



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Discussion and action on a conceptual sketch plan endorsement request for a Cluster Subdivision submitted by Alpine Engineering & Construction, LLC		
Type of Decision:	Administrative		
Agenda Date:	Tuesday, February 21, 2017		
Applicant:	E. Hal Christensen		
File Number:	SPE 2017-01		
Approximate Address:	2665 South 3500 West		
Project Area:	13.12 Acres		
Zoning:	Agricultural (A-1)		
Existing Land Use:	Agricultural		
Proposed Land Use:	Residential		
Parcel ID:	15-088-0035		
Township, Range, Section:	T6N, R2W, Section 33		

Adjacent Land Use

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

Staff Information

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

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 5 Agricultural Zone (A-1)
- Title 108, Chapter 3 Cluster Subdivisions

Summary

The applicant has submitted a conceptual sketch plan for an 18 lot cluster subdivision for review and endorsement by the Planning Commission as required in the Uniform Land Use Code of Weber County (LUC). The subject property is zoned A-1 and is currently a 13.12 acre agricultural parcel. The applicant has requested bonus density based on the following qualifying criteria: Up to 50% bonus for preserving an open space percentage above the required 30% for Cluster Subdivisions in the A-1 zone; Up to 10% bonus for meeting the purpose and intent of the Cluster Subdivision Ordinance. The conceptual sketch plan process is meant to be a discussion item between the applicant and the Planning Commission without an in depth review by the Planning Division Staff. The required application, vicinity map and subdivision plan are attached as Exhibit A.

The main road within the proposed cluster subdivision appears to extend to an open space/preservation parcel, but does not appear to extend through the subdivision. The arrangement of streets in new subdivisions shall make provisions for the continuation of streets in adjoining areas as stated in LUC 106-2-1 (a).

The sketch plan proposal designates 2 small parcels as 'secondary unimproved lot access roads.' These parcels should be shown as part of the landscaped common area or part of the building lots within the subdivision.

Staff recommends approval of the sketch plan endorsement request for the 18 lot cluster subdivision submitted by Alpine Engineering & Construction LLC with the following conditions:

- The main road within the cluster subdivision must extend to the adjacent property to the west.
- The portions of land designated as 'secondary unimproved lot access roads' must be part of the landscaped common area or part of the lots within the cluster subdivision.

LETTER OF TRANSMITTAL

January 17, 2017

Weber County
Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

Subject: Submittal of Cluster Subdivision Conceptual Sketch Plan Endorsement Application

Ladies and Gentlemen:

This submittal has been prepared subsequent to an informal and preliminary review meeting attended by various members of the Planning Division's Staff, Engineering Department's staff, myself, and my personal realtor on January 5, 2017. The meeting was held to informally review a preliminary version of a sketch plan for a proposed cluster subdivision in Taylor, Utah on a 13.12-acre parcel of property with a County Assessor's Tax ID Number of 15-088-0035 and as shown on the attached "18 Lot Residential Cluster Subdivision Sketch Plan."

Accordingly, I have enclosed the following documents for the Planning Division's and Engineering Department's ongoing review to secure an endorsement of the above-mentioned cluster subdivision by the Western Weber Planning Commission in accordance with Section 108-3-3(a)(1) of the Weber County Code of Ordinances Chapter 3 CLUSTER SUBDIVISIONS:

- Cashier's check in the amount of \$50.00 as payment for the County review fee
- Weber County Cluster Subdivision Sketch Plan Endorsement Application
- Development Project Vicinity Map
- Sketch Plan-40ft² Base Subdivision Plan
- 18 Lot Residential Cluster Subdivision Sketch Plan
- A computer compact disc for digital storage of the aforementioned vicinity map and plans

Please note that the "Sketch Plan-40 ft² Base Subdivision Plan" is included in this submittal as a reference only to provide the basis, by which, the number of 50% bonus lots were determined in accordance with the Weber County Code of Ordinances as referenced above.

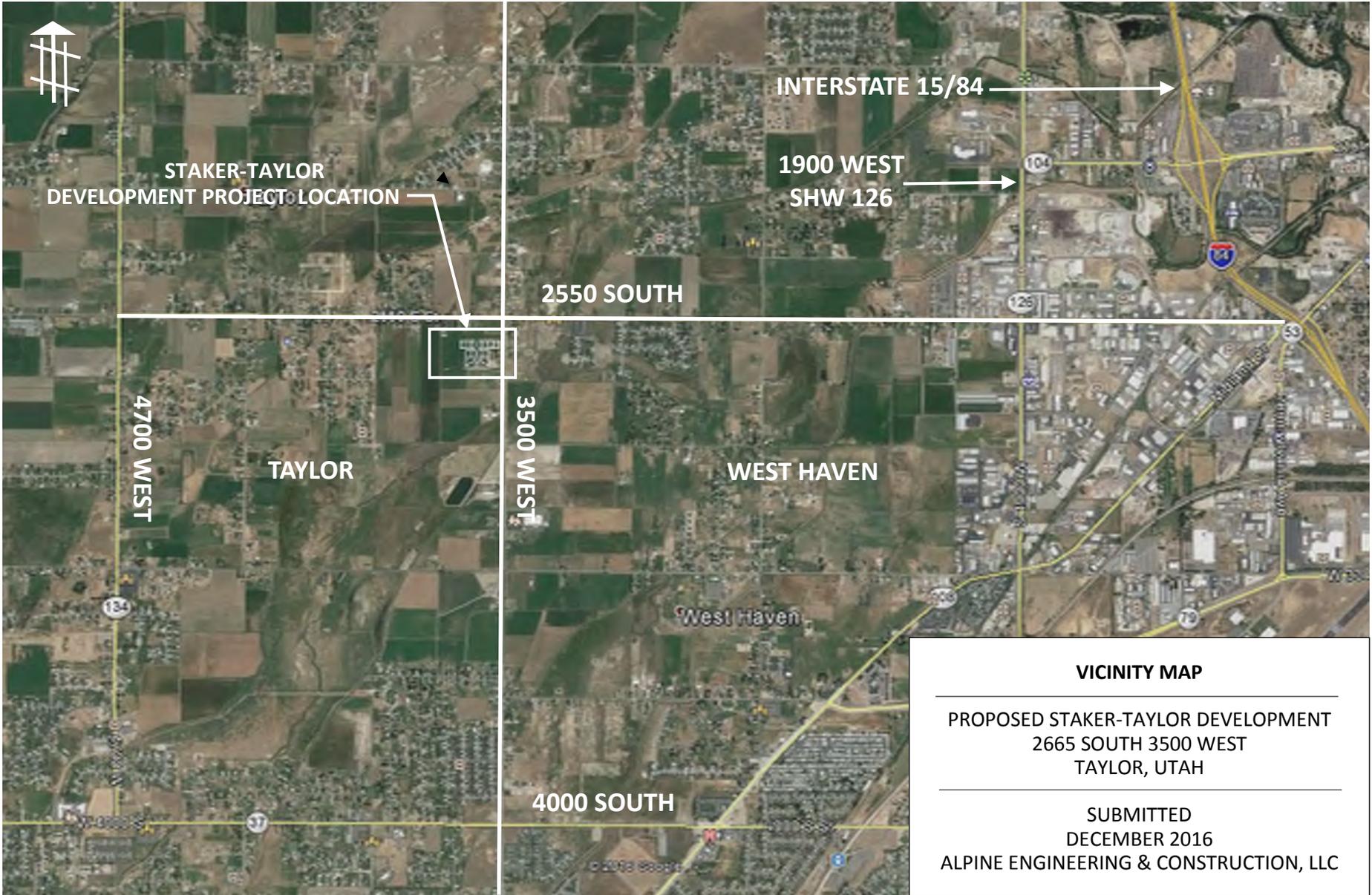
Thank you in advance for taking the time to review the attached documents. Please let me know if there are any immediate questions regarding the documents and/or if there are errors that need to be corrected to continue with the endorsement process on a timely schedule.

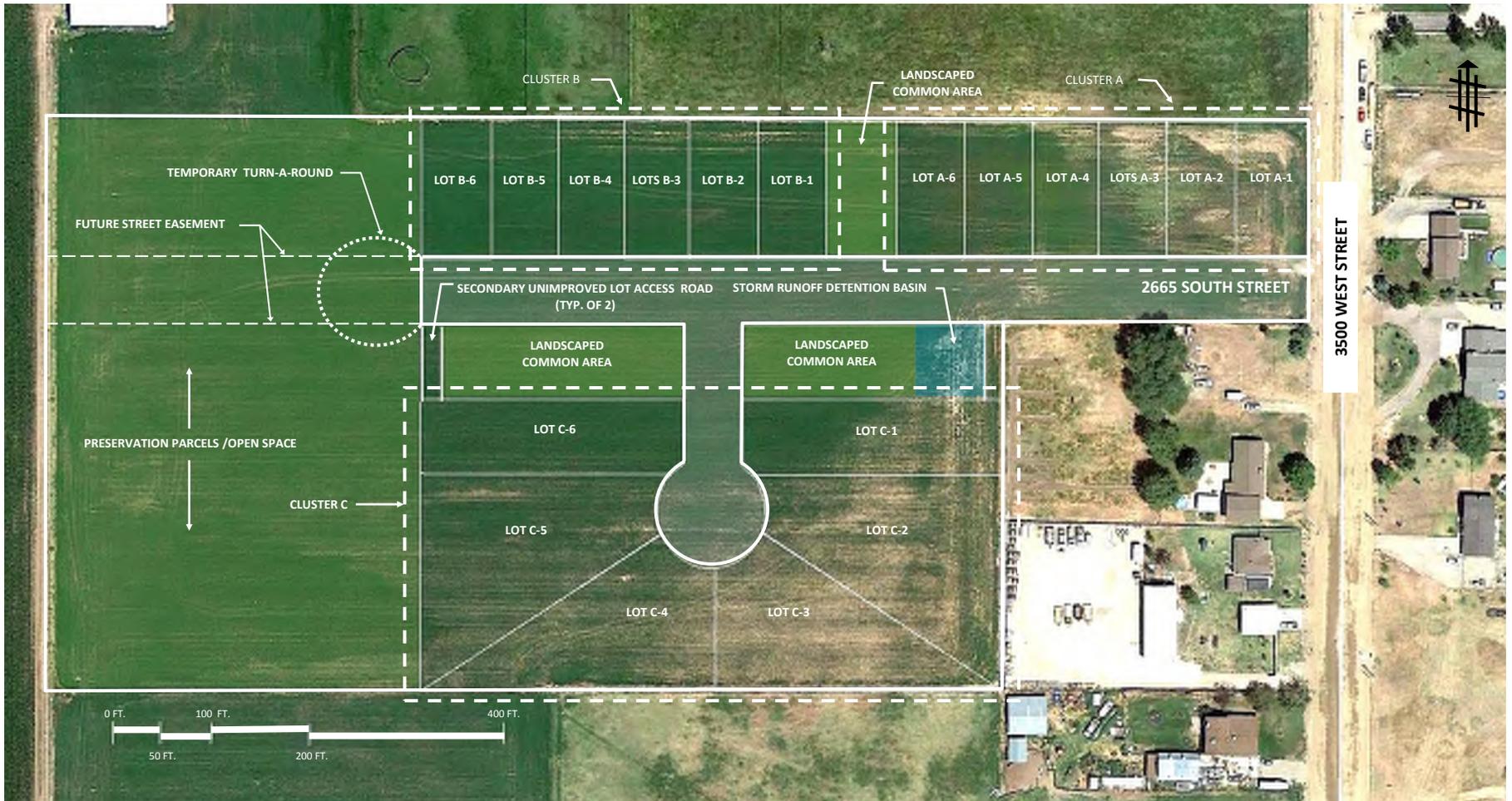
I look forward to presenting our cluster subdivision development to the Western Weber Planning Commission at their next regularly scheduled meeting on February 8, 2017.

Respectfully,



E. Hal Christensen, SE, PE
President/Senior Engineering Manager
ALPINE ENGINEERING & CONSTRUCTION, LLC





PROPRIETARY NOTICE

This Development Site Layout Plan (Layout Plan) has been submitted to the Weber County Planning and Engineering departments for review and comments to secure preliminary approvals for the proposed land development project as generally depicted herein. Accordingly, the Layout Plan is the sole property of Alpine Engineering & Construction, LLC (AEC) and shall not be reproduced and distributed to other parties without the expressed written permission of AEC or an authorized AEC representative. Additionally, the Layout Plan shall not be used to market, promote, or negotiate the purchase of any property as included herein without the expressed written permission of AEC or an authorized AEC representative.

18 LOT RESIDENTIAL CLUSTER SUBDIVISION AREA SUMMARY

Total Development Acreage	Cluster A		Cluster B		Cluster C		
	Lot	Area (ft2)	Lot	Area (ft2)	Lot	Area (ft2)	
Total Street Acreage	1.62						
Net Developable & Open Space Acreage	11.50	A-1	9,600	B-1	8,860	C-1	18,100
Total Cluster A Acreage	1.22	A-2	8,700	B-2	8,860	C-2	30,500
Total Cluster B Acreage	1.22	A-3	8,700	B-3	8,860	C-3	23,500
Total Cluster C Acreage	3.31	A-4	8,700	B-4	8,860	C-4	23,500
Total Acreage All Development Clusters	5.75	A-5	8,700	B-5	8,860	C-5	30,500
Total Acreage All Open Space/Common Areas	5.75	A-6	8,700	B-6	8,860	C-6	18,100

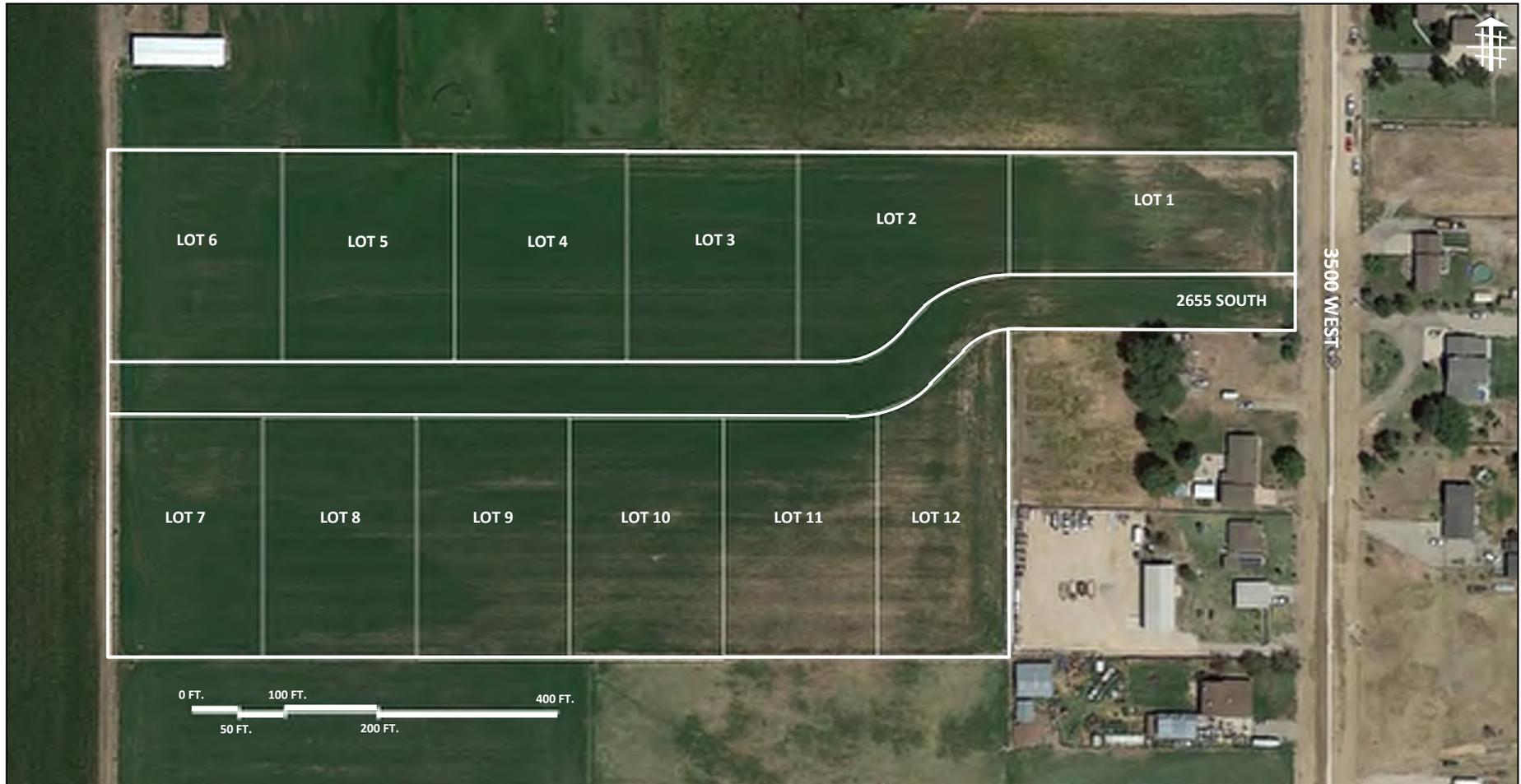
ALPINE ENGINEERING & CONSTRUCTION, LLC

Land Development | Public Works Water/Wastewater Utilities
(801) 458-9647 | 272 East 3000 South, North Ogden UT 84414

Date	Des/Rev	Submittal
12/16/2016		Initial Sketch Plan Submittal
01/12/2017	EHC	Conceptual Sketch Plan Submittal

18 LOT RESIDENTIAL CLUSTER SUBDIVISION SKETCH PLAN

General Property Information		Weber County Zoning Data/Information	
Approximate Address: 2665 South 3500 West, Taylor, Utah		Current Zoning: A-1	
Partial Legal: NE ¼ Section 33, Township 6 North, Range 2 West, SLB&M		Zoning Change: Residential Cluster Subdivision	
Record Weber County Assessor Tax ID Number: 15-088-0035		Density Revision: 50 %	
Record 2016 Ownership: Val E. & Linda L. Staker		SHEET 1 OF 1	



PARCEL/LOT AREA SUMMARY					
Area Designation	Area	Lot	Area (ft ²)	Lot	Area (ft ²)
Total Platted Area (acres)	13.12	1	40,530	7	41,830
Street Area (acres)	1.78	2	40,530	8	41,830
Net Developable Area-40k ft ² Lot Base Layout (acres)	11.34	3	40,530	9	41,830
Total Number of 40k ft ² plus Building Lots	12	4	40,530	10	41,830
Projected Number Cluster Building Lots (50% Density Increase)	18	5	40,530	11	41,830
		6	40,530	12	41,830

PROPRIETARY NOTICE
 The development site plan shown herein is the sole property of Alpine Engineering & Construction, LLC (AEC) and shall not be used to market, promote or negotiate the purchase of any property as depicted herein nor to distribute any graphical representations shown herein without the expressed written approval of AEC.

ALPINE ENGINEERING & CONSTRUCTION, LLC			
Land Development Public Works Water/Wastewater Utilities (801) 458-9647 272 East 3000 South, North Ogden UT 84414			
Date	Designed	Revised/Approved	Submittal
12/16/16	EHC		Weber County Planning Review

SKETCH PLAN-40K FT ² BASE SUBDIVISION	
Approximate Property Address: 2655 South 3500 West Taylor, Ut	Date: 12/16/16
NE ¼ Section 33, Township 6 North, Range 2 West, SLB&M	
Weber County Parcel No. : 15-088-0035	
Record Ownership: Val E. & Linda L. Staker	
Initial Property Zoning: A-1	Revised Zoning: Cluster Subdivision
SHEET 1 OF 1	



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for preliminary plan approval of Sun Crest Meadows Subdivision.
Type of Decision:	Administrative
Agenda Date:	Tuesday, February 21, 2017
Applicant:	Stan Nielsen and Dee Wight
Authorized Representative:	Carson Jones
File Number:	LVS120716

Property Information

Approximate Address:	2550 S 4700 W, Taylor, UT
Project Area:	Approximately 52 acres
Zoning:	A-1, A-2
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel ID:	15-086-0013, 15-086-0027, 15-086-0018, 15-086-0009, 15-086-0019, 15-086-0028, 15-086-0029
Township, Range, Section:	Township 6 North, Range 2 West, Section 32

Adjacent Land Use

North:	2550 S	South:	Agricultural
East:	Residential	West:	Residential/Agricultural

Staff Information

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

Applicable Ordinances

- Title 104, Zones, Chapter 5, Agricultural (A-1) Zone
- Title 104, Zones, Chapter 7, Agricultural (A-2) Zone
- Title 106, Subdivisions

Background

The applicants have submitted a request for preliminary plan approval of the Sun Crest Meadows Subdivision, a standard subdivision consisting of 47 lots, separated into 5 phases. As part of the preliminary plan requirements and approval procedure, the preliminary plan must be presented to the Planning Commission for their recommendation. As part of the subdivision review process, the proposal has been reviewed against the current subdivision ordinance and the standards in the A-1 and A-2 zones. If the Planning Commission's recommendation is not appealed to the County Commission within 15 days of the Planning Commission's recommendation, then the Planning Commission's recommendation shall stand as the County's decision on preliminary approval.

The proposed subdivision is located at approximately 2550 N 4700 W, Taylor, UT and is in both the A-1 and A-2 zones. Public roads will be created with this proposal to provide access to each lot and the design will create connectivity to the surrounding area for future development. The proposed subdivision, in compliance with the recommended conditions, conforms to both the zoning and subdivision requirements including adequate frontage and access along future dedicated county roads, adequate lot width, and lot area (see Exhibit A).

The proposed application has been reviewed against certain standards in the Uniform Land Use Code of Weber County, Utah (LUC). The following is staff's evaluation of the request.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in both the Agriculture (A-1) and (A-2) Zones.

The purpose of the Agricultural (A-1) zone is identified in the LUC §104-5-1 as:

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

The purpose of the Agricultural (A-2) zone is identified in the LUC §104-7-1 as:

The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural environment should be promoted and preserved.

The proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: Both the A-1 and A-2 zones require a minimum lot area of 40,000 square feet and a minimum lot width of 150 feet for a single family dwelling. Minimum yard set-backs for a single family dwelling in both zones are 30 feet on the front and rear, and a side yard of 10 feet with a total width of two side yards not less than 24 feet. The proposed lot sizes within this subdivision will range from 40,000 to 56,000 square feet and the lot widths range from 150 to 318 feet in length, conforming to the site development standards of both the A-1 and A-2 zones.

Culinary water and sanitary sewage disposal: Will Serve letters have been provided by the Taylor West Weber Water Improvement District and the Central Weber Sewer Improvement District regarding culinary water and sanitary sewer disposal. Hooper Irrigation Company has also provided a Will Serve letter regarding secondary water (see Exhibit B).

Additional design standards and requirements: A guarantee of Improvements will be required as outlined in LUC § 106-4-3.

Per the LUC §106-4-2 (e): "Curbs and gutters shall be installed on existing and proposed streets by the applicant." Per the LUC §106-4-2 (f): "Sidewalks shall be required by the planning commission for reasons of safety and public welfare." A condition of approval has been included in the staff recommendation to ensure these requirements are met. The Engineering Division has also recommended that curb, gutter, and sidewalk be installed on both sides of all proposed roads within the subdivision.

Deferrals for curb, gutter, and sidewalk will be required along the existing county and state roads, 2550 South and 4700 West. A condition of approval has been included in the staff recommendation to ensure this requirement is met.

A capacity assessment letter has been provided for this proposal (see Exhibit C). A construct permit from the Utah Department of Environmental Quality Division of Drinking Water will be required prior to the subdivision receiving final approval from the County Commission.

The preliminary plan shows future connectivity to the south and west through road stubbing. During a pre-application meeting, the Planning office requested that the applicant provide connectivity to 4700 West (State Road) or to provide a formal letter denying the request to connect to that road. To, date the proposed plan does not show connectivity to 4700 West. A condition of approval has been included in the staff recommendation to ensure this requirement is met.

Review Agencies: To date, the proposed subdivision has been reviewed by the Engineering Division, Surveyor's Office, and the Fire District. A condition of approval has been added to ensure that all conditions of the Review Agencies will be addressed prior to final plat submittal.

Tax clearance: There are no outstanding tax payments currently related to these parcels.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

Staff Recommendation

Staff recommends preliminary plan approval of the Sun Crest Meadows Subdivision, consisting of 47 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A construction permit from the Utah State Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision will be part of the final plat submittal.
2. Curb, gutter, and sidewalks will be required on both sides of the roads within the subdivision as outlined in LUC §106-4-2(e) and (f).
3. A deferral agreement for curb, gutter, and sidewalk, specifically along 2550 South and 4700 West, must be filed and recorded with the final Mylar.
4. A guarantee of Improvements will be required as outlined in LUC § 106-4-3.
5. The applicant must provide access to 4700 West, or provide an access denial letter from UDOT.

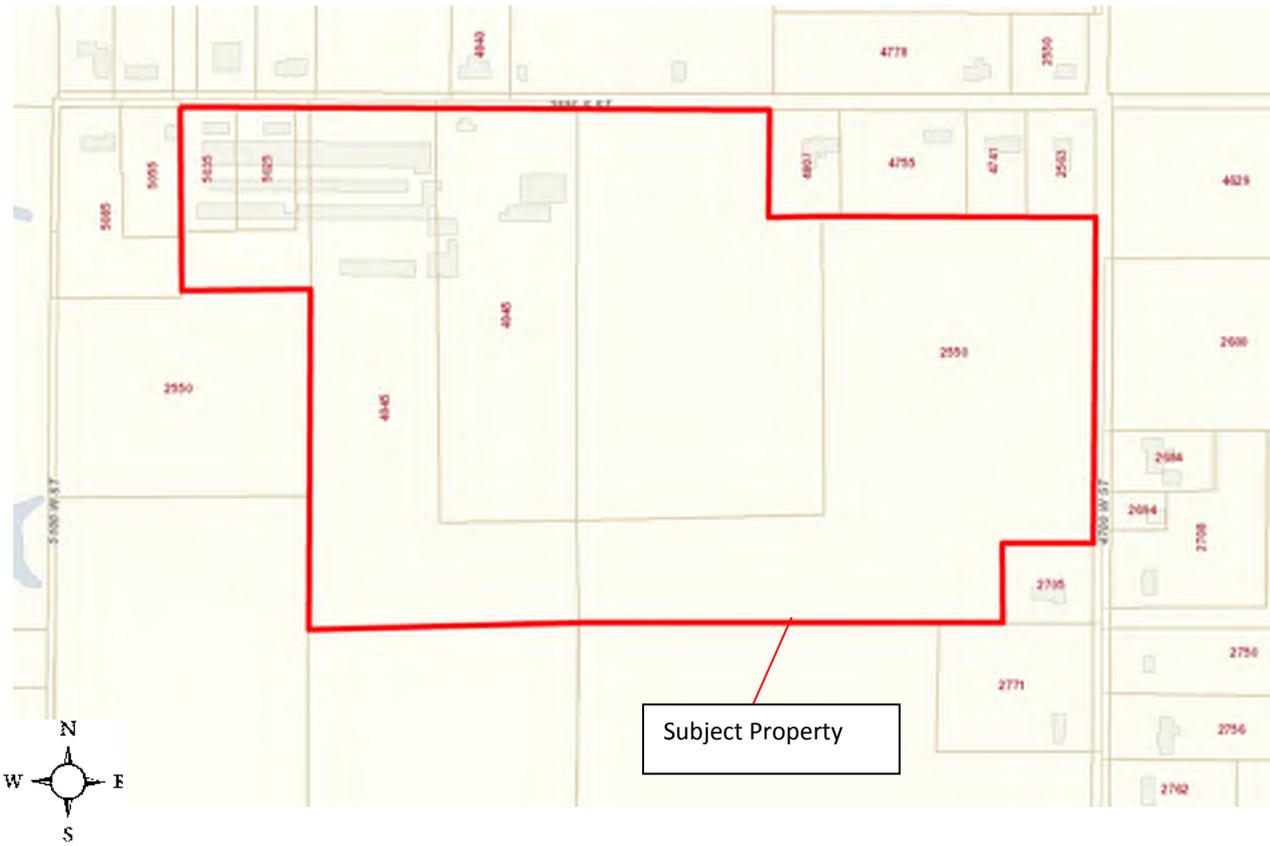
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.
3. The proposed subdivision will not be detrimental to public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Proposed Preliminary Plan
- B. Culinary and Wastewater Feasibility Letters
- C. Capacity Assessment Letter
- D. Public Comment: Letter from Cory and Linda Hancock, Javier and Kristin Zamora, and Roger and Elona Shields
- E. Public Comment: Letter from Richard Alvord
- F. Public Comment: Acknowledgement of Receipt and Letter from Jonathan Grover for Favero Farms, LC, A.G. Favero Sons, LLC, Tom Favero & Dave Favero
- G. Pictures dated 2/7/2017, submitted by Tom Favero

Map 1



Map 2



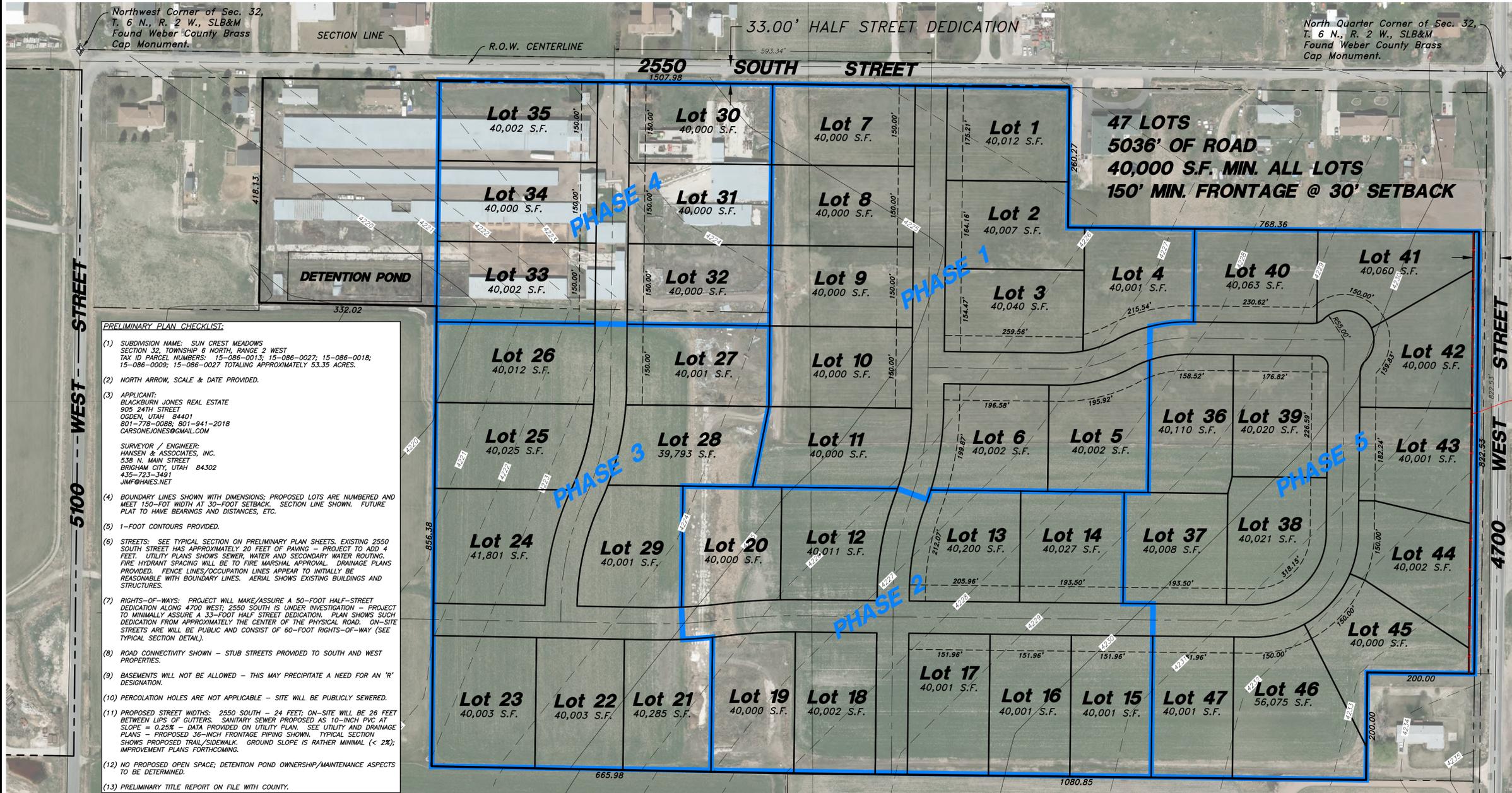
SUN CREST MEADOWS

OVERALL PLAN (LOTS & DEDICATIONS)

2550 NORTH 4900 WEST – TAYLOR, UT 84401
NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH,
RANGE 2 WEST, SALT LAKE BASE & MERIDIAN

DEVELOPER:
BLACKBURN JONES
905 24TH STREET
OGDEN, UTAH 84401
801-941-2018

ENGINEER/SURVEYOR:
HANSEN & ASSOCIATES, INC.
538 NORTH MAIN STREET
BRIGHAM CITY, UTAH 84302
435-723-3491



- PRELIMINARY PLAN CHECKLIST:**
- (1) SUBDIVISION NAME: SUN CREST MEADOWS SECTION 32, TOWNSHIP 6 NORTH, RANGE 2 WEST TAX ID PARCEL NUMBERS: 15-086-0013; 15-086-0027; 15-086-0018; 15-086-0009; 15-086-0027 TOTALING APPROXIMATELY 53.35 ACRES.
 - (2) NORTH ARROW, SCALE & DATE PROVIDED.
 - (3) APPLICANT: BLACKBURN JONES REAL ESTATE 905 24TH STREET OGDEN, UTAH 84401 801-778-0088; 801-941-2018 CARSONEJONES@GMAIL.COM
SURVEYOR / ENGINEER: HANSEN & ASSOCIATES, INC. 538 N. MAIN STREET BRIGHAM CITY, UTAH 84302 435-723-3491 JIM@HAIES.NET
 - (4) BOUNDARY LINES SHOWN WITH DIMENSIONS; PROPOSED LOTS ARE NUMBERED AND MEET 150-FOOT WIDTH AT 30-FOOT SETBACK. SECTION LINE SHOWN. FUTURE PLAT TO HAVE BEARINGS AND DISTANCES, ETC.
 - (5) 1-FOOT CONTOURS PROVIDED.
 - (6) STREETS: SEE TYPICAL SECTION ON PRELIMINARY PLAN SHEETS. EXISTING 2550 SOUTH STREET HAS APPROXIMATELY 20 FEET OF PAVING – PROJECT TO ADD 4 FEET. UTILITY PLANS SHOWS SEWER, WATER AND SECONDARY WATER ROUTING. FIRE HYDRANT SPACING WILL BE TO FIRE MARSHAL APPROVAL. DRAINAGE PLANS PROVIDED. FENCE LINES/OCCUPATION LINES APPEAR TO INITIALLY BE REASONABLE WITH BOUNDARY LINES. AERIAL SHOWS EXISTING BUILDINGS AND STRUCTURES.
 - (7) RIGHTS-OF-WAYS: PROJECT WILL MAKE/ASSURE A 50-FOOT HALF-STREET DEDICATION ALONG 4700 WEST; 2550 SOUTH IS UNDER INVESTIGATION – PROJECT TO MINIMALLY ASSURE A 33-FOOT HALF STREET DEDICATION. PLAN SHOWS SUCH DEDICATION FROM APPROXIMATELY THE CENTER OF THE PHYSICAL ROAD. ON-SITE STREETS ARE WILL BE PUBLIC AND CONSIST OF 60-FOOT RIGHTS-OF-WAY (SEE TYPICAL SECTION DETAIL).
 - (8) ROAD CONNECTIVITY SHOWN – STUB STREETS PROVIDED TO SOUTH AND WEST PROPERTIES.
 - (9) BASEMENTS WILL NOT BE ALLOWED – THIS MAY PRECIPITATE A NEED FOR AN 'R' DESIGNATION.
 - (10) PERCOLATION HOLES ARE NOT APPLICABLE – SITE WILL BE PUBLICLY SEWERED.
 - (11) PROPOSED STREET WIDTHS: 2550 SOUTH – 24 FEET; ON-SITE WILL BE 26 FEET BETWEEN LIPS OF GUTTERS. SANITARY SEWER PROPOSED AS 10-INCH PVC AT SLOPE = 0.25% – DATA PROVIDED ON UTILITY PLAN. SEE UTILITY AND DRAINAGE PLANS – PROPOSED 36-INCH FRONTAGE PIPING SHOWN. TYPICAL SECTION SHOWS PROPOSED TRAIL/SIDEWALK. GROUND SLOPE IS RATHER MINIMAL (< 2%); IMPROVEMENT PLANS FORTHCOMING.
 - (12) NO PROPOSED OPEN SPACE; DETENTION POND OWNERSHIP/MAINTENANCE ASPECTS TO BE DETERMINED.
 - (13) PRELIMINARY TITLE REPORT ON FILE WITH COUNTY.

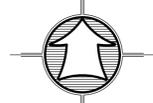
50.00' HALF STREET DEDICATION

BERM OR FENCE ALONG EAST LINE

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham City, Utah 84302
Visit us at www.haies.net
Logan
Brigham City (801) 399-4905 (435) 752-8272
(435) 723-3491

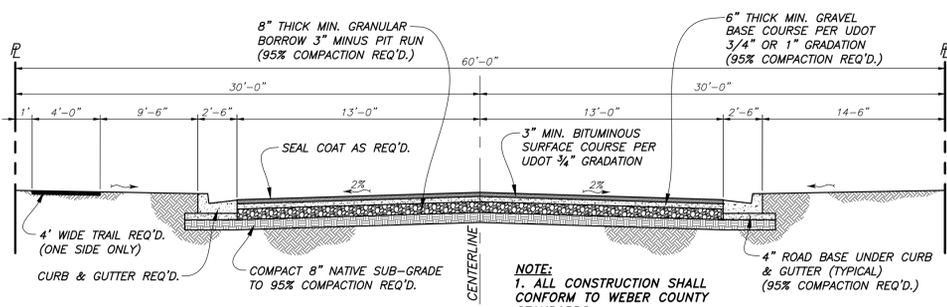


Drawn By: MTH Date: 01/26/17
Designed By:
Checked By:
Approved By:
Scale: 1" = 100'
Drawing File: 16-105 OPT 10a.DWG
JOB NUMBER: 16-105

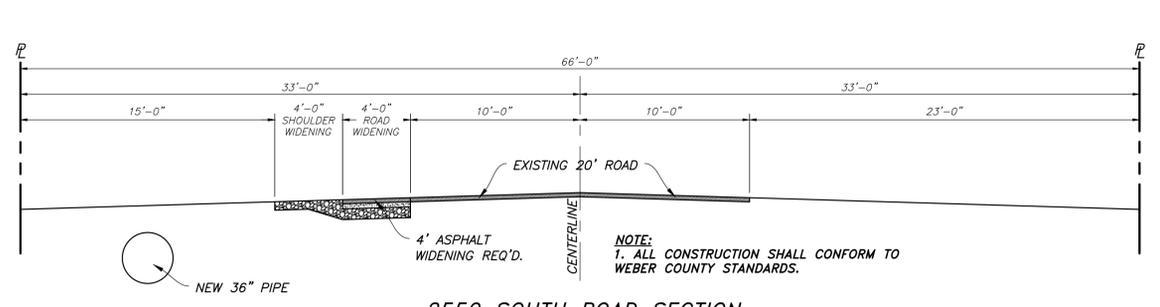


SCALE: 1" = 100'
0 100 200
Scale in Feet

- LEGEND**
- Subject Property Line
 - Interior Lot Lines
 - Adjoining Property Line
 - Phasing Line
 - Centerline
 - Berm/Fence Line



TYPICAL ROAD SECTION
NOT TO SCALE



2550 SOUTH ROAD SECTION
(LOOKING WEST)
NOT TO SCALE

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

December 15, 2016

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that preliminary approval has been given to provide culinary water only for 47 lots of the Taylor Vista subdivision at the approximate address of 2550 South 4700 West in Taylor, Utah.

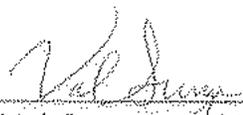
Requirements:

- *Water rights fee = 5½ shares of Hooper or Wilson Irrigation (in District's name) or a Weber Basin contract purchased (\$2,902 per lot or current cost when paid).
- *Secondary water = must hookup to Hooper Irrigation pressurized system
- *Plan review fee = \$25 per lot

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

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.



Val Surrage - Manager

VS/sph

Expires 06/15/17



Central Weber Sewer Improvement District

November 22, 2016

Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401-1473

Reference: Proposed Taylor Vista Subdivision
Option #10
Will Serve Letter

We have been asked review the possibility of providing sanitary sewer service for a proposed 47 Lot Taylor Vista Subdivision at approximately 4700 West and 2550 South. Central Weber Sewer Improvement District (District) can accept the sanitary sewer discharge from this location. We add the following conditions that must be met prior to any connections being made.

1. The nearest District sanitary sewer line is located in the intersection of 5100 West and 2550 South. It would be the responsibility of the developer to work with Weber County on the sizing and details of any sewer line between the subdivision and connection to District's line in 5100 West.
2. The entire parcel of property to be served will need to be annexed into the District prior to any connection and prior to the selling of lots. An annexation petition is available from the District's Office.
3. The plans and details for the sanitary sewer connection into the District's collection system must be submitted to the District for review and approval. The District does not take the responsibility for the design of the collection system for the subdivision.
4. The District must be notified for inspection at any time connections are being made to the District's sanitary sewer lines. The District will NOT install, own and/or maintain any of the sanitary sewer lines being extended to serve this property.



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

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

December 13, 2016

Val Surrage
Taylor West-Weber Water District
2815 West 3300 South
West Haven, Utah 84401

Dear Mr. Surrage:

Subject: **Feasibility Evaluation**, Drinking Water Service to Taylor Vista Subdivision from Taylor-West Weber Water District, System #29019, File #10649

The Division of Drinking Water (the Division) received your request concerning the capacity of the Taylor-West Weber Water District (the District) to provide drinking water service to the Taylor Vista Subdivision on November 28, 2016. This feasibility evaluation is solely based on the information we received from the District and the existing records available in the Division's database. The Division's estimate is based on:

- The present number of equivalent residential connections (ERC's) the water system is obligated to serve — The District indicated in the attached Project Notification Form (PNF), which we received on November 28, 2016, that the District currently is obligated to serve 2,468 ERC's, and that the proposed Taylor Vista Subdivision will add 47 new residential connections (47 ERC's). Therefore, our estimate is based on 2,515 ERC's (i.e. 2,468 plus 47 new ERC's);
- Irrigatable acreage, which was provided by the District in the last sanitary survey; and
- Fire flow required by local fire code officials.

This evaluation is courtesy technical assistance, and is not meant to be a detailed or accurate engineering analysis. The Division does not track or verify the number of obligated connections or the status of the obligated connections. It is the responsibility of the Taylor-West Weber Water District and Weber County to verify all information for planning purposes.

Per Utah Administrative Rule *R309-510* Minimum Sizing Requirements, the number of allowable connections to be served by a public water system is affected by:

- Source water capacity;
- Storage capacity; and
- Available water rights.

Among these three components, the one with the least capacity determines the allowable number of connections for the water system.

The requirements related to indoor water use for these components are:

- A water system must be able to provide **800 gallons per day (gpm) per (ERC) from its water source(s)**;
- A water system must be able to provide **400 gallons per ERC of storage**;
- A water system must have **0.45 acre-feet per ERC of water rights**.

Furthermore:

- If a water system provides water for irrigation use, additional source capacity, storage capacity and water rights are required.
- If a water system provides water for fire suppression, additional storage capacity is required.

Source Capacity

Based on the Division records and the information provided by the Taylor-West Weber Water District, the District has the following approved drinking water sources and safe yields:

Source Number	Water Source Name	Safe Yield (gpm)
WS001	Big Well	900
WS002	Small Well	Inactive
WS003	Weber Basin WCD Wholesale Contract	2,000
WS004	900 South Well	1,000
WS005	Shop Well	Proposed
	Total	3,900

From the table above, the Division estimates the District's water source capacity to be 3,900 gpm.

The attached capacity calculation work sheet estimates the minimum source capacity required for the District is 2,816.9 gpm. This estimate includes:

- 1,397.2 gpm for indoor water use; and
- 1419.7 gpm for irrigation use.

It appears that **the Taylor-West Weber Water District** has 1,083.1 gpm excess source capacity and **has adequate source capacity to serve the Taylor Vista Subdivision**.

Storage Capacity

Based on the Division records and the information provided by the District, the District has the following approved storage tanks in service:

Storage Tank Number	Source Name	Volume Gallons
ST001	Million Gallon Tank	1,000,000
ST002	2 Million Gallon Tank	2,000,000
ST003	250 K Gallon Tank	250,000
ST004	Proposed	0
	Total	3,250,000

From the table above, the Division estimates the District's water storage capacity to be 3,250,000 gallons.

The attached capacity calculation work sheet estimates the minimum storage capacity required for this water system is 2,147,008 gallons. This estimate includes:

- 1,006,000 gallons for indoor water use; and
- 1,021,008 gpm for irrigation use.

It appears that **the Taylor-West Weber Water District** has 1,102,992 gallons excess storage capacity and **has adequate storage capacity to serve the Taylor Vista Subdivision.**

Water Rights

The attached capacity calculation worksheet estimates that 1,802.15 acre-feet of water rights would be needed for the indoor and outdoor uses in the District.

The Division of Water Rights (not the Division of Drinking Water) is the authority for water rights related regulations. Please **consult with Division of Water Rights directly for verification and interpretation regarding water rights.**

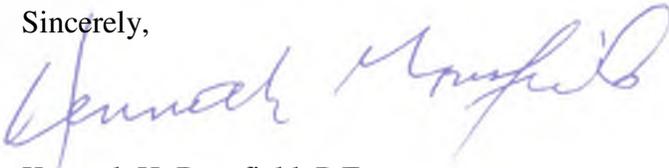
Summary

Based on information made available to the Division, it appears that at the present time Taylor-West Weber Water District has sufficient source and storage capacities to provide drinking water service to the proposed Taylor Vista Subdivision.

Val Surrage
Page 4 of 4
December 13, 2016

If you have any questions regarding this letter, you can contact Kelly Casteel at (801) 536-4265 or, Ying-Ying Macauley, Engineering Section Manager, of this office, at (801) 536-4188.

Sincerely,



Kenneth H. Bousfield, P.E.
Director

Enclosure — 1. Taylor-West Weber Water District Capacity Calculation – December 2016
2. Project Notification Form Received on November 28, 2016

KDC/ym/ssh/hb

cc: Louis Cooper, Environmental Health Director, Weber-Morgan Health Dept, lcooper@co.weber.ut.us
Sean Wilkinson, Weber County Planner, swilkinson@co.weber.ut.us
Jared Andersen, P.E., Weber County Engineer, jandersen@co.weber.ut.us
Dan White, Gardner Engineering, dan@gecivil.com
Kelly Casteel, Division of Drinking Water, kcasteel@utah.gov
Ross Hansen, Regional Engineer, Division of Water Rights, rosshansen@utah.gov

DDW-2016-020384.docx

PROJECT NOTIFICATION FORM (PNF)

Please provide the following information for all **Drinking Water Projects** by existing PWS's

Use with Plan Submittal [R309-500-6(1)] or when requesting Waiving of Plan Submittal [R309-500-6(3)]

If this is a new PWS, please complete the Supplemental PNF available on our website: drinkingwater.utah.gov/blank_forms.htm

Upon completion, Submit by Email, fax or mail to:

State of Utah - Dept of Environmental Quality - Division of Drinking Water
P.O. Box 144830 - Salt Lake City, Utah - 84114-4830 (801) 536-4200 fax (801) 536-4211

File No: 10649

Date Rec'd: 11/28/2016

1 Name of PWS [owner of system as recorded with DDW]

System Name: Taylor West Weber Water District

System Number: 29019

Address: 2815 W 3300 S

City, State, Zip: West Haven, Utah 84401

Present No. of ERC's system is obligated to serve: 2,468

Present No. of ERC's physically connected to system: 2087

Population Served: 7304

No. of ERC's this project will add to system: 47

2 Addressee for Official Correspondence [Mayor, Public Works Director, etc...]

Name: Val Surrage

Title: Manager

Address: Same

City, State, Zip: _____

Phone No: _____

E-Mail Address: _____

3 PE designated as Direct Responsible Engineer for Entire System (if applicable)

Company Name: Gardner Engineering

Name: Dan White

Address: 5150 South 375 East

City, State, Zip: Ogden Utah, 84415

Phone No: 801.476.0202

E-Mail Address: dan@gecivil.com

4 PE responsible for design of this Project [if not same as item 3]

Name: Jim Flint

Address: 538 N Main St

City, State, Zip: Brigham City, Utah 84302

Phone No: 435.723.3491

Fax No: _____

E-Mail Address: jimf@haies.net

5 Name of Construction Inspector(s) and frequency of inspection

Name: Clay Penman

Full Time: _____ Part Time: X

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

Taylor Vista Subdivision - SW corner of 4700 W and 2550 South in Weber County: Approx. 5,000 feet of 8" and 10" C900 DR14 PVC waterline (bell and spigot); FHs per Weber Fire marshal (estimated 8, review not complete yet), mainline valves, and services to 47 lots. Plans provide for, and inspector will ensure, minimum separation standards from sewer lines as set forth in R309-550-7. A feasibility analysis from the DDW, similar to File #10602, is requested.

7 Anticipated Construction Schedule:

Advertise for Bids: Unknown, 2017 likely

Bid Opening: Unknown, 2017 likely

Begin Construction: Unknown, 2017 likely

Complete Construction: Unknown, 2017 likely

8 Is this PNF for plan review waiver 3a? [see R309 500-6(3a) to verify]

Yes No

If Yes, you must have a previously approved Master Plan and Construction Standards.

Is this PNF for plan review waiver 3b? [see R309 500-6(3b) to verify]

Yes No

If Yes, you must have a designated PE responsible for the system and previously approved Construction Standards.

Does this project meet any of the criteria to be exempt from the hydraulic modeling rule requirements? [see R309 511-4(1)(a)(i) through (iv) to verify]

Yes No

If Yes, specify rule reference here:

[for example, R309-511-4(1)(a)(ii)]

R309 511-4(1)(a)(iii)

9 Fire Suppression Authority [if system has fire hydrants]

Name: Weber Fire District

Address: 2023 W 1300 N

City, State, Zip: Ogden Utah 84404

Phone No: 801.782.3580

Fax No: _____

E-Mail Address: bthueson@weberfd.com

Req'd flow (gpm): 1000 Duration (hrs): 2

10 Funded by State or Federal Agency?

Drinking Water Board (SRF or FSRF) Loan #: _____

Community Impact Board

None

Other (Specify) _____

Division of Drinking Water – Water System Capacity Calculation Sheet (Last Update 2/12/2016)

Enter the green cells only

System Name **Taylor West Weber (December 2016)**

System Number **29019**

1.1 Indoor Water Use

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

Number of residential connections -----

2,496

Number of other connections --- **19**

ERCs of other connections

19.0

(Example: water use of 2 factories equals to water use of 55 homes.)

Enter number of non-residential connections, e.g., 2 industrial connections.

Total Equivalent Residential Connections (ERCs) **2,515.0**

MINIMUM REQUIREMENTS FOR INDOOR WATER USE					
Source		Storage		Water Rights	
gpd/ERC	Total (gpm)	Gallons/ERC	Total (gallons)	ac-ft/yr/ERC	Total (ac-ft/yr)
800	1,397.2	400	1,006,000	0.45	1131.75

1.2 Outdoor Water Use

Enter estimated irrigated acre

Is the drinking water used for outdoor irrigation? Yes No

Residential ERCs using drinking water for irrigation ----- >> **470**

470

Percentage of Residential ERCs using DW for irrigation ----- >> **19%**

19%

Average irrigated acreage per residential connection ----- >> **0.75**

0.75

Total irrigated acreage of other connections (park, school, etc.) ----- >> **6.00**

6.00

(Enter notes here regarding whether and what % of irrigation water is supplied by PWS.)

Enter total irrigated acres of other connections here.

Irrigation zone **4**

Select Irrigated Zone # from the pick list. See "Irrigation Demands & Map" tab on the bottom of the screen.

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

1.3 Fire Flow Water Use

Enter fire flow in gpm.

Does the water system provide fire protection? Yes No

Maximum fire flow demand (in gpm) for water system or pressure zone ----- >> **1,000**

1,000

Maximum fire suppression duration (in hours) for water system or pressure zone ----- >> **2**

2

Required Fire Suppression Storage (in gallons) ----- >> **120,000**

120,000

(*Verify req'd fire flow and duration with local fire code officials.* Enter notes here, e.g. fire official contact info or comments.)

Enter duration in hours.

2. Summary of Water System Capacity Requirements

MINIMUM CAPACITY REQUIREMENTS FOR WATER SYSTEM					
Source (indoor + outdoor)		Storage (indoor + outdoor + fire)		Water Rights (indoor + outdoor)	
gpd/ERC	Total (gpm)	Gallons/ERC	Total (gallons)	ac-ft/yr/ERC	Total (ac-ft/yr)
5,077	2,816.9	2,536	2,147,008	1.85	1,802.15

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

This source capacity assessment is a general overall system calculation. It may not reflect the variations in individual areas or pressure zones.

Required Source Capacity 2,816.9 **gpm**

Autolink to 2 "Total Source" cell above.

Existing Source Capacity 3,900.0 **gpm**

Autolink to 4.2 "Total Existing Source Capacity" cell below.

Source Capacity Deficit **None** **gpm**

Source deficit indicates that: (1) additional source capacity is needed, and (2) source deficiency should be assessed.

Existing % of Total Req'd **138.5%**

Less than 100% indicates: (1) additional source capacity is needed, and (2) source deficiency should be assessed.

2.2 Does this system have adequate storage capacity (per R309-510-8)?

This storage capacity assessment is a general overall system calculation. It may not reflect the variations in individual areas or pressure zones.

Total Required Storage	2,147,008	gal	Autolink to 2 "Total Storage" cell above.
Existing Storage Capacity	3,250,000	gal	Autolink to 4.3 "Total Existing Storage Capacity" cell below.
Storage Capacity Deficit	None	gal	Storage deficit indicates that: (1) additional storage volume is needed, and (2) storage deficiency should be assessed.
Required Fire Storage	120,000	gal	
Is storage deficiency solely due to fire storage?	Not Applicable		If NO, answer one of question set 2.01 to 2.05 in ESS. If YES, answer one of question set 2.06 to 2.10 in ESS.
Existing % of Total Req'd	151.4%		Less than 100% indicates: (1) additional storage capacity is needed, and (2) storage deficiency should be assessed.

3. Transient PWS Indoor Water Use – ERC Calculation (See R309-510, Tables 510-1, 2, & 4 for other facility types.)

Facility Type	MINIMUM REQUIREMENTS FOR INDOOR USE		Storage		ERC/site or pad	Total # of sites/pads	ERCs
	Source	Storage	Gallons/person	Gallon/site or pad			
Modern Recreation Camp	GPD/person*	GPD/site or pad					
Modern Recreation Camp	60	0	30	0	0.00		0.0
Semi-Developed Camp w/ flush toilets	20	0	10	0	0.00		0.0
Semi-Developed Camp w/o flush toilets	5	0	2.5	0	0.00		0.0
RV Park	N/A	100	N/A	50	0.13		0.0
Number of people per camp site							
Roadway Rest Stop w/ flushometer valves	Source (GPD/vehicle)	Storage (Gal./vehicle)	ERC/1000 vehicles served	Vehicles served/day	ERCs		
	7	3.5	8.8	700	6.1		

4. Data Input for Calculating ERCs, Source and Storage
Taylor West Weber (December 2016)

4.1 Projected ERCs Calculation (optional)	
Total Projected ERCs	2,515
Existing Residential Connections	2468
Obligated Future ERCs (enter below)	47
Taylor Vista Subdivision	47

Use this number in Cell I8 ("Number of residential connections") on Page 1 to calculate PROJECTED demand & req'ts (including both existing & future connections).

Diaphragm or air pressure tanks shall NOT be considered effective storage volume for (1) community systems, or (2) NTNC with significant demand UNLESS an exception has been granted.

Per the November 28, 2016 PNF the District is obligated to serve 2,468 connections with only 2,087 being currently physically connected. (The 2424 includes the 19 "other" connections; 12 agricultural and 9 commercial.)

4.2 Summary - Existing Sources (enter in green cells below)		
Total Existing Source Capacity (in gpm)		3,900
WS001	Big Well	900
WS002	Small Well - inactive	0
WS003	Weber Basin WCD CC	2000
WS004	900 South Well	1000
WS005	Shop Well - proposed	0
Maximum ERCs (assuming indoor use only)		7020

4.3 Summary - Existing Storage Tanks (enter below)		
Total Existing Storage Cap. (in gallons)		3,250,000
ST001	Million Gallon Tank	1,000,000
ST002	2 Million Gallon Tank	2,000,000
ST003	250 K Gallon Tank	250,000
ST004	Proposed	0

2/01/2017

Weber County Commission, Developers and Engineers:

We are writing to you about some concerns we have of a proposed subdivision being developed in our community along 4700 West and 2550 South, Taylor, Utah.

This is a farming community that has been farmed by a lot of families for many generations. We have enjoyed the rural lifestyle. We know development is coming to our small community and we know we will have to adjust, but what we are hoping for is that this subdivision will be done in a manner that will make our community proud and even better.

Over the past several years other subdivisions have been built in our neighboring communities, West Haven and Hooper. These subdivisions have brought more traffic along 4700 West and on our street 2550 South, making it very unsafe for people to go for walks, ride bikes and for children to play.

This new proposed subdivision will bring even more traffic. We are asking that Weber County and the developers will take in great consideration as they plan this subdivision, by making safety a top priority for our community.

We highly recommend that curb/gutter and sidewalks be put in along 2550 South and in this new subdivision of 47 homes. There needs to be a setback of the subdivision, so that school buses can safely pull over from the busy street of 2550 South and the children can get on and off the bus safely and then walk on sidewalks to their homes.

Another concern we have, has to do with the frontage property on the south side of 2550 South that is owned by Stan Nielsen and he also owns several of the acres of this proposed subdivision. We have dealt with Stan Nielsen and the poorly built homes that he built and has been renting out for the past 34 years. These rentals homes have not been well cared for and they are an eyesore to our neighborhood. They get rented by renters who don't keep up their yards, bring in junk vehicles, etc. These rentals will also be an eyesore for this new subdivision. There are old sheds behind two of these rental homes and they are being used for an illegal salvage business which one of Stan Nielsen's renters is operating at this time. Stan Nielsen is very aware of this salvage yard and Stan also rents out his sheds to people with boats and RV's to store year round. There is ongoing traffic going in and out of the back of these sheds, bringing in junk and taking out junk, boats, RV's, etc. There is a major safety concern with this illegal salvage business and the storage of the boats and RV's. There is gasoline in these old junk vehicles, boats and RV's. If someone gets careless around all of this gasoline, there could be a big explosion and fire, that could cause serious damage to all of us in our neighborhood and somebody could get seriously hurt.

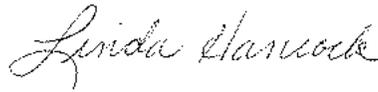
The subdivision plot plan shows that only the sheds that the Wight Turkey Farm owns will be torn down. The other part of the sheds that Stan Nielsen owns and has the illegal salvage business, boats and RV's in, are connected to the Wight's sheds. It was to our understanding years ago, that Stan Nielsen was told by Weber County, that he would have to tear down those sheds before he was to start building those rental homes that now exist in front of the sheds. It was never enforced by Weber County. Once again, those sheds are a fire and safety hazard waiting to happen. The rental homes and renters are definitely in harms way. We highly recommend that all of the sheds be torn down, so that this new subdivision and our neighborhood will not have to deal with this eyesore anymore and our neighborhood can be safe.

Sincerely yours,

Cory Hancock



Linda Hancock



Javier Zamora



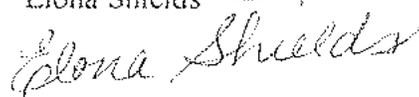
Kristin Zamora



Roger Shields



Elona Shields



Richard B. Alvord
5066 W 2550 S
Ogden, Utah 84401

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

February 1, 2017

RE: SUN CREST MEADOWS SUBDIVISION

Weber County is a wonderful place to live. My plans are to live here the rest of my life, and that is why I am writing this letter.

While I am not opposed to new subdivisions coming to our part of Weber County, I am concerned that the proposed Sun Crest Meadows subdivision will not have the same standards as other new developments in West Haven and Hooper. Specifically, I have two major concerns:

- 1) lack of sidewalks and gutters
- 2) the activities in the former turkey farm sheds

There are four new subdivisions within a mile and half of Sun Crest Meadows. Each has been required to have a sidewalk and gutter system. With 47 homes in the proposed subdivision, there will be a lot of children. I am very concerned for their safety if they are forced to walk in the road. Please don't allow a subdivision this size to be developed without gutters and sidewalks.

My second concern has to do with the turkey sheds that will be left standing. For the last 40 years, Mr. Neilson has been storing other people's boats, motor homes and other recreational vehicles inside the buildings for a price. Now he has allowed an auto salvage operation in the same shed as the stored RVs. Three of the Sun Crest building lots: 33, 34, and 35 share the property line with those sheds.

I am not sure what you can do about the RV storage and the salvage yard, but the County and prospective buyers need to be aware of the unlicensed storage and salvage yard. Anyone that purchases lot 33, 34, or 35 should be given full disclosure on what's happening in the buildings adjacent to their property.

Don't let Sun Crest Meadows be built without sidewalks and gutters. It will be a mess during construction. Why create a second mess by having to go in later and put in the sidewalks and gutters.

Thanks for your service on the Planning Board.

Sincerely,



Richard B. Alvord

ACKNOWLEDGEMENT OF RECEIPT OF LETTER

I, Steve Burton, employee of Weber County Planning Division hereby acknowledge that I have received a copy of a letter dated February 7, 2017 from Jonathan R. Grover of Evans, Grover & Beins, P.C. on behalf of his clients Favero Farms, A.G. Favero Sons, LLC, Dave Favero & Tom Favero, on this 7th day of February, 2017.



By: Planner II

EVANS, GROVER & BEINS, P.C.
~ATTORNEYS AT LAW~

A Professional Corporation
P.O. Box 160 - 52 West Main Street
Tremonton, UT 84337

JONATHAN R. GROVER**
CHRISTOPHER A. BEINS

Tel: (435) 257-6590
Fax: (435) 257-6592
Toll: (866) 486-5950
www.egb-law.com

* Also admitted in California.
† Also admitted in Idaho.

BRUCE C. EVANS (1956-2010)

February 6, 2017
Via U.S. First Class Mail

Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

Re: Sun Crest Meadows Subdivision Protest
My Clients: Favero Farms, LC, A.G. Favero Sons, LLC, Tom Favero & Dave Favero

Dear Ladies & Gentlemen:

I have been retained to represent Favero Farms, LC, A.G. Favero Sons, LLC, Tom Favero, and Dave Favero for the limited purpose of preparing and forwarding this letter to you for the proposed Sun Crest Meadows Subdivision, located at 2550 S. 4700 W., Taylor, Utah 84401. Rule 1.2 of the Rules of Professional Conduct provide that a lawyer may limit the scope of the representation. As such please direct any response or questions to my clients, whose address and contact information is provided below.

It is my clients understanding that the proposed subdivision is for 47 lots of single family residences. The lots are sized at 40,000 square feet.

My clients are agricultural producers who work and reside across 2550 South Street from the proposed Sun Crest Meadows Subdivision. They are third generation Weber County farmers who have lived and worked in this area their whole lives. They are acutely aware of the water drainage, traffic, and road issues affecting this area of Weber County and they want the County and Developer to ensure that these issues are addressed in the development and construction stages of the subdivision. My clients have several points they request be addressed with the Sun Crest Meadows Subdivision as follows:

First, there exists a drainage ditch that runs along the south side of 2550 South from 4700 West to 5100 West which serves as a drain for run-off water. In addition, there is a drainage ditch that branches off of 2550 South at about 4950 West, which then runs through proposed Lots 30, 31 and 33, as well as the proposed detention pond area, through a natural slough of the

proposed Sun Crest Meadows. There are several upstream drains that flow into these drainage ditches. These drainage ditches then join together and are ultimately directed into the Great Salt Lake. Since the latest plats filed by the developer with the County do not show the drainage ditch branching off of 2550 South at about 4950 West running through proposed Lots 30, 31 and 33, it is crucial that the entire drainage ditch from 4700 West to 5100 West be piped with at least 36" casing to provide for adequate water flow of both drainage ditches during peak run off times.

My clients have previously stated their willingness to cooperate to improve the drainage with a 36" drain pipe in the area of property along 2550 South owned by Dave and Tom Favero near the corner of 5100 West and thence running South to the slough. However, the existing 24" drain pipe would need to be changed to a 36" pipe in front of the two existing homes located at 5025 West and 5035 West on 2550 South, currently titled in the names of F. Stanley Nielsen & Peggy P. Nielsen, Co-Trustees. This area has flooded in the past because the ditch has been obstructed. The safety of the people living in this area and the security of the older homes and new homes to be built, require this entire area to be piped with 36" casing. My clients also understand that the 36" casing size was recently recommended by the Weber County Engineer's Office.

I cannot stress enough that it should be the responsibility of the developer to pipe the drainage ditch in front of the existing homes between 4700 West and 5100 West at the same time he installs the new drainage pipe in front of Lots 1, 7, 30 & 35. It is my clients' understanding that the property owner or F. Stan Nielsen was the same or related to the person responsible for those homes when originally constructed. Historically, the water shed drainage has continually shown and demonstrated through the past, problems with flooding and drainage that needs to be addressed now before further development is permitted. This problem will only be compounded and exacerbated when 47 additional homes are built upon the natural water shed for this area.

Second, there are various irrigation service ditches with established rights-of-way that need to be recognized on the plat. Particularly my clients utilize an irrigation service ditch from 4700 West all the way to southwest corner of the proposed subdivision, then turning 300 feet north inside the lots, then turning through a fence into my clients' property. The rights-of-way for service ditches need to be addressed, drawn and stated on the plats to provide property owners proper notice of the irrigation issues and rights of way in the area.

Third, sidewalk, curb and gutter should be installed to ensure the safety of residents and pedestrians because this area is growing, families with small children are present, and with nearly 50 new residences being proposed, safety needs to be a primary concern. Requiring installation of sidewalk, curb and gutter in this subdivision is good policy for Weber County, given the density of the housing, the number of people who will be using it, the safety it provides, and other various factors.

Fourth, there needs to be a requirement to widen the roadway to provide for turning lanes, or at least pull-outs for school buses and other traffic. The current paved roadway is approximately 10' on both sides of center. There is insufficient room for passing, turning or slowing vehicles other than the one travel lane. This creates a safety issue for all persons using the roadway, which will be exacerbated given the request for nearly 50 new residences and resulting increased traffic on the roadway by potentially 100 or more cars per day. To safely accommodate drivers, pedestrians, and residents, setback requirements should be 40' from center

of road with turning lanes, or an additional 10' asphalt pull off for school buses and other traffic.

Fifth, a boundary fence bordering all my clients' property on the west and south needs to be required in order to ensure safety, damage to ditches or crops, discourage trespasses, and prevent other criminal or civil damage. The request by the developer to change the proposed use of this historical agricultural property to residential requires borders to be addressed. My clients still maintain an agricultural presence on their property, using large machinery to till soil, grow and harvest crops and maintain irrigation ditches. A development creates a change in use that imposes a high risk of danger to potential residents if a barrier fence is not installed. For example, young children, pets and items of personal property are easily attracted to abutting agricultural property due to its open spaces. A bordering fence not only makes good neighbors, but helps to provide safety to all parties.

Sixth, when the two homes located at 5025 West and 5035 West were built by the property owner or F. Stan Nielsen, it was requested as part of the permitting process that the old, unsafe animal coops be tore down and properly disposed. To date, this has not been done. Now with the addition of nearly 50 homes near these unsafe structures, it becomes a pressing safety issue. Before any additional development is allowed, the developer should be required to properly dispose of the old, unsafe animal coops.

Therefore, my clients request that Weber County require the developer to do the following: (1) install a 36" casing for drain water along the entire length of 2550 South; (2) require irrigation ditch easements and rights of way; (3) require sidewalk, curb and gutter for the development; (4) require widen roadway of 2550 with turn lanes, or pullouts; (5) require the installation of a bordering fence with my client's property; and (6) require the old, unsafe coops be tore down and properly disposed. Each of these items promotes the safety and welfare of all individuals in this area that desire to call it home, and helps protect the integrity of agriculture for which this area has historically been recognized.

If you have further questions or need clarification, please contact Dave Favero or Tom Favero at 4862 West 2550 South, Ogden, Utah; Tel: (801) 544-6103 or (801) 544-6883.

Respectfully Yours,

EVANS, GROVER & BEINS, P.C.



Jonathan R. Grover, Esq.

JRG/

Cc Favero Farms, LC
A.G. Favero Sons, LLC















Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Reconsideration and action on a conditional use permit for a Stealth Verizon Wireless Cell Tower, located on the Uintah Ridge.
Agenda Date:	Tuesday, February 21, 2017
Type of Decision:	Administrative
Applicant:	Verizon Wireless
Authorized Agent:	Nefi Garcia
File Number:	CUP# 2016-18

Property Information

Approximate Address:	1770 E 6200 S, Ogden
Project Area:	Approx. 2000 sq. ft.
Zoning:	Residential Estates Zones (RE-15)
Existing Land Use:	Residential/Commercial
Proposed Land Use:	Public Utility Substation
Parcel ID:	07-083-0077
Township, Range, Section:	Township 5 North, Range 1 West, Section 22

Adjacent Land Use

North:	Commercial/Residential	South:	Residential
East:	Commercial/Residential	West:	Commercial/Residential

Staff Information

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

Applicable Ordinances

- Title 101, Chapter 1 (General Provisions) Section 7 (Definitions)
- Title 104, Chapter 3 (Residential Estates Zones) (RE-15)
- Title 108, Chapter 1 (Design Review)
- Title 108, Chapter 4 (Conditional Uses)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 12 (Towers)
- Title 108, Chapter 7 (Supplementary and Qualifying Regulations) Section 3 (Fencing requirements)
- Title 110, Chapter 1 (Western Weber Signs)

Summary and Background

Verizon Wireless has submitted a proposal that includes plans to establish a telecommunications tower located on the south-east corner of a lot owned by Washington Heights Baptist church in the Uintah Highlands area of Weber County. The project will occupy approximately 2,000-sq. ft. of the 43.16-acre parcel. The site is located in the RE-15 zone and is permitted as a conditional use as a "Public Utility Substation".

The proposed cell tower has been designed in a way that will be non-obtrusive and the materials and design will be in harmony with the existing church building. It has been designed in a way that will conceal the antennae that are affixed to the top of the tower (see Exhibit B). There will be an on-site diesel generator which will provide back-up power. The generator features a double belly fuel tank which will ensure that fuel will not be exposed to the soil or storm water runoff.

A cell tower in this location will be beneficial to the owner as well as users of the Verizon Wireless cellular network.

There is a trail access to the south of the project area that was created as a continuation of the Bonneville Shoreline Trail. This project will not impede access, and the applicant has expressed that the construction activity will not disturb the natural landscape outside of the project area.

On December 13, 2016 this item was heard by the Planning Commission. The Item was tabled, and the planning staff was given direction to gather information from the Weber-Morgan Health Department on human health effects from radio frequency signals. Despite the fact that Weber-Morgan Health Department does not regulate the cellular industry, they provided some information on a study that was conducted by the Utah State Department of Health. The information regarding the study has been attached to this report as "Exhibit E". The Federal Communications Commission (FCC) is responsible for regulating all cellular towers in the United States.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Analysis

General Plan: As the community grows the need for public utility service demand increases. This cell site will provide better cellular coverage for residents on the Uintah Highlands bench. The project site is adjacent to a commercial area of South Ogden and this use will be in harmony with the surroundings.

Zoning: The subject property is located within the RE-15 Zone which is categorized as a residential estates zone. The purpose and intent of this zone is as follows:

"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

Site Development Standards: The following site development standards apply to the RE-15 Zones:

Minimum lot area:

- 15,000 Sq ft, with the specific uses
- 40,000 Sq ft. with specific uses
- 5 acres, with specific uses

Minimum lot width:

- 100 feet

Minimum front yard setback

- 30 feet

Minimum side yard setbacks (Accessory Building)

- 10 feet except 1 foot if located at least 6 feet in the rear of the main building

Minimum rear yard setback

- 30 feet

This proposal meets all of the site development standards stated in §104- 3 (Residential Estates Zone) and §108-10-3 (Public Utility Substation). The drawings show a side setback of 12 feet from the property line to the east of the project area, all other area setbacks are well within standards.

Site Development Standards for a Public Utility Substation: A public utility substation that is located in a residential zone may have reduced rear setbacks to the following:

- Residential zone: five feet.

Conditional Use Review: The proposed cell tower is allowed as a conditional use within the RE-15 zone. The proposed use is termed as a "public utility substation" found in LUC § 104-3-5 (5). A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The proposed conditional use, mandate a design review as outlined in LUC §108-4-31(e), (16) to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable due to the nature of the request. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- Considerations relating to traffic safety and traffic congestion: Access to the site will be gained from the private parking lot to avoid causing traffic safety and congestion.
- Considerations relating to landscaping: Each corner of the site will feature DeWitt Pro-5 weed cloth under a layer of 3" cobble rock. Three five gallon Julia Jane boxwood evergreen shrubs on each corner of the site will be irrigated by a drip line irrigation system (see page C102).
- Considerations relating to buildings and site layout: The vinyl fence enclosure will feature a 12' double swinging gate that will be used to service the cell site equipment within. A 60'tall three-legged tower will be erected within this enclosure. The antennae and boxes will be concealed behind a panel on all three sides.
- Considerations relating to utility easements, drainage, and other engineering questions: The Engineering division has stated no concerns with the project.
- Considerations associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval: There are no concerns with regard to this consideration.
- Safety for persons: This Verizon cellular tower is regulated by the FCC. The FCC has set site and signal strength specifications for all cell towers in the United States. As highlighted in page six of the Federal Communications Commission Fact Sheet. "No State, local government, or instrumentality may regulate the structure, placement and modification based on radio frequency emissions to the extent that such facilities comply with federal regulations" (see Exhibit D).

West Weber Signs: Being that this stealth cell tower can double as a sign, the project shall meet the applicable criteria stated in the Title 110-1 (Western Weber Signs). The applicant has shown that the project meets side setback regulations of three feet.

Fencing requirements: Weber County LUC § 108-7-3 Fencing requirements: "Projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in *height*, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project." The applicant has agreed to comply with this fencing enclosure requirement.

Public Safety and Health: Verizon Wireless is regulated by the Federal Communications Commission (FCC). This cell tower will be in compliance with all FCC regulations. Pertinent information highlighted in the Federal Communications Fact sheet has been included in this report as Exhibit D. The Weber County Attorney has expressed that since this project will adhere to all Federal Regulations, denial by state and local government or instrumentality is not recommended.

Public Notice: A courtesy notice to the public has been sent out to all property owners within a 500 radius of the construction site.

Tax Clearance: There is no outstanding tax history related to this property.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2016-18, a conditional use permit for a Stealth Design Cell Tower located at 1770 E 6200 S Ogden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The project site is to feature a vinyl fence enclosure that is tan or beige as to blend better with the surroundings.
2. Revised plans shall be submitted prior to the issuance of the conditional use permit showing a maximum fence height of six feet and a tan colored vinyl fence.
3. The applicant shall maintain the site with a good visual appearance and structural integrity.
4. The applicant will provide a sign package showing total square footage of all signs on the property to determine the allowable sign space that may be utilized on the stealth cell tower.
5. The applicant shall adhere to all federal, State and County ordinances.

This recommendation is based on the following findings:

1. The proposed use conforms to the West Central Weber County.
2. The proposed use will not cause harm to the natural surroundings.
3. The proposed use will not be detrimental to the public health, safety, or welfare by adhering to FCC regulation.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Construction Plans
- C. Site Photo
- D. FCC Fact Sheet
- E. Information from Weber-Morgan Health Department and Utah State Department of Health

Area Map



Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-6791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) WASHINGTON HEIGHTS BAPTIST CHURCH		Mailing Address of Property Owner(s) 1770 E. 6200 S. SOUTH OGDEN, UT 84405	
Phone 801.479.7030	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address sam@barberbrothers.com			
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) NEFI GARCIA		Mailing Address of Authorized Person 5710 S. GREEN ST. MURRAY, UT 84123	
Phone 702-429-0410	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address nefi.garcia@taec.net			
Property Information			
Project Name SAL VINTAGE RIDGE	Total Acreage 43.16	Current Zoning RE-15	
Approximate Address 1770 E. 6200 S. SOUTH OGDEN, UT		Land Serial Number(s) 07-083-0077	
Proposed Use STEALTH CELL SITE FOR VERIZON WIRELESS			
Project Narrative Stealth Verizon Wireless cell site. Disguised as a "tri-leg cross." The antennas will be hidden behind 3 panel screening that has a cross on the three panels. Electronic equipment will be located on grade w/ a back-up diesel generator. All the equipment will be screened by an 8' tall white vinyl fence. There will be some landscaping on the interior corners of the compound.			

Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

It will improve the voice & data of the existing VZW customers, and assist in emergency responding situations. A number of public safety divisions are VZW customers.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

As a result of it being a stealth design, it will blend in with the church property.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

Cell sites are always handled as a C.O.P. & U2W will comply with all ordinary conditions of approval.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

It will add a benefit to the Weber County area.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

It does not add or take away from the environment or ecology. Does not emit pollutants.

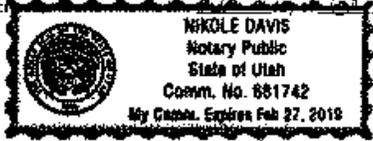
Property Owner Affidavit

I (We), Washington Heights Church, Sam J. Barber propose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Sam J. Barber
(Property Owner)

(Property Owner)

Subst: 1st 2nd FLOOR 20 16



[Signature]
(Notary)

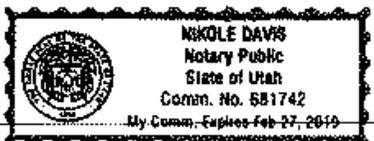
Authorized Representative Affidavit

I (We), Washington Heights Church, Sam Barber the owner(s) of the real property described in the attached application, do authorize as my (our) representative(s), NEP Garrix to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Sam J. Barber
(Property Owner)

(Property Owner)

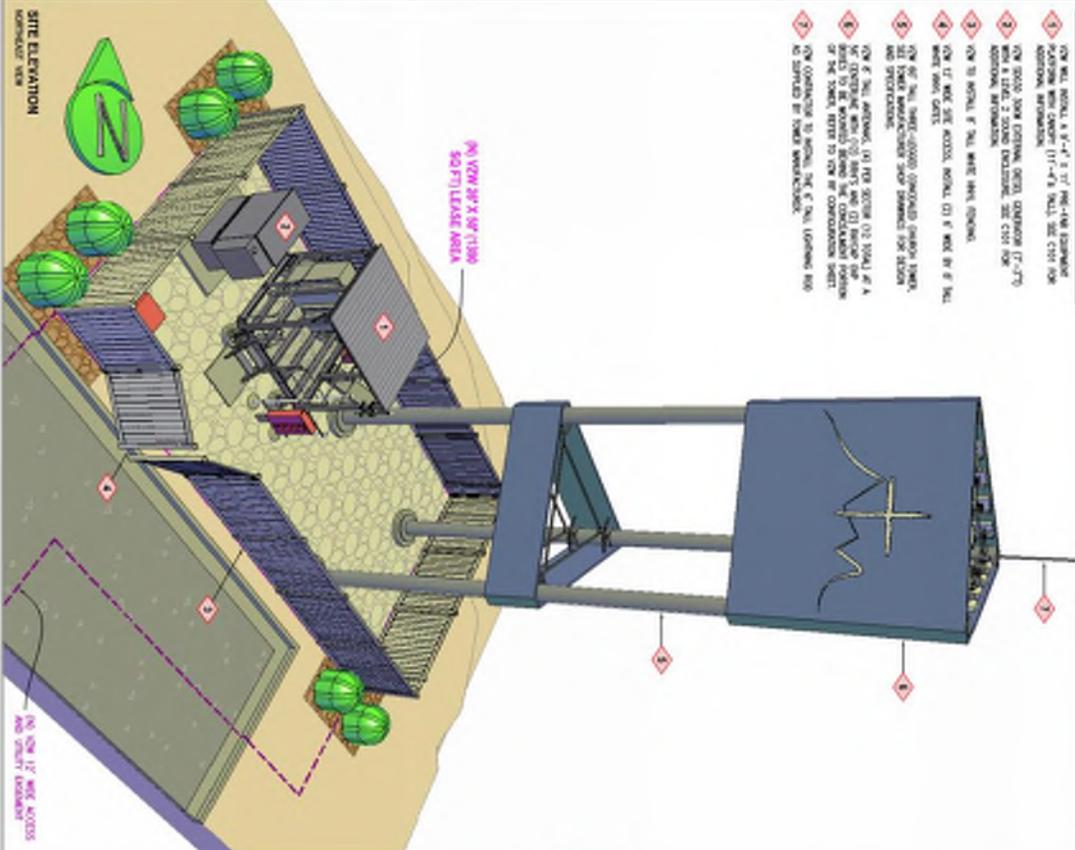
Dated this 6th day of October 20 16 personally appeared before me Sam Barber the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]
(Notary)

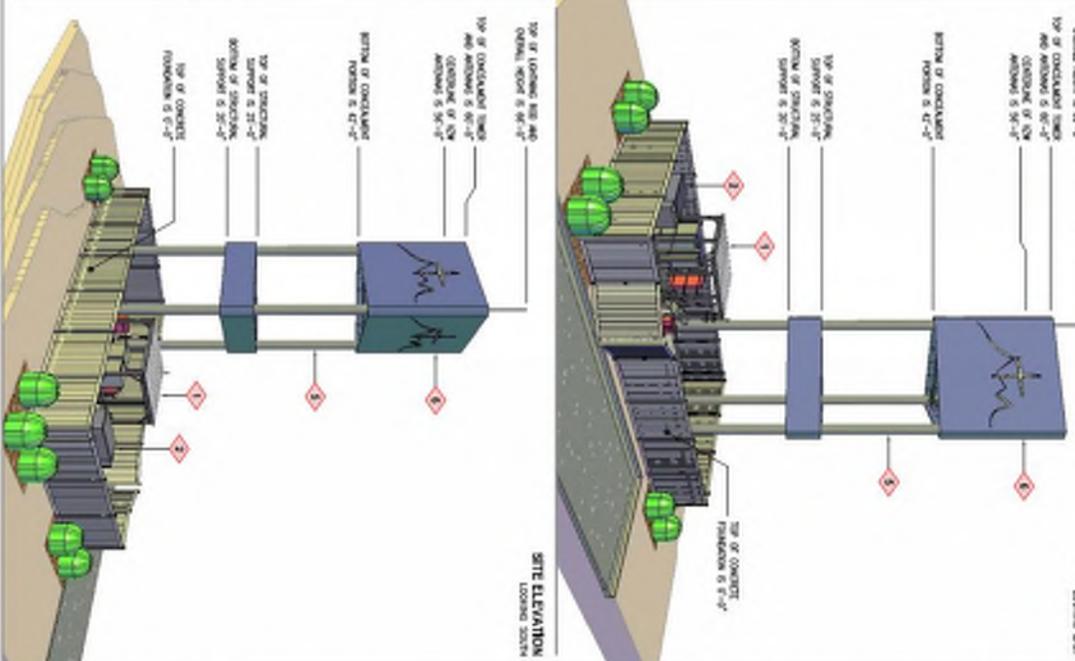
KEYED NOTES

- 1 CONCRETE FOUNDATION FOR ANTENNA
- 2 CONCRETE FOUNDATION FOR ANTENNA
- 3 CONCRETE FOUNDATION FOR ANTENNA
- 4 CONCRETE FOUNDATION FOR ANTENNA
- 5 CONCRETE FOUNDATION FOR ANTENNA
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- 9 CONCRETE FOUNDATION FOR ANTENNA
- 10 CONCRETE FOUNDATION FOR ANTENNA



SITE ELEVATION
LOOKING WEST

SITE ELEVATION
LOOKING EAST



verizon
Wireless
VERIZON WIRELESS
9400 SOUTH RIVERVIEW BLVD
MESA, ARIZONA 85209

Technology Associates
UTAH PLANNING OFFICE
2015 SOUTH RIVERVIEW BLVD
SALT LAKE CITY, UTAH 84123
COMMERCIAL OFFICE
2015 SOUTH RIVERVIEW BLVD, SUITE #110
DENVILLE, CALIFORNIA 95019

NO. 1	DATE	DESCRIPTION
1	01/11/2011	ISSUED FOR PERMIT
2	01/11/2011	ISSUED FOR PERMIT
3	01/11/2011	ISSUED FOR PERMIT
4	01/11/2011	ISSUED FOR PERMIT
5	01/11/2011	ISSUED FOR PERMIT
6	01/11/2011	ISSUED FOR PERMIT
7	01/11/2011	ISSUED FOR PERMIT
8	01/11/2011	ISSUED FOR PERMIT
9	01/11/2011	ISSUED FOR PERMIT
10	01/11/2011	ISSUED FOR PERMIT

SHEET NUMBER
C200

SITE ELEVATIONS

SAL - UTAH RIDGE
8E SEC 22, T9N, R1W
1770 EAST 6200 SOUTH
SOUTH OGDEN, UTAH 84405
RAWLAND SITE





April 23, 1996

FEDERAL COMMUNICATIONS COMMISSION

FACT SHEET

Information provided by the Wireless Telecommunications Bureau

NEW NATIONAL WIRELESS TOWER SITING POLICIES

The Telecommunications Act of 1996 contains important provisions concerning the placement of towers and other facilities for use in providing personal wireless services. Most state and local communities have worked closely with cellular and other wireless service providers on such placement plans, but this new law establishes new responsibilities for communities and for the Federal Communications Commission (FCC). The rapid expansion in the wireless industry makes these issues even more important.

This fact sheet is intended to explain the new provisions and to help state and local governments as they deal with the complex issues of facilities siting in their local communities. At the end of this fact sheet, you will find names of contacts for additional information about this area and other issues before the FCC.

Section 704 of the Telecommunications Act of 1996 (the "1996 Act") governs federal, state and local government oversight of siting of "personal wireless service" facilities. The 1996 Act establishes a comprehensive framework for the exercise of jurisdiction by state and local zoning authorities over the construction, modification and placement of facilities such as towers for cellular, personal communications service (PCS), and specialized mobile radio (SMR) transmitters:

- The new law preserves local zoning authority, but clarifies when the exercise of local zoning authority may be preempted by the FCC.
- Section 704 prohibits any action that would discriminate between different providers of personal wireless services, such as cellular, wide-area SMR and broadband PCS. It also prohibits any action that would ban altogether the construction, modification or placement of these kinds of facilities in a particular area.
- The law also specifies procedures which must be followed for acting on a request to place these kinds of facilities, and provides for review in the courts or the FCC of any decision by a zoning authority that is inconsistent with Section 704.

- Finally, Section 704 requires the federal government to take steps to help licensees in spectrum-based services, such as PCS and cellular, get access to preferred sites for their facilities. Federal agencies and departments will work directly with licensees to make federal property available for this purpose, and the FCC is directed to work with the states to find ways for states to accommodate licensees who wish to erect towers on state property, or use state easements and rights-of-way.

The attachments to this fact sheet seek to provide information concerning tower siting for personal wireless communications services. They include a summary of the provisions of Section 704 of the 1996 Act, the actual text of Section 704, and a technical information summary that describes the cellular, wide-area SMR and broadband PCS technologies that underlie the majority of requests for new tower sites.

Questions about the Telecommunications Act of 1996 generally may be addressed to Sheryl Wilkerson in the FCC's Office of Legislative and Intergovernmental Affairs, 202-418-1902 (e-mail: swilkers@fcc.gov). Questions about tower siting, licensing issues or technical matters may be addressed to Steve Markendorff, Deputy Chief, Commercial Wireless Division in the Wireless Telecommunications Bureau, 202-418-0620, (e-mail: smarkend@fcc.gov).

This Fact Sheet is available on our fax-on-demand system. The telephone number for fax-on demand is 202-418-2830. The Fact Sheet may also be found on the World Wide Web at <http://www.fcc.gov/wtb/wirehome.html>.

SUMMARY OF SECTION 704 OF THE TELECOMMUNICATIONS ACT OF 1996

The following is a summary of key provisions. The text of Section 704 is reproduced in its entirety as an attachment to this summary.

1. Local Zoning Authority Preserved

Section 704(a) of the 1996 Act amends Section 332(c) of the Communications Act ("Mobile Services") by adding a new paragraph (7). It preserves the authority of state and local governments over decisions regarding the placement, construction, and modification of personal wireless service facilities, except as provided in the new paragraph (7).

2. Exceptions

a. States and Localities May Not Take Discriminatory or Prohibiting Actions

Section 704(a) of the 1996 Act states that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. §332(c)(7)(B)(i).

Review: Any person that is adversely affected by a state or local government's action or failure to act that is inconsistent with Section 332(c)(7) may seek expedited review in the courts. 47 U.S.C. §332(c)(7)(B)(v).

b. Procedures for Ruling on Requests to Place, Construct or Modify Personal Wireless Service Facilities

Section 704(a) also requires a State or local government to act upon a request for authorization to place, construct, or modify personal wireless service facilities within a reasonable time. Any decision to deny a request must be made in writing and be supported by substantial evidence contained in a written record. 47 U.S.C. §332(c)(7)(B)(ii), (iii).

c. Regulations Based On Environmental Effects of RF Emissions Preempted

Section 704(a) of the 1996 Act expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions. 47 U.S.C. §332(c)(7)(B)(iv).

Review: Parties may seek relief from the FCC if they are adversely affected by a state or local government's final action or failure to act that is inconsistent with this provision. 47 U.S.C. § 332(c)(7)(B)(v).

3. Federal Guidelines Concerning RF Emissions

Section 704(b) requires the FCC to prescribe and make effective new rules regarding the environmental effects of radio frequency emissions, which are under consideration in ET Docket 93-62, within 180 days of enactment of the 1996 Act.

NOTE: The pendency of this proceeding before the FCC does not affect the rules which currently are in effect governing the environmental effects of radio frequency emissions. Section 704(b) gives preemptive effect to these existing rules. See related attachments to the Fact Sheet.

4. Use of Federal or State Government Property

a. Federal Property

Section 704(c) of the 1996 Act requires the President (or his designee) to prescribe procedures by which the federal government may make available on a fair, reasonable and nondiscriminatory basis, property, rights-of-way and easements under their control, for the placement of new spectrum-based telecommunications services.

b. State Property

With respect to facilities siting on state property, Section 704(c) of the 1996 Act requires the FCC to provide technical support to States to encourage them to make property, rights-of-way and easements under their jurisdiction available for the placement of new spectrum-based telecommunications services.

NOTE: Information concerning technical support for tower siting which the FCC is making available to state and local governments is attached to the Fact Sheet.

5. Definitions

"Personal wireless services" include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. §332(c)(7)(C)(i).

"Commercial mobile services" are defined in Section 332 of the Communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 24 of the FCC's rules. 47 C.F.R. §20.9.

"Unlicensed wireless services" are defined as the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition. 47 U.S.C. §332(c)(7)(C)(iii).

COMPLETE TEXT OF SEC. 704 OF THE TELECOMMUNICATIONS ACT OF 1996

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY- Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

(7) PRESERVATION OF LOCAL ZONING AUTHORITY-

(A) GENERAL AUTHORITY- Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) LIMITATIONS-

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof--

(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or

place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any

court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) DEFINITIONS- For purposes of this paragraph--

(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).'

(b) RADIO FREQUENCY EMISSIONS- Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY- Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

TECHNICAL INFORMATION CONCERNING CELLULAR, SPECIALIZED MOBILE RADIO AND PERSONAL COMMUNICATIONS SERVICES

April 1996

Cellular Information

The FCC established rules and procedures for licensing cellular systems in the United States and its Possessions and Territories. These rules designated 306 Metropolitan Statistical Areas and 428 Rural Service Areas for a total of 734 cellular markets and spectrum was allocated to license 2 systems in each market. Cellular is allocated spectrum in the 824-849 and 869-894 MHz ranges. Cellular licensees are generally required to license only the tower locations that make up their outer service contour. Licensees desiring to add or modify any tower locations that are within an already approved and licensed service area do not have to submit an application for that location to be added to their cellular license, although they may need FCC approval if the antenna would constitute a major environmental action (See question 2, below) or would exceed the criteria specified in Part 17 of the FCC's Rules ("Construction, Marking and Lighting of Antenna Structures"). Part 17 includes criteria for determining when construction or placement of a tower would require prior notification to the Federal Aviation Administration (FAA). (See question 3, below.)

A cellular system operates by dividing a large geographical service area into cells and assigning the same frequencies to multiple, non-adjacent cells. This is known in the industry as frequency reuse. As a subscriber travels across the service area the call is transferred (handed-off) from one cell to another without noticeable interruption. All the cells in a cellular system are connected to a Mobile Telephone Switching Office (MTSO) by landline or microwave links. The MTSO controls the switching between the Public Switched Telephone Network (PSTN) and the cell site for all wireline-to-mobile and mobile-to-wireline calls.

Specialized Mobile Radio (SMR) Information

Specialized Mobile Radio (SMR) service licensees provide land mobile communications on a commercial (*i.e.*, for profit) or private basis. A traditional SMR system consists of one or more base station transmitters, one or more antennas and end user radio equipment which often consists of a mobile radio unit either provided by the end user or obtained from the SMR operator. The base station receives either telephone transmissions from end users or low power signals from end user mobile radios.

SMR systems operate in two distinct frequency ranges: 806-821/851-866 MHz (800 MHz) and 896-901/935-940 MHz (900 MHz). 800 MHz SMR services have been licensed by the FCC on a site-by-site basis, so that the SMR provider must approach the FCC and receive a license for each and every tower/base site. In the future the FCC will license this band on a wide-area market approach. 900 MHz SMR was originally licensed in 46 Designated Filing Areas (DFAs) comprised of only the top 50 markets in the country. The Commission is in the process of auctioning the remainder of the United States and its Possessions and Territories in the Rand McNally defined 51 Major Trading Areas.

PCS Information

Broadband PCS systems are very similar to the cellular systems but operate in a higher frequency band, in the 1850-1990 MHz range. One other difference is that the FCC used different market areas for licensing purposes. The FCC used the Rand McNally definitions for 51 Major Trading Areas (MTAs) and 493 Basic Trading Areas (BTAs). PCS was allocated spectrum for six Broadband PCS systems and 26 Narrowband systems. The six Broadband PCS systems will be licensed as follows: two Broadband PCS licenses will be issued for each of the 51 MTAs and four for each of the 493 BTAs. The 26 Narrowband systems will be licensed as follows: eleven Narrowband PCS licenses will be issued for nationwide systems, six for each of five regional areas, seven for each of the 51 MTAs and two for each of the 493 BTAs.

PCS licensees are issued a blanket license for their entire market area and are not required to submit applications to license individual cell sites unless construction of the facility would be a major environmental action or would require FAA notification. Major environmental actions are defined by the National Environmental Policy Act of 1969 that is discussed in question 2, below. Therefore, the FCC has no technical information on file concerning PCS base stations.

Frequently asked questions concerning tower siting for personal wireless services.

1. Do local zoning authorities have any authority to deny a request for tower siting?

Answer: Yes. The Telecommunications Act of 1996 specifically leaves in place the authority that local zoning authorities have over the placement of personal wireless facilities. It does prohibit the denial of facilities siting based on RF emissions if the licensee has complied with the FCC's regulations concerning RF emissions. It also requires that denials be based on a reasoned approach, and prohibits discrimination and outright bans on construction, placement and modification of personal wireless facilities.

2. What requirements do personal wireless communications licensees have to determine whether a site is in a flood plain? A historical sites must also comply with the National Environmental Policy Act of 1969 (NEPA), as well as other mandatory federal environmental statutes. The FCC's rules that implement the federal environmental statutory provisions are contained in sections 1.1301-1.1319. The FCC's environmental rules place the responsibility on each applicant to investigate all the potential environmental effects, and disclose any significant effects on the environment in an Environmental Assessment (EA), as outlined in section 1.1311, prior to constructing a tower. The applicant is required to consult section 1.1307 to determine if its proposed antenna structure will fall under any of the listed categories that may significantly affect the environment. If it does, the applicant must provide an EA prior to proceeding with the tower construction and, under section 1.1312, must await FCC approval before commencing any such construction even if FCC approval is not otherwise required for such construction. The FCC places all proposals that may significantly impact the environment on public notice for a period of 30 days, seeking any public comments on the proposed structures.

The categories set forth in section 1.1307 include:

Wilderness Area
Wildlife Preserve
Endangered Species
Historical Site
Indian Religious Site
Flood Plain
Wetlands
High Intensity White Lights in Residential Neighborhoods
Excessive Radiofrequency Radiation Exposure

3. Are there any FCC regulations that govern where towers can or cannot be placed?

Answer: The FCC mandates that personal wireless companies build out their systems so that adequate service is provided to the public. In addition, all antenna structures used for communications must be approved by the FCC in accordance with Part 17 of the FCC Rules. The FCC must determine if there is a reasonable possibility that the structure may constitute a menace to air navigation. The tower height and its proximity to an airport or flight path will be considered when making this determination. If such a determination is made the FCC will specify appropriate pointing and lighting requirements. Thus, the FCC does not mandate where towers must be placed, but it may prohibit the placement of a tower in a particular location without adequate lighting and marking.

4. Does the FCC maintain any records on tower sites throughout the United States? How does the public get this information (if any)?

Answer: The FCC maintains a general tower database on the following structures: (1) any towers over 200 feet, (2) any towers over 20 feet on an existing structure (such as a building, water tower, etc.) and (3) towers that are close to airports that may cause potential hazards to air navigation. The FCC's licensing databases contain some base site information for Cellular and SMR systems. The general tower database and the Cellular and SMR data that may be on file with the FCC is available in three places:

(1) Cellular licensing information is available in the Public Reference Room of the Wireless Telecommunications Bureau's Commercial Wireless Division. The Public Reference Room is located on the fifth floor of 2025 M Street, NW, Washington, DC 20554, telephone (202)418-1350. On-line database searches of cellular licensing information along with queries of the FCC's general tower database can also be accomplished at the Public Reference Room.

(2) People who would like to obtain general tower information through an on-line public access database should call or write Interactive Systems, Inc., 1601 North Kent St., Suite 1103, Arlington, VA 22209, telephone 703-812-8270.

From: Cooper, Louis
Sent: Thursday, January 05, 2017 1:14 PM
To: Mendoza, Scott P.
Subject: Electromagnetic radiation from cell towers

Scott

As per your request I have reviewed literature by the American Cancer Society and the National Cancer Institute with regards to potential effects of cell phone tower radio wave exposures. Both of these agencies and the other agencies and experts that they cited all indicated, there is no evidence that these exposures lead to any excess cancers. I also contacted Dr. Nathan LaCross Epidemiologist/Toxicologist/Risk Assessor for the Utah State Department of Health (UDOH). He sent me a link to a study conducted by UDOH, as well as his own comments, specific to this issue. I will forward you his email. If you need further information or assistance please contact me or doctor LaCross.

From: NathanLaCross[<mailto:nlacross@utah.gov>]
Sent: Thursday, January 05, 2017 11:02 AM
To: Cooper, Louis <cooper@co.weber.ut.us>
Subject: Electromagnetic radiation from cell phone towers

Hi Louis,

As we discussed over the phone, here's the link to the technical assist document we wrote a couple of years ago. It's a brief review of the literature on the potential health effects from exposure to radiofrequency (RF) electromagnetic radiation from cell phone towers. The document goes into greater detail and contains references, but there's a brief(ish) summary of it below.

www.health.utah.gov/enviroepi/appletree/technicalassists/RF-EMF.pdf

There have been many studies of both short-term and long-term health effects of exposure to RF radiation typical of cell phone towers. To date, evidence for adverse health effects at these levels of exposure is ambiguous and unproven, and no causal link between exposure to RF radiation from base stations and harmful biological effects has been established.

It is important to note that "radiation" does not mean "radioactive". The RF radiation from cell phone towers is a form of non-ionizing radiation, like visible light and microwaves. Exposure to radiation (including RF, light, etc.) decreases very rapidly with distance. A person twice as far away from an antenna will receive roughly a quarter of the exposure (this relationship is known as the inverse-square law).

The main effect of radiofrequency energy on the human body is heating of the tissues. At the frequencies and power levels used by cell phone towers, the majority of energy is absorbed by the skin and results in a negligible rise in temperature at most. The human body can easily adjust to small increases in temperature, just as it does during strenuous activities like exercise.

Cell phones themselves are of potentially higher concern than the towers. While they are much lower in transmitting power (0.1 - 2 watts) than towers (10 - 50 watts), they are typically used very close to the body, resulting in exposures up to 1,000 times higher than those associated with towers. Most health effects associated with cell phones have been limited to people with the highest cumulative use.

I hope this helps. Let me know if you or others have any questions or concern.

--

Nathan LaCross, Ph.D., MPH

Epidemiologist

Environmental Epidemiology Program

Utah Department of Health

Phone: 801-538-6705

Fax: 801-538-6564



Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: February 14, 2017
Subject: February 21st Work Session Discussion Items

Planning Commissioners,

In the February 21st meeting we plan to have a work session to address ongoing ordinance updates. Each is attached, and below is a brief synopsis of the proposed changes:

1. Utility Setback Code – *This is an ordinance that we began working on early last summer. It's been sidelined until now. It provides better standards for public utility structures, and modifies setback requirements.*
2. General Code Amendments –
 - a. Definition of Lot of Record: *Modifying conflicting or redundant provision in the definition.*
 - b. Definition of Recreation Lodge: *The definition does not expressly say that nightly accommodations are allowed in a recreation lodge. It can be inferred from the existing text, but because other uses like "bed and breakfast" or "recreation resort" all expressly state that nightly accommodations are allowed it could also be inferred that it is not allowed for a recreation lodge. This fixes that.*
 - c. Township Planning Commission: *A text change early last year, which was based on a new state code, resulted in the elimination of the term "township" from the Weber County Land Use Code. However, we have discovered that there are other ordinances outside the Land Use Code that also reference "township planning districts" which are now unnecessary.*
 - d. Land Use Permit Expiration: *The current code does not provide time limits on land use permits when the use is never commenced. Using language from the new conditional use code, the proposal offers provisions for expiration.*
 - e. Timeframe between Application Submittal and Planning Commission Agenda: *The code specifies that a subdivision has to be submitted 30 days prior to the next Planning Commission meeting in order to get on that agenda. However, the code also specifies that review agencies are allowed 30 days to review the proposal. This does not offer sufficient time to prepare a staff report and provide notice. The proposal fixes that.*
 - f. Special Event Code: *The Planning Division has taken over responsibility for special event permitting. This specifies that.*
 - g. Restricted Lots: *The restricted lot definition was changed in 2015 to include lots in a geologic hazard study area, but last year's adoption of the revised natural hazards code eliminates the need to designate a lot within a geologic study area as a restricted lot.*

Sec. 101-1-7. - Definitions.

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

...

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

...

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

...

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

Sec. 108-10-1. - Location.

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

Sec. 108-10-2. - Site development standards for Ppublic utility substation or structures:—~~Minimum lot area.~~

~~None.~~

The lot area, width, depth, setback, and street frontage regulations for unmanned culinary or secondary water system facility, storage tank, or well house, unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline regulation station, unmanned telecommunication, television, telephone, fiber optic, electrical facility, or other unmanned utility service regeneration, transformation, or amplification facility are as follows:

1. Lot area and lot width. No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any accessory use, any landscaping required by this land use code, the required setbacks, and contain sufficient area to satisfy any other provisions or conditions as authorized by this land use code.

2. Front yard setback. Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that no substation or structure shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or twenty feet, whichever is more restrictive. [c1]

3. Side yard setback. The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.

4. Rear yard setback. The rear yard setback requirement may be reduced to the following:

a. In a residential zone: five feet.

b. In an agricultural zone: ten feet.

c. In a forest zone: 20 feet

d. In a zone not specifically listed in this subsection: typical zone setback as provided in the chapter for that zone.

5. *Frontage.* No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

~~Sec. 108-10-3. - Same—Minimum yards.~~

~~Each public utility substation shall maintain the minimum yards required for a dwelling in the same zone except that the rear yard may be reduced to the following:~~

~~(1) In a residential zone: five feet.~~

~~(2) In an Agricultural Zone: ten feet.~~

~~(3) In a Forest Zone: 20 feet.~~

~~Sec. 108-10-4. - Same—Street access.~~

~~Each public utility substation shall be located on a lot, which has adequate access from a street, alley, right-of-way, or easement.~~

Sec. 108-10-5. - Public buildings—Minimum lot area.

Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate, agriculture, and forest zones.

Sec. 108-10-6. - Same—Minimum yards.

Each public building shall meet the minimum yard requirements for a public building in the zone in which it is located.

Sec. 108-10-7. - Same—Width of lot.

Each public building shall have a minimum width of lot of 100 feet.

Sec. 108-10-8. - Same—Frontage.

Each public building shall have frontage on a public street.

...

CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

...

Sec. 104-29-2. - Development standards.

...

(h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
(2)	Minimum lot width		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
	b.	Side yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
	c.	Rear yard	

...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
(4)	Maximum building height		
...			
	c.	Public utility substation	35 feet, unless otherwise provided in Section 108-7-5: Exceptions to height limitations. exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations

...

General Definitions Amendments:

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Lot of record (lawfully created lot). A lot of record is defined as any one of the following circumstances:

- (1) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (2) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (3) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- ~~(4) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and has undergone and successfully completed the Weber County subdivision process; or~~
- (45) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or
- ~~(6) A parcel/lot that is the subject of a land division where Weber County, in compliance with Utah State Code, has expressly approved the division in anticipation of further land use approvals conditioned upon and as authorized by the Weber County Zoning Ordinance; or~~
- (57) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record.

~~There are parcels/lots within Weber County that may have been created and subsequently recorded in the office of the Weber County Recorder, but were not lawfully created in accordance with Utah State Code or Weber County Ordinances/Policy as described herein. Weber County is not able to issue a land use permit and/or building permit for such parcels/lots.~~

...

Recreation lodge. The term "recreation lodge" means a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms [for nightly accommodations](#), and facilities for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open year-round, offers summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based upon acreage and site plan review, and recommended by the planning commission. Limited day use may be allowed based upon site plan review and approval of the overall project as a conditional use by the planning commission.

Township Amendments

Part I

...

Title 2 – Administration

...

CHAPTER 17. - RESERVED TOWNSHIP PLANNING DISTRICTS

~~Sec. 2-17-1. - Appointment of township planning commission members.~~

~~Appointment preference shall be given to encourage geographic representation on each township planning board.~~

~~Sec. 2-17-2. - Jurisdiction.~~

~~Upon the appointment of all members of a township planning commission the township shall immediately begin to exercise the powers and perform the duties as provided for in the Utah Code.~~

~~Sec. 2-17-3. - Policies and procedures.~~

~~The board of county commissioners shall adopt such policies and procedures as it deems necessary to provide for:~~

- ~~(1) The planning division support staff;~~
- ~~(2) The funding of necessary and reasonable expenses of townships;~~
- ~~(3) The townships will be governed by state law, county ordinances and the county planning commission rules of procedure and ethical conduct. If conflicts exist, state law and county ordinances will prevail over the county planning commission rules of procedure and ethical conduct; and~~
- ~~(4) Any other purposes considered necessary to the functioning of the township.~~

~~Sec. 2-17-4. - Township planning commissions meetings.~~

~~The township planning commissions will meet on the second and fourth Tuesday of each month, at a time to be scheduled by staff, in the Weber County Commission Chambers, 1st Floor, 2380 Washington Blvd., Ogden, Utah.~~

~~Sec. 2-17-5. - Vacancy on township planning commissions.~~

~~The board of county commissioners may remove for cause a member of a township planning commission which the county commission has appointed upon the filing of written charges against the member and after a hearing on the charges if requested by the member.~~

...

TITLE 102 – ADMINISTRATION

...

CHAPTER 5. – REZONING PROCEDURES

Sec. 102-5-5. - Concept development plan.

- (a) The concept development plan shall be submitted with a rezoning application, and shall supply sufficient information about the development to assist the ~~township~~-planning commission and county commission in making a decision on the rezoning application. Seven copies of plans shall be submitted on 11 by 17 inch paper and two copies of plans shall be submitted on 24 by 36 inch paper, at a readable scale. All concept plans (including but not limited to architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans. Information supplied shall include text and illustration:



Land Use Permit Expiration Amendments

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Commencement of construction. The term “commencement of construction” means the excavation for structural footings on a site or the recontouring of a site in preparation for construction activities as determined by the Planning Director, and when required, after the issuance of a building permit.

Commencement of use. The term “commencement of use” means either the commencement of construction when that construction has been approved for a specific use as provided in this Land Use Code, or the actual beginning of a specific land use as provided in this Land Use Code.

...

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

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

- (1) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- (2) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.
- (3) In the event compliance cannot be attained the land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
- (4) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
- (5) Revocation of a permit is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to title 102, chapter 3.

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

(b) A land use permit, conditional use permit, or design review approval shall expire and become null and void if commencement of construction, as defined in 101-1-7, or commencement of the use does not occur within one year of the issuance of the permit or approval, together with payment of applicable fees. A single one-year extension may be granted by the Planning Director if it can be demonstrated that good faith efforts are being executed to commence construction. Additional extensions may be granted at the discretion of the Planning Director provided the following:

(1) Applicable ordinances governing the original approval of the permit have not changed; and

(2) Site, neighborhood, or general area conditions and circumstances related to applicable ordinances governing the original approval have not changed;

(3) The findings made, if any, for the original approval still hold true; and

(4) The conditions applied, if any, to the original approval are still relevant and enforceable in the same context as they were for the original approval.

...

TITLE 108 – STANDARDS

...

CHAPTER 4. – CONDITIONAL USES

...

Sec. 108-4-8. - Revocation and expiration.

(a) Revocation. A conditional use permit may be revoked by the land use authority upon failure to comply with the applicant's approved proposal, or any applied standard, or applicable requirement, provision, restriction, or condition of approval. Violation of any condition of approval of a conditional use permit shall constitute a violation of this Land Use Code. Rules for revocation are provided in section 102-4-3.

(b) Expiration. ~~Rules for expiration are provided in Section 102-4-3. Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the land use authority, the conditional use permit shall expire. The land use authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the land use authority, the approval for the conditional use permit shall expire and become null and void.~~

Field Cod

.....

Timeframe between application submittal and Planning Commission Agenda

TITLE 106 – SUBDIVISIONS

...

CHAPTER 1. – GENERAL PROVISIONS

...

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

...

(b) Final plat required.

...

(2) The final plat and accompanying information shall be submitted to the planning division at least ~~30~~45 days prior to a regularly scheduled planning commission meeting.

...

.....
Special event code

PART I

...

TITLE 38 – SPECIAL EVENTS

...

Sec. 38-1-6. - Same—Application process.

(a) ~~Special event permit application forms may be obtained from the Weber County Special Events Office, located inside the Golden Spike Arena at the Weber County Fairgrounds, 1000 North 1200 West, Ogden, Utah 84404 or online at http://www.webercountyutah.gov/special_events/.~~ All applications for special event permits shall be made to the Weber County Planning Division on a special event permit application form and shall include the following information:

.....
Restricted Lot Amendments:

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Lot, restricted. The term "restricted lot" means:

~~(1) — A lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section.~~ a

~~(2) — A lot or parcel of land that has been identified as having potential geologic or other environmental hazards or constraints, as determined by the county engineer, which require further investigation prior to issuance of a building permit.~~

...



Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: February 14, 2017
Subject: February 21st CRMP Work Session

Planning Commissioners,

In the February 21st meeting we plan to have a work session to discuss the forthcoming Western Weber County Resource Management Plan (CRMP). A first draft of the plan is attached.

In 2016, the Utah State Legislature passed a bill that changes state code to require each County to create a CRMP and incorporate it into their general plan. The state code requires that the plan address 28 individual resources. Some of these resources are less applicable to Weber County than others. The attached plan, as prepared by our consultants at Logan Simpson Design, organizes each of these 28 resources into similar categories

When updating the Ogden Valley General Plan last year we grafted in a CRMP element. Because a Western Weber General Plan update is not on the immediate horizon we are proposing with this document to instead create a stand-alone CRMP element that will run with and compliment the 2003 West Central Weber General Plan.

The plan, as presented in the attached, is a working draft and subject to change. Please come to the meeting with ready feedback about how to improve it. As you review the document you will find that there are a few graphics (images/maps) not included yet. They are still being prepared, but we intend to have them ready for review in our work session.

Leading up to this draft we convened a stakeholder group to help us understand the five greatest resource priorities of the County. This group consisted of industry leaders, resource managers (like Utah Division of Natural Resources, the Forest Service, State Mines, etc.) farmers, and civic leaders. The Wasatch Front Regional Council created a resource data library and map to assist us in this feat. That can be found on their website at http://www.wfrc.org/new_wfrc/crmp/.

As we move forward with this plan we hope to do the following:

1. Hold a work session to discuss the plan and review any needed changes.
2. After making all final changes, present the draft to the public in a public open house.
3. Hold a public hearing, take comment, and when ready, pass a positive recommendation for the plan to the County Commission.

If needed we are prepared for more work sessions or public engagement, but at this time we do not anticipate significant public concern over the plan.



WESTERN WEBER COUNTY RESOURCE MANAGEMENT PLAN

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ACKNOWLEDGEMENTS

CHAPTER 1

INTRODUCTION

THE WESTERN WEBER COUNTY PLANNING AREA

In September, 2003, Weber County adopted the West Central Weber County General Plan (2003 General Plan) for the unincorporated area of the County to the west of the Ogden area, including the Warren, Reese, West Weber and Weber Township areas as shown in Map 1.

The planning area for the 2003 Plan excluded unincorporated areas of Weber County to the east of the Ogden metropolitan area. In August, 2016 the Weber County Commission adopted the updated Ogden Valley General Plan, which included a resource management element as Chapter 8 of the plan. This Western Weber County Resource Management Plan (RMP) includes all of the area of unincorporated Weber County, not part of the Ogden Valley General Plan area, as shown in Map 2, encompassing approximately 208,000 acres.

CONTEXT AND LEGAL BASIS FOR THE COUNTY RESOURCE MANAGEMENT PLAN

House Bill 219, passed by the Utah Legislature during its 2016 general session, amended Section 17-27a-401 of the Utah Code to add a county resource management plan as a required element of county general plans. New Subsection (3) provides:

“(a) The general plan shall contain a resource management plan for the public lands, as defined in section 63L-6-102, within the county.

(b) the resource management plan shall address:

*Mining;
land use;
livestock and grazing;
irrigation;
agriculture;
fire management;
noxious weeds;
forest management;
water rights;
ditches and canals;
water quality and hydrology;
flood plains and river terraces;
wetlands;*

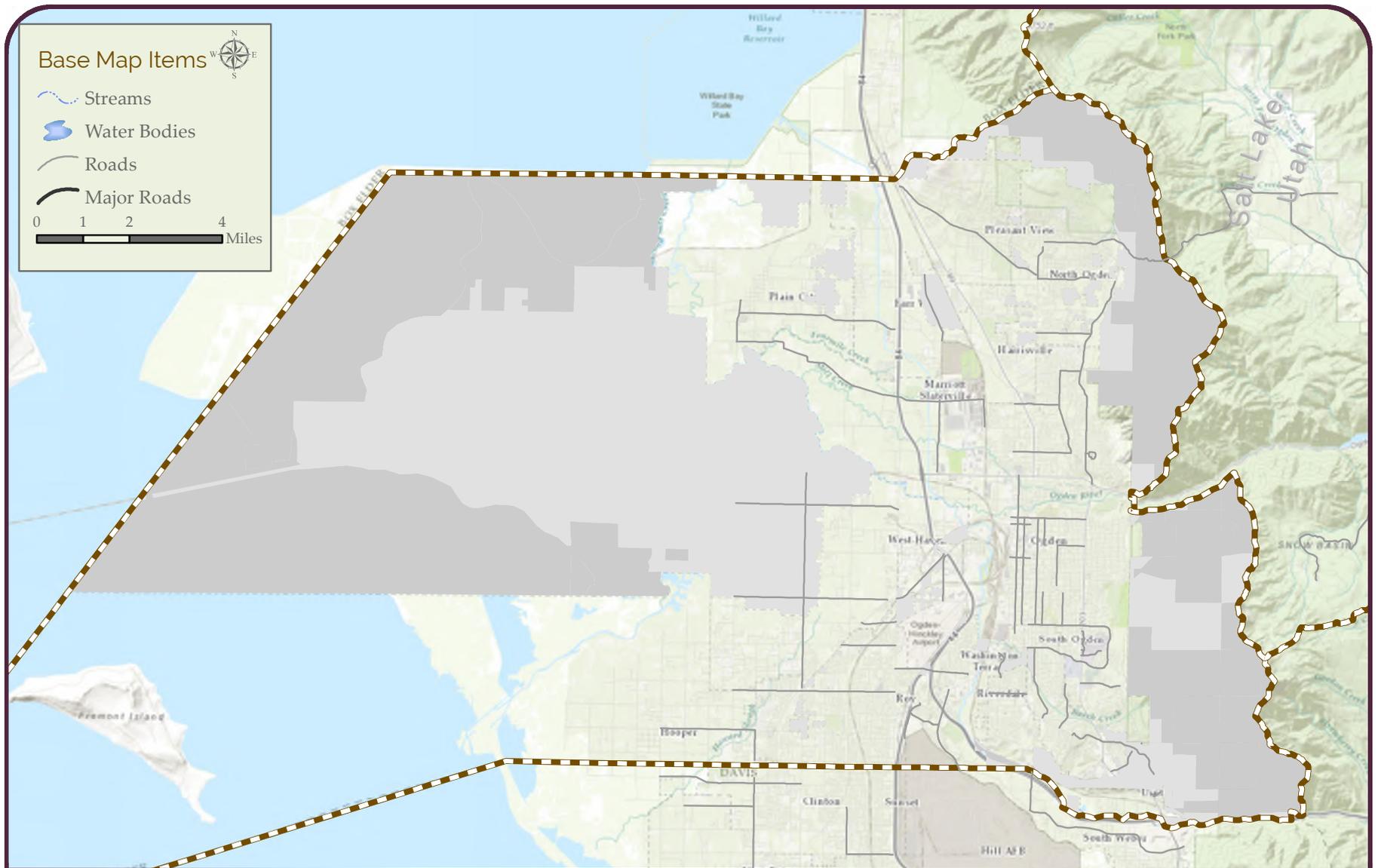
MORE INFORMATION

For more information visit: http://www.wfrc.org/new_wfrc/crmp/weber-county/

MAP 1: 2003 GENERAL PLAN WEST CENTRAL WEBER COUNTY PLANNING AREA

Placeholder for 2003 GP Map

MAP 2: WEBER COUNTY RESOURCE MANAGEMENT PLAN AREA



Unincorporated Western Weber County

- State or Federal Land
- Private

PROJECT AREA

Date: 2/14/2017

riparian areas;
predator control;
wildlife;
fisheries;
recreation and tourism;
energy resources;
mineral resources;
cultural, historical, geological, and
paleontological resources;
wilderness;
wild and scenic rivers;
threatened, endangered, and sensitive
species;
land access;
law enforcement;
economic considerations; and
air.

(c) For each item listed under Subsection (3)(b), a county's resource management plan shall:

- (i) establish findings pertaining to the item;*
- (ii) establish defined objectives; and*
- (iii) outline general policies and guidelines on how the objectives described in Subsection (3)(c)(ii) are to be accomplished."*

The focus of HB 219 is on the management of public lands and resources as defined

in State statute, including lands managed by the Bureau of Land Management (BLM), the U.S. Forest Service and other federal agencies. The definition of "public lands" excludes "...lands owned or held in trust by this state, a political subdivision of this state, or an independent entity." The RMP planning area encompasses approximately 208,000 acres. Within the RMP planning area are approximately 16,000 acres of National Forest lands, 10,000 acres within the Bear River Migratory Bird Refuge managed by the U.S. Fish and Wildlife Service, and approximately 412 acres owned by the U.S. Department of Defense in the southwestern Little Mountain area.

The Forest Service is required to coordinate "...with the land and resource management planning processes of State and local governments" in their land planning efforts. (16 U.S.C. §1604(a)) The Forest Service's planning regulations state that "the Responsible [Forest Service] Official must provide opportunities for the coordination of Forest Service planning efforts...with those of other resource management agencies." Furthermore, the agency's planning regulations provide that "the Responsible Official should seek assistance,

where appropriate, from other state and local governments...to help address management issues or opportunities." (36 C.F.R. 219.9) Although there is no explicit parallel requirement for consistency of Forest Service plans with plans of state, local and tribal governments as that contained within FLPMA for the BLM Resource Management Plans, the Forest Service is required to "discuss any inconsistency" between the proposed plan's provision and "any approved State or local plan and laws." Further, if any inconsistencies exist, the plan must "describe the extent to which the [Forest Service] would reconcile its proposed action with the plan or law." (40 C.F.R. §1506.2(d))

There are also approximately 71,000 acres of State of Utah owned lands in the planning area, which include the Harold Crane State Wildlife Management Area (2,629 acres) and the bed of Great Salt Lake. The Utah State and Institutional Trust Lands Administration (SITLA) owns approximately 5 acres in the planning area. Although not the focus of the House Bill 219 planning effort, the planning team saw value in looking at the resources identified more holistically to develop statements of

desired future conditions (goals), policies and implementation, where appropriate, that would be applicable regardless of land ownership or management.

PLAN PROCESS AND METHODOLOGY

In order to support Utah counties in implementing the new resource management plan requirements, The Community Impact Board financially supported the development of databases for each county in the Wasatch Front Regional Council (WFRC) area to rely on in preparing each resource management plan. The WFRC retained a contractor to identify, gather and organize information relevant to the RMP process. Those data were gathered and are reported on a county-wide basis, in map, table and narrative formats, and the information is available on the WFRC website at http://www.wfrc.org/new_wfrc/crmp/. The information addresses all the subject matter categories specified in House Bill 219 and the Utah Code.

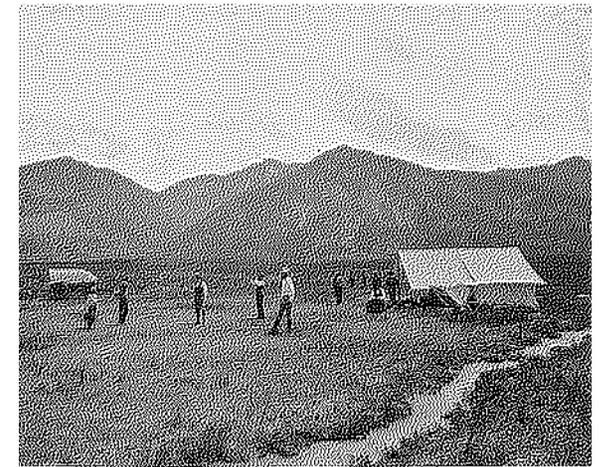
Weber County began the overall RMP process in January, 2016 with a series of stakeholder meetings to identify data needs and issues for detailed evaluation in

the RMP process. The County completed a Resource Management Element as part of the Ogden Valley General Plan update project, which was underway when the CRMP process began. This RMP addresses the balance of unincorporated Weber County. Data were not collected nor reported for the Western Weber County planning area as a separate sub-area of Weber County. As a result, much of the information provided to support this RMP is described in general terms and extrapolated from other data.

Based on the initial January stakeholder input, additional western Weber County stakeholder interviews were conducted in June and July, 2016. On direction from the County Planning Department, a draft of this RMP was prepared and introduced for public comment at an open house on _____. [The rest of the public process will go here]

COUNTY HISTORY AND CULTURE

As described above and shown on Figure 2, the RMP study area is comprised of two, relatively distinct areas of Weber County. The unincorporated area to the east of the Ogden metropolitan area lies in the foothills and slopes of the Wasatch



First camp of the Survey, at Ogden, Weber County, Utah

Source: U.S. National Archives and Records Administration

Mountains and is primarily in the Uinta-Wasatch-Cache National Forest, in the Ogden Ranger District. For the purposes of this RMP, this area will be referred to as the Mountainside RMP area. Road access into the National Forest is limited to the North Ogden and Ogden Canyons. All other access to the National Forest in the planning area is via non-motorized trails. The western side of the Wasatch Mountains has provided recreational opportunities primarily in the form of hiking and hunting, as no designated ATV routes or campgrounds are present.

The unincorporated area to the west of the Ogden metropolitan area is the study area for the 2003 West Central Weber County General Plan, a historically agricultural area. For the purposes of this RMP, this area will be referred to as the Lakeside RMP area. The 2003 Plan reports that residents in the Lakeside area value the open spaces resulting from the dominance of agricultural uses in the Lakeside area. Agriculture has been the primary land use since the Lakeside area was settled, and many people hold the view that agriculture should continue to be the highest priority for the area, with between 96 and 98 percent of responses gathered during the

2003 General Plan process express a desire to maintain rural character and agricultural land. Rural atmosphere is the quality most often expressed as desirable. Respondents defined rural atmosphere as the openness of the area, the keeping of animals on their properties, and the agricultural uses and businesses in the area.

The 2003 West Central Weber County General Plan contains a Vision Statement that provides:

“West Central Weber County is a place that:

- Values and protects its rural character, lifestyle, and atmosphere.
- Manages growth to strike a balance between preservation and development.
- Provides the necessary and desired community services to assure a high standard-of-living to its residents.
- Encourages safe, efficient, and varied transportation systems.
- Maintains a community that is safe from environmental hazard and criminal activity.”

The 2003 Plan contains three main elements that address Land Use, Transportation and Sensitive Lands, and identifies a series of implementation tools

focused on protecting and developing sensitive lands and preserving open space. The policies and direction of the 2003 West Central Weber County General Plan largely inform the direction and initiatives of this RMP.

CHAPTER 2

KEY COUNTY RESOURCES
AND MANAGEMENT
PRIORITIES

The RMP planning area is located to the east and west of Ogden and the other incorporated areas of Weber County, adjacent to Great Salt Lake on the west, and adjacent to the Wasatch Mountains on the east. Nearly 45,000 acres of the planning area is occupied by the shoreline and bed of Great Salt Lake, and is under the management of the Utah Division of Wildlife Resources and the Division of Forestry Fire and State Lands. Management of these areas provides for recreation, wildlife habitat, and a variety of other uses and values, and is important to the residents of the planning area and the County as a whole.

The Uintah-Wasatch-Cache National Forest is managed pursuant to the 2003 Revised Wasatch-Cache National Forest Management Plan. Specific management directions are provided for the North Wasatch Ogden Valley Management Area, which includes the Mountainside area of the RMP planning area.

At the beginning of the County-wide RMP process, five key resources of greatest importance to the County were identified by stakeholders as follows:

*INFOGRAPHIC
PLACEHOLDER ON KEY
RESOURCES*



View of the Wasatch Mountains from Plain City
Source: http://assets.utahrealestate.com/photos/640x480/1200537_6.jpg

- Recreation and Tourism
- Water Quality and Hydrology
- Water Rights
- Land Use
- Agriculture

According to the 2003 West Central Weber County General Plan, the areas of greatest interest to the residents of the Lakeside planning area are agriculture, land use, water rights and recreation. Given these management priorities, and the management direction provided in the 2003 Revised Wasatch-Cache National Forest Management Plan, this RMP groups the twenty-eight required resource elements into five general categories: Land Resources, Water Resources, Recreation Resources, Wildlife Resources and Socio-Economic Resources. Each section presents a description of the resource and the current resource management setting; a description of relevant socio-economic effects of resource management; and the desired future management conditions. Statements of goals, policies and implementation steps, as appropriate to each resource, are provided in Section 3.

LAND RESOURCES

This Land Resources section addresses

land use; agriculture; livestock and grazing; irrigation; mining; mineral resources; energy resources; fire management; noxious weeds; forest management; land access; wilderness and wild and scenic rivers. These topics are further combined into subsections that group resources logically and in a manner that complements the structure of the body of the 2003 General Plan.

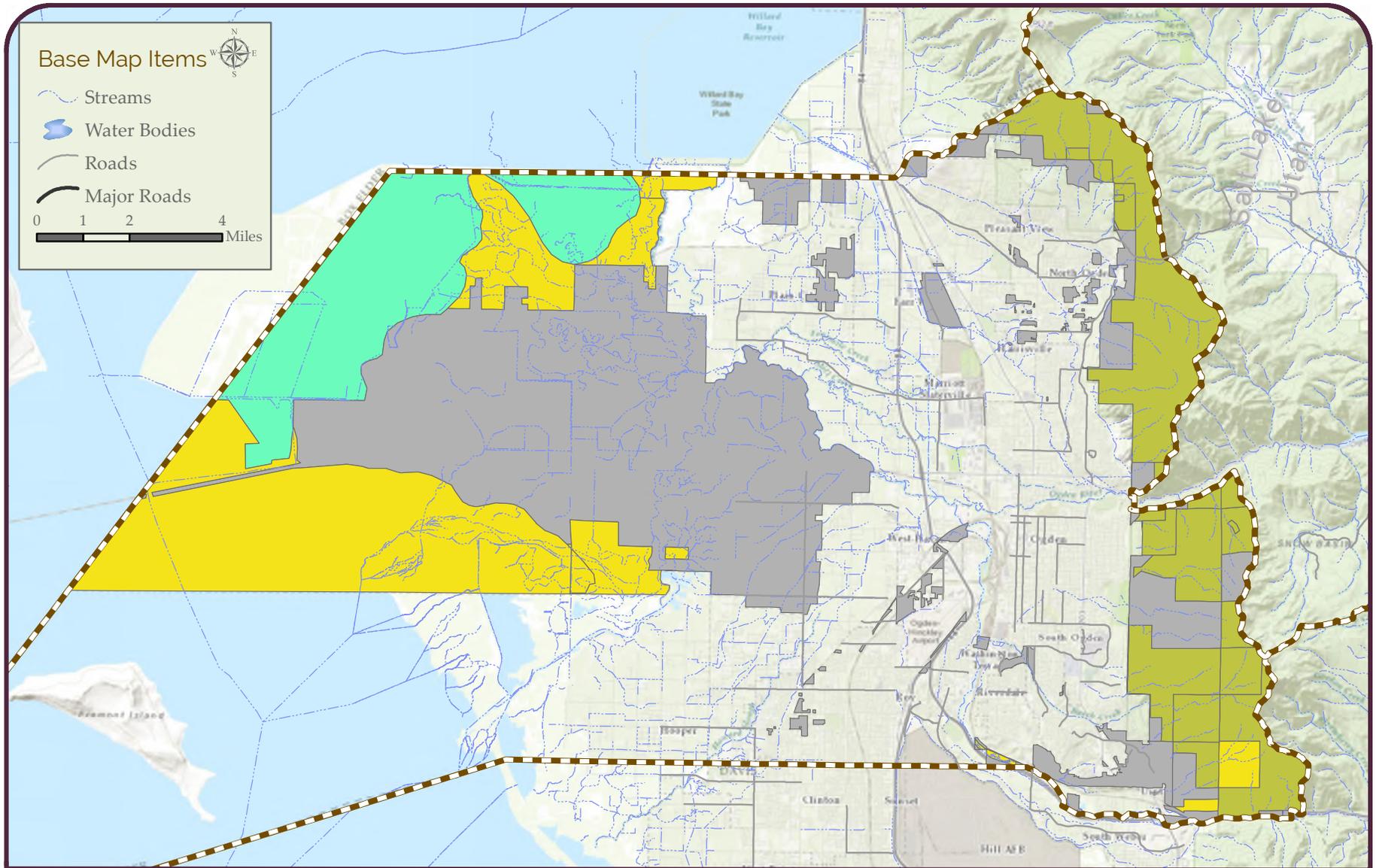
LAND USE AND LAND ACCESS

The 2015 census estimated a population of 243,645 in Weber County, a 23% increase from 2000 (196,553). Most of that growth in population occurred in the urban areas of the County. The area of West Central Weber County illustrated in Figure 1 is assumed to be home to approximately five percent of the total Weber County population, or approximately 11,383 in 2015.

Land use categories, acreage, and the percentage of the West Central Weber planning area as reported in the 2003 General Plan are as follows:

Residential - 2,839 acres, 2.9%
Commercial - 2.72 acres, .003%
Manufacturing - 20,225 acres, 21%
Institutional - 39.5 acres, .04%
Parks and Recreation - 5.75 acres, .006%

MAP 3: OWNERSHIP



Legend

- Unincorporated DNR
- Unincorporated Private
- Unincorporated USFS
- Unincorporated USFWS

Ownership Agency

Date: 2/14/2017



Farmer
Source: Hoopercity.com

Agricultural - 28,116 acres, 29%
Utah sovereign lands - 44,682 acres, 45%
Public Utilities – 14 acres, .014%
Other - 2,886 acres, 2.9%
Total - 98,824 acres

Given the population increase in the County since 2003, it is likely that acres of agricultural lands are less, and acres of residential uses are greater, than reported in the 2003 General Plan. It should be noted that within the Utah sovereign lands category are two State wildlife management areas and a portion of Great Salt Lake that contribute both habitat and recreational values. It should also be noted that the main mining activity in the planning area, salt extraction, is taking place on Utah sovereign lands.

Land uses in the Mountainside area include limited residential uses in the foothills between the incorporated areas and the National Forest, public water storage reservoirs, some limited gravel mining and the National Forest itself. Vehicular access into the National Forest in the study area is limited to Ogden Canyon (SR 39) and North Ogden Canyon (SR 569). Travel routes within the Forest are managed pursuant to

the 2016 Ogden Ranger District Travel Management Plan. The only travel route open to motorized vehicles in the study area is the Skyline Trail, which is located along the Wasatch Mountain ridgeline on the eastern boundary of the RMP study area. The Skyline Trail is accessible to motorized vehicles from both the North Ogden and Ogden Canyon highways. Non-motorized access to and within the National Forest is available via a number of recreational trails in the study area.

The resources of Great Salt Lake and the underlying lake bed are managed by the Utah Division of Forestry, Fire and State Lands (FF&SL) pursuant to the 2013 Great Salt Lake Comprehensive Management Plan. The Comprehensive Management Plan provides:

“The framework for sovereign land management is found in the Utah Constitution (Article XX), state statute (primarily Chapter 65A-10), and administrative rule (UTAH ADMIN. CODE R652). The constitution accepts sovereign lands to be held in trust for the people and managed for the purposes for which the lands were

acquired. UTAH CODE § 65A-2-1 states that “The division [FFSL] shall administer state lands under comprehensive land management programs using multiple-use, sustained-yield principles.” Briefly stated, the overarching management objectives of FFSL are to protect and sustain the trust resources and to provide for reasonable beneficial uses of those resources, consistent with their long-term protection and conservation. This means that FFSL will manage GSL’s sovereign land resources under multiple-use sustained yield principles, implementing legislative policies and accommodating public and private uses to the extent that those policies and uses do not compromise Public Trust obligations (UTAH CODE § 65A-10-1) and economic and environmental sustainability is maintained. Any beneficial use of Public Trust resources is ancillary to long-term conservation of resources.”

The Division of FF&SL has established five management classes for Great Salt Lake resources:

Class 1: Managed to Protect Existing Resource Development Use. Lands under this classification include the area around Antelope Island delegated to DSPR for

recreation management, the area around Saltair and GSL Marina, existing mineral extraction lease areas, and areas under special use lease for brine shrimp cyst harvest activities. These lands would be open to oil and gas leasing, but no surface occupancy would be allowed in the recreation areas.

Class 2: Managed to Protect Potential Resource Development Options. This area includes the previously explored West Rozel oil field and shoreline areas from the north end of Stansbury Island south along the west side of the island and then north along the west side of the lake to the south line of Township 11 North, Salt Lake Base and Meridian. This area has traditionally been open to mineral leasing, developed recreation, and other kinds of developments.

Class 3: Managed as Open for Consideration of Any Use. The remainder of the lake is recommended to be placed in Class 3.

Class 4: Managed for Resource Inventory and Analysis. This is a temporary classification used while resource information is gathered pending a

different classification. There are no Class 4 lands in the lake.

Class 5: Managed to Protect Potential Resource Preservation Options. This classification includes lands that the legislature has authorized DWR to use for wildlife purposes under UTAH CODE § 23-21-5 (Map 2.10) and a 1-mile buffer zone around islands in the North Arm. No surface occupancy for oil and gas exploration will be allowed in established WMAs or in the island buffer zones. Elsewhere, oil and gas surface occupancy constraints shall be determined in consultation with DWR. Mitigation strategies for developments not related to wildlife management in these areas shall also be determined in consultation with DWR.

Class 6: Managed to Protect Existing Resource Preservation Uses. This classification covers existing WMAs. Lands would be available for oil and gas leasing with no surface occupancy.

The RMP planning area includes sovereign lands designated for management under Classes 1 (the salt mining lease areas) and 6 (the wildlife



First camp of the Survey, at Ogden, Weber County, Utah

Source: U.S. National Archives and Records Administration

management areas).

AGRICULTURE, LIVESTOCK, GRAZING, IRRIGATION AND PREDATOR CONTROL

As reported in the 2003 General Plan, agriculture is the dominant land use in the Lakeside area. Many parcels in the western part of Weber County are small “ranchettes” of 5 to 10 acres. In 2002, approximately 28,116 acres of land were in agricultural use, for grazing of cattle and horses, crop production (alfalfa, hay, small grains, such as, oats, wheat, and barley), and dairy operations (16 operations and approximately 2,765 dairy cows). All of these activities take place on privately-owned lands. With the growth of population in the County since 2002, it is estimated that the number of acres in agricultural uses in the Lakeside area is 20 percent less than in 2002.

In 2013, the Weber Conservation District published the Weber County Resource Assessment that identifies agricultural land preservation and sustainability as one of five priorities for the District. The Resource Assessment also contains recommendations for implementation steps toward those ends. The Resource Assessment also identifies the importance

of maintaining irrigation infrastructure in protecting agricultural operations.

Agricultural operations in the RMP study area are dependent on a network of irrigation ditches and canals. A map of the existing and proposed irrigation ditches and canals that serve the RMP planning area is available on the WFRC website.

Predator control in the RMP planning area is managed by the Utah Division of Wildlife Resources (UDWR), and includes a coyote removal program. For more information on predator control, see the UDWR and WFRC websites.

MINING, MINERAL RESOURCES AND ENERGY RESOURCES

Within the planning area are several sand, gravel and rock aggregate operations which are located on private property and are owned by the surface property owners. The main mining activity in the planning area is salt extraction from large evaporation ponds on State sovereign lands on the bed of Great Salt Lake. There are no other State-permitted metal or leaseable mineral mines in the RMP planning area.

No energy minerals are extracted in

the RMP planning area, but there are four hydropower generating plants and there is potential for geothermal power development. Other non-renewable energy resources, such as solar and wind power, have potential for private or small-scale commercial uses in the planning area, but large-scale power generation in the RMP planning area is unlikely because most of the available lands are privately owned, and are currently in agricultural or residential uses.

FIRE MANAGEMENT AND NOXIOUS WEEDS

In Utah the State legislature tasked the Utah Division of Forestry, Fire, and State Lands (DFFSL) to devise a Comprehensive Statewide Wildland Fire Prevention, Preparedness, and Suppression policy known as SB-56. Under this plan, a master cooperative wildland fire management and Stafford Act response agreement is signed each year between numerous federal land management agencies and the State of Utah for cooperation during wildland fire incidents that occur throughout the state. Weber County is within the service area of the Northern Utah Interagency Fire Center (NUIFC), located in Draper. NUIFC is a joint dispatch center operated through cooperation among the Bureau of Land

Management, U.S. Forest Service and the State of Utah Division of Forestry Fire and State Lands. NUIFC is responsible for dispatching and coordination of wildfires (averaging 500 fires per/year) and incidents for approximately 15 million acres located in Box Elder, Cache, Rich, Tooele, Weber, Morgan, Davis, Duchesne, Juab, Sanpete, Salt Lake, Summit, Wasatch and Utah Counties.

Many species of exotic and invasive weeds exist in the Utah. The Utah Noxious Weed Act of 2008 defined 28 noxious weed species into three prioritization categories. In December 2015 the official State Noxious Weed list was updated to include 54 species and prioritization categories were modified to include five categories of priority for action.

State land managers, local governments, and property owners are responsible for controlling weed species on the state's noxious weeds list, and local weed species of concern if necessary. Weed control includes both lands under local management (roads, right-of-ways, parks, etc.) as well as enforcing weed laws on private lands. State law provides county weed managers the right to treat weeds



MORE INFORMATION

For more information about noxious weeds in Weber County, visit: <http://www1.co.weber.ut.us/weeds/noxious.php>



Wasatch-Cache National Forest, Weber County
Photographer: Ken Krahulec
South Fork of the Ogden River
Source: Utah Division of Wildlife Resources

on private lands (assuming proper notice is provided) if the landowner is unwilling or unable to treat the problem, and to seek reimbursement or apply liens for the work.

The local weed control program for the planning area is the Weber County Weed Department. A Weber-County-specific weed control assessment is available from the Utah Association of Conservation Districts (UACD) and the federal Natural Resource Conservation Service (NRCS): Weber County Resource Assessment (2013).

FOREST MANAGEMENT

Approximately 16,000 acres in the eastern portion of the study area are within the Uinta-Wasatch-Cache National Forest. The National Forest in the RMP planning area is managed in accordance with the 2003 Revised Wasatch-Cache National Forest Management Plan (the Forest Plan). The Forest Plan provides management directions for the North Wasatch Ogden Valley Management Area which includes the RMP planning area.

With regard to timber management, the Forest Plan provides as follows:

“Although there are no capable available timberlands in the area, there are needs for reducing fuels and providing buffers adjacent to interface communities. If economic use can be made of any of the fuel materials, there may be potential for some type of commercial harvest.”

With regard to Wild and Scenic Rivers, the Forest Plan provides:

“The Left Fork South Fork Ogden River (Frost Canyon/Bear Canyon confluence to Causey Reservoir for scenery values) will be managed to protect the values that made it eligible in the inventory. Activities within the corridor will maintain a “Wild” classification.”

With regard to roadless areas, the Forest Plan provides as follows:

“All the roadless areas on the Ogden Ranger District (Burch, Lewis, and Willard Peak) will maintain or mostly maintain roadless values. They will be closed to winter motorized use with exception of a limited portion of the east side of the Willard Peak Roadless Area. Burch Creek Roadless Area will be managed to mostly maintain roadless values while

continuing to provide non-motorized, relatively rugged dispersed recreation opportunities. Any proposal for special uses in the area must consider the prohibition on road construction and potential impacts to roadless characteristics.”

There is no designated wilderness, nor are there designated wild and scenic rivers, in the RMP planning area. The management prescriptions for other National Forest resources in the RMP planning area, such as wildlife, water and recreation resources, are discussed in each resource section.

WATER RESOURCES

This Water Resources section addresses water rights; water quality and hydrology; and flood plains and river terraces.

WATER RIGHTS

Water rights in the RMP planning area have been fully adjudicated, and are managed according to the rules of the Utah State Engineer. No additional water is available for appropriation, so new development must rely on existing water rights.

WATER QUALITY AND HYDROLOGY

Water quality in Utah is regulated by the Utah Division of Water Quality (UDWQ) through the issuance of permits to discharge to surface waters in the State. In general, surface and ground water quality in the RMP planning area is good. The Ogden River in the planning area is classified by the UDWQ in Assessment Category 1, that it supports all designated uses, which include Primary Contact Recreation, Cold Water Aquatic Life, and Agricultural Uses. The Weber River in the planning area is in Assessment Category 5, and requires additional reductions in pollution from non-point sources, such as storm water and overland flows, but is meeting its designated uses which include Secondary Contact Recreation, Cold Water Aquatic Life, and Agricultural Uses.

The Uinta-Wasatch-Cache National Forest Management Plan addresses water quality management as follows:

“Watershed protection for quality water and normal flow regimes along with maintenance of undeveloped character will continue to be a primary emphasis in all management decisions regarding this

area of highly intermingled private/public urban/wildlands. Any disturbance or development must consider watershed integrity and susceptibility to debris flows that can originate on National Forest System lands... In general, recreation will be managed with watershed condition as a priority. User-created trails within riparian areas will be evaluated and relocated and/or designed, armored and adequately drained to reduce impacts to streams while allowing access for recreation. Trail alignments will be corrected to prevent excessive erosion while continuing to provide access.”

Water supply in the RMP planning area is from both surface sources and groundwater wells. Although water supplies for current uses are thought to be adequate, localized areas of groundwater table depression occur at some locations. One major water supplier, the Weber Basin Water Conservancy District (WBWCD), provides both culinary and secondary (non-potable) water service in the RMP planning area. The WBWCD has developed a supply and demand plan and conducts on-going water resource planning to ensure adequate water



Taylor Canyon South Trail

Source: Steve Baker, The Deseret News

Bird Watchers on the Great Salt Lake

Source: Leia Larson, The Standard Examiner

supplies in the planning area.

FLOOD PLAINS AND RIVER TERRACES

Flood plains and river terraces can both provide wildlife habitats and pose threats to land development. The Federal Emergency Management Agency (FEMA) provides maps of areas of potential flooding so that community officials, emergency responders, and the general public can be informed and plan accordingly to avoid or reduce impacts from floods. The flood hazard maps are used to guide development and reduce risk by avoiding flood hazard areas, or by applying special restrictions and development standards for flood areas. Weber County has adopted the FEMA maps and implemented flood protection regulations.

The floodplain of Great Salt Lake is considered to be the lakeshore elevation of 4,217 feet above sea level. Special development restrictions for areas below 4,217' have been adopted by cities and Weber County in the planning area.

RECREATION RESOURCES

This section discusses recreation and

tourism in the RMP planning area. The 2003 General Plan reports that, during the planning process,

“Many people expressed a desire for developed public parks (with playing fields, pavilions, playgrounds, tennis courts), a variety of trails including pedestrian, bicycle and equestrian trails, recreation facilities such as a recreation center and other developed facilities, and a library. Some suggested that utility easements are good locations for trails and bike paths; others felt that canals are too dangerous for use as trails. The concept of a “river walk” was mentioned, but those with property directly on the river were opposed to trails development along the river. It was suggested that the river flood plain should be purchased and held in public ownership.”

Within the 2003 General Plan area, one public park of 5.75 acres is located in the Reese Township. This park is under the jurisdiction of Warren Park Service District Numbers 5 and 6. Three other private parks are owned and managed by the LDS Church and are not open to the general public. These include Warren LDS Bowery, West Weber LDS

MAP 4:

Placeholder for existing conditions map to include water resource & wildlife resources,

Park, and Taylor LDS Park. The LDS Church may allow their parks to be used by the general public, however a “hold harmless” agreement must be executed between the Board of Weber County Commissioners and the LDS Church. No such agreement was on file as of 2002.

The National Forest in the eastern part of the RMP planning area provides a variety of recreational opportunities, including hiking, biking, climbing, back-country skiing, hunting and other outdoor pursuits. The 2003 Forest Plan states:

“Trails and trailheads will be designed to support year-round use where possible. A connection for the Bonneville Shoreline Trail will be created through the North Ogden area in cooperation with the cities of North Ogden, Pleasant View and Willard. Needed access and rights of way will be maintained or acquired to complete the Bonneville Shoreline trail along the Wasatch Front. Public access to National Forest in Davis and Weber Counties will be a priority to maintain or obtain, as development continues from Fruit Heights, Kaysville, Ogden,

North Ogden, Pleasant View and Ogden Valley. The Ogden front will continue to be closed to winter motorized use providing non-motorized designated trail opportunities while providing maximum protection to these high value watersheds. Opportunities for limited summer motorized use on designated routes (Skyline Trail/Great Western Trail in Lewis Peak Area).”

The Forest Plan goes on to provide “The roadless areas from Willard to Ogden Canyon will provide non-motorized recreation opportunities in winter except from east of the road to Willard Peak to the Weber-Box Elder County line, which will be open for winter motorized uses.”

Ogden City is positioning itself as a recreation and tourism destination, with most recreational opportunities occurring on the National Forest. Like other Wasatch Front communities, Ogden and other municipalities in the RMP planning area are dependent on recreational access to the National Forest to promote themselves as “lifestyle” communities as well as recreation destinations. Management challenges mentioned include obtaining

permits for events on national Forest lands, and obtaining guiding and outfitting permits for use of National Forest lands.

WILDLIFE RESOURCES

The shoreline of Great Salt Lake contains large areas of wetlands and riparian areas that provide significant habitat for a variety of wildlife species. Within the RMP planning area, approximately 10,000 acres are within the Bear River Migratory Bird Refuge managed by the U.S. Fish and Wildlife Service primarily for the protection of migratory birds that pass through the wetlands of Great Salt Lake each year. There are also approximately 71,000 acres of State of Utah owned lands in the planning area, which include the Harold Crane State Wildlife Management Area (2,629 acres) and the bed of Great Salt Lake. The existing wildlife and waterfowl management areas are zoned S-1 and remain unchanged. Management plans for wildlife management areas are reviewed by the Resource Advisory Council, which makes recommendations to jurisdictional agencies regarding wildlife management plans.

The Uinta-Wasatch-Cache National Forest Management Plan provides the following with regard to wildlife management on the national Forest:

“Maintenance of the broad scale, regionally significant north-south wildlife corridor in this Management Area with connections to the north and southeast will be a priority in all management decisions. Big game winter ranges (generally below 7,000 feet) that occur along the entire western boundary of the Management Area and abutting Ogden Valley will be protected and enhanced, recognizing these become more valuable and important as urban encroachment continues into previously undeveloped areas. Browse species age classes here will be maintained with a higher proportion of older age classes than in other areas to provide browse above the snow. Big game use will be monitored in cooperation with the Utah Division of Wildlife Resources to ensure population management prevents habitat deterioration.”

With regard to aquatic resources, the Forest Management Plan provides:

“Trout Habitat- Aquatic habitats in Wheeler Creek, South Fork Ogden River, and Ogden River will be managed to maintain cool, clear water and well-vegetated stream banks for cover and bank protection. Instream cover, in the form of deep pools and structures such as boulders and logs, will be maintained and their value recognized. Water temperature will be preserved through well-vegetated banks.”

SOCIO-ECONOMIC RESOURCES

This section addresses cultural, historical, geological and paleontological resources; law enforcement; economic considerations; and air quality.

CULTURAL, HISTORICAL, GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

A large number of prehistoric occupation sites have been identified along the shoreline of Great Salt Lake. In the shoreline adjacent to the Bear River marshes, a number of burials of prehistoric human burials have also been identified. Although there has been a great deal of historic activity



American White Pelicans

Source: David Lewis courtesy of Utah Division of Wildlife Resources

Mule Deer

Source: Mike Keller courtesy of Utah Division of Wildlife Resources



Great Salt Lake
Source: Home Stacks

around the Lake, beginning with fur trappers who passed by and utilization of the Lake's resources by area pioneers, there is little in the way of historic structures or sites in the Lakeside RMP planning area. State and Federal law require the protection of prehistoric and historic cultural resources and Native American human remains.

The Heritage Resources section of the Uinta-Wasatch-Cache National Forest Management Plan in the Mountainside RMP planning area provides:

"Inventory efforts will continue to document the American Indian sites as well as the early European settlement of the area. Through potential partnerships with the Utah State University and Weber State University, high altitude archaeology investigations along the Wasatch Front will be emphasized."

Maps and publications regarding the geologic resources and geologic hazards of the RMP planning area are available on the website of the Utah Geological Survey at geology.utah.gov. The 2013 Great Salt Lake Comprehensive

Management Plan also provides information on geologic hazards along the shoreline of Great Salt Lake.

LAW ENFORCEMENT

General law enforcement in the RMP planning area is provided by the Weber County Sheriff's Office. Conservation officers with the Utah Division of Wildlife Resources provide patrol and enforcement services in the RMP area's wildlife management areas. Although use of the National Forest in the RMP Mountainside area is limited in scope, officers and special agents with the U.S. Forest Service are available within the National Forest. Stakeholders report that communication and coordination among the law enforcement agencies in the RMP planning area is good.

ECONOMIC CONSIDERATIONS

Weber County's economy is based on natural resources, business development, and recreational and tourist attractions. In 2012, Weber County as a whole had 117,415 acres of farmland, which produced \$39,872,000 in sales. In 2009 agriculture is estimated to have contributed \$83.7 million dollars in economic activity

MORE INFORMATION

XXX

for the County as a whole. Based on the acres in agricultural use, the RMP planning area could be considered to have contributed _____ in economic activity in 2009. The main crops produced in Weber County are alfalfa, grain, corn silage, and pasture. Weber County's forests and mineral deposits have allowed diversification of its economy. In 2013 the mining industry produced \$3,034,101 in sales revenues, primarily from salt production in the Lakeside RMP area.

Recreation is also an important contributor to economic activity in the RMP study area. Visit Ogden, the non-profit visitor and tourism organization, promotes visitation to Ogden and Weber County by highlighting events, sights and recreational opportunities, among other attractions.

AIR QUALITY

The Clean Air Act Amendments of 1990 established three designations for areas based on how ambient air quality conditions compare to the National Ambient Air Quality Standards (NAAQS): non-attainment areas, maintenance areas, and attainment areas. Attainment (non-attainment)

areas are those with air quality better (worse) than the NAAQS. If an area is designated non-attainment, the relevant air quality management agency must create and implement a plan to reduce emissions in order to reduce concentrations below the NAAQS. The air quality management agency must maintain the plan used to meet the NAAQS and prepare a maintenance plan to keep the air clean for the next 20+ years. A maintenance area is one which was in non-attainment but reduced emissions sufficiently to meet the NAAQS. It must maintain those rules/actions that reduced emissions for a period of 10 years.

The RMP planning area in Weber County is a non-attainment area for large particulate matter (PM10) and fine particulate matter (PM2.5). Requests have been submitted to the EPA to change Ogden City to maintenance for PM10. Plans for meeting and continuing to meet the NAAQS in these areas are found at the Utah Department of Air Quality (DAQ) website. These plans provide relevant background, pollutant sources, and the selected control measures for each non-attainment case.

The Clean Air Act and its amendments place control of local air quality at the state level with federal oversight, provided certain criteria are met, and require state and local ambient air quality standards be equal to or lower in concentration than the NAAQS. State of Utah laws and rules regarding air quality set the state standards equal to the NAAQS. The local air quality management agency for Weber County is the Utah DAQ. Rules and policies pertaining to air quality activities and plans to achieve NAAQS attainment are set by the Utah Air Quality Board.

The DAQ conducts statewide air quality monitoring and research, air emissions permitting and compliance monitoring, air quality compliance planning activities, and public education, outreach, and support programs. The DAQ also supports the Air Quality Board in fulfilling its purposes.

CHAPTER 3

GOALS, POLICIES AND IMPLEMENTATION

LAND RESOURCES

LAND USE AND LAND ACCESS

Weber County's goals for land use and land access are to pursue land management and access strategies that support the Vision articulated in the 2003 West Central Weber County General Plan, which provides:

"West Central Weber County is a place that:

Values and protects its rural character, lifestyle, and atmosphere.

Manages growth to strike a balance between preservation and development.

Provides the necessary and desired community services to assure a high standard-of-living to its residents.

Encourages safe, efficient, and varied transportation systems.

Maintains a community that is safe from environmental hazard and criminal activity."

The 2003 West Central Weber County General Plan identifies goals and policies for future land uses in the Lakeside RMP area to address residential uses, commercial uses, manufacturing, agriculture, wildlife/waterfowl management areas, schools and parks.

Policies and implementation strategies for each are also reported in the General Plan. The focus of the policies and implementation is on privately-owned lands, although the management of State-owned wildlife/waterfowl management areas remain zoned S1, Shorelines. The objectives of the Shorelines zone are to promote land for agriculture, wildlife and recreation uses; conserve water and other natural resources; reduce flood and fire hazards and preserve open spaces and natural vegetation.

The bulk of the private land in the Mountainside RMP area is currently zoned A-1, agriculture, while the land in the Uinta-Wasatch-Cache National Forest is zoned F-40, Forestry.

The land use policy of Weber County is to continue to implement the initiatives and strategies of the 2003 West Central Weber County General Plan. The land access policy is to maintain access to National Forest lands and State sovereign lands to support recreational uses. To these ends, the County will continue to monitor and participate in future planning conducted by the U.S. Forest Service, and will monitor and participate in State of Utah agency

planning that relates to resources in the RMP planning area through participation in UDWR Resource Advisory Councils, the Utah State Resource Development Coordinating Council and other interagency planning coordination entities.

AGRICULTURE, LIVESTOCK, GRAZING, IRRIGATION AND PREDATOR CONTROL

The 2003 West Central Weber County General Plan emphasizes the importance of agriculture and supporting activities and infrastructure. Although agricultural lands in the Lakeside RMP area are being converted for residential and other uses, agriculture remains an important economic activity and contributes to the rural character of much of the planning area. Existing agricultural preservation areas should be retained as they currently exist. Policies carried forward from the West Central Weber County General Plan include:

*“Policy: Agricultural Protection
Encourage property owners who are engaged in agricultural production and business to expand agricultural protection areas whenever possible, and encourage additional property owners to commit their property to agricultural protection.
Policy: Agricultural Preservation*

Encourage farmers to sell development density to developers interested in developing at higher densities near developing sewer infrastructure. Work with property owners and Utah Open Lands, The Nature Conservancy, or other conservation organization toward obtaining conservation easements or other agreements that permanently preserve agricultural lands into active production.”

MINING, MINERAL RESOURCES AND ENERGY RESOURCES

The current salt mining operations on State sovereign lands at Great Salt Lake provide a significant economic benefit to the RM planning area. Weber County will continue to work cooperatively with the Utah Division of Forestry, Fire and State Lands to ensure continuation of mining operations in a manner that protects the wildlife, recreational, cultural and other resources of Great Salt Lake.

FIRE MANAGEMENT AND NOXIOUS WEEDS

From the WFRC RMP website:
“Response to fire incidents relies on proper oversight, guidance, and partnership among a variety of trained professional organizations. Establishing a fire management system is a critical

step in protecting communities both urban and rural. Fire management refers to the principles and actions to control, extinguish, use, or influence fire for the protection or enhancement of resources as it pertains to wildlands. It involves a multiple-objective approach strategy including ecosystem restoration, community preparedness, and wildfire response.”

Weber County will continue to work cooperatively with the Utah Division of Forestry, Fire, and State Lands and the U.S. Forest Service to implement the Comprehensive Statewide Wildland Fire Prevention, Preparedness, and Suppression policy known as SB-56.

The local weed control program for the RMP planning area is the Weber County Weed Department. The County will continue to work cooperatively with the U.S. Forest Service, the Utah Association of Conservation Districts (UACD) and the federal Natural Resource Conservation Service (NRCS) to implement the initiatives outlined in the Weber County Resource Assessment (2013).

FOREST MANAGEMENT

As described above, the forest resources in the Mountainside RMP area are managed primarily pursuant to the terms of the 2003 Revised Wasatch-Cache National Forest Management Plan. The Forest Plan addresses the multiple-uses of forest lands, which uses are described in more detail under each resource heading. Overall, Weber County plans to continue to work cooperatively with the U.S Forest Service to in both its planning and administrative activities to ensure that forest management is appropriately supporting Weber County goals.

WATER RESOURCES

WATER RIGHTS

Weber County will continue to monitor water rights applications filed in the RMP planning area to ensure water rights are managed in accordance with State law and the rules of the Utah State Engineer. Water Quality and Hydrology Weber County will continue to work with the Weber Basin Water Conservancy District (WBWCD), and other water service providers in the RMP planning area. To ensure adequate supplies of primary and secondary water to meet the County's needs. A setback policy from the 2003 West

Central Weber County General Plan relating to flood plains and river terraces (below) could also provide beneficial surface water quality impacts.

FLOOD PLAINS AND RIVER TERRACES

A policy and implementation action carried forward from the West Central Weber County General Plan include: "Policy: Weber River Floodplain Setback The Weber River floodplain, wetland areas associated with the meander corridor, and streamside vegetation should be protected from development. A setback of 100' from the high water line on either side of the river, as determined by the County Engineer, is recommended. As development occurs, public trails for bicycles, pedestrians, and horses may be provided within the setback and with property owner approval, and if properties are purchased or donated, parks and open spaces can be developed for recreational and educational purposes.

Implementation Action: Require a 100 foot setback from the high water line on either side of the river, as determined by the County Engineer."

RECREATION RESOURCES

As described above, Ogden City is positioning itself as a recreation and tourism destination, with most recreational opportunities occurring on the Uintah-Wasatch Cache National Forest. Like other Wasatch Front communities, Ogden and other municipalities in the Mountainside RMP area are dependent on recreational access to the National Forest to promote themselves as "lifestyle" communities as well as recreation destinations.

Stakeholders have expressed concerns with the complexity and amount of time it takes to secure authorizations for recreational uses such as guided hunting, skiing, and mountain-biking; and staging sporting events, such as back-country skiing and running races, on the National Forest. Weber County will monitor National Forest planning and rule-making as it pertains to recreational access to see if the authorization system can be simplified and/or expedited on National Forest lands.

Policies and implementation actions from the 2003 West Central Weber County General Plan include:

Policy: Parks

As development occurs in the West Central

Weber County area, new public parks will be needed and should be planned, and generally located adjacent to new schools. Implementation Action: Work with Weber School District to locate additional public parks adjacent to schools, and negotiate joint management and maintenance agreements for shared facilities.

Policy: Off-street Bicycle/Pedestrian Paths Trails are highly desired amenities for communities. As primary roads are improved, separated bicycle and pedestrian trails should be included. The community is rural and does not have sidewalks, so it is important to provide safe paths for children going to and from school, and for the enjoyment of residents and the many others who bicycle and walk in the area.

Implementation Action: Work with Weber Pathways Committee, UDOT, property owners, local transportation agencies, and others affected to identify an alignment for trails and to secure funding for trails development. Coordinate with adjacent communities and their trail development plans. Typical separated multi-purpose, paved and un-paved trail cross-sections follow.

WILDLIFE RESOURCES

Policies and implementation actions from the 2003 West Central Weber County General Plan that would apply to the Lakeside RMP area include:

“Policy: Wildlife/Waterfowl Management Areas:

The existing wildlife and waterfowl management areas should remain zoned S-1, Shorelines.

Policy: Sensitive Area Management Planning:

Weber County should begin working with the Corps of Engineers and other local governmental agencies to fund a wetland delineation study, which could be combined with a Sensitive Area Management Plan (SAMP) and a shoreline protection plan. The SAMP engages government agencies, property owners, and local planning staff in the development of a management plan that treats property owners equitably, resolves critical issues, and at the same time protects valuable natural resources. Options that resolve property owner concerns with resource agency concerns will need to be addressed in the near future.

Implementation Action: As sensitive lands are identified and determined to be inappropriate for development, the land should be zoned as Open Space O-1 as per Chapter 22E of the Weber County Zoning Ordinance.”

Weber County will continue to work cooperatively with the Utah Division of Wildlife Resources to protect and provide appropriate access to, the wildlife resources of Great Salt Lake and its environs. For the Mountainside RMP area, Weber County will continue work cooperatively with the U.S. Forest Service to protect and provide appropriate access to, the wildlife resources of the National Forest.

SOCIO-ECONOMIC RESOURCES

CULTURAL, HISTORICAL, GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Weber County will continue to support inventory efforts by the U.S. Forest Service and State agencies to document American Indian sites as well as the early European settlement of the area.

LAW ENFORCEMENT

Weber County will continue to support

effective coordination and cooperation among the federal, state and local law enforcement agencies in the RMP planning area.

ECONOMIC CONSIDERATIONS

Weber County will continue to support agriculture, mining, tourism and recreation as important components of the County's economy.

AIR QUALITY

Weber County will continue to support the Utah Department of Air Quality implementation plans for meeting and continuing to meet the NAAQS in the RMP planning area. These plans provide relevant background, pollutant sources, and the selected control measures for each non-attainment case.

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