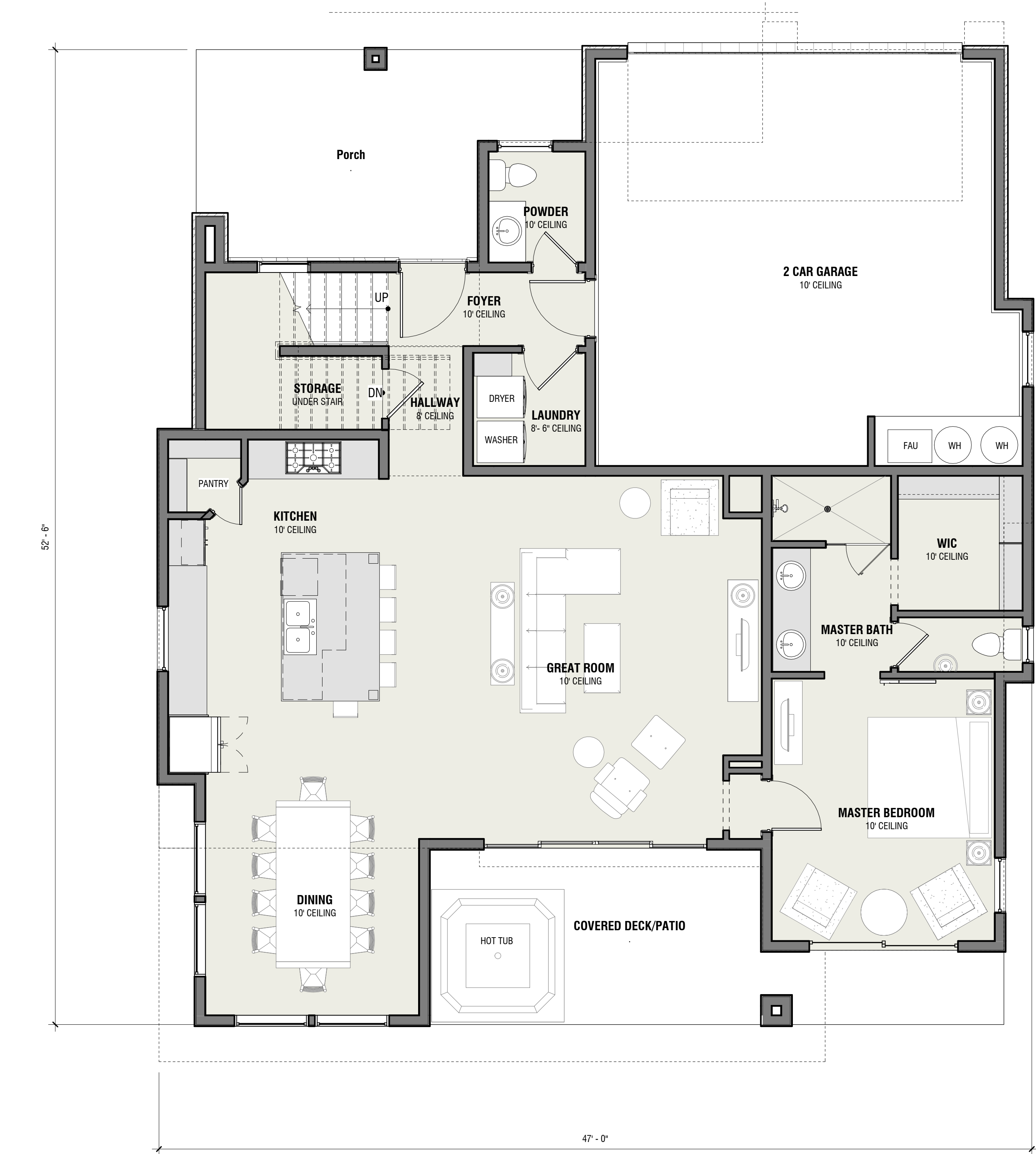
ISSUE DATE : 12.11.2020

Design Development



1 Floor Bsmt
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
	3,053 SF
Grand total	4,266 SF



1 Floor Main
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
	3,053 SF
Grand total	4,266 SF

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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

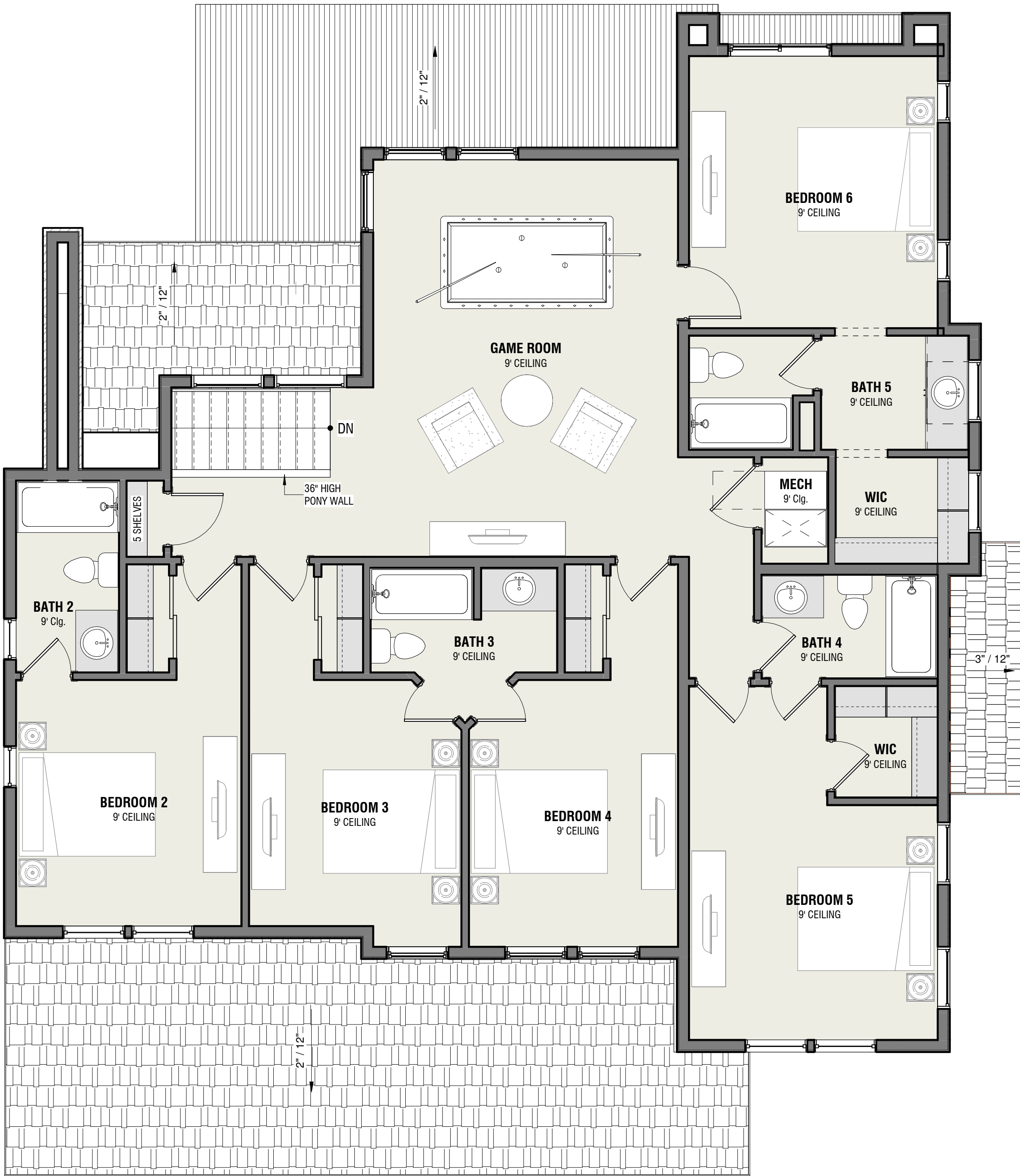
TITLE:
Floor Plan - Level 1

SHEET:

A102

ISSUE DATE : 12.11.2020

Design Development



1 Floor Upper

1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
	3,053 SF
Grand total	4,266 SF

UNLESS A PROFESSIONAL SEAL WITH SIGNATURE AND DATE IS AFFIXED, THIS DOCUMENT IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION

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PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Level 2

SHEET:

A103

ISSUE DATE : 12.11.2020

Design Development



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss, take comment, and potentially take action on a county-initiated proposal to amend the subdivision ordinance to better address culinary and secondary water provisions.

Agenda Date: Tuesday, April 27, 2021

Report Author: Charlie Ewert (webercountyutah.gov)
(801) 399-8763

Applicable Ordinances

§ 101-2 Definitions
 § 106-1-4 Subdivision Application Requirements
 § 106-1-8 Final Plat Requirements
 § 106-4-2 Subdivision Improvements Required

Legislative Decisions

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

Summary and Background

The attached proposal is a culmination of several years' worth of discussion between the Ogden Valley Planning Commission, the Western Weber Planning Commission, and the County Commission. It pertains to improving culinary and secondary water requirements applicable the during subdivision review and approval process.

The Ogden Valley Planning Commission reviewed a previous version of the attached proposed ordinance in their last work session meeting. The requirements between the two are very similar. Other than clerical edits, the primary difference is that both the culinary water and the secondary water requirements are merged into one section. The two are so closely related that keeping them in separate sections resulted in a great deal of duplication of language. For administrative, interpretive, and implementation purposes, combining these similarities will assist in review efficiencies and help reduce interpretation errors.

Given the level of attention this proposal has received, in collaboration with multiple agencies and concerned citizens, the attached should be fairly self-explanatory.

Noticing Compliance

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

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

Staff Recommendation

Staff recommends that the Planning Commission give a positive recommendation to the County Commission for file ZTA2019-04, a proposal to amend the culinary and secondary water provisions of the County's subdivision ordinance, with the following findings:

1. That the proposal will help protect culinary water resources for the general public.
2. That the proposal will promote and encourage the merger of multiple different water systems.
3. That the proposal will enhance the collaboration amongst various water service providers and county/agency reviewers during the review subdivision process.
4. That the proposal will discourage the proliferation of private wells.
5. That the proposal will encourage water-wise landscaping.
6. That the proposal does not run contrary to the general plan and will promote the health, safety, and welfare of the public.

Exhibits

A. Proposed Ordinance

SECTION 1: **AMENDMENT** “Sec 101-2-24 W Definitions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-24 W Definitions

Water, irrigation. The term "irrigation water" means water usually delivered by a non-pressurized pipe or ditch system that is typically used for crop irrigation, but which may also be used for irrigation of other vegetation.

Water, secondary. The term “secondary water” means water delivered by a pressurized water delivery system that is used for crop or landscape irrigation and not treated for culinary drinking water purposes.

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

SECTION 2: **ADOPTION** “Sec 106-1-4* Subdivision Application Requirements” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 106-1-4* Subdivision Application Requirements(*Added*)

- (a) **Pre-application meeting required.** Each person who proposes to subdivide land shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, neighborhood circulation plan, landscape design, and water budget submittal.
- (b) **Subdivision application submittal.** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:
 - (1) **Application form.** A complete subdivision application form, signed by the property owners.
 - (2) **Preliminary plan.** A preliminary plan meeting the requirements listed in this title. This includes a phasing plan if phasing is proposed. All preliminary plan requirements shall be met prior to the submittal for final plat approval.

- (3) **Electronic documents.** All documents submitted for the subdivision application shall be in a PDF file format. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file format.
- (4) **Statement of culinary and secondary water feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying culinary and secondary water provisions for each lot.
- a. The statement of culinary water feasibility shall come from the culinary water authority, pursuant to UCA Sec. 17-27a-603, as follows:
 - 1. The local health department for lots proposed to be served by a private well;
 - 2. An existing culinary water service provider; or
 - 3. If the culinary water authority is being newly formed, the statement shall come from the person with authority to sign on behalf of the newly formed water corporation. The applicant shall also submit written notification from the Utah Department of Environmental Quality indicating their acknowledgement of the new culinary water authority and the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
 - b. The statement of secondary water feasibility shall come from the secondary water service provider.
 - c. The statements from the culinary water authority and secondary water service provider shall contain:
 - 1. An acknowledgement of the number of lots proposed to be served;
 - 2. An acknowledgement of all intended uses of the water, including, but not limited to, culinary uses, fire suppression appurtenances, and secondary water uses, if applicable and as provided for in Section 106-4-2;
 - 3. The method of water delivery to each proposed lot;
 - 4. The proposed source of the water rights or shares necessary to serve the lots; and
 - 5. If applicable, any other requirement expected or necessary to attain the culinary water authority's approval of the final subdivision plat.
- (5) **Statement of sanitary sewer or septic system feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying wastewater provisions for each lot.
- a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-27a-603 as follows:
 - 1. The local health department for lots proposed to be served by a septic system;
 - 2. An existing sanitary sewer service provider; or
 - 3. If the sanitary sewer authority is being newly formed, the

statement shall come from the body politic or manager of the system. The applicant shall also submit a written notification from the Utah State Department of Environmental Quality indicating their acknowledgement of the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.

b. The statement shall provide:

1. An acknowledgment of the number of lots proposed to be served;
2. The method of wastewater disposal for each applicable proposed lot;
3. An assertion that there is sufficient capability for safe wastewater disposal using the proposed method; and
4. Any other requirement expected or necessary to attain the sanitary sewer authority's approval of the final subdivision plat.

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

SECTION 3: REPEAL “Sec 106-1-4 Subdivision Application Requirements” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-1-4 Subdivision Application Requirements (Repealed)~~

- ~~(a) *Pre-application meeting required.* Each person who proposes to subdivide land shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.~~
- ~~(b) *Subdivision application submittal.* Subdivision applications shall be submitted to the planning division, by appointment, and shall include:~~
- ~~(1) A completely filled out subdivision application, signed by the property owners.~~
 - ~~(2) Five full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one reduced size 8½ by 11 copy of a preliminary plan meeting the requirements listed in this title. This includes two 24 by 36 copies of the phasing plan. Once all preliminary requirements have been met, two 24 by 36 copies and a one digital copy shall be submitted to the planning division. This requirement shall be met prior to the submittal for final approval.~~

- ~~(3) All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.~~
- ~~(4) A written statement of feasibility from the county or state health department which states the recommendation of the health department regarding:
 - a. Sanitary sewage disposal;
 - b. Culinary water availability; and
 - c. A project notification form from the Utah State Department of Environmental Quality, Division of Drinking Water.~~
- ~~(5) 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.~~

~~(Ord. of 1952, title 26, § 1-4; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

SECTION 4: **AMENDMENT** “Sec 106-1-8 Final Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-8 Final Plat Requirements And Approval Procedure

- (a) ~~f~~**Preliminary approval required.** ~~f~~ Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.
- (b) ***Final plat required.***
 - (1) After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.
 - (2) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting.
- (c) ***Final plat requirements.***
 - (1) Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale

large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information:

- a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
- b. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."
- c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)
- d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, titl. 57, ch. 10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.
- e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All

proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.

- f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.
- g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the county recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:
 - 1. Description of land included in subdivision;
 - 2. Private licensed land surveyor's "certificate of survey";
 - 3. Owner's dedication certificate;
 - 4. Notary public's acknowledgment;
 - 5. County planning commission's certificate of approval, to be signed by the planning director for the chair;
 - 6. County engineer's certificate of approval;
 - 7. County attorney's certificate of approval;
 - 8. Board of county commissioners' certificate of acceptance;
 - 9. County clerk's certificate of attest;
 - 10. County surveyor's certificate of approval;
 - 11. ~~Weber-Morgan Local Health Department~~ certificate of approval, if required by the local health department.
 - 12. Culinary water authority certificate of approval, if not the local health department; and
 - 13. Sanitary sewer authority certificate of approval, if not the local health department.
- i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.
- j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
- k. Map narrative. The map shall contain a written narrative which

complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances.

- l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.
- m. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders.
- n. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
 1. All easements.
 2. Reference (the entry number and or book and page number) to all deeds in chain of title.
 3. All boundary line agreements.
 4. All rights of way whether the parcel is subject to or has reserve rights.
 5. All current owners.
 6. All outstanding liens, taxes, etc.
- (2) A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
- (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.
- (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-1-7, the following shall be required on the final plat:
 - a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.
 - b. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot

boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification:
"Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

c. Areas with special regulations subject to the Sensitive Lands

Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

(5) Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat:

"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."

(6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of title 12, Flood Damage Prevention Ordinance.

(7) On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.

(d) ***Final improvement plans.*** The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All such utility and road construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services, including the level of service, from applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.

(e) ***Approval of final plat.***

(1) After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under \$25,000.00. Financial guarantees can be granted a time extension by the county engineer and/or the planning director if the change in the financial guarantee is less than \$25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant.

(2) No street improvements or utilities shall be installed until after approval of the

improvement plans by the county engineer. No lots shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

- (f) ***Final plat approval; small subdivisions.*** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land.
- (g) ***Additional provisions.*** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected.
- (h) ***Tax clearance.*** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (i) ~~***Record of survey.***~~ A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-2017)

SECTION 5: **REPEAL** “Sec 106-4-2(a) Water Supply” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(a) Water Supply~~ (*Repealed*)

~~(a) ***Public system.***~~

- ~~(1) Where an approved public water supply is reasonably accessible or procurable, the applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. Water lines and fire hydrants shall be operational before building permits are issued for any structures.~~
- ~~(2) Capacity assessment letter is required prior to final approval from the planning~~

~~commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.~~

- ~~(a) *New system.* Where an approved public water supply or system is not reasonably accessible nor procurable, the applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department.~~
- ~~(b) *Wells.* If individual well permits are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:~~
- ~~(1) That a well permit must be obtained;~~
 - ~~(2) The time it may take to obtain the permit;~~
 - ~~(3) The well must be drilled;~~
 - ~~(4) Water quality to be satisfactory; and~~
 - ~~(5) Water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained.~~
- ~~If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.~~

SECTION 6: **ADOPTION** “Sec 106-4-2.1 Water Supply” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 106-4-2.1 Water Supply(*Added*)

- (a) *Culinary and secondary water supply and delivery system required.* The applicant is responsible for providing a culinary and secondary water supply and delivery system to or on each lot. The system shall provide sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water. The standard method for accomplishing this, and the default requirement, is for the applicant to connect to an existing public culinary water service provider’s system and to connect to an existing secondary water service provider’s system. However, to benefit applicants in certain circumstances, connection to a new water service provider’s system or a private well may be allowed as an alternative, as described in this Section. Water supply and delivery systems shall comply with the following:
- (1) *Water service provider connection.*
- a. *Connection to existing water supply and delivery system, requirement qualifiers.*
 - 1. *Connection requirements and qualifiers.* If any lot within the subdivision is located 300 feet or less from a public

culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable County standards. Each lot within the subdivision shall be connected to the service provider's water delivery system;

2. **Multiple local systems.** If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the County Engineer shall make the final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible.

b. Connection to new water supply and delivery system.

1. **Creation of and connection to new system.** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.
2. **Ownership, operation, and management of new system.** Unless the new system will be owned, operated, and managed by an existing local water service provider, a new water service provider shall be created pursuant to state law to own, operate, and manage the new system.
3. **New system in existing water service provider's planned expansion area.** If any part of the subdivision is situated within the expansion area of an existing culinary or secondary water service provider's water delivery system, then the following are required unless the existing service provider specifies otherwise in writing:
 - i. **Existing service provider's ownership of new system.** At the existing service provider's sole option, upon written request, the applicant shall give the new system to the existing service provider at no cost, unless negotiated by the entities otherwise.
 - ii. **New system to conform to existing system.** The new system shall be constructed pursuant to the requirements and standards of the existing service provider.

- iii. ***New system's future consolidation into existing system.*** The new system shall be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the new and existing systems.
 - iv. ***Contract.*** A contract shall be executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider. Unless negotiated by the entities otherwise, the contract shall provide for the conveyance of applicable ownership and operation rights, necessary water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing. Unless negotiated by the entities otherwise, the infrastructure expense required to consolidate systems shall be borne by the existing service provider and any debt obligation incurred by the newer service provider shall remain the responsibility of the users of the system for which the debt was incurred.
 - v. ***Service provider maps required.*** An existing service provider intending to use this provision for future expansion shall submit documentation to the County showing its current operating area and adopted future expansion area in an accurate geographically-referenced format.
 - vi. ***Multiple local systems.*** If multiple service providers' expansion areas include portions of the subdivision, then the applicant shall furnish written verification to the County of each provider's intent to eventually serve the development. The existing system that will yield the best organization of services and long-term performance of water infrastructure in the area shall be used to satisfy this part, as determined by the County Engineer.
- (2) ***Private well connection.*** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-2.1, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1.
- (b) ***Required water quantity.*** Each developable lot shall be connected to a system that provides sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.
- (1) ***Culinary water quantity.*** The quantity of culinary water shall meet the

minimum standards required by the culinary water authority, applicable agency, or applicable service provider.

- (2) **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.

- a. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part.
- b. **Secondary water by private well.** If secondary water will be provided by a private well, then it shall be assumed that at least 60 percent of the lot will be covered in non-drought tolerant vegetation. However, this percent may be reduced to the actual percentage of the lot covered by non-drought vegetation if a restricted-landscape covenant is recorded to the lot. The covenant requirements are as follows:
 1. The covenant shall restrict the area of non-drought tolerant vegetation to the actual area allowed by their water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights;
 2. A note shall be placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants; and
 3. The approved Exchange Permit from the Utah Division of Water Rights shall be submitted for each well, and shall demonstrate the total acre-feet approved for each well.

- (c) **Capacity assessment.** Prior to final plat approval, the applicant shall provide the county with a written capacity assessment for the culinary and secondary water supply and delivery system.

- (1) **Water service provider capacity assessment.** For the creation or expansion of a water service provider's water supply and delivery system, the capacity assessment shall include:

- a. **Written verification from the water service provider.** The assessment shall verify:
 1. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary or secondary water needs of each applicable subdivision lot;
 2. That adequate culinary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of culinary water including, but not limited to, applicable secondary water uses and fire suppression appurtenances;
 3. That adequate secondary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of secondary water; and

4. The specific details regarding the requirements or conditions for the water service of which the county should be aware during the approval or construction process.
- b. For a culinary water supply and delivery system, evidence that a state construct permit has been secured from the Utah Department of Environmental Quality's Division of Drinking Water.
- (2) ***Private well capacity assessment.*** For a private well's water supply and delivery system, the capacity assessment shall include:
 - a. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
 - b. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
 1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;
 2. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax notice of each lot; and
 - c. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.
- (d) ***Water supply and delivery system improvements required.***
 - (1) ***Improvements required for water service provider.*** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.
 - a. ***Main delivery line extents.*** Culinary and secondary water main delivery lines shall be provided to the furthest extent of the subdivision boundary within a public street right-of-way or a public utility easement, and laterals shall be stubbed to each lot.
 - b. ***Infrastructure not allowed under street asphalt.*** Unless authorized by the County Engineer, water system infrastructure shall be located outside of the asphalt area of a public street.
 - c. ***Infrastructure capacity.*** Infrastructure shall be designed with sufficient capacity for the system service area as determined by the water service provider, or as may otherwise be required by the County Engineer.
 - d. ***Improvements operational before permit.*** Water lines and fire hydrants shall be operational before building permits are issued for any structures.
 - e. ***New source.*** If the service provider determines the source is needed to serve the new lots, a new water source shall be provided, with all needed rights or shares, and connected to the service provider's water delivery system in compliance with the provider's requirements and standards.
 - f. ***Conflicting requirements.*** The County Engineer has discretion to waive or modify any of the foregoing requirements in this Subsection (d)(1) if in conflict with the service provider's requirements.

g. **Prior to County's final acceptance.** The applicant shall submit to the county written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to final acceptance of the subdivision's improvements by the County.

h. **No obligation to County.** Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.

(2) **Improvements required for private well.**

a. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.

b. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.

(c) **Verification of secondary water service provider's capability to serve.** A culinary water service provider that has conditioned its service on adequate access to a secondary water service bears full responsibility for verifying a secondary water system's capability to satisfy the culinary water service provider's conditions and requirements before it will offer culinary water service to the subdivision.

(1) **Final plat approval.** Final plat approval by the culinary water authority indicates satisfaction of the proposal for secondary water services.

(2) **Financial guarantee.** The culinary water provider is encouraged to secure any financial guarantees necessary to ensure satisfactory performance from a secondary water provider or system. At the county engineer's discretion and when the culinary water provider declines, the county may require secondary water infrastructure to be a part of the county's financial guarantee for the subdivision, pursuant to Section 106-4-3.

(3) **Capability considerations.** As a basis to establish capability to serve, a culinary water service provider that has conditioned its service on adequate access to a secondary water service is responsible for determining the adequacy of a secondary water system's source, storage, pumping, distribution, rights or shares, and administration. If that culinary water service provider fails to do so, the county may do so at the discretion of the County Engineer.

a. **Source.** Source considerations may include diversion structures, source flow measurement, screening of the water, and adequate shares or rights deeded to the system provider.

b. **Storage.** Storage considerations may include adequate volume for daily demands (which may be a week of storage depending upon water turns), chemical treatment capability for algae and mussels, accounting for evaporation, basin capable to accommodate

- groundwater table fluctuations, barrier to minimize infiltration or exfiltration, fencing for security, and maintenance of water quality including separation from storm water.
- c. **Pumping.** Pumping considerations may include adequate power, pump capacity and variability for minimum flows to peak instantaneous flows of the future system, above ground shelter, wet well, and ventilation.
- d. **Distribution.** Distribution considerations may include consistent pipe materials, locating wires, sizing adequate for future peak day flows, service laterals including meters, draining and filling appurtenances, valves and installation of pipes only within public rights-of-way for accessibility.
- e. **Water rights or shares.** Water right or share considerations may include proof of water rights or shares, written verification from Weber Basin Water Conservancy District, written verification from a trusted existing secondary service provider, or by any other reasonable means as may be deemed necessary to verify legal access to the secondary water source.
- f. **Administration.** Administration considerations may include ability to provide billing to users, enforcement of any watering restriction, maintenance ability, contingency funding for emergency repairs, annual reporting ability to the State Division of Water Rights, and management of Bluestakes.
- (4) **Exactions and denials of water service provider.** A water service provider, whether culinary or secondary, shall not use this section to require an unlawful exaction or an unlawful subdivision denial, pursuant to state law. Requirements for secondary water shall be reasonable and in accordance with industry best practices.
- (f) **Transfer of rights or shares and penalty for removal.** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner's association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all associated enforcement measures being at the County's disposal. The County is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Director or County.

SECTION 7: **RENUMBER** "Sec 106-4-2(b) Sewage Disposal" of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(b) Sewage Disposal

Sec 106-4-2(~~b~~).2 Sewage Disposal

SECTION 8: **RENUMBER** “Sec 106-4-2(c) Stormwater” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(c) Stormwater

Sec 106-4-2(~~c~~).3 Stormwater

SECTION 9: **RENUMBER** “Sec 106-4-2(d) Street Grading And Surfacing” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(d) Street Grading And Surfacing

Sec 106-4-2(~~d~~).4 Street Grading And Surfacing

SECTION 10: **RENUMBER** “Sec 106-4-2(e) Curbs And Gutters” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(e) Curbs And Gutters

Sec 106-4-2(~~e~~).5 Curbs And Gutters

SECTION 11: **AMENDMENT** “Sec 106-4-2(f) Sidewalks” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-4-2(~~f~~).6 Sidewalks

~~Sidewalks. Five foot wide Ssidewalks shall be~~ required by the planning commission for reasons of safety and public welfare, and where the proposed subdivision is located within the walking distance established by the local school district on both sides of the street, unless specified otherwise in this Land Use Code or other adopted street right-of-way standard. ~~Deferrals for sidewalk will be required for lots in Ogden Valley. Where no sidewalk currently exists in the area, or where a subdivision's required sidewalk is premature given existing conditions, the required sidewalk may be deferred to a later time by recording a deferral agreement to each lot in a form as approved by the County Attorney, County Engineer, and County Planning Director. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the county commission. Approved walking paths may be substituted for sidewalks. A pathway, either paved or concrete as determined by the County Engineer given site conditions, may shall be substituted for a sidewalks along routes that are delineated on an adopted trail or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at the option of the developer, a pathway may be substituted for a sidewalk as long as it is constructed of a material as determined by the County Engineer.~~

SECTION 12: **RENUMBER** “Sec 106-4-2(g) Street Monuments” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(g) Street Monuments

Sec 106-4-2(~~g~~).7 Street Monuments

SECTION 13: **RENUMBER** “Sec 106-4-2(h) Street Trees” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(h) Street Trees

Sec 106-4-2(~~h~~).8 Street Trees

SECTION 14: **RENUMBER** “Sec 106-4-2(i) Street Signs” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(i) Street Signs

Sec 106-4-2(~~9~~).9 Street Signs

SECTION 15: **RENUMBER** “Sec 106-4-2(j) Fencing Or Piping Of Canals, Etc” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(j) Fencing Or Piping Of Canals, Etc

Sec 106-4-2(~~9~~).10 Fencing Or Piping Of Canals, Etc

SECTION 16: **RENUMBER** “Sec 106-4-2(k) Staking Subdivision Corners” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(k) Staking Subdivision Corners

Sec 106-4-2(~~10~~).11 Staking Subdivision Corners

SECTION 17: **RENUMBER** “Sec 106-4-2(l) Peripheral Fencing” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(l) Peripheral Fencing

Sec 106-4-2(~~11~~).12 Peripheral Fencing

SECTION 18: **RENUMBER** “Sec 106-4-2(o) Fire Protection” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(o) Fire Protection

Sec 106-4-2~~(e)~~.13 Fire Protection

SECTION 19: **REPEAL** “Sec 106-4-2(m) Secondary Water*” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(m) Secondary Water*~~ (*Repealed*)

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

SECTION 20: **REPEAL** “Sec 106-4-2(n) Transfer Of Irrigation Water Rights” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(n) Transfer Of Irrigation Water Rights~~ (*Repealed*)

~~Where the county, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the planning commission:~~

- ~~(a) The applicant shall form a lot owners association as a non-profit corporation for owning the irrigation water rights or stock for the lots in the subdivision. The applicant shall transfer to the association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The articles of incorporation of the association shall provide, in addition to the association~~

~~owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the association, is entitled to a pro rata share of irrigation water, is subject to a water distribution schedule and procedure established by the association, and is responsible for his share of the costs of ditch and system maintenance and assessments as made by the association from time to time; or~~
(b) ~~The applicant shall provide the county with evidence that sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, the developer/property owner shall record a covenant to run with the land that these rights or shares will not be disposed of except to the lots in the subdivision and with the sale of each lot, a transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.~~



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss, take comment, and potentially take action on a county-initiated proposal to amend the subdivision ordinance to allow private streets and private lanes in certain circumstances.

Agenda Date: Tuesday, April 27, 2021

Report Author: Charlie Ewert (webercountyutah.gov)
(801) 399-8763

Applicable Ordinances

§ 106-2-2(a) – Street Dedication
§ 106-2-7 – Subdivision Dedication

Legislative Decisions

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

Summary and Background

There are a number of applicants proposing private streets in subdivisions. One specifically, is on hold until and unless a private street ordinance is adopted.

The County Commission has put a lot of effort and thought into streets over the last year or two. An emerging theme in their considerations is that the natural evolution of streets. From wagon trails a century+ ago to pavement today, it is clear that street improvements are not being made as new development is occurring. This is leaving many streets throughout the unincorporated areas substandard and disconnected. As the population grows along one of these streets there becomes a tipping point in which the county is compelled to use eminent domain to ensure adequacy of street widths and connections.

Yet still, despite advancements in transportation methods, it seems that the beginning stages in the evolution of a street is not much different than it was a century ago for local landowners desiring to create a lot or two. These individuals find that if they have to build a full standard street to access their lot, the cost to do so may easily overwhelm any economic benefit of the subdivision.

Yet at the same time, due to an economy of scale, a developer dividing a large amount of lots at one time can realize an economy of scale in which street building does not negate the return on investment. In addition, the economy of scale enables the County to negotiate with the developer where streets should be placed, where stub streets can go, and other street configuration concerns – both current and future, because planning efficient infrastructure within the larger-scale of the development is in the developer's best interest. Yet when working with a landowner doing a subdivision with small number of lots, the limited acreage involved often times proves too challenging to ensure streets are created across parcels in multiple different ownerships in a manner that enables a quality configuration of current and future streets.

And last, public streets are expensive to maintain, yet they provide an overwhelming public good. The property tax revenue generated along residential streets with primary single-family homes does not pay for the maintenance costs of the streets. Second homes don't do much better either, but can break into a positive tax revenue when built closer together densities (less street to maintain between them). Balancing the expense of public streets with the public benefit is challenging when a more robust interconnected street network has not yet been created. The cost to operate and maintain dead-ends, stub-streets, and cul-de-sacs that don't provide any good to the general public currently may be unnecessarily wasteful. Yet, if we do not require new public street segments to extend toward

other public street segments as new development occurs, the public street network will never become interconnected. In a rural community this may not seem like a problem today, but the population is and will continue to grow, and development rights are plentiful in both the Ogden Valley and Western Weber. This means that there is an almost certain future in which both communities will cease to be rural. Planning for public street interconnectivity now, as development is proposed will provide for a future in which more aggressive and more expensive means of street connectivity retrofitting, like use of eminent domain or the tearing down of homes, is necessary.

The attached proposal offers one potential solution that is intended to resolve this multi-faceted problem. It attempts to balance the allowance for the creation of private streets in rural areas in the short-term with the probable demand for those streets to be open to public use in the long-term. It offers landowners another tool in the planning toolbox to create the development of their general choosing, whilst also preserving opportunities for future public street connectivity by the conversion of private to public when population increases demand it.

Given the above context, the attached ordinance proposal is self-explanatory. There is a provision for not just a private street, but also a private lane. We discussed the private lane idea about a year ago.

Noticing Compliance

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

- Posted on the County's Official Website

- Posted on the Utah Public Notice Website

- Published in a local newspaper

Staff Recommendation

Staff recommends that if the Planning Commission supports the allowance of private streets as a method of preserving future opportunities for public streets, that the Planning Commission recommend a positive recommendation to the County Commission for file ZTA2021-02, a proposal to allow private streets and shared private lanes in lieu of public streets in certain circumstances.

Exhibits

- A. Proposed Ordinance

SECTION 1: ~~AMENDMENT~~ “Sec 106-2-2 Street And Alley Widths, Cul-De-Sacs, Easements” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-2 Street ~~And Alley Widths, Cul-De-Sacs, Easements,~~ Private Lane, and Alley Standards

SECTION 2: ~~AMENDMENT~~ “Sec 106-2-2(a) Street Dedication” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-2(a) ~~Street Dedication~~ Streets Generally

The standard method of ensuring ease of access, efficient mobility, reduced response time for first responders, effective emergency management, strong neighborhood relationships through interconnectivity, and a more equitable means of access to community opportunities, is by requiring public streets and public street connectivity at the time new development is proposed. As such, the default requirement for accessibility is for the applicant to create and dedicate each street to the County as a public right-of-way and thoroughfare. However, to benefit applicants in certain circumstances while also reserving future public opportunities, creation of a private street may be allowed as long as it creates no hardship for other landowners in the area to access and develop their land, and as long as a public street is not needed in that location in the foreseen future.

- (a) **Standard street cross-sections.** All proposed streets, whether public or private, shall conform to the county street cross-section standards, unless explicitly specified otherwise.
- (b) **Public streets.** Each street in a subdivision shall be dedicated to the county as a public street, except when a private street is allowed or required as provided in this section.
- (c) **Private streets.** A private street or shared private lane is allowed in a subdivision, as long as the recorded subdivision plat dedicates an easement to the County that reserves the possibility of converting the street or lane to a public street, at the governing body's sole option, at some point in the future. The plat shall contain the dedication language for a private street and private lane conversion easement, as provided in Section 106-7-1. Development of or along a private street or private lane shall comply with the following:
 - (1) **Conversion easement standards.** The conversion easement shall extend the length of the private street or shared private lane. The conversion easement

shall also stub to adjacent developable land or another street regardless of whether the private street or lane does. The conversion easement shall comply with the width requirements for a public street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street building given typical grading and construction methods.

- (2) **Building setback standards.** The minimum building setbacks shall be measured from the conversion easement.
- (3) **Permanent dead-end standards.** A proposed non-temporary terminal (dead-end or cul-de-sac) street shall be a private street or shared private lane and is not required to provide a future public conversion easement if it is located adjacent to land whereon development or further development is very unlikely, or to which public access offers very little public benefit, as determined by the Land Use Authority. Otherwise, if a public street will provide an immediate public-access benefit, a public street is required, and if no immediate benefit is provided, a private street or lane with the conversion easement required herein may be created. If adjacent land is generally open to recreational access by the public, the applicant may choose to dedicate and install a 12-foot public easement and single-track trail in lieu of the future public right-of-way easement. The trail and trail easement shall be designed at an average grade no greater than 20 percent.
- (4) **Geologic hazards.** A street that traverses a geologic hazards study area shall be a private street or shared private lane, unless the hazards study, as required by Chapter 108-22, provides compelling evidence that demonstrates the hazard risk to a public street is low. The County Engineer or the Land Use Authority can require this street to be public regardless, as long as its benefit to the public outweighs the long term operations and maintenance expense caused by the hazard.
- (5) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer:
 - a. **Private street.** A private street shall be constructed as provided in Subsection (a) of this section.
 - b. **Private lane.** A shared private lane shall be constructed to have a minimum right-of-way width of 24 feet with a minimum improved surface width of 20 feet and be constructed and configured to safely facilitate the turning radii and weight of the Fire Authority's largest fire apparatus. The lane shall be constructed of all-weather material, have a grade no greater than 10 percent, a clearance no less than 14.5 feet, and if a terminal lane longer than 200 feet, a fire truck turn-around at the end.
- (6) **Ownership requirements.** The private street or shared private lane shall be either a parcel held in common ownership by an HOA that governs all lots that gain access from it, or be an easement recorded in favor of the owners of all lots that gain access from it.
- (7) **Number of lots allowed.** A terminal private street or shared private lane shall have no more than 15 residences gaining access from it.

(8) **Shared private lane standards.** A shared private lane is allowed when the applicant voluntarily creates each lot to be greater than twice the minimum required lot area and lot width. The re- subdivision of any lot along a shared private lane in a manner that does not comply with this requires that the shared private lane be reconstructed by each lot owner, pursuant to the covenant specified herein, to public street standards. A shared private lane is only allowed in a residential subdivision.

(9) **Plat notes.** On the final plat:

- a. The conversion easement shall be labeled as “easement for possible future street, see note [enter note number here].” The note shall read as follows: “An easement is dedicated hereon to the governing body, which shall not be used by any other person or entity except for the governing body, if ever, for installation, operation, and maintenance of a future public street, if the governing body determines the street is necessary.”
- b. The shared private lane, if applicable, shall be labeled as “shared private lane, see note [enter note number here].” The note shall read as follows: “Pursuant to Section 106-2- 2.1(c) of the Weber County Code, the shared private lane shown on this plat is in lieu of a public or private street, and is in exchange for a 50 percent reduction in lots accessing the shared private lane. Any future additional lots gaining access from the shared private lane shall comply with this reduction or rebuild the shared private lane to public street standards.”

(10) **Recording requirements.** At the time of final plat recording, the applicant shall record the following:

- a. If not owned by an HOA, a private street or shared private lane easement recorded in favor of the owners of all lots that gain access from the lane, to be in effect in perpetuity or until all affect owners and the county agree otherwise.
- b. A deed-covenant to run with the land that provides that:
 1. The owners of all lots that gain access from the private street or shared private lane are equally responsible for operations and maintenance.
 2. An easement has been dedicated on the subdivision plat to the governing body, which shall not be used by any other person or entity except for the governing body, if ever, for installation, operation, and maintenance of a future public street, if the governing body determines the street is necessary.
 3. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a public street if, at any time in the future, the county deems it necessary to have the landowner replace the private street or shared private lane with a public street.

4. If for a shared private lane, that the lot area and width requirements of each lot gaining access from the shared private lane shall be double that required by the zone; or if in a cluster subdivision, the base density, as defined in Section 101-2, shall be 50% what the zone would otherwise allow.

~~Streets in year round subdivisions shall be dedicated to the county as public streets except that private streets improved to county public street standards may be permitted in a condominium development. Mountain land subdivisions in high mountain areas of the county for seasonal recreation and summer homes shall have private streets built to county private street standards for such subdivisions except that the county may require public dedication for major or loop road access purposes.~~

SECTION 3: AMENDMENT “Sec 106-7-1 Subdivision Dedication” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-7-1 Subdivision Dedication

Each subdivision plat shall provide dedication language that clearly explains what the dedication is, to what public entity it is being dedicated, and for what purpose the dedication is intended. The actual dedication language may vary for each plat based on the circumstances of the subject property, but the following offers the minimum language required. The terms in brackets indicate a verbiage choice that shall reflect the actual circumstances of the subject property.

“We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and [public streets, private streets or private rights-of-way] as shown hereon and name said tract [name of subdivision].”

Dedication to the county. “We hereby dedicate, grant and convey to Weber County, Utah, all those parts or portions of said tract of land designated as”

For public streets. “[public streets, the same to be used as public thoroughfares].”

For public trails. “[public trails, the same to be used by the public for nonmotorized transportation and recreation].”

For county parks. “[parks, the same to be used as public open space].”

“and do further dedicate, grant, and convey to Weber County, Utah, a perpetual right and easement over, upon, and under the lands designated herein as”

For public utility easements. “[public utility easements, the same to be used for the installation, maintenance, and operation of public utility service lines, storm drainage facilities, irrigation canals, or any other utility or street-related facility as authorized by the County].”

For public drainage easement. “[drainage easement, the same to be used for the perpetual preservation of water channels in their natural state].”

For perpetual open space easement. “[a perpetual open space right and easement on and over the common areas and open space areas to guarantee to Weber County that the common areas and open space areas remain open and undeveloped except for approved recreational, parking, and open space purposes].”

For private street or private lane conversion easement. “[an easement reserved unto the governing body, which shall not be used by any other person or entity except for the governing body, if ever, for installation, operation, and maintenance of a future public street, if the governing body determines the street is necessary].”

Dedication to a local district. “We hereby dedicate, grant, and convey to the [(name) park] [(name) sewer] [(name) water] District all those parts or portions of said tract of land designated as”

For district public trails. “[public trails, the same to be used by the public for nonmotorized transportation and recreation].”

For district park. “[parks, the same to be used as public open space].”

For sewer district. “[a sewer district parcel, the same to be used for public sanitary sewer facilities and buildings].”

For water district. “[water district parcel, the same to be used for public water facilities and buildings].”

Private reservations. “Further, we reserve unto the subdivision [lot] [unit] owners association, whose membership consists of the owners, their grantees, successors, or assigns of said tract of land, all those parts or portions of said tract of land designated as,”

Private streets, rights of way, or common area. “[private streets] [private rights-of-way] to provide access to the individual lots and to be maintained by the [lot] [unit] owners association] [common areas to be used for recreational and open space purposes] for the benefit of each [lot] [unit] owners association member in common with all others in the subdivision.]”

Private land drain easement. “[reserve unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, an easement over such land drains for the purpose of perpetual maintenance and operation.]”

~~We the undersigned owners of the herein-described tract of land, do hereby set apart and subdivide the same into lots and streets (private streets, private rights-of-way) as shown hereon and name said tract, and do hereby dedicate, grant and convey to Weber County, Utah, or its designee, all those parts or portions of said tract of land designated as parks the same to be used as public open space:(name of subdivision)[include as applicable]Public streets and parks. 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.Private streets, access, rights-of-way. Dedicate and reserve unto themselves, their heirs, their grantees and assigns, a right-of-way to be used in common with all others within said subdivision (and those adjoining subdivisions that may be subdivided by the undersigned owners, their successors, or assigns) on, over and across all those portions or parts of said tract of land designated on said plat as private streets (private rights-of-way) as access to the individual lots, to be maintained by a lot (unit) owners' association whose membership consists of said owners, their grantees, successors, or assigns.Common open space. Grant and convey to the subdivision lot (unit) owners association, all those parts or portions of said tract of land designated as common areas to be used for recreational and open space purposes for the benefit of each lot (unit) owners association member in common with all others in the subdivision and grant and dedicate to the county a perpetual open space right and easement on and over the common areas to guarantee to Weber County that the common areas remain open and undeveloped except for approved recreational, parking and open space purposes.Public utility, drainage and canal maintenance easements. Grant and dedicate a perpetual right and easement over, upon and under the lands designated hereof as public utility, stormwater detention ponds drainage easements and canal maintenance easement, 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.Private land drain easements. Grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, an easement over such land drains for the purpose of perpetual maintenance and operation.~~

(Ord. of 1956)