



## OGDEN VALLEY PLANNING COMMISSION

---

### Ogden Valley Virtual Meeting

---

July 7, 2020

4:30 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/87315485682>

- *Roll Call*
- *Pledge of Allegiance*

#### Legislative Items:

1. **ZMA 2020-01: Consideration and action on a proposal to rezone approximately 15 acres of land located at 4706 E. 2650 N. from AV-3 to MV-1. *Presenter: Charlie Ewert***
2. **ZTA 2018-05: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments. *Presenter: Steve Burton***

#### CLOSE PUBLIC HEARING

#### Adjourn to Work Session

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

***Presenter: Scott Perkes***

#### Adjourn

*The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following weblink in a web browser: Join Zoom Meeting: <https://us02web.zoom.us/j/87315485682>*

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

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

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



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments.
<b>Agenda Date:</b>	Tuesday, July 7      Steve Burton sburton@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	CE

## Applicable Ordinances

- Weber County Land Use Code, Title 102, Chapter 1 (General Provisions)
- Weber County Land Use Code, Title 102, Chapter 5 (Rezone Procedures)

## Legislative Decisions

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

## Summary and Background

The Planning Division is proposing the attached changes in order to clarify the rezone procedures and to bring the land use code into compliance with state code regarding legislative recommendations from the Planning Commission. The proposed changes will also clarify requirements and procedures for a development agreement. Finally, the proposed changes will allow planning staff to require a concept development plan as part of a rezone application when deemed necessary.

## Conformance to the General Plan

This proposal is meant to provide clear and concise rezone procedures which can help to effectively implement the county's general plans.

## Past Action on this Item

No action has occurred on this item.

## Noticing Compliance

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

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

## Staff Recommendation

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

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

## Exhibits

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

~~Sec 102-1-5 Hearing And Publication Notice For County Commission~~

~~Before finally adopting any such legislative amendment, the board of county commissioners shall hold a public hearing thereon, at least 14 days' notice of the time and place of which shall be given as per state code. The unanimous vote of the full body of the county commission is required to overturn the recommendation of the planning commission, if there was a unanimous vote of the planning commission in favor or denial of the petition.~~

**Commented [B1]:** Proposing to remove this section, as it gives the Planning Commission legislative authority when the county commission should have full legislative authority.

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

...

Sec 102-5-1 Purpose And Intent

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the county.

Sec 102-5-2 Development To Be In Conformance To The General Plan

~~Since the purpose of zoning regulations is to promote the general welfare, safety, health, convenience and economic prosperity of the county, it is county policy that rezoning of property, should further this purpose, by complying with the county's general plans.~~ [Rezoning of property should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's Land Use Code by complying with the county's general plans.](#)

~~Sec 102-5-3 Approval Criteria~~

~~(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.~~

**Commented [B2]:** This section is being re-written and moved to a new section that outlines procedure.

**Formatted:** Font: (Default) Times New Roman, 12 pt

~~(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.~~

**Commented [B3]:** See 102-5-6 (c)

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

~~(c) Supplementary approval criteria for a destination and recreation resort zone.~~

**Formatted:** Indent: Left: 0.5", No bullets or

- ~~(1) The proposed resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in title 104, chapter 28, the Ogden Valley Sensitive Lands Overlay District, of the Weber County Land Use Code.~~
- ~~(2)(1) A professional and empirical study has provided substantial evidence determining that the proposed resort is viable and contributes to the surrounding community's economic well being.~~
- ~~(3)(1) A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the resort, from diminishing below an acceptable level of service.~~
- ~~(4)(1) The natural and developed recreational amenities, provided by the resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.~~
- ~~(5)(1) The proposed resort's seasonal workforce housing plan will provide a socially, economically and environmentally responsible development.~~
- ~~(6)(1) The proposed resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the county commission.~~

**Commented [B4]:** See 102-5-6 (d)

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

Sec 102-5-34 Application Submittal

- (a) A pre-application meeting is required prior to the application submittal.
- (b) An application for a rezoning shall be submitted on forms provided by the planning division and shall expire 18 months after submittal, if not acted upon, provided however, that the director may extend the application for six months for just cause. The application shall be accompanied with the following information:
  - (1) The application shall be signed by the landowner or ~~his~~their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
  - (2) A rezoning may be initiated by an owner of any property or any person, firm or corporation with the written consent of the owner of the property, or be county-initiated.
  - (3) A proposed rezone to any zone. An application for a rezoning shall ~~may be required to~~ be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan, may be required.
  - (4) Letters of feasibility from the appropriate state or county agencies for water and wastewater.
  - (5) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
  - (6) The applicant shall provide a narrative addressing the following information:
    - a. How is the change in compliance with the general plan?

**Commented [B5]:** We know that a concept development plan may not be necessary for every rezone. We want the code to be clear that it may be required, not that it is required for every rezone.

**Formatted:** Font: (Default) Times New Roman, 12 pt

- 78 b. Why should the present zoning be changed to allow this proposal?  
 79 c. How is the change in the public interest?  
 80 d. What conditions and circumstances have taken place in the general area since the  
 81 general plan was adopted to warrant such a change?  
 82 e. How does this proposal promote the health, safety and welfare of the inhabitants  
 83 of the county?  
 84 f. Project narrative describing the project vision.  
 85 (c) Destination and recreation resort zone supplementary requirements.  
 86 (1) Due to the anticipated scale and potential impact of a destination and recreation resort  
 87 on the county and other surrounding areas, additional information, shall be required to  
 88 accompany any application submitted for consideration of a destination and  
 89 recreation resort zone approval. The additional information shall consist of the  
 90 following:  
 91 a. Concept development plan showing sensitive land areas as described/mapped in  
 92 title 104, chapter 28, Ogden Valley Sensitive Lands Overlay Districts.  
 93 b. Traffic impact analysis.  
 94 c. Cost benefit analysis.  
 95 d. Recreation facilities plan.  
 96 e. Seasonal workforce housing plan.  
 97 f. Emergency services plan including a letter of feasibility from the Weber fire  
 98 district and Weber County sheriff's office.  
 99 g. Letter of feasibility from the electrical power provider.  
 100 h. Density calculation table showing proposed density calculations.  
 101 i. Thematic renderings demonstrating the general vision and character of the  
 102 proposed development.  
 103 (2) All documents submitted as part of the application shall be accompanied by a  
 104 corresponding PDF formatted file.

105 ~~(2)~~ —

Formatted: Normal, No bullets or numbering

106

107 Sec 102-5-~~4~~5 Concept Development Plan

- 108 (a) ~~A~~The concept development plan ~~shall~~ may be required to be submitted with a rezoning  
 109 application to any, and zone, according to section 102-5-5 (a) of this chapter. The concept  
 110 development plan shall supply sufficient information about the development to assist the  
 111 Planning Commission and County Commission in making a decision on the rezoning  
 112 application. ~~Seven copies~~ A copy of plans shall be submitted on 11- by 17-inch paper ~~and~~  
 113 ~~two copies of plans shall be submitted~~ on 24- by 36-inch paper, at a readable scale. All  
 114 concept plans (including but not limited to architectural elevations/renderings, etc.), and  
 115 subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF,  
 116 DWF and JPEG files of the respective plans. Information supplied shall include text and  
 117 illustration:

- 118 (1) Inventory of general land use types located within the project and the surrounding
- 119 area.
- 120 (2) Approximate locations and arrangements of buildings, structures, facilities and open
- 121 space.
- 122 (3) Architectural rendering of proposed buildings, structures, facilities and open space
- 123 within the project.
- 124 (4) Access and traffic circulation patterns and approximant location of parking.
- 125 (5) A written description explaining how the project is compatible with surrounding land
- 126 uses.
- 127 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands,
- 128 etc.).
- 129 (7) Written explanation and visual illustration showing project density and mass/scale in
- 130 comparison to the existing developed area adjacent to the proposed rezone.
- 131 (8) Legal description of the property being proposed for rezone.
- 132 (b) The applicant/owner and any assigns or successors in interest, is required to develop only
- 133 in accordance with the proposals outlined in the plan. Any materially different concept,
- 134 use, building arrangement, etc., will not be approved nor will building permits be issued
- 135 by the county until such plan is amended by the county commission after
- 136 recommendation of the planning commission. Minor changes may be approved by the
- 137 planning director. If the county denies such changes or amendments and/or the concept
- 138 plan is abandoned, the county may institute steps to revert the zoning to its former or
- 139 other appropriate zone. The information shown on the concept plan may vary in detail
- 140 depending on the size of projects.

141

142 Sec 102-5-56 County Zoning Procedure

143 ~~The county commission after considering the recommendations of the planning commission,~~  
 144 ~~holding the required public hearing, and making findings as to whether or not the application~~  
 145 ~~meets the criteria found in section 102-5-3, may take any of the following actions:~~

- 146 ~~(a) The county commission may approve the proposed rezoning and concurrently approve a~~  
 147 ~~concept plan for the development, in whole or in part, with or without changes or~~  
 148 ~~conditions and adopt an ordinance rezoning the property;~~
- 149 ~~(b) The county commission may deny a rezoning application;~~
- 150 ~~(c) The county commission may rezone the subject land to any other less intensive zone~~  
 151 ~~deemed more appropriate~~
- 152 (a) Prior to submittal of a rezone application, the applicant shall attend a pre-application  
 153 meeting in which the proposal is discussed with County planning staff. After the pre  
 154 application meeting, the Planning Director or designee may require a concept  
 155 development plan to be submitted with the application. After application submittal, if no  
 156 concept plan was previously required, the Planning Director or designee, the Planning  
 157 Commission, or the County Commission may require a concept development plan or any  
 158 other information, to address emerging impacts.

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Not Highlight

**Commented [B6]:** We want staff, planning commission, and county commission to be able to request a concept plan when it is deemed necessary. The discretion for these bodies to ask for these items is meant to help them make informed decisions before recommending or granting rezones.

**Formatted:** Font: (Default) Times New Roman, 12 pt, Highlight

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

159 (b) When a rezoning application meets the requirements outlined in 102-5-3 of this Chapter,  
160 and when the application is deemed complete by the Planning Director or designee, the  
161 application will be processed in the following manner:

162 (1) Upon receiving a recommendation from staff regarding an amendment to the zoning  
163 map, and after holding the required public hearing, the Planning Commission shall  
164 review the amendment and prepare its recommendation. The Planning Commission  
165 may recommend approval, approval with modifications, or denial of the proposed  
166 amendment and shall submit its recommendation to the County Commission for  
167 review and decision.

168 (2) Upon receiving a recommendation from the Planning Commission regarding an  
169 amendment to the zoning map, the County Commission shall schedule and hold a  
170 public hearing to review and make a decision on the application. Following the public  
171 hearing the County Commission may approve, approve with modifications, or deny  
172 the proposed amendment. Prior to making a decision that goes contrary to the  
173 Planning Commission’s recommendation, the County Commission may, but is not  
174 obligated to, remand the amendment to the Planning Commission with a request for  
175 another recommendation with additional or specific considerations. The Planning  
176 Commission shall review such request as specified in subsection 1 of this section.

177 (3) A decision to amend the zoning map is a matter committed to the legislative  
178 discretion of the County Commission and is not controlled by any one standard.  
179 However, in making an amendment, the County Commission and Planning  
180 Commission should consider the following factors:

- 181 1. Whether the proposed amendment is consistent with goals, objectives, and
- 182 policies of the County’s general plan;
- 183 2. Whether the proposed amendment is harmonious with the overall character of
- 184 existing development in the vicinity of the subject property;
- 185 3. The extent to which the proposed amendment may adversely affect adjacent
- 186 property; and
- 187 4. The adequacy of facilities and services intended to serve the subject property,
- 188 including, but not limited to, roadways, parks and recreation facilities, police
- 189 and fire protection, schools, stormwater drainage systems, water supplies,
- 190 wastewater, and refuse collection.
- 191 5. Whether the proposed resort can be developed in a manner that will not
- 192 substantially degrade natural/ecological resources or sensitive lands.
- 193 6. Whether proposed traffic mitigation plans will prevent transportation corridors
- 194 from diminishing below an acceptable level of service.

195  
196 (4) Supplementary approval criteria for a destination and recreation resort zone: The  
197 Planning Commission and County Commission should also consider the following  
198 factors when making an amendment to Resort zoning:

199 ~~The proposed resort can be developed in a manner that will not substantially~~  
200 ~~degrade natural/ecological resources or sensitive lands as identified in title~~

Formatted: List Paragraph, Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:  
Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: List Paragraph, Numbered + Level: 2 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:  
Left + Aligned at: 1" + Indent at: 1.25"

Formatted: List Paragraph, Indent: Left: 1.25"

Formatted

201 104, chapter 28, the Ogden Valley Sensitive Lands Overlay District, of the  
 202 Weber County Land Use Code.

203 1. Whether a professional and empirical study has provided substantial  
 204 evidence determining that the proposed resort is viable and contributes to the  
 205 surrounding community's economic well-being.

206 ~~— A professional and empirical study has provided substantial evidence~~  
 207 ~~determining that proposed traffic mitigation plans will prevent transportation~~  
 208 ~~corridors, serving the resort, from diminishing below an acceptable level of~~  
 209 ~~service.~~

210 2. Whether the natural and developed recreational amenities, provided by the  
 211 resort, will constitute a primary attraction and provide an exceptional  
 212 recreational experience by enhancing quality public recreational opportunities.

213 3. Whether the proposed resort's seasonal workforce housing plan will provide  
 214 a socially, economically and environmentally responsible development.  
 215 ~~— The proposed resort can demonstrate that public safety services are and/or will~~  
 216 ~~be feasible and available to serve the project in a manner that is acceptable to~~  
 217 ~~the county commission.~~

218 (5) Where an application for a rezone has been denied the County shall not accept the  
 219 same zoning amendment application within one (1) year of a denial unless there is a  
 220 substantial change of conditions since the earlier application. A new application, with  
 221 applicable fee, shall be required and processed in accordance with the procedure  
 222 outlined in this section.

Formatted: List Paragraph

224  
 225 Sec 102-5-~~6~~7 ~~Processing~~-Approved Development Proposals

226 After rezoning is granted, applications for development within the rezoned area ~~a development~~  
 227 ~~proposal shall be processed and specific plans for all or a phase of the development on the~~  
 228 ~~rezoned land shall be reviewed as required by the Land Use Code, as part of its (site plan design~~  
 229 ~~review, conditional use approval, subdivision and/or building permit) approval process. The~~  
 230 plans shall be in accordance with the approved concept development plan or development  
 231 agreement, if required as part of the approved rezone. ~~and any conditions attached.~~

232  
 233 Sec 102-5-~~7~~8 Development Agreement

234 ~~(a)~~ The county commission may require an applicant, at the time of zoning approval, to enter  
 235 into a zoning development agreement as outlined in 102-6-1, ~~which specifies and details~~  
 236 ~~the applicant's responsibilities and commitments in carrying out the development~~  
 237 ~~contained in an approved concept development plan and which lists the conditions and~~  
 238 ~~limitations of development imposed by the county and also the contemplated action of~~  
 239 ~~the county in case of default by an applicant or any successors in interest in the rezoned~~  
 240 ~~property.~~

Formatted: Font: (Default) Times New Roman, 12 pt

241 ~~(b) The agreement shall also contain the applicant's acknowledgment that the commitment of~~  
242 ~~zoning is predicated upon the good faith accomplishment of the approved development~~  
243 ~~and if not started or constructed within the specified periods of time, the county may take~~  
244 ~~steps to rescind zoning approval and revert the zoning to its former or other appropriate~~  
245 ~~zone.~~

246 ~~(c) A development agreement, which has been executed as part of a rezoning process, shall~~  
247 ~~be recorded in the county recorder's office as a covenant running with the land,~~  
248 ~~concurrently with adoption of an ordinance implementing a rezoning application.~~

249  
250

251 Sec 102-5-9 Reversion To Original Zoning Designation

252 (a) ~~If development does not occur as proposed at the time of zoning approval, the public~~  
253 ~~benefits expected from the development cannot be realized and the effect of the rezoning~~  
254 ~~is therefore without merit in terms of improving the public economic prosperity, general~~  
255 ~~welfare, safety, health and convenience. If in such cases the county finds that the zoning~~  
256 ~~purpose has not been attained, the county then may declare its intent to revert the zoning~~  
257 ~~to its former or other appropriate zone so future opportunities for similar development in~~  
258 ~~the same general area may be shared by other properties deemed suitable.~~

259 (b) ~~If building permits have not been obtained and construction of the development or an~~  
260 ~~agreed upon phase thereof, in accordance with the approved concept and final~~  
261 ~~development plans, has not commenced within two years from the date of zoning~~  
262 ~~approval or other time period as set by the county commission, the county may examine~~  
263 ~~the reasons for the delay and the progress of the development to that point and may either~~  
264 ~~extend the time period or initiate steps to revert the zoning designation of the previously~~  
265 ~~rezoned land to its former or other appropriate zone. The reversion of zoning shall follow~~  
266 ~~the same procedure established by law for amending the zoning map.~~

267

268 Sec 102-5-9+10 Disconnect From Incorporated Cities

269 Properties that disconnect from incorporated cities shall submit a rezone application and fees to  
270 the county planning division. Prior to any disconnection, the subject property needs to comply  
271 with its current city zoning and approved site plan.

272

273

274 Sec 102-6-1 Purpose and Intent

275 The purpose of this chapter is to provide procedures and minimum standards for the review,  
276 consideration, and possible approval of development agreements by the county commission. A

**Commented [B7]:** Ask attorneys if this complies with state law

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Commented [B8]:** The county only had a small section that referenced development agreement requirements. We feel that a new section will make it clear to developers what the county will/may require as part of a development agreement.

**Formatted:** Font: (Default) Times New Roman, 12 pt

**Formatted:** Font: (Default) Times New Roman, 12 pt

277 development agreement may only be approved, if in the opinion of the county commission, such  
278 development agreement is found:

Formatted: Font: (Default) Times New Roman, 12 pt

279

280 (a) To recognize the nature of the subject property by tailoring development standards and  
281 requirements that provide a more desirable land use planning and regulatory scheme than  
282 would be possible under the county's existing land use ordinances; or

Formatted: List Paragraph, Numbered + Level: 1 +  
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:  
Left + Aligned at: 0.25" + Indent at: 0.5"

283

284 (b) To advance the policies of the county.

Formatted: List Paragraph

285

Formatted: List Paragraph, Numbered + Level: 1 +  
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:  
Left + Aligned at: 0.25" + Indent at: 0.5"

286 Sec 102-6-2 Eligibility

Formatted: Indent: Left: 0.5", No bullets or

287 All persons entering into a development agreement with the county must have a legal or  
288 equitable interest in the property that is the subject of the development agreement.

289

290 Sec 102-6-3 Scope

291 Unless expressly required elsewhere in this title, a development agreement is an optional land  
292 use regulatory tool that may be used, at the discretion of the county commission, as provided in  
293 section 8-21-1 of this chapter. No provision herein shall obligate the county commission to enter  
294 into a development agreement.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

295

296 The provisions and requirements of this chapter shall be determined to be minimum standards.  
297 The county commission may require additional provisions and requirements depending on the  
298 nature and scope of the land(s) affected and the particular purposes and intent(s) of the  
299 development agreement.

Formatted: Font: (Default) Times New Roman, 12 pt

300 Sec 102-6-4 Minimum Requirements

301 All development agreements entered into by the county shall, at a minimum, be found to comply  
302 with the following minimum standards:

- 303 (a) Be in writing.
- 304 (b) Provide an accurate legal description of the subject property and the names of all legal  
305 and equitable owners.
- 306 (c) Provide a conceptual subdivision layout or site plan including, but not limited to, the  
307 location and arrangement of all allowed uses, circulation patterns, and all required  
308 dedications and improvements.
- 309 (d) Provide the terms of the agreement, and any term extension requirement(s).
- 310 (e) Identify all allowed uses for the subject property and the procedures required for the  
311 approval of each identified use.
- 312 (f) Identify all applicable development standards, including the timing and obligations  
313 associated with the provision of necessary infrastructure and services.

Formatted: List Paragraph, Numbered + Level: 1 +  
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:  
Left + Aligned at: 0.25" + Indent at: 0.5"

- 314 (g) Provide for the provision and installation of required public infrastructure and services.
- 315 (h) Provide a listing of all features and facilities being voluntarily provided to the county, or
- 316 other public or private agency, as applicable if any, in addition to those typically required
- 317 by the county's land use ordinances.
- 318 (i) Provide a description of any reservation or dedication of lands for public purposes.
- 319 (j) Provide a description of any conditions, terms, restrictions, or other requirements
- 320 determined to be necessary to promote the public health, safety, or welfare or the
- 321 purposes of the development agreement.
- 322 (k) Identify enforcement mechanisms determined necessary to ensure compliance.
- 323 (l) Provide for the recording of the approved development agreement in the office of the
- 324 Morgan County recorder. The signed and recorded copy of the development agreement
- 325 shall be considered the official executed copy of said agreement.
- 326 (m) Include any additional requirements identified by the county commission determined
- 327 necessary to advance the interests of the county and other provisions and requirements to
- 328 protect the public health, welfare and safety of the county, and its residents.

Formatted: Font: (Default) Times New Roman, 12 pt

329

330 Sec 102-6-5 Development Procedures

331 A. All development agreements shall be considered and approved by the county commission at a

332 regular meeting. If a development agreement contains any provision proposing to amend the

333 county general plan or land use ordinance, including zoning designation of the subject property,

334 the procedures of the county required for a general plan or land use ordinance amendment shall

335 be followed, including complying with all noticing and public hearing requirements.

Formatted: Font: (Default) Times New Roman, 12 pt

336 B. The county commission shall consider all materials presented and shall approve or deny the

337 proposed development agreement, with or without requirements and conditions and with

338 necessary findings. If approved, the county commission chair, on behalf of the county, and the

339 applicant shall sign and execute the development agreement, as approved.

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

340 C. Within fourteen (14) business days of signature by the county commission chair and the

341 applicant the development agreement shall be recorded in the office of the county recorder,

342 which the recorded agreement constitutes the official document of the county.

Formatted: Font: (Default) Times New Roman, 12 pt

343 D. The county commission, in considering a development agreement, may request a

344 recommendation of the planning commission on planning, allowed uses, or other development

345 matters that may be associated with the proposed development agreement.

Formatted: Font: (Default) Times New Roman, 12 pt

346 E. In the event that a development agreement is amended after being executed by the affected

347 parties a notice of amendment shall be sent by certified mail to all property owners with interest

348 in the property as described in the development agreement. Such notice shall at a minimum

349 explain the amendment and provide information about where the amendment may be retrieved

350 from the county recorder's office. Expenses for the notice shall be borne by the developer.

351

352 Sec 102-6-6 Development Agreement Review

353 In reviewing a proposed development agreement county commission may consider, but shall not  
354 be limited to, the following:

**Formatted:** Font: (Default) Times New Roman, 12 pt

355 (a) Public impacts and benefits.

356 (b) Adequacy in the provision of all necessary public infrastructure and services.

357 (c) Appropriateness and adequacy of environmental protection measures; and

358 (d) Protection and enhancements of the public health, welfare, and safety above that provided  
359 by the existing land use ordinances.

**Formatted:** List Paragraph, Numbered + Level: 1 +  
Numbering Style: a, b, c, ... + Start at: 1 + Alignment:  
Left + Aligned at: 0.25" + Indent at: 0.5"

360

361 Sec 102-6-7 Effect of Approval:

362 A. A development agreement, as approved by the county commission and recorded as required  
363 by section 8-21-5 of this chapter, shall be controlling for the subject property, and shall modify  
364 the county's land use ordinances to the extent specifically identified by the development  
365 agreement.

**Formatted:** Font: (Default) Times New Roman, 12 pt

366

367 B. Only those county land use ordinance provisions specifically identified by the development  
368 agreement shall be modified. All other land use ordinance requirements shall remain in full force  
369 and effect.

370

371 C. A development agreement shall not prevent the county from applying any new provisions or  
372 regulations to the subject property that do not conflict with those contained within the  
373 development agreement.

374

375 Sec 102-6-8 Binding Nature of Development Agreements:

376 All development agreements shall be binding on the county and the applicant and on all  
377 successors and assigns for the term of the agreement.

378

379 Sec 102-6-9 Expenses

380 The county may require the applicant to reimburse the county for all reasonable expenses  
381 incurred by the county related to the preparation and adoption of a development agreement.

382

383 Sec 102-6-10 Enforcement

384 The county may utilize all legally available enforcement mechanisms necessary to achieve  
385 compliance with this chapter and any development agreement including, but not limited to, the  
386 withholding of necessary land use approvals and permits.

387

388 Sec 102-6-11 Modification or Suspension to Comply with State or Federal Laws

389 In the event that federal or state laws or regulations, enacted after the adoption of a development  
390 agreement, prevent or preclude compliance with one or more provisions of the agreement, such  
391 provisions of the agreement shall be suspended, as may be necessary to comply with such federal  
392 or state laws or regulations.

393 Sec 102-6-12 Noncompliance

394 In the event a development agreement is terminated as a result of noncompliance by the subject  
395 property owner the subject property shall revert to the general plan and zoning district  
396 designation that existed prior to the enactment of the development agreement.