

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

MEETING AGENDA

January 9, 2018

5:00 p.m.

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

1. Minutes
 - 1.1. Approval of the December 12, 2017 minutes
 2. Elections: Chair and Vice Chair for 2018
 3. Meeting Schedule: Approval of the 2018 Meeting Schedule
 4. Approval of the 2018 Planning Commission Rules of Order
 5. Public Comment for Items not on the Agenda
 6. Remarks from Planning Commissioners
 7. Planning Director Report
 8. Remarks from Legal Counsel
 9. Adjourn to work session.
- WS1. DISCUSSION: Modifications to the definition of “Height of Building” and additional clarification regarding standards and regulations governing the height of a building.
- WS2. DISCUSSION: Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.
- WS3. DISCUSSION: Village development of 4700 West and 1150 South
- WS4. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action.
- WS5. DISCUSSION: (Time Pending) General Plan review and training.

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

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open, public meeting.

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

Minutes of the Western Weber Planning Commission meeting of December 12, 2017 held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Roger Heslop – Acting Chair
Blake Hancock
John Parke
Jennifer Willener
Wayne Andreotti

Member Excused: Jannette Borklund
Mark Whaley

Staff Present: Charles Ewert, Assist Planning Director; Ronda Kippen, Principal Planner, Steve Burton, Planner II; Felix Lleverino, Planner I; Chris Crockett, Legal Counsel; Marta Borchert, Secretary; Kary Serrano, Secretary

- Pledge of Allegiance
- Roll Call

Minutes: Approval of the meeting minutes: November 21, 2017.

Commissioner Heslop asks to make the following corrections to the 11-21-2017 draft minutes. Commissioner Whaley was the chair that conducted the meeting. Any portion that includes Commissioner Heslop name should be changed to Commissioner Whaley and vice versa. A change requested on page 3 and 4 where CC&R was noted as ZCNR. Commissioner Heslop makes a motion to approve minutes with noted corrections. Motion carries (5-0) minutes stand approved with noted corrections.

1. Administrative Items

- 1.1** LVS080717: Consideration and action on a request for approval of a revision to the preliminary Subdivision Plan of Sunset Equestrian Cluster Subdivision. Presenter: Steve Burton, Planner

Chris Crockett reads the decision made by the County Commission stating that it is “remanded back to the Western Weber Planning Commission for consideration of the revised plan preliminary plan. The decision is based on the finding that the Planning Commission erred in its interpretation and application of applicable ordinances including lot size and requirements stated in the Weber County Code.” There are no questions from the Planning Commission. Mr. Ewert added that they didn’t reverse certain decisions that have already been made. He states that the bonus density and, the layout of the subdivision, have not been remanded. What has been remanded are just the elements that don’t comply with the law.

Steve Burton gives a brief explanation of the changes that were made. The planning staff recommends approval. The recommended approval is subject to all review agency requirements and is based on conditions and recommendations as listed on page 3 & 4 of the staff report.

Chair Heslop asks who is responsible for the maintenance of the trail systems. Concerning the trail system is crossing & intersecting, how will the trail be scored with regard to agriculture protection? Who is responsible for the agriculture protection.

Chris Artell answers that the HOA would handle the cleanup and get the police involved with regards to vandalism. The HOA will handle the agriculture protection. Regarding livestock, it’s up to the homeowner.

Commissioner Willener points out that in section 1C of the proposal it's not clear on whether homeowners can have poultry for their own use. Mr. Artell answers that he is fine with poultry as long as they are not for commercial use; he understands that some clarification is needed.

Dave Nettle, 1731 S 4300 W, Taylor, asks Mr. Burton to point out the orientations of the first phase and other phases. Mr. Burton and commissioner Heslop explain the orientation of the map.

Doug Dickons, 4362 Waymant Way, Mr. Dickons asks if the HOA is required to remain in place permanently. When they got the pressurized water system, nobody wanted to be a part of the HOA. There was no money to hire an attorney. The president failed to submit the annual registration. His biggest concern what is backing up the HOA, and who is going to run it, if the strength declines? Mr. Crockett states that in the subcode 108. 3-9 there is no provision in the code that states the HOA needs be in place permanently. There are requirements that need to be met being in existence and registered by the state. There are provisions in the code that address the perpetual nature of easements where it doesn't just belong to the HOA and the public has a vested interest that protects it. Mr. Dickon's asks if the protected land is only protected as long as the HOA decides. Commissioner Heslop states that the agriculture protection lots will be individually owned by private owners who will be responsible for maintaining and following the CC&R regulations. It must remain agriculture protection property. It cannot be developed into something else. It must maintain its rural quality. Mr. Ewert points that under the cluster subdivision code they are required to submit an open space plan. The open space plan is required to have an HOA but the HOA is not required to have an open space preservation plan. When you look at HOA open space versus individually owned open space, you have to look at what keeps it open space? The county requires that a perpetual conservation easement or open space easement be recorded then the county has a stake. This means that the County some ability to come back on the plan. Long term if the HOA falls apart it threatens the approval so 20 years down the road the individual owners can come back and work it out. Each owner is responsible for the HOA.

Mr. Dickon's states that he appreciates the input but 20 years is a long time and he might not be around in 20 years. He comments that he moved away from Fruit Height for the 1 acre and to get away from all of that and now he's back in the same dilemma.

Greg Bell, 4023 W 2100 S, Taylor, states that he made it a point to clarify during the appeal and get a definition of what it meant if the appeal is upheld. He says that Mr. Erikson stated it goes back to the Western Weber Planning Commission as if the decision had never been made. It appears that is not the case. He would also like to thank Commissioner Willener for asking for clarification on the section regarding livestock. His other concern is that there is no mention in the covenant on the size of homes. He states that there needs to be a preliminary approval hearing and public comment on bonus density needs to be taken. He circulated a petition that bonus density be reduced; it has been signed by 390 members in Taylor. We are reviewing a revision and not preliminary approval. Commissioner Heslop states that it was his understanding that the County Commission had approved certain portions and that the Planning Commission is to review the portions not approved. Mr. Crockett states that the County Commission did not approve any portions and that he will read the 4 statements." The Appeal is granted the Sept 12, 2017, decision made by the Western Weber Planning Commission granting preliminary plan approval of the Sunset Equestrian Cluster Subdivision is reversed. The subdivision application is referred back to the Western Weber Planning Commission for additional discussion and action if requested by the subdivision applicant. This decision is based on the finding that the Planning Commission erred in its interpretation application of applicable ordinance including lot size requirements stated in the Weber County Code, while subsequent proposed revisions may or may not have corrected those errors the planning commission decision and appeal were based on the original application and the planning commission has not had a chance to make a decision on the proposed revisions. "

Commissioner Heslop states that the interpretation from legal is that the Planning Commission is responsible to look at those requirements that were just stated such as lot size.

Mr. Crockett states that the only thing that is applicable to the Planning Commission at this meeting is the difference between the original plan and the revised plan. That the Planning Commission is responsible to make a decision based on what is different.

Mr. Bell states that it's clear in what Mr. Crockett stated that the decision made by the Western Weber Planning Commission has been reversed and that afterward the explanation is given as to why it was reversed. It is very clear to him that it is as if the decision was never made and it needs to go back through preliminary approval. He wants it to be on record the County Commission reversed the entire plan not just a portion of the plan and they didn't approve anything. They simply upheld the appeal. Mr. Crockett states that the Planning Commission is informed of legal opinion on what is before them at this meeting.

Commissioner Heslop asks if there is any further comment or questions from the public.

Member of the public who did not state his name, say he has a question regarding agriculture protection and what materials are allowed.

Applicant states they have a very specific list in the CC&R's which include brick, stone veneer, along with other finishes.

Commissioner Heslop asks if there are any further questions or comments: there are none.

Commissioner closes the hearing to public comment.

Commissioner Heslop asks if there are any questions or comment from the commission.

Commissioner Willener points out that based on what was said, there seems to be concern regarding lot sizes equivalent to 1 acre with an agriculture preservation plan. What is being achieved by this subdivision is that some properties exceed 1 acre because you have residential lots with agriculture protection lots together. There are sections of the cluster where there is not a full acre of agriculture land available. Mr. Ewert states that with regard to agriculture uses and the keeping of animals, subdivisions that are located in an agriculture preservation zone shall have the following statement "Agriculture is the preferred use in agriculture zone a-1. All agriculture operations as specified in the land use code are for particular zones are permitted at any time including the operation of any farm machinery and no allowed agriculture use should be subject to restriction on the bases that it answers with the activities of the future residents if the subdivision" Hopefully this will help alleviate some of the concerns in that nature.

Commissioner Heslop points out that in the previous meeting there was property owners adjacent to the development, who had concerns regarding any easements were noted as far as them able to get the water out of the canal which runs to the southeast corner. Does engineering have any notations with regards to the adequate flow of water to be delivered to those adjacent to the property?

Mr. Ewert states that when it comes to secondary water we are limited on what can be done, but we can talk to engineering and surveying with regard to easements that can be added that haven't been added. The lines can probably be run by the utility company.

Commissioner Park asks if there has been any other occasion where the county reversed a decision. Mr. Crockett answers that to his knowledge it has not. He states that the bases for his opinion are what the reasons for the appeal are. What were the criteria set forth by the appellant? The appeal was heard based on the alleged errors. The County Commission didn't deal with anything outside of that. There was mention that the new proposed plan resolved those errors. The County Commission decided that it's not up to them it's up to the Planning Commission to address that. If something has been decided it could vested in the developer as a legal right. In order to reconsider something, there has to be some type of mistake or new evidence that was not available to use when that decision was made. Nothing that was brought up on that scope of what you were able to do with this is based on the errors that were alleged in the appeal. What was heard by the County Commission?

What was sent back was to look at a revised plan compared to the original in that limited narrow scope.

Mr. Ewert states that he spoke to the state office man. Who basically stated that if the code was written correctly it won't matter if it is reheard or not the decision will be the same because it complies with the law.

MOTION: Commissioner Hancock moves to approve the revision for the preliminary subdivision of The Sunset Equestrian Subdivision LVS080717 based on the revision of the original plan and other parts of the plan being approved. At the requests of our legal, and the conditions and recommendations from the staff as outlined on page 4 of the staff report. Conditions: The applicant will be required to establish covenants, conditions, and restrictions prior to recording a final plat of the cluster subdivision, as stated in LUC §108-3-9. A guarantee of improvements will be required, as outlined in LUC §106-4-3. A note describing the applicable ownership standard for individually owned agricultural parcels shall be placed on the final recorded plat, as outlined in LUC §108-3-5(2) The following recommendations: The proposed subdivision conforms to the Western Weber General Plan. The recommendations: the proposed subdivision complies with applicable County ordinances. The proposed revisions are considered small amendments and not directly related to the previously granted bonus density. With the addition of the approval of land use and agriculture protection plan and additional of clarification regarding fencing and residential use versus the commercial use of livestock. Commissioner Andreotti seconded Motion Passed 5-0

- 1.2** LVS080717: Consideration and action on a request for final approval of Sunset Equestrian Cluster Subdivision Phase 1, consisting of 20 building lots and 14 agriculture preservation parcels. Presenter: Steve Burton, Planner

Steve Burton gives an overview of the proposal as listed in the staff report. The Planning Staff recommends approval. The recommended approval is subject to all review agency requirement and is based on conditions and recommendations as listed on page 3 of the staff report.

Commissioner Willener asks what the intent of the developer is over the course of the phases for the development and maintenance. Is it in phases? Mr. Burton responds that it is his understanding that it is. There are trail easements at the back of the parcels and it is his understanding it will be done as they develop each phase.

MOTION: Commissioner Hancock moves to approve LVS080717 Phase 1, consisting of 20 building lots and 14 agriculture preservation parcels based on staff recommendations and conditions as listed on page 3 of the staff report. Conditions: The applicant will be required to establish a declaration of covenants, conditions, and restrictions prior to recording the final plat of the cluster subdivision, as stated in LUC §108-3-9. A guarantee of improvements will be required, as outlined in LUC§106-4-3. Recommendations: the proposed subdivision conforms to Western Weber General Plan. With the recommended conditions, the proposed subdivision complies with applicable County ordinances. 10 percent bonus density was granted for meeting the purpose and intent of the cluster subdivision. 20 percent bonus density was granted based on providing and implementing an approved roadway landscape and design plan. 5 percent bonus density was granted based on providing common area that offers easily accessible amenities including trails. 10.2 percent bonus density was granted based on preserving more than 20 acres but fewer than 30 acres of agricultural parcels through an agricultural preservation plan and easement. Commissioner Parker seconded. Motion Passed 5-0

- 1.3** LVC 101217: Consideration and action on a request for preliminary approval of Cameron Cove Cluster subdivision, consisting of 27 lots. Presenter: Felix Lleverino, Planner

Mr. Lleverino said we have a cluster subdivision Cameron Cove Cluster Subdivision consisting of 27 Lots. And he gave the address.

Doug Hamblin, Applicant the project adjacent to Cameron Cove transition to this cluster. There is some open space. There will be a combination of park and detention basin. Parcel B will contain a small park. Consists of 27 Lots, developed to the south Mallard Springs, and this will be consistent with the same CC&R's. There is some space in the back that can be used for animals or community gardens.

Commissioner Heslop asks will back space will it be used for agriculture protection or will it be at the HOA's discretion? Mr. Hamblin responds that as of right now it will be under the HOA unless otherwise directed by the county.

Commissioner Heslop asks if there are any further questions or comments from the commission. There are none.

Commissioner Heslop asks if there are any questions or comments from the public. There are none. The hearing is closed for public comment.

Mr. Lleverino states that the proposal in compliance with the subdivision land cluster code. The purpose of the A-1 Zone is to preserve land for agriculture and there are standards for what animals are allowed. This meets the standards of the subdivision requirements and the cluster subdivisions requirements. The bonus density standards are met. The Planning Staff recommends approval. The recommended approval is subject to all review agency requirement and is based on conditions and recommendations as listed on page 3 of the staff report.

Commissioner Willener concerned about agriculture preservation on the homeowner's association.

MOTION: Commissioner Andreotti moved to approve the preliminary approval for Cameron Cove Cluster subdivision, consisting of 27 lots LVC101217 based on conditions and recommendation as listed in the staff report. Conditions: as part of the final subdivision requirement, the Owners Dedication shall contain language that grants and conveys easements to appropriate parties, including showing all stormwater easements leading to the stormwater retention basin. These entry numbers for the easement will be required to be filled in the final plan prior to recording the Mylar. As a part of the final subdivision requirements, the applicant shall establish a Home Owner's Association under the direction of the LUC §108-3-9 and provide the County a copy to review and approve. The recommendations: The proposed subdivision conforms to the Western Weber General Plan. With the recommended conditions, the proposed subdivision complies with the applicable ordinances. Up to 10 percent bonus density may be granted for meeting the purpose and intent of the cluster subdivision. Due to the subdivision boundary shape, existing detention basin, and the existing irrigation easement, it has been found that an allowance for additional two lots within a cluster area is justifiable. With the addition of agriculture protection as part of the 12% for the Park Area. Commissioner Hancock seconded. Motion Carried 5-0

Charlie Ewert states that there will not be any time for the work session related to cluster subdivision. Chair Heslop asks if there is anyone present for the work session. There is none. Work Session is canceled from the agenda.

1.4 LVT101917: Consideration and action for preliminary plan approval of Terakee Village Phase 1, a PRUD Subdivision, consisting 36 residential lots. Presenter: Ronda Kippen

Ronda Kippen gives a brief overview regarding changes made to the proposal of Terakee Village PRUD.

Brad Blanch, 1060 E 3400 N, North Ogden. Mr. Blanch states that this subdivision proposal has been through the commissions several times. They received a lot of feedback. There were 20 conditions.

They had to do traffic analysis, geo-tech study and to state where the Hooper irrigation pipe was going to go. He spent all spring, summer, and fall meeting all the conditions. He states that there is some discrepancy in how the commission approves proposals. It was very difficult for him to see subdivision proposals with none of these requirements getting approved. With regard to the Hooper irrigation Canal, the piping had to be designed and was approved by the Hooper Irrigation. The property is a bit different in the clusters. The open space is 30 acres and 15 maintained as permanent open space. He took the time last time to explain the subdivision was modeled after Agritopia. 30 acres will be privately owned and will be managed by a not for profit. There is no anticipated HOA fee, the not for profit will take care of the streets and the open space.

Ronda Kippen states that this the most complete preliminary plan she has seen. She gives an overview of the changes made to the plan. The planning staff recommends approval. The recommended approval is subject to all review agency requirement and is based on conditions and recommendations as listed on page 3 of the staff report.

Commissioner Heslop opens the hearing to public comment.

Brett Harper, 4215 W 400 S. He would like to know what kind of protection there is if for the walking path from the public, with regards to fencing. Concerning item #3 in the engineering review, it was his understanding that there was going to be a public right of way to the east and to the north that had all the utilities to the property line. He would like some clarification because it appears that those roads are going to be private.

Brad Blanch the trails won't be fenced off, it just planned to be a walking trail, and the public will still have access road next to it. The goal is to keep a rural environment and have utility access to north and the east. The county wanted the snow plows to have 60 ft. right of ways. They decided that they could service it better. Private roads allow them to have 50 ft. right of ways. There is an easement that allows for property owners to the north or the east to access to utilities.

Ronda Kippen explains that the walking trail is something they got bonus density for. She states that with no irrigation and public driving through they have decided more resilient vegetation. She also states the 50 ft. private roads allow for a better sense of community, the street lights, and greenery that was originally planned.

Commission Willener asks if the private roads will be nonprofit. Who will be responsible for the roadways? Mr. Harper states that when the lots are sold there will an agriculture fee. It will be a one-time fee that will be put into a fiduciary account to be used to maintain roadways and greenery.

Commissioner Heslop asks if there are any further questions or comments: there are none.

Commissioner closes the hearing to public comment.

Commissioner Heslop asks if there are any questions or comment from the commission.

MOTION: Commissioner Willener moved approve the proposal for the preliminary approval Terakee Village Phase 1, based on staff recommendations and the conditions as listed in the staff report. Conditions: By adding easement language to the final subdivision plat, the applicant will not be required to file an easement vacation along with the future preliminary phasing subdivision plan. Prior to recording, a note will be added to the final subdivision Mylar to provide notice that the geotechnical report is on file with Weber County Planning Division. Wetland mitigation measures will be finalized during the final subdivision process as the engineering division continues to work with the applicant and the State of Utah to ensure that these areas are conserved in their natural state as much as possible. A capacity assessment from the local culinary provider will be required to be submitted with the final submittal application and a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to the Weber County Planning Division prior to forwarding for final subdivision approval by the County Commission. A cost estimate for the improvements and a draft copy of the agriculture al plan and open space preservation plan must be submitted for review prior to the final subdivision being forwarded to the

Western Weber Planning Commission and Weber County Commission. The recommendations the proposed subdivision conforms to the Western Weber General plan. With the recommended conditions, the proposed subdivision complies with applicable County ordinances. The applicant during CUP for PRUD was granted an overall bonus density of 32 percent for the entire project for an overall density of 84 dwelling units. Commissioner Andreotti seconded. Motion Carried (5-0)

2. Legislative: Public Hearings

- 2.1** ZTA 2017-13: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Conditional uses (§104-22-3, §104-23-3, §104-24-3, §104-25-3) to define Outdoor Storage and to include it as a conditional use in the M-1, MV-1, M-and M-3 zones. Presenter: Steve Burton, Planner

Mr. Burton gives an overview of amendments made as listed in the staff report.

- 2.2** ZTA 2017-16: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Additions and enlargements (§108-12-3), Subdivision plat requirements for nonconforming lots; exemptions (§108-12-11), and Enlarging nonconforming lots (§108-12-12). The proposed amendment will allow parcels created prior to July 1, 1992, containing a permitted single family dwelling to be considered a Lot of Record. Presenter: Steve Burton, Planner

Mr. Burton gives an overview of amendments made as listed in the staff report.

Planning Commission discussion for ZTA 2017-13 and discussion for ZTA 2017-16.

Western Weber Planning Commission action for ZTA 2017-13 and ZTA 2017-16:

MOTION: Commissioner Willener moved to approve ZTA 2017-13 and discussion for ZTA 2017-16 as listed in the staff report. The changes cause no adverse effect on the intent of the general plans. The changes will provide for more efficient administration of Land Use Code. The changes will enhance the general welfare of the county residents Commissioner Park seconded. Motion Carried 5-0

Western Weber Planning Commission: No public so it was closed for public hearing.

- 3. Remarks from Planning Commissioners.** There were none.
- 4. Planning Director Report:** Mr. Ewert would like to bring up the intersection of 4700 W and 12th it is currently being used for agricultural uses. There is an individual wanting to develop there. He would like the commissioners to look over conceptual ideas because they are working on getting it on a rezone hearing. He would like the commission to get a preview so that they may provide their input at a future hearing.
- 5. Remarks from Legal Counsel:** No remarks from Legal counsel.
- 6. Work session (time pending):** Canceled, to be rescheduled.
- 6.1. Discussion on a proposal to amend the following sections of Weber County Code:**
- (a) The Cluster Subdivision (§108-3) code to modify the minimum area for an individually owned agricultural parcel and to provide administrative edits.

- (b) The definition of height (§101-1-7) and related height regulations to amend the method of measuring height.

Presenter: Charles Ewert, Principal Planner

Meeting Adjourned at 7:10.

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 28, 2017
Subject: Work session for definition of height and other height standards and requirements.

Planning Commissioners,

In our last meeting we held a hearing to possibly change the definition of height. The planning commission requested we finesse the language for clarity purposes. After further review, staff has determined that part of the previous suggestion leaves a loophole we did not consider.

In order to mitigate the overall concerns, in the attached proposal, for which we have schedule a work session on January 2, 2018, you will find a significantly more simple definition for “height of building” and additional supplemental standards and requirements that will help better govern the issues that have been concerning staff about the way our code is currently written.

Also, as we have taken the time to offer clarifications regarding height, there is another topic that has offered staff some concern. That is the visual aesthetics of cell phone towers. The attached language also addresses measures to disguise new cell towers in a manner that fits in with its surroundings.

This work session will be time-pending.



1 **Title 101 - GENERAL PROVISIONS**

2 ...

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

4 ...

5 *Building envelope.* The term "building envelope" means a portion of a lot, parcel, or tract of land which is
6 to be utilized as the building site as may be required by the cluster subdivision ordinance or as otherwise
7 volunteered on a subdivision plat. "Building envelope" shall not be construed to mean "buildable area"
8 as provided in this section.

9 *Building, height of.* The ~~term phrase~~ "height of building," or any of its variations, normally means the
10 vertical distance between the highest point of the building or structure and the average elevation of the
11 land at the exterior footprint of the building or structure using the finished grade. See Section 108-7-5 for
12 supplemental height provisions. ~~from the average of the highest natural grade and the lowest natural~~
13 ~~grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the~~
14 ~~highest point of the ridge of a pitch or hip roof.~~

15 *Building, main.* The term "main building" means the principal building or one of the principal buildings
16 located on a lot or parcel designed or used to accommodate the primary use to which the premises are
17 devoted. Where a permissible use involves more than one structure designed or used for the primary
18 purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this
19 title shall be deemed a main building.

20 ...

21 *Glare.* The term "glare" means light, originating from a direct artificial light source, or any light reflected
22 off a reflective surface, that causes visual discomfort or reduced visibility.

23 ~~*Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent ground~~
24 ~~elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or~~
25 ~~sidewalk within the area between the building and the property line or, when the property line is more~~
26 ~~than five feet from the building, between the building or structure and a line five feet from the building or~~
27 ~~structure.~~

28 *Grade, finished.* The term "finished grade," or any of its variations, means the final slope of the ground
29 after being altered from natural grade.

30 *Grade, natural.* The term "natural grade" or any of its variations, means the slope of the ground as it
31 existed ten years prior to the time at which the grade is to be determined.

32 *Guest house.* The term "guest house" means a separate dwelling structure located on a lot with one or
33 more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold
34 separate from the rental, lease or sale of the main dwelling.

35 ...

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

40 ...

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

46 Public utility substation. The phrase “public utility substation” means an unattended building or structure
47 designed for the provision of services of a public or quasi-public utility, excluding utility transportation lines
48 and incidental supports and their rights-of-way.

49 ...

50 Structure. The term "structure" means anything constructed or erected which requires location on the
51 ground or attached to something having a location on the ground.

52 Structure, height of. The phrase “height of structure,” or any of its variations, shall have the same
53 meaning as “height of building” as defined in this Section.

54 ...

55 Tower. The term "tower" means a structure that is intended to support antennas for transmitting or
56 receiving wireless signals including but not limited to television, cellular, radio, or telephone
57 communication signals. A tower is also a “public utility substation” as defined in this section.

58 ...

59 Title 108 - STANDARDS

60 ...

61 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

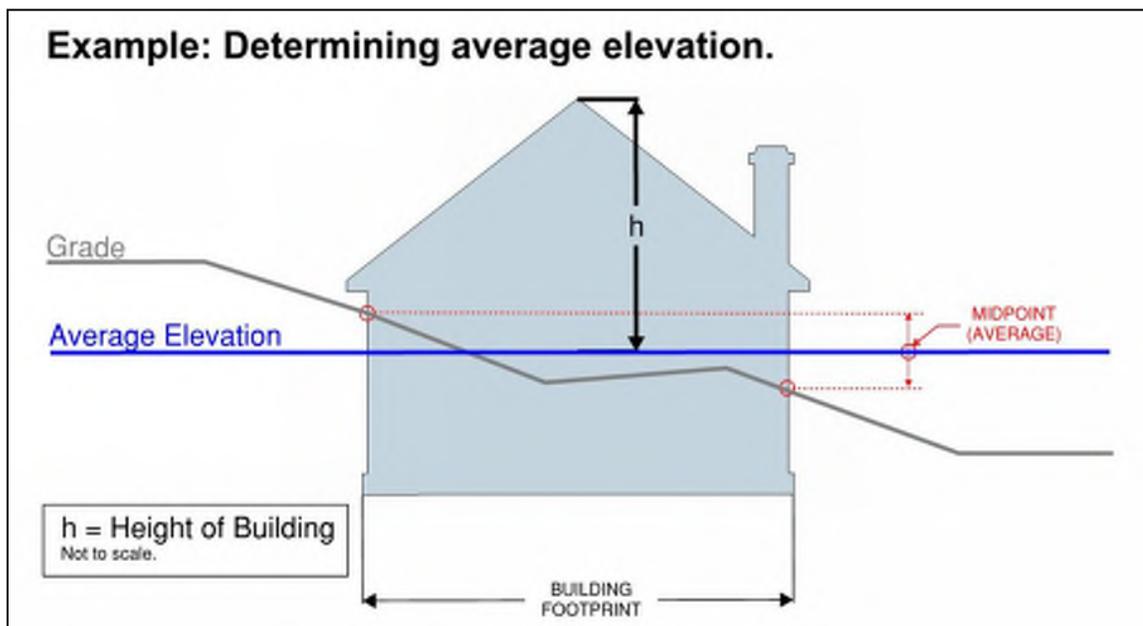
62 ...

63 **Sec. 108-7-5. - ~~Exceptions to height~~ Building or structure height limitations requirements.**

64 (a) Measuring height. For the purpose of determining “height of building,” as defined in Section 101-1-7,
65 the following shall apply:

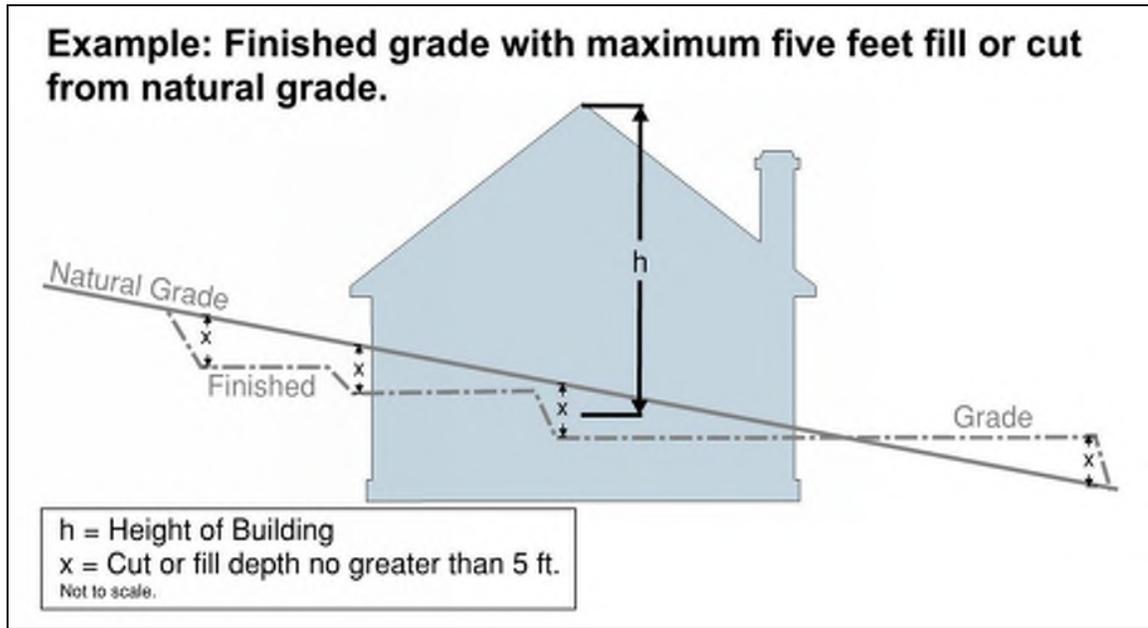
66 (1) Average elevation. Average elevation shall be determined by averaging the highest elevation and
67 the lowest elevation at the exterior footprint of the building or structure, including any support
68 posts that require a footing. An alternative means of calculating average elevation may be
69 approved by the Planning Director for an individual building if it follows industry best practices and
70 is proposed by a licensed surveyor, engineer, or architect.

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(2) Fills and cuts affecting building height. Except as provided in this subsection, when grading the site to obtain the finished grade, as defined in Section 101-1-7, no fill or cut may exceed five vertical feet at any point from the site's natural grade, as also defined in 101-1-7.



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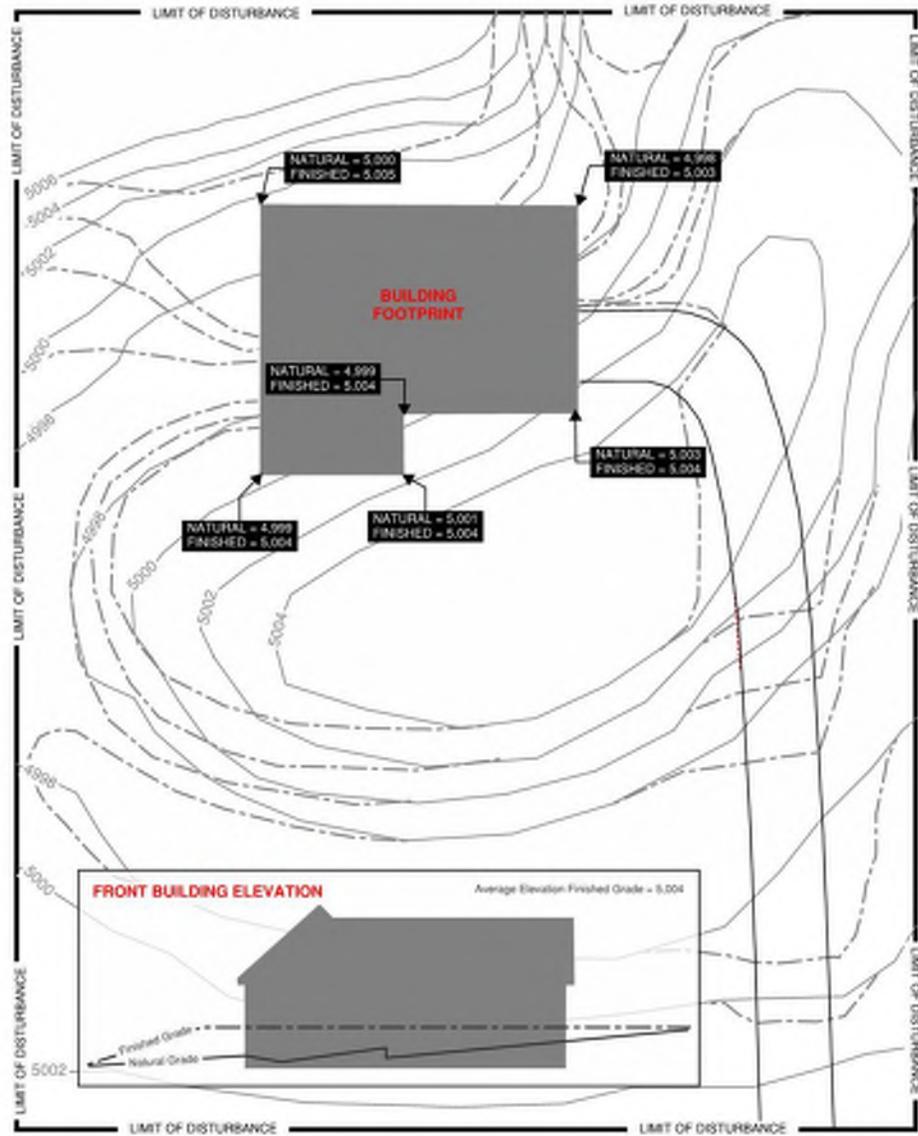
- a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or
- b. If the building or structure is within 75 feet of a public or private street upon which its lot or parcel has frontage, cuts and fills are allowed that provide an average elevation of finished grade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.

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(3) Site plan submittal requirements. A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the Planning Director or County Engineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across lot or parcel lines shall require the consent of all owners. Building elevation drawings shall display natural grade and finished grade, and shall present the finished grade's elevation at each corner of the building. This requirement may be waived by the Planning Director or County Engineer for sites that are relatively flat, or if evidence is presented that clearly shows the proposed structures will not exceed the maximum height of the zone.

Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.



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94 (b) Roof structure height exception. Penthouse or roof structures for the housing of elevators, stairways,
 95 tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or
 96 parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water
 97 tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the
 98 height limit of the zone in which they are located, but no space above the height limit shall be
 99 allowed for the purpose of providing additional floor space, and at no time shall the height be greater
 100 than 15 feet higher than the maximum height of the zone. ~~and if in proximity to an airport, no~~
 101 ~~heights exceptions are permitted above the maximum allowed under airport height regulations.~~

102 (b) All exceptions to height shall be subject to applicable design review requirements and all mechanical
 103 equipment shall be screened by materials consistent with those used on the exterior of the main
 104 building.

105 (c) Air traffic height conflicts. If in proximity to an airport, no building or structure or other appurtenance
106 is permitted above the maximum height allowed by the Federal Aviation Administration, or other
107 applicable airport or airspace regulation.

108 (d) Minimum height of a dwelling. Unless on a lot or parcel five acres or greater, no dwelling shall be
109 erected to a height less than one story above natural grade.

110 **Sec. 108-7-6. - ~~Minimum height of dwelling~~Reserved.**

111 ~~No dwelling shall be erected to a height less than one story above natural grade.~~

112 ...

113 **Sec. 108-7-12. - ~~Reserved Towers.~~**

114 ~~(a) — No commercial tower installation shall exceed a height equal to the distance from the base of~~
115 ~~the tower to the nearest overhead power line by less than five feet.~~

116 ~~(b) — A tower that exceeds the height limitation of the zone in which it is to be located as permitted~~
117 ~~by section 108-7-5, shall be considered a conditional use.~~

118 ~~(c) — In all zones, except in commercial and manufacturing zones, towers shall not be located within~~
119 ~~the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a~~
120 ~~corner lot, nor on the roof of a residential structure.~~

121 ~~(d) — A building permit shall be required for a tower. An application for a permit shall include~~
122 ~~construction drawings showing the method of installation and a site plan depicting structures on the~~
123 ~~property and on any affected adjacent property and a structural engineering certification by a registered~~
124 ~~structural engineer from the state.~~

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

126 **Sec. 108-10-1. - Location.**

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

130 **Sec. 108-10-2. - Site development standards for public utility substation ~~or structure.~~**

131 (a) Lot area, width, setback, and street frontage regulations. The lot area, width, ~~depth,~~ setback, and
132 street frontage regulations for ~~an unmanned culinary or secondary water system facility, storage~~
133 ~~tank, or well house; unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline~~
134 ~~regulation station; unmanned telecommunication, television, telephone, fiber optic, electrical facility;~~
135 ~~or other unmanned utility service regeneration, transformation, or amplification facility~~ a public utility
136 substation, as defined in Section 101-1-7, are as follows:

137 (1) *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain
138 an area and width of sufficient size and dimension to safely accommodate the utility facility or
139 use, any necessary accessory use, any landscaping required by this Land Use Code, the
140 required setbacks, and space to park two maintenance vehicles.

141 (2) *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet if
142 the lot does not directly front on a public or private street right-of-way, provided that ~~the~~ no
143 substation ~~or structure~~ shall be located closer to a public or private street right-of-way than the
144 minimum front yard setback of the zone, or 20 feet, whichever is more restrictive.

145 (3) *Side yard setback.* The side yard setback requirement shall comply with the typical setback
146 specified in the applicable zone regulating the property.

147 (4) *Rear yard setback.* The rear yard setback requirement may be reduced to the following:

148 a. In a residential zone: five feet.

149 b. In an agricultural zone: ten feet.

- 150 c. In a forest zone: 20 feet.
- 151 d. In a zone not specifically listed above: typical zone setback as provided in the chapter for
- 152 that zone.
- 153 (5) Street Frontage. No frontage is required along a public right-of-way if clear and legal access
- 154 exists from a public right of way to the site for the purpose of the utility use.
- 155 (b) Co-location. Co-location of a public utility substation with other existing public utility substations is
- 156 required provided that the co-location does not cause interference with any public utility, or the
- 157 reasonable operation of the public utility substation.
- 158 (c) Towers. The following regulations govern the installation of public utility substation towers:
- 159 (1) Tower distance from overhead power. The height of a tower shall be one foot less than the
- 160 linear distance between the base of the tower and the nearest overhead power line, or lesser
- 161 height.
- 162 (2) Tower setbacks. In all zones, except in commercial and manufacturing zones, a tower shall not
- 163 be located within the minimum front yard setback of any lot, nor within the minimum side yard
- 164 setback facing a street on a corner lot, nor on the roof of a residential structure.
- 165 (3) Tower building permit. A building permit shall be required for a tower. An application for a permit
- 166 shall include construction drawings showing the method of installation and a site plan depicting
- 167 structures on the property and on any affected adjacent property and a structural engineering
- 168 certification by a registered structural engineer from the state.
- 169 (4) Tower disguise. A public utility substation tower which exceeds the maximum height of the zone,
- 170 or 35 feet, whichever is less, and which cannot be reasonably co-located on an existing tower,
- 171 shall be disguised so that the average person cannot discern that it is a public utility substation
- 172 from a distance greater than 200 feet.
- 173 a. With the exception of part b.1. herein, the disguise shall be constructed of painted, stained,
- 174 sandblasted or carved wood, log timbers, brick, stone, textured concrete or similar material.
- 175 Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent
- 176 reflective glare may also be used. Copper, brass, wrought iron, and other metals may
- 177 remain untreated and allowed to develop a natural patina. Support structures shall use
- 178 natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be
- 179 used as a predominant color, but may be used as an accent.
- 180 b. The disguise shall be designed by a licensed architect and shall:
- 181 1. replicate natural features found in the natural environment within 1000 feet such that the
- 182 average person cannot discern that it is not a natural feature from a distance greater
- 183 than 200 feet;
- 184 2. architecturally replicate structures that are commonly accessory to onsite agricultural
- 185 uses;
- 186 3. architecturally replicate structures that were commonly found in historic old-west or
- 187 western mining town centers prior to 1910, excluding poles, structures, or other features
- 188 that were used for overhead utilities; or
- 189 4. replicate architectural structures that support the architectural theme of an approved
- 190 master plan or development agreement applicable to the site.
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MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 28, 2017
Subject: Work session for proposed cluster subdivision amendments

Planning Commissioners,

In our last meeting we held a hearing to discuss desired changes to the cluster subdivision ordinance. The attached proposal is not complete. I still need to re-tool the bonus density section. Since this section is not applicable to the Ogden Valley I suggest reviewing the proposal in its incomplete state to determine whether the portions that are completed are acceptable.



1 ...

2 **Title 108 - STANDARDS**

3 ...

4 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

5 **Sec. 108-3-1. — Purpose and Intent.**

6 The purpose of this chapter is to provide flexible development standards to landowners that
7 are committed to developing safe, attractive, conservation oriented neighborhoods that are
8 thoughtfully designed and arranged in a manner that considers, gives deference to, and
9 ultimately protects natural topography, environmentally sensitive areas, wildlife habitat, and
10 agriculturally productive lands. It is intended to benefit those that create cluster subdivisions by
11 offering an inherent gain in the form of reduced infrastructure costs and the possibility for a
12 substantial increase in residential density in the Western Weber Planning Area. It is equally
13 intended to benefit the residents of Weber County by promoting public welfare through the
14 reduction of long-term infrastructure maintenance costs and the permanent preservation of the
15 county's functional open spaces, picturesque landscapes, and rural character.

16 **Sec. 108-3-2. - General regulations.**

17 Subject to the requirements of this chapter, cluster subdivisions are permitted in all
18 ~~classified Weber County zone areas~~zones except for the commercial, manufacturing, gravel,
19 residential mobile home, open space, and shoreline zones.

20 **Sec. 108-3-3. - ~~Approval~~Supplemental subdivision procedure~~procedural requirements.~~**

21 (a) Subdivision procedures and requirements apply. All procedures and requirements of Title
22 106 shall apply to a cluster subdivision unless there is a conflict or supplement in this
23 chapter, in which case the provisions of this chapter shall prevail.

24 (b) Conceptual sketch plan. ~~The~~In addition to the subdivision procedure requirements of Title
25 106, the cluster subdivision approval procedure requires a conceptual sketch plan
26 endorsement from the planning commission prior to the submission of a formal subdivision
27 application. An application for a conceptual sketch plan endorsement shall demonstrate
28 compliance with all applicable standards contained within the Weber County Code. The
29 completed application must be submitted at least 21 calendar days prior to the planning
30 commission meeting at which the applicant wishes to be heard. Endorsement from the
31 planning commission is only a means to assist in the creation of a complete subdivision
32 application and shall not vest for final approval. The application is complete upon
33 submission of the following: ~~consists of four phases as follows:~~

34 (1) ~~A conceptual sketch plan endorsement from the appropriate planning area planning~~
35 ~~commission;~~

36 (2) ~~A preliminary approval by the appropriate planning area planning commission;~~

37 (3) ~~A recommendation from the appropriate planning area planning commission for final~~
38 ~~approval by the board of county commissioners; and~~

39 (4) ~~A final approval and acceptance by the board of county commissioners.~~

40 (b) ~~An application for a conceptual sketch plan endorsement shall demonstrate compliance~~
41 ~~with all applicable standards contained within the Weber County Code. The completed~~
42 ~~application must be submitted at least 14 calendar days prior to the planning commission~~

~~meeting at which the applicant wishes to be heard. The application is complete upon submission of the following:~~

- (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of Ordinances, and submission of a complete sketch plan endorsement application on a form provided by the county planning department.
- (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject property, surrounding streets, and relevant landmarks.
- (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates in a suitable manner compliance with all applicable codes. The plan shall include, but not necessarily be limited to, a north arrow and scale, subdivision boundary according to county records, approximate locations of proposed streets, lots with approximate area calculations, common areas and open space parcels with approximate area calculations, easements, waterways, suspected wetlands, floodplains, existing structures, and contour lines. Information related to topography and contour lines may be submitted on a separate map. Contour information may be omitted if the planning director or his designee determines that the subject property lacks topographic characteristics that warrant representation.
- (4) An electronic copy of all forms, documents, materials, and information submitted as part of the application.

(de) Preliminary and final cluster subdivision application.

(1) Preliminary cluster subdivision approval. ~~An application for~~ A submission for preliminary cluster subdivision approval shall:

a. conform to the endorsed sketch plan;

b. contain an open space plan, as required in Section 108-3-5.

1. The planning commission's approval of a preliminary plat shall constitute approval of the open space plan.

2. An open space plan may be amended, from time to time, after submittal of a new application and application fee.

3. An amendment shall be in compliance with applicable laws and shall require the approval of the planning commission.

4. An open space plan amendment shall not require a subdivision plat amendment provided the resulting plan does not conflict with any part of the plat, including parcel and lot boundaries, subdivision boundaries, and plat notes.

(2) Final cluster subdivision approval. A submission for final cluster subdivision approval shall conform to the approval of the preliminary cluster subdivision approval. If applicable, submission shall also include final Conditions, Covenants, and Restrictions or Homeowner's Association Declaration that clearly explain the maintenance method for each common area parcel, as required by this chapter or any condition of preliminary cluster subdivision approval. Submission shall also include drafts of any other relevant instrument required for the execution of applicable provisions of this Land Use Code.

~~by the appropriate planning commission, recommendation for final approval, or final approval and acceptance by the board of county commissioners shall comply with all applicable standards~~

87 | ~~of the Weber County Land Use Code, including this chapter and title 106, Subdivisions. The~~
88 | ~~approval process shall proceed as directed by Weber County Land Use Code title 106,~~
89 | ~~chapter 1.~~

90 | **Sec. 108-3-4. - Cluster subdivision design and layout standards.**

91 | ~~The planning commission and county commission shall approve an application for a cluster~~
92 | ~~subdivision if the planning commission and county commission find that the subject~~
93 | ~~proposal meets all applicable standards of the Weber County Land Use Code, including the~~
94 | ~~following:~~

95 | (a.4) General cluster and open space design. A cluster subdivision's general design shall
96 | concentrate residential building lots, with their adjoining road rights-of-way and any
97 | approved ~~access exceptions~~alternative access, if applicable, into separate and individual
98 | clusters that are entirely surrounded by open space dedicated as common area,
99 | individually owned preservation parcels, or both.

100 | (b) Specific open space requirements. The open space area ~~in~~ between one cluster of lots and
101 | another cluster, or one cluster of lots and the subdivision boundary, shall not be ~~less than~~
102 | ~~75-100 feet~~ ^[c1]in width. ~~and the open space area in between lots and an exterior~~
103 | ~~subdivision boundary shall not be less than 50 feet in width.~~ The open space required ~~in~~
104 | between ~~a~~ lots and a cluster subdivision's exterior boundary shall be waived if:

105 | (1) ~~a.~~ A ~~lots~~ lot sharing a common lot line with one or more of the its subdivision's
106 | boundaries ~~y~~ contains 15,000 square feet or more;

107 | (2) ~~b.~~ A ~~lots~~ lot ~~are is~~ located along an internal phasing line as approved as part of the
108 | preliminary plat approval ~~when that phasing line is acting as a temporary external~~
109 | ~~boundary;~~

110 | (3) ~~e.~~ Another ^[c2] lot that is no more than 5,000 square feet larger exists outside the
111 | cluster subdivision's boundaries but within 500 feet of the lot to which the waiver is
112 | applied. If the open space requirement is waived in this manner for any lot in the
113 | cluster subdivision then each lot within the same cluster shall have the open space
114 | required between it and the cluster subdivision's exterior boundary waived; ~~The~~
115 | ~~proposed cluster subdivision lies adjacent to an existing subdivision that contains at~~
116 | ~~least one lot that is smaller or not more than 5,000 square feet larger than the smallest~~
117 | ~~lot lying within the proposed cluster subdivision; or~~

118 | (4) ~~d.~~ A ~~lots~~ located along an external boundary lies adjacent to a parcel that:

119 | a. 4. Does not contain an existing dwelling; or

120 | b. 2. Contains a single existing dwelling that lies further than 150 feet away from all
121 | external boundaries of the proposed cluster subdivision.

122 | (5) In applying any provision from (1)-(4) ^[c3]of this subsection, no open space parcel shall
123 | be allowed to be an island that is disconnected or noncontiguous with other open
124 | space parcels or a public or private street.

125 | (c2) Specific cluster requirements. In a subdivision consisting of 60 or more lots, each cluster
126 | shall contain no less than three lots and no more than 20 lots. In a subdivision consisting of
127 | fewer than 60 lots, each cluster shall contain no less than three lots and no more than one-
128 | third of the total number of lots in the subdivision. The county may approve up to a five lot
129 | increase in the number of lots in a cluster if:

130 | (1) a- The total number of lots cannot be equally divided into thirds and leaves a
131 | remaining number of lots that does not meet the standard for the minimum number of
132 | lots in a cluster; or

133 | (2) b- There are unusual circumstances, such as complications involving topography,
134 | infrastructure, geotechnical, or geologic conditions, which warrant an increase.

135 | ~~(3) To ensure that a cluster subdivision reflects the characteristics of the zone in which it is~~
136 | ~~located, a minimum percentage of a cluster subdivision's adjusted gross acreage shall be~~
137 | ~~preserved as open space and dedicated as described in subsection (1) ^[c4]above. The~~
138 | ~~minimum open space areas are as follows:~~

139 | ~~a. In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall be~~
140 | ~~preserved as open space.~~

141 | ~~b. In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster~~
142 | ~~subdivision shall be preserved as open space.~~

143 | ~~c. In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley Destination~~
144 | ~~and Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a cluster subdivision~~
145 | ~~shall be preserved as open space.~~

146 | ~~d. In all other zones where a cluster subdivision is an allowed development type a minimum of~~
147 | ~~30 percent of a cluster subdivision shall be preserved as open space.~~

148 | (d.4) Sensitive lands requirements. Cluster subdivisions in or on sensitive lands shall be
149 | governed as follows:

150 | (1) Lands that can be mitigated such as floodplain and wetlands are considered
151 | developable for the purpose of calculating adjusted gross acreage, as defined in
152 | Section 101-1-7 and shall be counted towards density.

153 | (2) Floodways within river corridors, lakes, and naturally occurring pond areas, which
154 | could not be are not developed developable but are offered as a community provide an
155 | amenity on an open space parcel with public access and a blanket public access
156 | easement, may shall also be a part of the open space, with receive 25 percent of this
157 | land of the undevelopable acreage credited towards to the adjusted gross acreage
158 | calculation for overall density of the development, if this land is used to provide
159 | amenities and is accessible to the development.

160 | (3) Regardless of developability, areas designated as floodplain, as defined by the Federal
161 | Emergency Management Agency or other qualified professional determined
162 | appropriate by the county engineer, rivers and streams, with and including their
163 | designated river or stream corridor setbacks, as defined by the Weber County Land
164 | Use Code, shall be located within a cluster subdivision's open space area.

165 | ~~(5) Areas designated as floodplain, as defined by the Federal Emergency Management~~
166 | ~~Agency or other qualified professional determined appropriate by the county engineer,~~
167 | ~~rivers and streams, with and including their designated river or stream corridor setbacks, as~~
168 | ~~defined by the Weber County Land Use Code, shall be located within a cluster subdivision's~~
169 | ~~open space area.~~

170 | **Sec. 108-3-5. - Open space plan ^[c5] approval, ownership, maintenance, preservation, and**
171 | **guarantee of improvement standards and development standards. ^[c6]**

172 |

173 ~~Open space parcels, and any improvements proposed thereon, shall be approved, owned,~~
174 ~~maintained, preserved, and financially guaranteed as follows:~~

175 (a) Open space plan submittal (1) — Plan approval. An open space preservation plan shall
176 accompany an application for preliminary ~~and final~~ subdivision approval. Preliminary
177 subdivision approval constitutes approval of the open space plan. A final plat shall comply
178 with the approved open space plan. ~~approval of a cluster subdivision.~~ The open space plan
179 shall include the following:

180 (1) An overall cluster subdivision map identifying all open space areas and open space
181 area amenities.

182 (2) A site plan that identifies the open space parcel ownership types specified in (b)(5) of
183 this section; ~~(c7);~~ each proposed ownership type shall be identified with a unique color;
184 and the locations of existing and proposed future structures and other open space
185 amenities.

186 a. For open space that will be common area parcels, the site plan shall show the
187 location of existing and future structures by identifying the structure's footprint.
188 Structures housing a subdivision utility or serving as a subdivision amenity shall be
189 subject to all applicable standards including all design review and applicable
190 architectural standards found in title 108 of the Weber County Land Use Code.

191 b. For open space that will be gifted as a park parcel to a local park district, the site
192 plan shall include all park improvements and be accompanied by a letter of
193 approval from the local park district.

194 c. For open space that will be an individually owned preservation parcel whereon a
195 building will be located, the site plan shall identify a locatable building envelope, as
196 defined in Section 101-1-7, within which all existing and future buildings shall be
197 located.

198 (3) ~~A~~ narrative describing all proposed open space parcels, their proposed method of
199 ownership, their proposed method of maintenance, ~~all~~ their proposed uses, and any
200 proposed building envelopes.

201 (4) A written explanation of the proposed method of maintenance of all open space
202 parcels. This may be included in the written narrative. However, an open space plan
203 with a common area parcel or parcels shall be submitted with proposed Conditions,
204 Covenants, and Restrictions or Homeowner's Association Declaration that clearly
205 explains the maintenance method for each common area parcel. At a minimum, the
206 document shall explain vegetation grooming practices, weed mitigation, and refuse
207 disposal.

208 (5) The phasing of open space parcels and their relationship to the overall subdivision
209 phasing plan, if any.

210 ~~, and maintenance methods for all open space parcels, and~~

211 ~~a site plan that shows proposed common areas, individually owned preservation parcels, and~~
212 ~~the locations of existing and proposed future structures.~~

213 ~~a. For open space dedicated as common area parcels, the site plan shall show the~~
214 ~~location of existing and future structures by identifying the structure's footprint.~~
215 ~~Structures housing a subdivision utility or serving as a subdivision amenity shall be~~
216 ~~subject to all applicable standards including all design review and applicable~~
217 ~~architectural standards found in title 108 of the Weber County Land Use Code.~~

218 ~~b. For open space dedicated as individually owned preservation parcels, the site plan~~
219 ~~shall identify locatable building envelopes within which all existing and future buildings~~
220 ~~must be located.~~

221 (b) Open space development standards and ownership regulations. Unless otherwise provided
222 for in this section, open spaces and the specific open space parcels shall be developed in a
223 manner that meets all applicable standards, including but not limited to those found in the
224 this Land Use Code.

225 (1) Minimum total open space required. A minimum percentage of a cluster subdivision's
226 adjusted gross acreage, as defined in Section 101-1-7, shall be preserved as open
227 space. The minimum open space areas are as follows:

228 a. In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall
229 be preserved as open space.

230 b. In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster
231 subdivision shall be preserved as open space.

232 c. In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley
233 Destination and Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a
234 cluster subdivision shall be preserved as open space.

235 d. In all other zones where a cluster subdivision is an allowed development type a
236 minimum of 30 percent of a cluster subdivision shall be preserved as open space.

237 (2) Open space parcel area. Unless otherwise regulated by the Weber-Morgan Health
238 Department or Weber County Land Use Code title 108, chapter 14, Hillside
239 Development Review Procedures and Standards, the minimum area for an open space
240 parcel located within a cluster subdivision is as follows:

241 a. An open space parcel designated as common area is not subject to minimum area
242 requirements.

243 b. An open space parcel conveyed to a local park district shall be of a sufficient size
244 to adequately accommodate park infrastructure, amenities, and parking.

245 c. [c8] Open space parcels dedicated as individually owned preservation parcels
246 shall contain an area of not less than five acres and shall be part of a contiguous
247 area of open space parcels consisting of not less than ten acres in total; and shall
248 be in compliance with the following:

249 1. [c9] Open space parcels form a contiguous area if each open space parcel
250 shares a common boundary line that is no less than 100 linear feet or lies
251 directly across a street right-of-way, or other approved access, from another
252 open space parcel, with the common boundaries shared with the street right-
253 of-way being no less than 100 linear feet.

254 2. The ten acre minimum contiguous area does not need to be platted in the
255 same subdivision.

256 3. Each individually owned open space parcel shall be provided clear and
257 perpetual legal access from a public or private street right of way.[c10]

258 (3) Parcel width, frontage, and access. Notwithstanding section 106-2-4(c) and title 108,
259 chapter 14, Hillside Development Review Procedures and Standards, and unless
260 otherwise regulated by the Weber-Morgan Health Department, open space parcels
261 located within a cluster subdivision are not subject to frontage requirements and do not

262 have a minimum width standard other than the standard described in section 108-3-
263 4(b) and 108-3-5(b)(2). [c11]All open space parcels without street frontage shall be
264 provided an access easement across other parcels to a public or private street. [c12]

265 (4) Parcel coverage.

266 a. Coverage of common area parcels by roofed structures shall not exceed ten
267 percent of the total parcel area.

268 b. Coverage of individually owned preservation parcels by roofed structures shall not
269 exceed two and a half percent [c13]of the total parcel area.

270 (5) Open space parcel Ownership.

271 a. Common area parcel. An open space parcels dedicated as common area shall
272 be commonly owned by an appropriate homeowner's association established
273 under U.C.A. 1953, § 57-8a-101 et seq., the Community Association Act.

274 b. Park parcel. An open space parcel may be conveyed to a local park district, as
275 approved by the park district.

276 c. Individually owned open space parcel. An open space parcels may be owned as
277 an individually owned preservation parcel in accordance with the following:-

278 1. An individually owned preservation parcels of ten acres or more in area may
279 be owned by any person, regardless of whether the person owns a residential
280 lot within the subdivision.

281 2. An individually owned preservation parcels of less than ten acres in area may
282 only be owned by an owner of a lot within the same cluster subdivision.

283 3. The applicable ownership standard for an individually owned preservation
284 parcel in subsection (2)a.1. or 2. shall [c14]be memorialized in the following
285 manner:

286 i. An explanation of the applicable ownership standard and a perpetual
287 restriction conforming thereto shall be written into all agriculture, forest, or
288 other type of preservation easements granted pursuant to subsection (4e)
289 of this section; [c15]and

290 ii. A note describing the applicable ownership standard shall be placed on
291 the final recorded plat.

292 4. In order to keep an individually owned preservation parcel from becoming
293 unconducive to multiple-acreage preservation uses, an individually owned
294 preservation parcel shall not be sectioned into sub-areas of five acres or less
295 by fencing or other physical barriers. The planning commission may modify
296 this requirement for uses that support the longevity of the preservation,
297 maintenance, and large-acreage use of the parcel.

298 (c)[c16] Open space phasing. If development phasing is proposed and approved during
299 preliminary cluster subdivision approval, the percent of open space of the overall platted
300 acreage shall at no time be less than the percent of proposed open space approved in the
301 open space plan.

302 (d) Maintenance. The open space parcel owner, whether an individual or an association,
303 shall use, manage, and maintain the owner's parcel in a manner that is consistent with the

304 open space preservation plan approved under subsection (1), and the agriculture, forest, or
305 other type of preservation easement executed under subsection (4).

306 | (4e) *Preservation.*

307 | (1)a- Open space parcels are to be permanently preserved in a manner that is
308 consistent with the approved open space preservation plan.

309 | (2)b- The applicant, prior to recording or as part of recording the final cluster
310 subdivision plat, shall grant and convey to the county, to each lot owner, and to the
311 homeowner association, if applicable, an open space easement over all areas
312 dedicated as common area or individually owned preservation parcels. The open
313 space easement shall incorporate and conform to the open space preservation plan
314 approved under subsection (1).

315 | (3)e- If a cluster subdivision contains open space intended to preserve substantial or
316 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife
317 habitat easement meeting the requirements of the Utah Division of Wildlife Resources
318 shall be offered to the division.

319 | (4)d- If a cluster subdivision contains an individually owned preservation parcel, the
320 applicant shall:

321 | 1a. Identify and label on the final plat each such parcel as an agricultural, forest, or
322 other type of preservation parcel;

323 | 2b. Further identify each preservation parcel by placing a unique identifying letter of
324 the alphabet immediately after the label;

325 | 3c. Present an agricultural, forest, or other type of preservation easement to the
326 planning commission and gain their approval; and

327 | 4d. Record an approved preservation easement on each parcel identified as an
328 agricultural, forest, or other type of preservation parcel.

329 | (5)e- The planning commission may impose any additional conditions and restrictions
330 it deems necessary to ensure maintenance of the open space and adherence to the
331 open space preservation plan. Such conditions may include a plan for the disposition
332 or re-use of the open space property if the open space is not maintained in the manner
333 agreed upon or is abandoned by the owners.

334 | (5f) *Guarantee of open space improvements.*

335 | (1)a- The county shall not require an applicant to deposit a financial guarantee for
336 open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a
337 certificate of occupancy and that remain incomplete at the time of final approval ~~and~~
338 ~~acceptance~~ of the proposed cluster subdivision from the board of county
339 commissioners. The applicant or developer shall complete the improvements according
340 to the approved phasing component of an open space preservation plan. If the
341 applicant fails to complete improvements as presented in the open space preservation
342 plan, the county may suspend final plat approvals and record an instrument notifying
343 prospective lot buyers that future land use permits may not be issued for any
344 construction.

345 | (2)b- The county shall require an applicant to deposit a ~~financial~~ guarantee of
346 improvements, as provided in Section 106-4-3, for all open space improvements (e.g.,
347 landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a

348 certificate of occupancy and that remain incomplete at the time of final plat approval,
349 ~~and acceptance of the proposed cluster subdivision from the board of county~~
350 ~~commissioners.~~ The applicant or developer shall complete all improvements according
351 to the approved phasing component of ~~an~~ the open space preservation plan.

352 **Sec. 108-3-6. — Reserved[c17]. ~~Open space parcel development standards.~~**

353 ~~Unless otherwise provided for in this section, open space parcels shall be developed in a~~
354 ~~manner that meets all applicable standards, including but not limited to those found in the~~
355 ~~Weber County Land Use Code. Open space parcels shall adhere to the following specific site~~
356 ~~development standards:~~

357 ~~(1) — *Parcel area.* Unless otherwise regulated by the Weber-Morgan Health Department or~~
358 ~~Weber County Land Use Code title 108, chapter 14, Hillside Development Review Procedures~~
359 ~~and Standards, the minimum area for an open space parcel located within a cluster subdivision~~
360 ~~is as follows:~~

361 ~~a. — Open space parcels dedicated as common area are not subject to minimum area~~
362 ~~requirements.~~

363 ~~b. — Open space parcels dedicated as individually owned preservation parcels shall contain an~~
364 ~~area of not less than three acres.~~

365 ~~1. — The minimum area of an individually owned preservation parcel may be reduced to not less~~
366 ~~than one acre if the preservation parcel is part of a contiguous area of open space parcels~~
367 ~~consisting of not less than three acres in total. Open space parcels form a contiguous area if~~
368 ~~each open space parcel in the area shares a common boundary line with another open space~~
369 ~~parcel or lies directly across a road right-of-way, or other approved access, from another open~~
370 ~~space parcel.~~

371 ~~2. — Parcels containing less than five acres are not agricultural parcels for purposes of~~
372 ~~agricultural exemptions granted by the Weber County Land Use Code.~~

373 ~~(2) — *Parcel width.* Notwithstanding section 106-2-4(c) and title 108, chapter 14, Hillside~~
374 ~~Development Review Procedures and Standards, and unless otherwise regulated by the~~
375 ~~Weber-Morgan Health Department, open space parcels located within a cluster subdivision are~~
376 ~~not subject to frontage requirements and do not have a minimum width standard other than the~~
377 ~~standard described in section 108-3-4(1).~~

378 ~~(3) — *Parcel coverage.*~~

379 ~~a. — Coverage of common area parcels by roofed structures shall not exceed ten percent of the~~
380 ~~total parcel area.~~

381 ~~b. — Coverage of individually owned preservation parcels by roofed structures shall not exceed~~
382 ~~five[c18] percent of the total parcel area.~~

383 **Sec. 108-3-7. - Lot development standards.**

384 Unless otherwise provided for in this section, residential building lots shall be developed in
385 a manner that meets all applicable standards, including but not limited to those found in the
386 Weber County Land Use Code. The following specific site development standards apply to lots
387 in cluster subdivisions:

388 (1) *Lot area.*

389 a. Unless otherwise regulated by the Weber-Morgan Health Department or Weber
390 County Land Use Code, title 108, chapter 14, Hillside Development Review

391 Procedures and Standards, a lot located within a cluster subdivision shall contain
 392 an area of not less than 15,000 square feet.

- 393 | b. A lot's minimum area is reduced to ~~69,000~~ [c19] square feet if:
- 394 | 1. The lot is located 50 feet or more from its own cluster subdivision boundary,
 395 | not including those boundaries formed by existing streets or internal phasing
 396 | lines if the phasing lines act as a temporary external boundary;
- 397 | 2. The lot lies within a cluster subdivision that is adjacent to an existing
 398 | subdivision that contains at least one lot that is smaller or not more than 5,000
 399 | square feet larger than the smallest lot lying within the subject cluster
 400 | subdivision; or
- 401 | 3. The lot lies within a cluster subdivision that is adjacent to an undeveloped
 402 | parcel. A parcel is considered undeveloped if it:
- 403 | i. Does not contain an existing dwelling; or
- 404 | ii. Contains an existing dwelling that lies further than 150 feet away from all
 405 | external boundaries of the proposed or subject cluster subdivision.

406 (2) *Lot width.* Unless otherwise regulated by the Weber-Morgan Health Department or
 407 Weber County Land Use Code, title 108, chapter 14, Hillside Development Review
 408 Procedures and Standards, the minimum lot width in a cluster subdivision is:

- 409 | a. One hundred feet in the Forest (F-40) and the Forest (F-10) Zones.
- 410 | b. Eighty feet in the Forest Residential (FR-1), Forest (F-5), Agricultural Valley (AV-
 411 | 3), and the Forest Valley (FV-3) Zones.
- 412 | c. Sixty feet in the Residential Estates (RE-15 and RE-20) and Agricultural (A-1, A-2,
 413 | and A-3) Zones.
- 414 | d. Fifty feet in the Forest Residential (FR-3) and the Ogden Valley Destination and
 415 | Recreation Resort (DRR-1) Zone.

416 | (3) ~~Yard setbacks for dwellings.~~ The Mminimum yard setbacks ~~for dwellings~~ in a cluster
 417 | subdivision are as follows:

<u>Front:</u>	<u>20 feet</u>
<u>Side:</u>	
<u>Dwelling:</u>	<u>8 feet</u>
<u>Accessory building:</u>	<u>8 feet; except one foot if located at least six feet in rear of dwelling.</u>
<u>Accessory building over 1,000 square feet:</u>	<u>See Section 108-7-16</u>
<u>Corner lot side facing street:</u>	<u>20 feet</u>
<u>Rear:</u>	<u>20 feet</u>

418 | ~~a. Front: 20 feet.~~ [c20]

419 | ~~b. Side: 8 feet.~~

420 e.—Rear: 20 feet.

421 (4) ~~Dwelling-Building~~ height. The maximum height for ~~dwelling~~a building in a cluster
422 subdivision ~~is 40 feet~~is as follows:

<u>Dwelling</u>	<u>40 feet</u>
<u>Accessory building</u>	<u>30 feet</u>

423

424 **Sec. 108-3-8. - Bonus density.**

425 The county may, in its discretion, allow for an increased number of residential lots by
426 awarding bonus densities to those cluster subdivisions developed within the Western Weber
427 County Planning Area. Cluster subdivisions within the Ogden Valley Planning Area are not
428 eligible for bonus densities. The following presents the bonus density opportunities that are
429 available to cluster subdivisions located within specific zoning boundaries:

430 (1) In the Forest (F-40) Zones, the county may award a maximum bonus density of 20
431 percent based on an accumulation of any combination of the following:

432 a. If the cluster subdivision meets the purpose and intent of this chapter, ~~up to~~ a five
433 percent bonus ~~may~~shall be granted.

434 b. If the cluster subdivision provides a minimum of one road stub to an adjacent
435 property where the planning commission determines that streets are needed to
436 provide for current or future traffic circulation, up to a five percent bonus density
437 may be granted.

438 c. If the cluster subdivision provides a minimum of one approved public access to
439 public lands, up to a five percent bonus density may be granted.

440 d. If the cluster subdivision provides common area that offers easily accessible
441 amenities, such as a trail, park, or community garden, that are open for use by the
442 general public, up to a five percent bonus density may be granted.

443 e. If the cluster subdivision dedicates and conveys to the county, the state division of
444 wildlife resources, or both, an open space easement that permanently preserves
445 areas that have been identified by the state division of wildlife resources as having
446 substantial or crucial wildlife habitat value, up to a 15 percent bonus density may
447 be granted.

448 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of
449 up to 50 percent if the applicant preserves an open space percentage above that
450 required by section 108-3-4(3)d; otherwise, the county may grant a bonus density of up
451 to 30 percent. Overall bonus density potential shall be no greater than a percentage
452 equal to the percentage of the subdivision's total area preserved as open space. The
453 county may award bonus densities based on an accumulation of any combination of
454 the following:

455 a. If a cluster subdivision meets the purpose and intent of this chapter, up to a ten
456 percent bonus may be granted.

457 b. If a cluster subdivision provides and implements an approved roadway landscape
458 and design plan that includes, but is not necessarily limited to, vehicle and
459 pedestrian circulation, lighting, and street trees of an appropriate species, size of

460 at least a two-inch caliper, and quantity of not less than eight trees for every 100
461 feet of road length, up to 20 percent bonus density may be granted.

462 c. For each five percent increment of open space preserved over 50 percent: a five
463 percent bonus density shall be granted up to the total bonus density allowed by
464 subsection (3).

465 d. If a cluster subdivision provides a minimum of one approved access to public
466 lands, up to a ten percent bonus density may be granted.

467 e. If a cluster subdivision provides common area that offers easily accessible
468 amenities such as trails, parks, or community gardens, that are open for use by the
469 general public, up to a 15 percent bonus density may be granted.

470 f. If ten percent of the lots and homes in a cluster subdivision are permanently set
471 aside for affordable housing as outlined by the Affordable Housing Act of 1990, up
472 to a 20 percent bonus density may be granted.

473 If a bonus density is granted for affordable housing, the applicant shall:

474 1. Present and gain Planning Commission approval of an effective plan and
475 method for guaranteeing and enforcing perpetual affordability. Any method
476 used, such as an affordable housing deed restriction, shall limit the sale or
477 rental of the affected lots and homes to a household with an income at or
478 below 80 percent of the county median income;

479 2. Identify and label, on the final plat, the lots set aside as affordable housing
480 Lots; and

481 3. Provide a note on the final plat explaining the nature of the housing restriction
482 on the lot and the method by which occupancy and affordability will be
483 regulated.

484 g. If a cluster subdivision preserves an agricultural parcel with an agriculturally based
485 open space preservation plan approved by the planning commission and records
486 an agricultural preservation easement on the parcel, a bonus density may be
487 approved as follows:

488 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15
489 percent bonus density may be granted.

490 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20
491 percent bonus density may be granted.

492 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30
493 percent bonus density may be granted.

494 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40
495 percent bonus density may be granted if the parcel standing alone is greater
496 than the minimum open space requirement for the subdivision.

497 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus
498 density may be granted if the parcel standing alone is greater than the
499 minimum open space requirement for the subdivision.

500 h. If a cluster subdivision provides for the preservation of historical sites and buildings
501 that have been identified by the state historic preservation office as having notable
502 historical value, up to a five percent bonus density may be granted.

- 503 i. If a cluster subdivision provides for the development of excess sewage treatment
504 capacity, up to a five percent bonus density may be granted.
- 505 j. If a cluster subdivision dedicates and conveys to the county, the state division of
506 wildlife resources, or both, an open space easement that permanently preserves
507 areas that have been identified by the state division of wildlife resources as having
508 substantial or crucial wildlife habitat value, up to a 15 percent bonus density may
509 be granted.
- 510 k. If a cluster subdivision includes an open space parcel that consists of five acres or
511 more and is contiguous to permanently preserved open space on an adjoining
512 property located outside of the cluster subdivision, up to a 20 percent bonus
513 density may be granted.

514 **Sec. 108-3-9. - Homeowners association required.**

515 In order to provide for proper management and maintenance of commonly owned areas
516 and private improvements, all cluster subdivisions with such areas or improvements are
517 required to have a homeowners association. The applicant, prior to recording a final plat of the
518 cluster subdivision, shall:

- 519 (1) Establish a homeowners association and submit for the county's review the necessary
520 articles of incorporation, bylaws, and declaration of covenants, conditions, and
521 restrictions that provide for:
- 522 a. Compliance with Utah State Code;
- 523 b. The reason and purpose for the association's existence;
- 524 c. Mandatory membership for each lot or home owner and their successors in
525 interest;
- 526 d. The perpetual nature of the easements related to all dedicated open space
527 parcels;
- 528 e. Responsibilities related to liability, taxes, and the maintenance of recreational and
529 other infrastructure and facilities;
- 530 f. Financial obligations and responsibilities, including the ability to adjust the
531 obligations and responsibilities due to change in needs;
- 532 g. Association enforcement remedies; and
- 533 h. A notification of the county's ability to enforce the terms of the owner's dedication
534 on the subdivision dedication plat.
- 535 (2) Register the homeowners association with the State of Utah, Department of
536 Commerce.

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 29, 2017
Subject: Village Development of 4700 West and 1150 South

Planning Commissioners,

In last month's meeting I disseminated a rough concept for a future "village" style development that could potential locate on the southeast corner of 4700 West and 1150 South and asked you to think about possibilities in a future village at this intersection.

On closer evaluation of the general plan, in 2003 it was anticipated that a "village" at this intersection might only support 94,000 square feet of retail/services space on less than 15 acres by the year 2020. The plan is not clear that this commercial area should be applied equitably to all four corners of the intersection, but it could perceived as such.

Attached are excerpts from the general plan and images of the intersection showing existing parcels. Also attached is a general scaled depiction of 15 acres divided equally on each corner of the intersection. This image is for reference to help understand the space for 15 acres divided equally on the corners.

The general plan's suggestion that the local area might support a certain amount of retail and services by 2020 is based on population and housing projections and market trends of the time. In reality, market demands do not always follow old projections or trends. If current financial trends will result in more commercial development in this area, as is being suggested by the owner of the parcel on the southeast part of this intersection, then through our planning efforts we should be considering to what extent those market demands should be constrained in order to offer the best community outcome.

It is fairly rare to find market support for a small "village" that is only oriented around offering small-scale neighborhood services to an area that is immediately adjacent to an urbanized community but localized development is widely dispersed. Given existing development in the area, immediate neighborhood-oriented commercial services that could survive are more likely to be one or two small gas stations or other small vehicle

oriented services that are dependent on either loyal neighborhood customers who choose to avoid the extra time to drive to the urbanized area, or convenience oriented customers who stop because the intersection is on their commuting route.

It is challenging to conceptualize that this corner will foster a successful “village” concept unless that village is given the scale necessary to attract anchor retail and services, such as a grocery store or similar. With an anchor that draws a larger volume of customers this corner is more likely foster a greater diversity of small-neighborhood oriented retail/service businesses.

As can also be observed in the attached, a typical local Smith’s or Associated Foods is around 60,000 square feet on five-six acres of property. A small grocery store may be around 30,000 square feet on three.

For discussion in our work session on January 9, 2018, I would like to explore the planning commission’s thoughts/desires regarding village development at this intersection, and hopefully clarify what we collectively think the general plan is intending.

For the full development that is being contemplated by the land owner on the southeast corner of this intersection to strictly comply with the general plan, either the scale will need to be reduced (they are contemplating 100,000 square feet of anchor store area divided between a grocery store and a farm/hardware store, and other small retail/service pads) or there may need to be a plan amendment. For an understanding of scale I have also attached a concept plan that would result in a typical commercial development that might be found along 12th street in Ogden. This concept is not necessarily what the land owner is proposing.

I look forward to discussing this with you.



Excerpts from West Central Weber General Plan

Commercial Land Use

By the year 2020, the area can support somewhere between 7 and 14 acres (50,000 to 94,000 square feet) of retail commercial, neighborhood services. A commercial node, formed at the intersection of 1200 South and 4700 West, includes mixed-use retail, small offices and community services such as a First Response medical unit. The commercial node may begin to serve as a “community” or “village” center for the area. Residential uses such as condominiums, apartments, or senior living units are not included in the area.

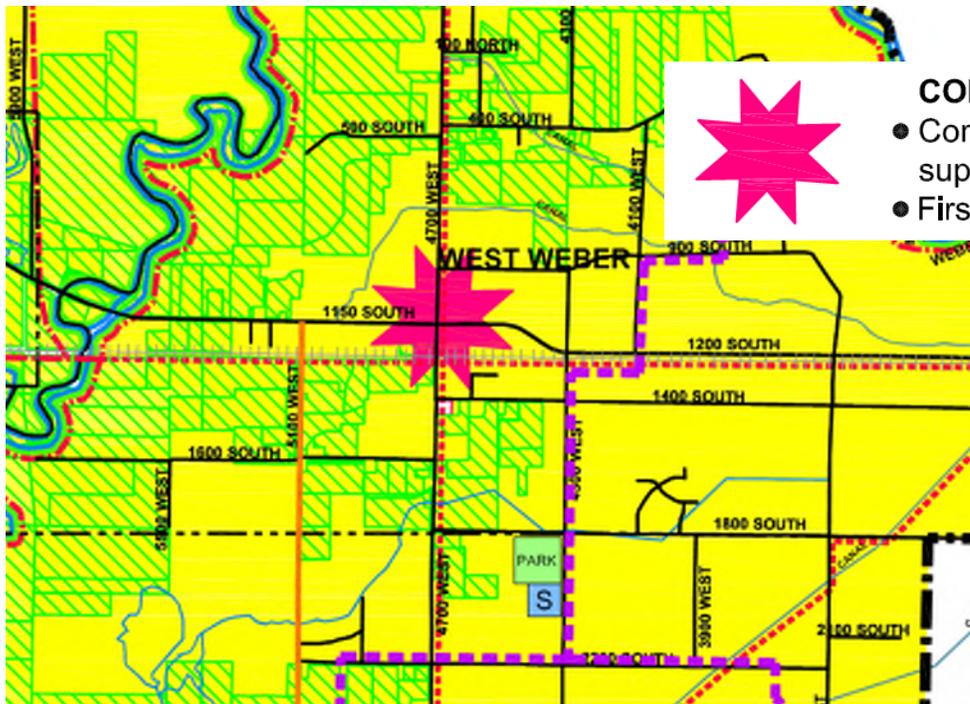
Zoning for this commercial node should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales; or create a new mixed-use zone designed to support small community center uses.

Policy: Commercial Development

Direct new commercial development to contiguous parcels at the intersection of 1200 South and 4700 West. To accommodate approximately 50,000 to 94,000 square feet of retail space, a maximum of 15 acres of commercial development is permitted.

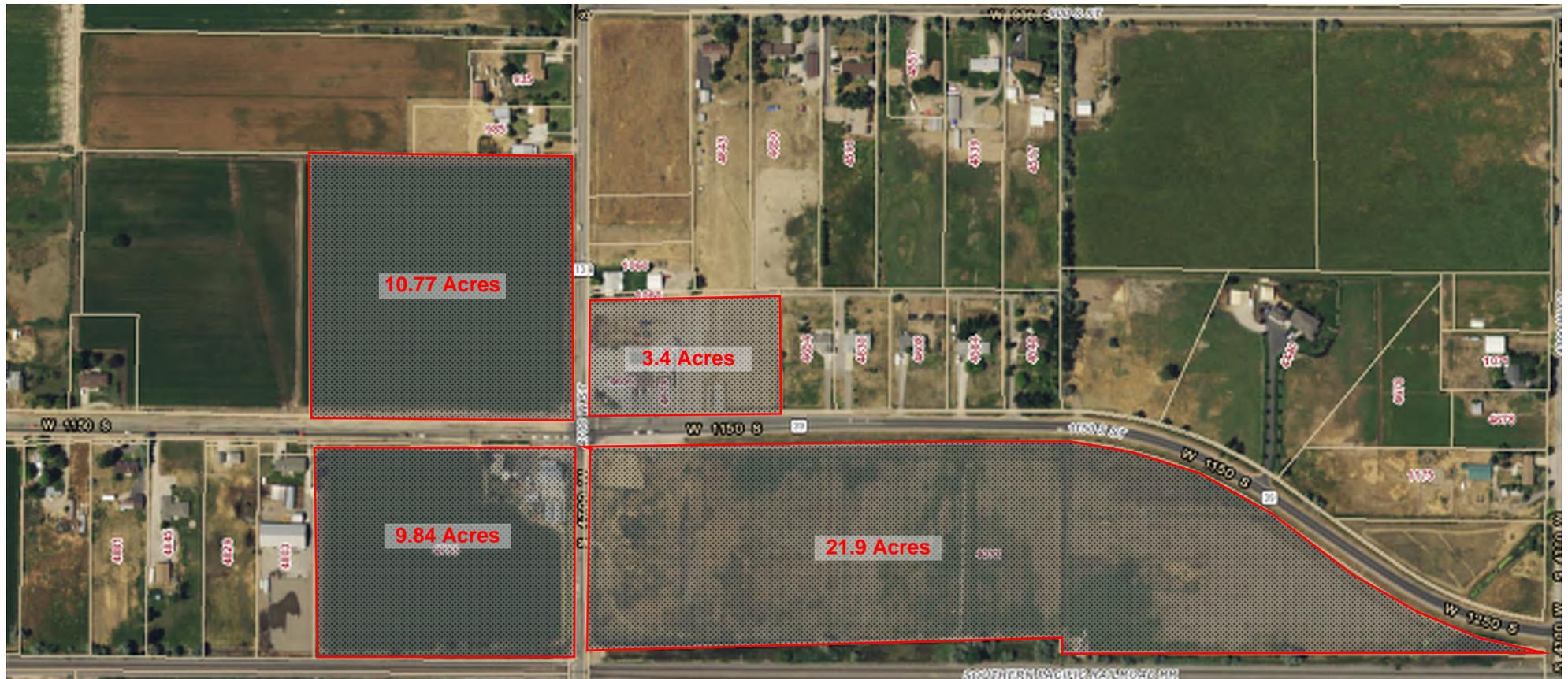
Implementation Action: As new commercial development is proposed, properties should be rezoned to C-1.

Implementation Action: Rezone the existing C-2 properties to C-1.

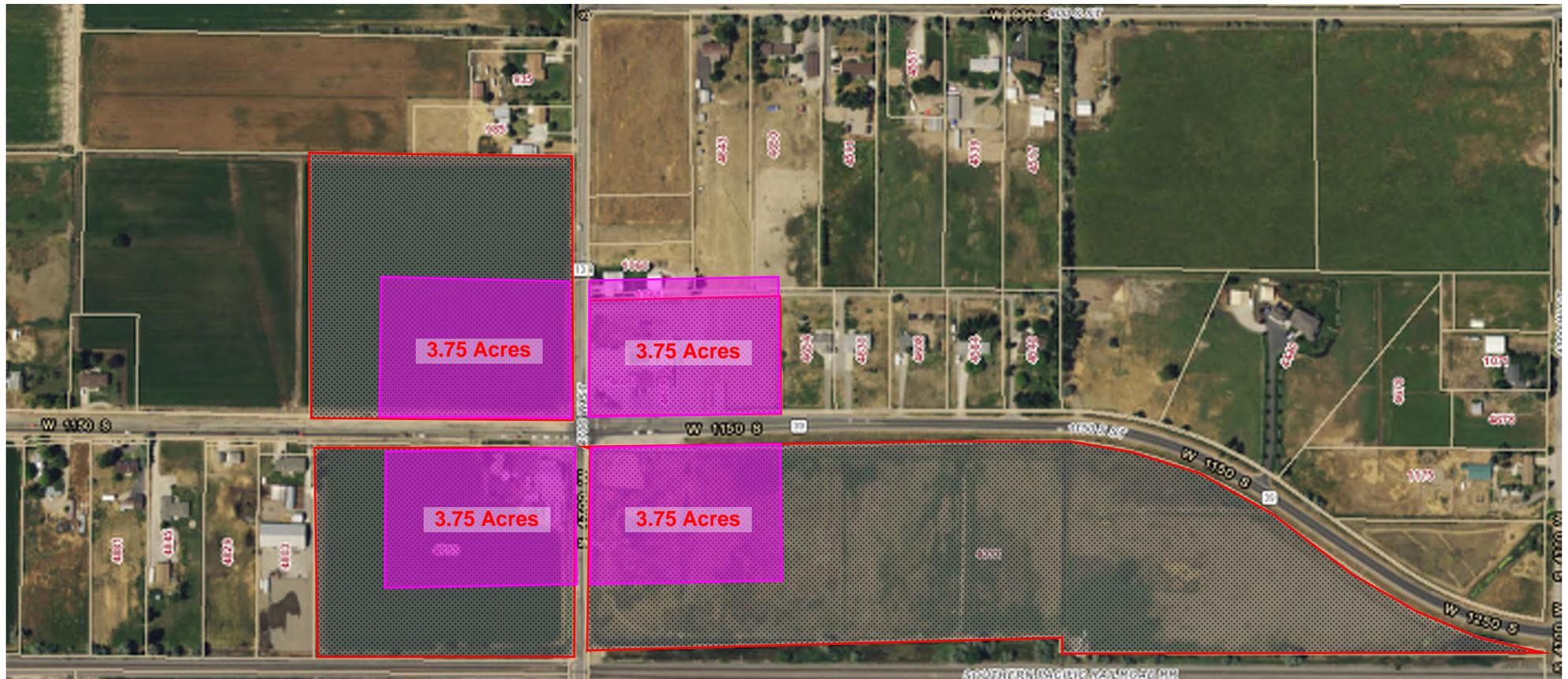


- COMMUNITY VILLAGE CENTER**
- Commercial node of 7 to 14 acres of supportable neighborhood services.
 - First response emergency service.

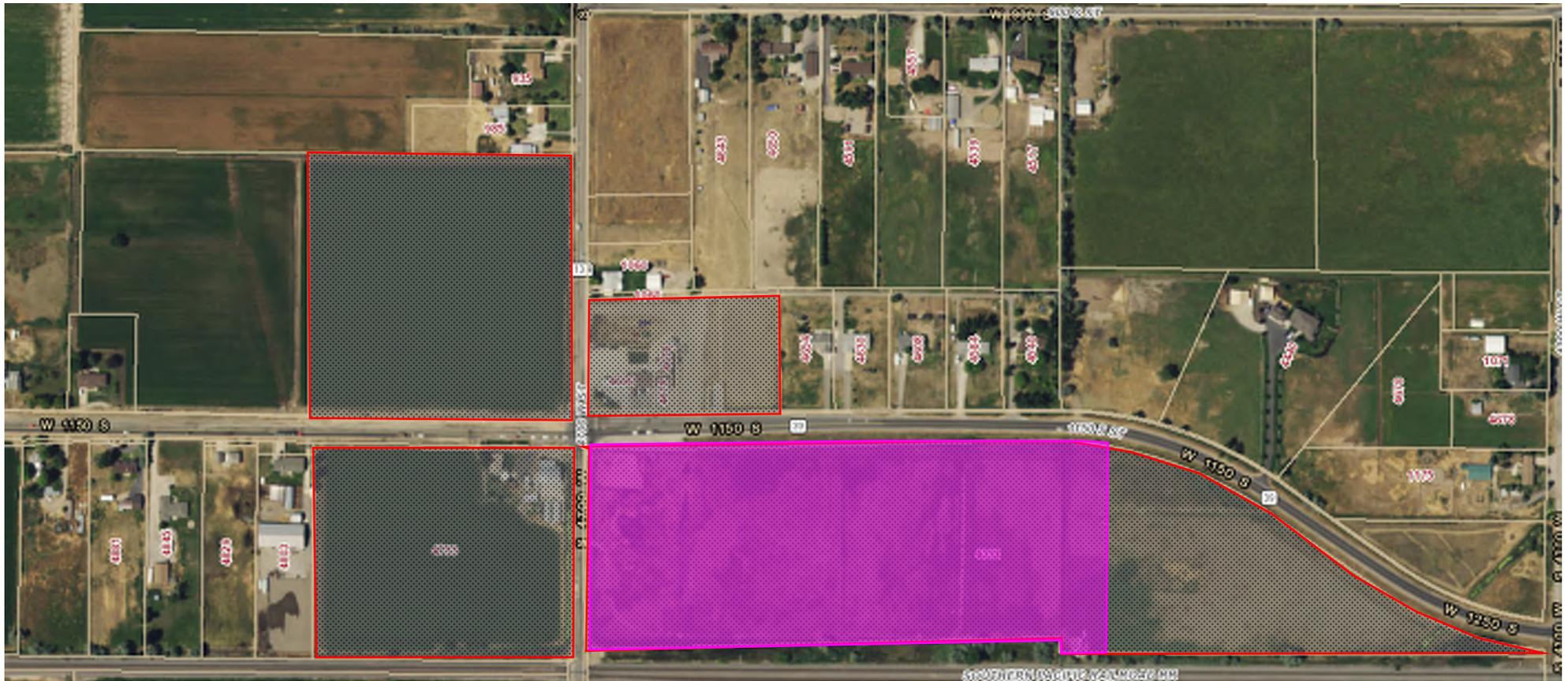
Area of Parcels at 47th and 12th Intersection



15 Acres Divided Evenly on Each Corner of 47th and 12th Intersection



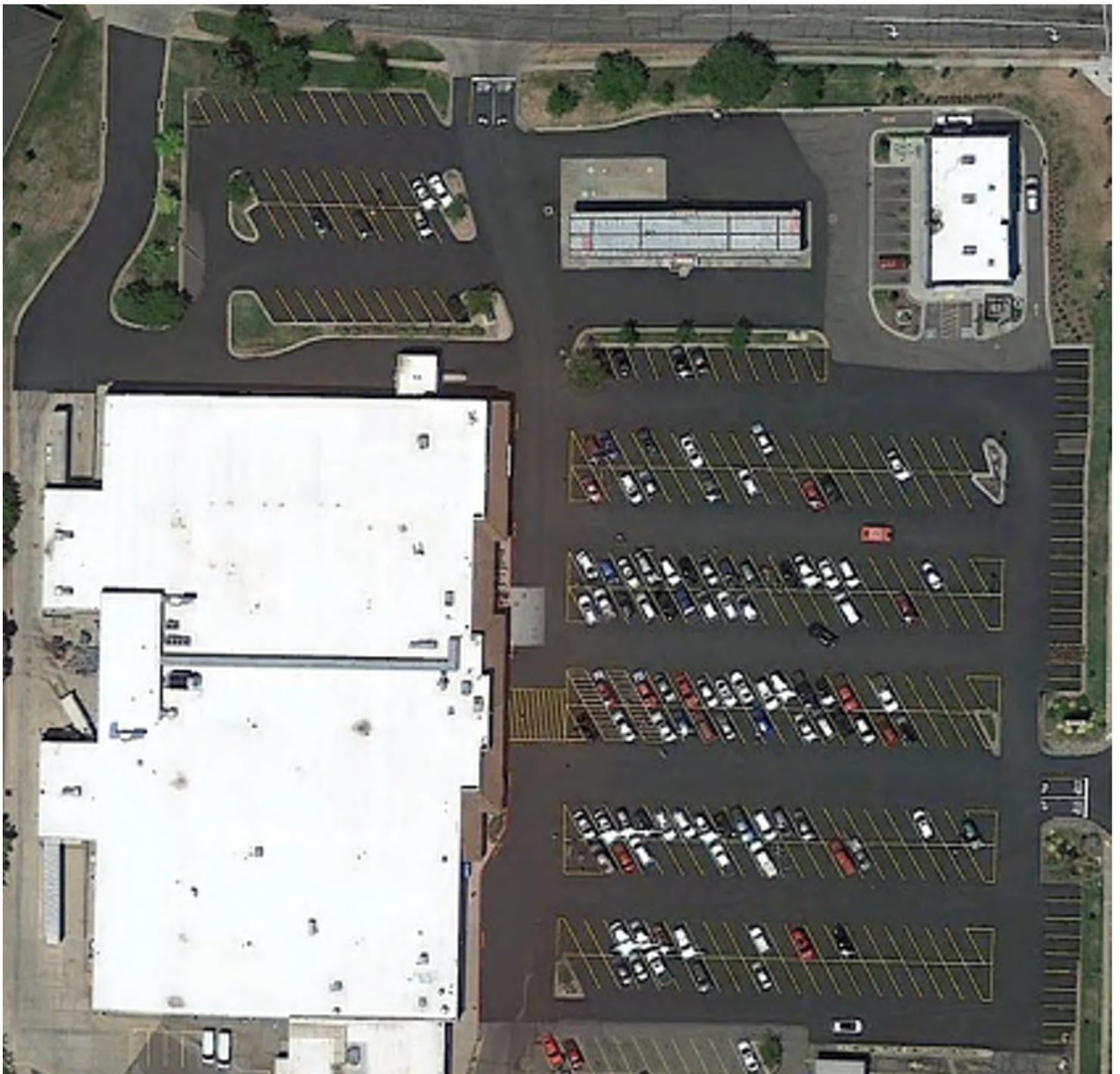
15 Contiguous Acres at the 47th and 12th Intersection





**Smiths Grocery at 12th and Harrison.
Approximately five acres with a 62,000 square foot grocery store, 4,400 square feet of other retail, and a gas canopy.**

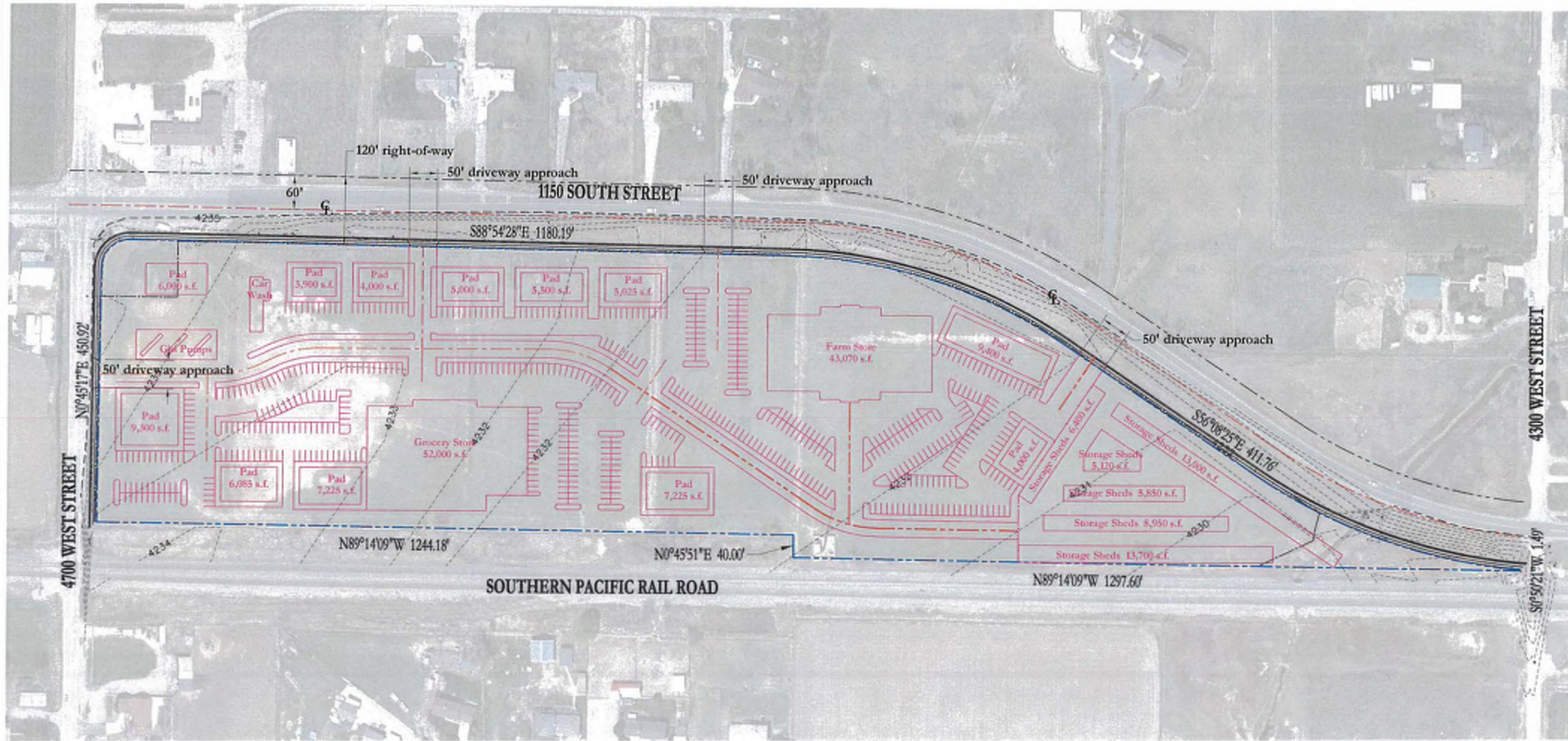
**Smiths Grocery at 36th and Harrison.
Approximately six acres with a 60,000 square foot grocery
store, 2,800 square feet of other retail, and a gas canopy.**



**Valley Market at HWY 162 and Wolf Creek (Eden).
Approximately two acres with a 20,000 square foot
grocery store, 500 square feet of other retail.**

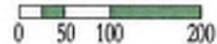
Nearest grocery store is 10.5 miles and 22 minutes away.





DEVELOPER
Pat Burns
801-710-2234

NOTE:
A cross access easement
between lots will be prepared
and recorded.



CIVIL ENGINEERING
CONSULTANTS, PLLC.
5141 SOUTH 1500 WEST
RIVERDALE, UT 84405
801.866.0550

NO.	DATE	BY	REVISIONS

DATE:
NOVEMBER 2017
DRAWN:
JLS
CHECKED:
NSN / RTF

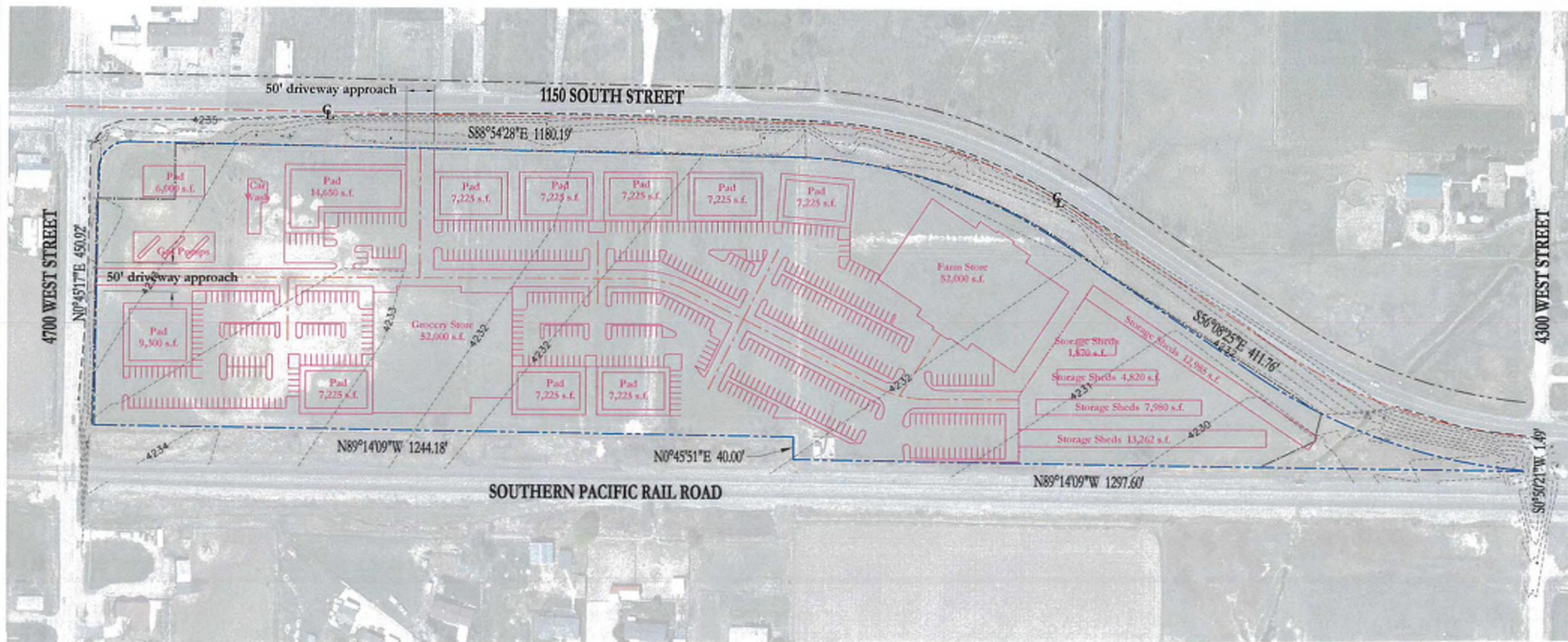
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COMMERCIAL SITE
APPROXIMATELY 4600 WEST 1150 SOUTH
WEBER COUNTY, UTAH
TITLE:
CONCEPTUAL PLAN A

CLIENT:
JUSTIN BARROW & PAT BURNS
PROJECT NUMBER:
JBPB.17002
FILE: ex_jbpb17002
C3D PRELIM
SHEET:
1 of 1

**PRELIMINARY
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CONSTRUCTION**



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CONSULTANTS, PLLC
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RIVERDALE, UT 84405
801.866.0550

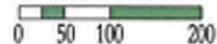


DEVELOPER

Pat Burns
801-710-2234

NOTE:

A cross access easement
between lots will be prepared
and recorded.



NO.	DATE	BY	REVISIONS

DATE:
NOVEMBER 2017

DRAWN:
JLS

CHECKED:
NSN / RTF

PROJECT / LOCATION:
COMMERCIAL SITE
APPROXIMATELY 4600 WEST 1150 SOUTH
WEBER COUNTY, UTAH
TITLE:
CONCEPTUAL PLAN B

CLIENT:
JUSTIN BARROW & PAT BURNS

PROJECT NUMBER:
JBPB.17002

FILE: ex_jbpb17002
C3D PRELIM

SHEET:
1 of 1

**PRELIMINARY
NOT FOR
CONSTRUCTION**



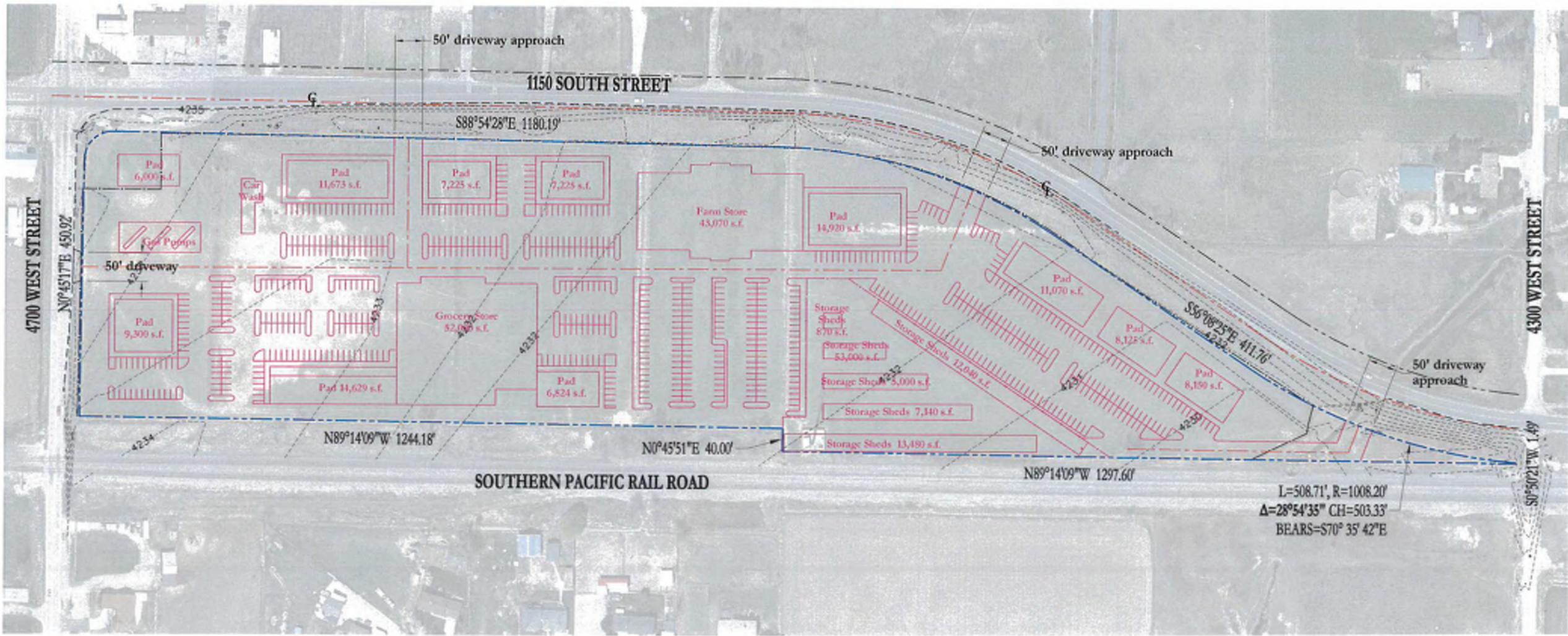
CIVIL ENGINEERING
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5141 SOUTH 1500 WEST
RIVERDALE, UT 84405
801.866.0550

NO.	DATE	BY	REVISIONS

DATE: NOVEMBER 2017
DRAWN: JLS
CHECKED: NSN / RTF

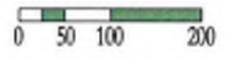
PROJECT / LOCATION:
COMMERCIAL SITE
APPROXIMATELY 4600 WEST 1150 SOUTH
WEBER COUNTY, UTAH
TITLE:
CONCEPTUAL PLAN C

CLIENT:
JUSTIN BARROW & PAT BURNS
PROJECT NUMBER:
JBPB.17002
FILE: ex_jbpb17002
C3D PRELIM
SHEET:
1 of 1



DEVELOPER
Pat Burns
801-710-2234

NOTE:
A cross access easement
between lots will be prepared
and recorded.



**PRELIMINARY
NOT FOR
CONSTRUCTION**

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 28, 2017
Subject: PRUD code amendment from administrative approval to legislative

Planning Commissioners,

In the Ogden Valley Planning Commission's last meeting they discussed the proposed amendment to the PRUD code that you discussed in your last meeting. They were less receptive to the proposed changes. Their primary issue was that there is too much "discretionary" flexibility in the PRUD ordinance to continue to allow it to be a matter for administrative approval.

Staff agrees with this concern. Attached you will find a rough proposal to amend the PRUD code to make it a legislative rezone rather than an administrative conditional use permit. This will give both the planning commission and the county commission wide discretion and control over the final outcome of a PRUD – or whether one exists at all. As is being proposed, a PRUD would require a PRUD overlay zone.

I would like to discuss the merits of this modification and any concerns the planning commission may have with it in a work session on January 9, 2018.



1 Title 102 – ADMINISTRATION

2 CHAPTER 1. - GENERAL PROVISIONS

3 ...

4 Sec. 102-1-5. - ~~Reserved. Hearing and publication notice for county commission.~~

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

10 ...

11 Title 104 - ZONES

12 ...

13 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

14 ...

15 Sec. 104-3-5. - Conditional uses.

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

18 ...

19 (3) Private park, playground or recreation grounds and buildings not open to the general public and
20 to which no admission is made but not including privately owned commercial amusement
21 business.

22 (4) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
23 ~~Land Use Code.~~

24 (5) Public utility substation.

25 ...

26 CHAPTER 5. - AGRICULTURAL ZONE A-1

27 ...

28 Sec. 104-5-6. - Conditional uses.

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

31 ...

32 (6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide
33 and insecticide products, tools for garden and lawn care and the growing and sale of sod.

34 (7) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

35 (8) Private park, playground or recreation grounds and buildings not open to the general public and
36 to which no admission charge is made, but not including private owned commercial amusement
37 business.

38 ...

39 **CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

40 ...

41 **Sec. 104-6-5. - Conditional uses.**

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

44 ...

45 (9) Petting zoo where accessed by a collector road as shown on the county road plan.

46 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
47 ~~Land Use Code.~~

48 (11) Private park, playground or recreation area not open to the general public and to which no
49 admission charge is made, but not including privately owned commercial business.

50 ...

51 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

52 ...

53 **Sec. 104-7-5. - Conditional uses.**

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

56 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

57 (13) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
58 ~~Land Use Code.~~

59 (14) Private park, playground or recreation area not open to the general public and to which no
60 admission charge is made, but not including privately owned commercial business.

61 ...

62 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

63 ...

64 **Sec. 104-8-5. - Conditional uses.**

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

67 ...

68 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

69 (15) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

70 (16) Private park, playground or recreation area not open to the general public and to which no
71 admission charge is made, but not including privately owned commercial amusement business.

72 ...

73 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

74 ...

75 **Sec. 104-9-3. - Conditional uses.**

76 The following uses shall be permitted only when authorized by a conditional use permit obtained as
77 provided in this Land Use Code:

78 ...

79 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the
80 Weber County Excavation Ordinance.

81 (7) ~~Reserved. Planned Residential Unit Development in accordance with this Land Use Code.~~

82 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
83 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

84 ...

85 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

86 ...

87 **Sec. 104-11-4. - Conditional uses.**

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

90 ...

91 (26) Travel agency.

92 (27) ~~Reserved. Planned residential unit development (PRUD) as part of a recreation resort complex~~
93 ~~subdivision, where part of a PRUD in a recreation resort complex.~~

94 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a
95 night watchman provided that an additional 3,000 square feet of landscaped area is provided for
96 the residential use.

97 ...

98 **CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

99 ...

100 **Sec. 104-12-3. - Conditional uses.**

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

103 (1) Educational/institutional identification sign.

104 (2) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
105 ~~Land Use Code.~~

106 (3) Private park, playground or recreation area, but not including privately owned commercial
107 amusement business.

108 ...

109 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

110 ...

111 **Sec. 104-13-3. - Conditional uses.**

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

114 ...

115 (7) Parking lot accessory to uses permitted in this zone.

116 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
117 ~~Land Use Code.~~

118 (9) Private park, playground or recreation area, but not including privately owned commercial
119 amusement business.

120 ...

121 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

122 ...

123 **Sec. 104-14-3. - Conditional uses.**

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

126 ...

127 (9) Parking lot accessory to uses permitted in this zone.

128 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of the~~
129 ~~Land Use Code.~~

130 (11) Private park, playground or recreation area, but not including privately owned commercial
131 amusement business.

132 ...

133 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

134 ...

135 **Sec. 104-15-3. - Conditional uses.**

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

138 ...

139 (2) Educational/institutional identification signs.

- 140 (3) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~
141 ~~Land Use Code.~~
- 142 (4) Private park, playground, or recreation area, but not including privately owned commercial
143 amusement business.

144 ...

145 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

146 ...

147 **Sec. 104-16-3. - Conditional uses.**

148 The following uses shall be permitted only when authorized by a conditional use permit as provided
149 in title 108 of this Land Use Code.

150 ...

- 151 (7) Nursing home.
- 152 (8) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 o this~~
153 ~~Land Use Code.~~
- 154 (9) Private park, playground, or recreation area, but not including privately owned commercial
155 amusement business.

156 ...

157 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

158 ...

159 **Sec. 104-17-3. - Conditional uses.**

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

162 ...

- 163 (7) Nightly rental.
- 164 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~
- 165 (9) Private park, playground and/or recreation area, but not including privately owned commercial
166 amusement business.

167 ...

168 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

169 ...

170 **Sec. 104-19-3. - Conditional uses.**

- 171 (a) Manufactured home subdivision in accordance with the site development standards prescribed by
172 the Weber County Subdivision Ordinance.
- 173 (b) ~~Reserved. Manufactured home PRUD in accordance with the site development standards and~~
174 ~~planned residential unit development chapter of this Land Use Code.~~
- 175 (c) Public utility substations.

176 ...

177 **CHAPTER 530. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE**^[c1]

Sec. 108-5-1. - Definitions.

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

Common open space means land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use and enjoyment of the residents of the PRUD

Common open space easement means a required right of use granted to the county by the owner of a planned residential unit development, on and over land in a planned residential unit development designated as common open space, which easement guarantees to the county that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open green space purposes in accordance with the plans and specifications approved by the planning commission and county commission at the time of approval of the PRUD or as such plans are amended from time to time with the approval of the county commission.

Planned residential unit development (PRUD) means a development in which the regulations of the zone, in which the development is situated, are waived to allow flexibility and initiative in site, building design and location in accordance with an approved plan and imposed general requirements.

Sec. 108-5-2. - Purpose and intent.

- (a) A planned residential unit development (PRUD) overlay zone is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility from traditional zoning of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.
- (b) A PRUD overlay zone approval should advance the purpose and intent of the underlying ~~Substantial compliance with the~~ zone. However, if a proposed PRUD offers material advancement of a goal or objective of an applicable general plan then concessions may be made, at the legislative discretion of the county commission. ~~Development of any PRUD shall adhere to the applicable regulations and other provisions of this chapter Land Use Code in requiring~~ and the county commission may apply any condition of approval reasonably necessary to promote ~~adequate standards related to the~~ public health, safety, and general welfare ~~shall be observed, without whilst being conscientious of~~ unduly inhibiting the advantages of large scale planning for residential and related purposes. However, when any provisions of an approved PRUD overlay zone conflicts with the provisions of the underlying zone the provisions of the PRUD overlay zone approval shall prevail.

Sec. 108-5-3. - ~~Permitted zones~~ Approval procedures and requirements.

- (a) ~~A planned residential unit development overlay zone may only be considered in the following zones: shall be permitted as a conditional use in all forest, agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter set forth shall be applicable if any conflict exists:~~
 - (1) Residential estates zones;
 - (2) Agricultural zones;
 - (3) Forest, forest residential, and forest valley zones;
 - (4) Single-family, two-family and three-family residential zones;
 - (5) Commercial valley resort recreation zone; and

(6) Residential manufactured home zone.

(b) Approval of a PRUD overlay zone shall follow the provisions and requirements as specified herein and the rezone provisions of Title 102, Chapter 5. A development agreement that clearly documents the County's roles and responsibilities to the developer and the developer's roles and responsibilities to the County shall be prepared and approved prior to the validity of any approved PRUD overlay zone. The development agreement shall, at a minimum, provide any other provision necessary to effectively execute the flexible provisions of this chapter, or any other provision as may be required by the County Commission or County Attorney's office.

Sec. 108-5-4. - Use requirements.

- (a) An overall development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common area and other open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.
- (b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.
- (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:
 - (1) That the area of landscaping area exceeds the approved landscape plan;
 - (2) That the number and quality of plants exceed the approved landscape plan;
 - (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and
 - (4) That all requirements of the Land Use Code have been met.

No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released.

- (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code.

Sec. 108-5-5. - Area and residential density regulations.

- (a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.

- (b) The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same zone in which the PRUD is located. Land used for schools, churches, other nonresidential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.
- (c) Notwithstanding section 108-5-5(b), [c2]the county may, at its discretion, allow for an increased number of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries:
- (1) In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a maximum bonus density of ten percent based on an accumulation of any combination of the following:
 - a. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.
 - b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.
 - c. If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.
 - d. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density may be granted.
 - (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:
 - a. If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.
 - b. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (c)(2).
 - c. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted.
 - d. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
 - e. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.

- f. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:
 - 1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;
 - 2. Identify and label, on the final plat, the lots set aside as affordable housing lots; and
 - 3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.
 - g. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:
 - 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.
 - 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
 - 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.
 - 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.
 - 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.
 - h. If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.
 - i. If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.
 - j. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
 - k. If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.
- (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. ~~Therefore, the planning commission shall~~ After recommendation from the planning commission the county commission, has legislative discretion to determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to

developable portions of the PRUD ~~and, when such a~~ determination justifies ~~such an~~ inclusion, ~~the planning commission shall allow~~ the transfer of units ~~may be allowed~~. ~~In making this determination, the planning~~ Among other considerations, the county commission's decision ~~shall should be guided by the following factors~~ give general preference to the following standards:

- (1) The physical relationship of the proposed common areas to the developable areas of the PRUD ~~shall be~~are such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
- (2) The lands ~~shall should~~ contribute to the actual quality, livability and aesthetics of the PRUD and ~~shall should~~ be physically integrated into the development design.
- (3) The lands ~~must be~~are suitable for and possess the capability for housing development.
- (4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones and 30 percent or more in all other zones ~~shall should be discouraged from being not be~~ classified as developable land and ~~shall should~~ not be considered when determining the number of allowable units in a proposed PRUD.

Sec. 108-5-6. - General requirements.

- (a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- (b) The property adjacent to the planned residential unit development shall not be detrimentally affected without the county imposing reasonable conditions or, in the absence of appropriate natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.
- (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- (d) The county commission may, at its discretion and after receiving a recommendation from the planning commission, consider and approve a plan that provides for ownership, preservation, maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows:
 - (1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures.
 - a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.
 - b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.
 - (2) *Ownership.*
 - a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium Ownership Act, or § 57-8a-101 et seq., the Community Association Act.
 - b. Other open space parcels, consisting of five acres or more, may be owned individually.

1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.
2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same PRUD.
3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:
 - i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and
 - ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.
 - iii. A notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

(3) *Preservation.*

- a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.
- b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).
- c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:
 1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;
 2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;
 3. Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and
 4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.
- e. The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

(4) *Guarantee of open space improvements.*

- a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to

the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.

b. The county shall require an applicant to deposit a financial guarantee for all open space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete all improvements according to the approved phasing component of an open space preservation plan.

(5) *Maintenance.* The open space parcel owner, whether an individual or an association, shall use, manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement executed under subsection (3).

Sec. 108-5-7. - Submission of application.

(a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(b) Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

Sec. 108-5-8. - Planning commission consideration.

In considering the proposed planned residential unit development, the planning commission shall consider:

- (1) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
- (2) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- (3) The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.
- (4) Lighting and the size, location, design, and quality of signs.
- (5) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
- (6) The demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

Sec. 108-5-9. - Planning commission action.

The planning commission, after considering applicable codes and any anticipated detrimental effects, may recommend an approval, recommend an approval with conditions, or recommend denial of the PRUD to the county commission.

Sec. 108-5-10. - County commission action.

The county commission, after holding a public meeting, may approve or disapprove the application for a PRUD. If approving an application, the county commission may attach conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county commission, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in which it is proposed.

Sec. 108-5-11. - Land use permit issuance.

The planning division shall not issue any land use permit for any proposed building, structure, or use within the project unless such building, structure, or use complies with the approved plans and any conditions imposed. Approved development plans shall be filed with the planning division, building inspector and county engineer.

Sec. 108-5-12. - Time limit.

Unless substantial action has been taken, leading toward completion of a PRUD or an approved phase thereof, within a period of 18 months from the date of approval, the approval shall expire unless an extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located. Reserved open space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project.

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Title 108 - STANDARDS

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CHAPTER 5. - RESERVED.^[c3] ~~PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)~~

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 29, 2017
Subject: General Plan Review and Training

Planning Commissioners,

If there is time at the end of our work sessions on January 9, 2018 I would like to continue our review and training regarding existing planning documents, their relationships, and their implementation status.

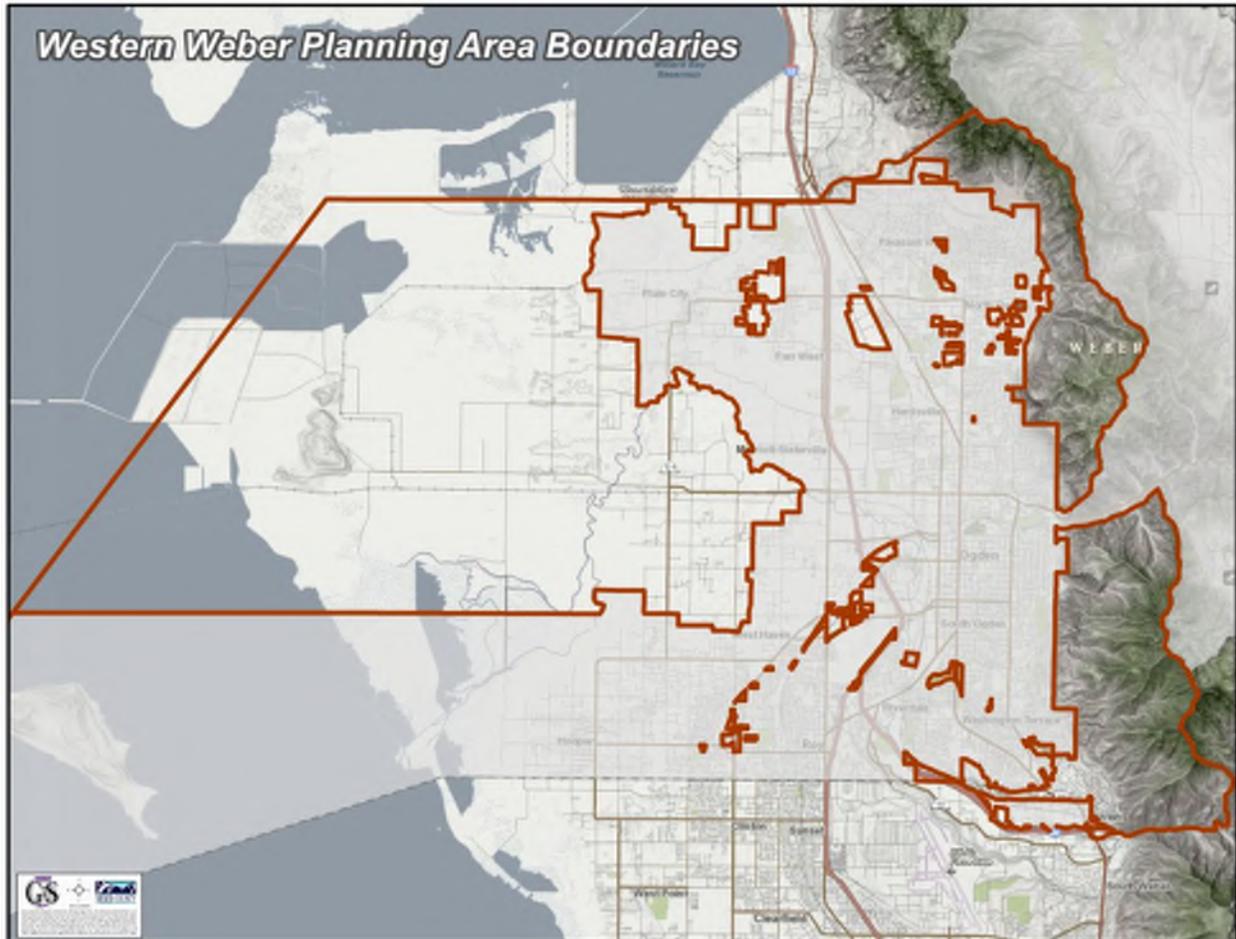
Please bring your copies of your general plan documents and see the attached. If are missing anything please email me and I will be sure I have another copy for you.
cewert@co.weber.ut.us.



Western Weber Planning Advisory Area

Analysis of current status of General Plan implementation
September 12, 2017

This outline offers a basic training guide and analysis of the general plan documents of the Western Weber Planning Advisory Area. It highlights basic concepts found in the plan elements and annotates complete and incomplete implementation strategies.



The plan documents outlined herein are:

- State Code
- West Central Weber County General Plan (2003)
- Weber County Housing Assessment and Plan 2012-2014
- Western Weber County Resource Management Plan (2017)
- South East Planning Area Master Plan (1970)

State Code §17-27a-4

§17-27a-401

- Requires the adoption of a general plan for present and future needs of the County, for growth and development of all or any part of the land within the unincorporated portions of the County, and as a basis for communicating and coordinating with the Federal Government on land and resource management issues.
- The general plan is **required to contain** a resource management plan.
- Offers specific requirements if a County is to offer location of a nuclear waste storage or transfer facility.

§17-27a-402

- Specifies the State's responsibility to assist the County in obtaining information.

§17-27a-403

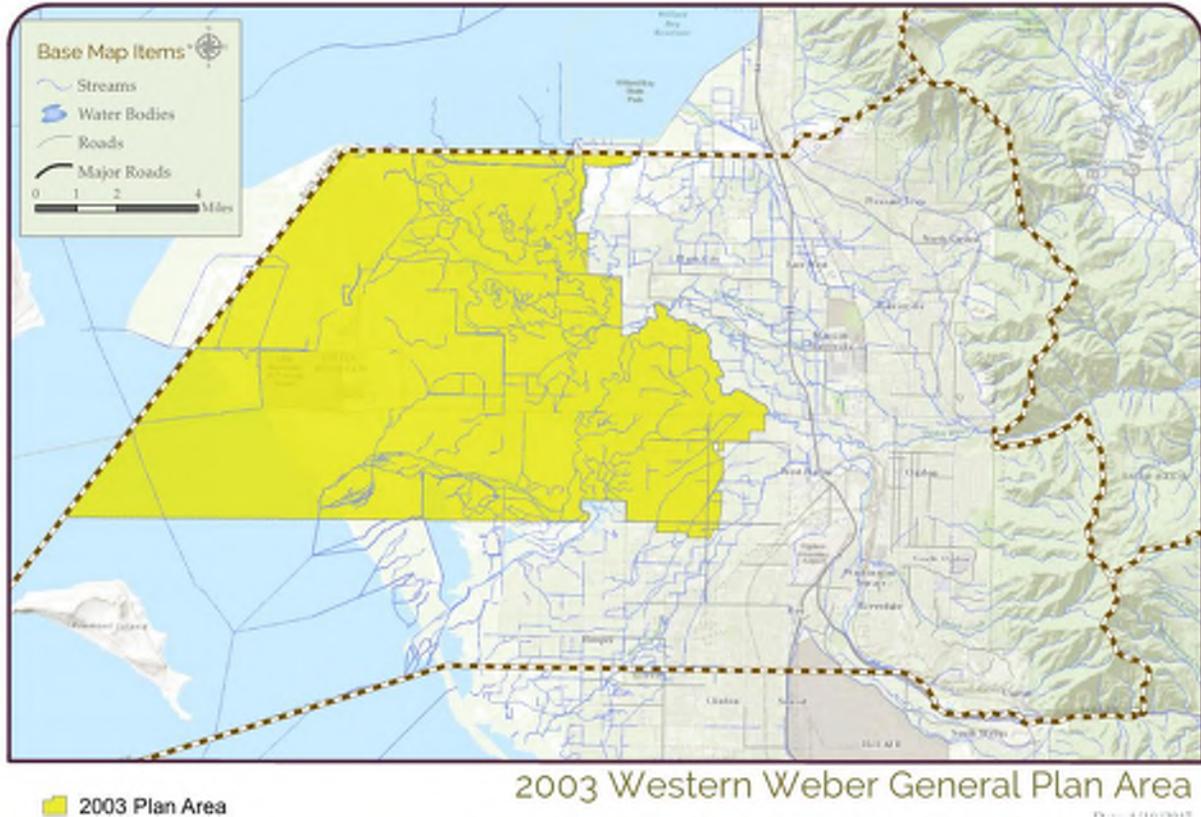
- *"The planning commission shall make and recommend to the legislative body a proposed general plan..."*
- If a County's plan only pertains to unincorporated areas (unless a municipality also adopts it).
- The general plan is **required to contain** the following elements:
 - Land use element
 - Transportation element
 - Moderate income housing element
- The general plan **may (but is not required to)** also address the following elements:
 - **Environmental element**, including the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.
 - **A public services and facilities element**, including sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services.
 - **A rehabilitation, redevelopment, and conservation element**, including historic preservation, elimination of blight, and redevelopment of land.
 - **An economic element** including review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity

§17-27a-404

- Specifies public hearing requirements for the adoption of the plan and the process for the County Commission to adopt the plan.

§17-27a-405 - §17-27a-409 Address the general effects of the general plan

West Central Weber County General Plan (2003)



Chapter 1, Introduction (p. 1-1)

- This section offers introductory information and general statistical data used to create the plan. It specifies details regarding the purpose of the plan, the public process, and issues identified during the public process. It also contains the plan's vision statement:

Vision (p. 1-6):

“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.”

- p. 1-6 – p. 1-8 offers detail about the breadth and importance of each part of the vision statement.

Chapter 2, Land Use Element (p. 2-1)

- p. 2-1 – p. 2-5: Offers a snapshot assessment of land uses as they existed in 2003.
- p. 2-5 – p. 2-6: Offers a review of zoning as it existed in 2003.
- p. 2-6: Compares 2003 and uses with 2003 zoning and concludes that they are generally consistent. However, it also concludes that there is not zoning in the planning area that offers protection of the areas “rural character” and is therefore inconsistent with the plans vision statement.
- p. 2-7 – p. 2-10 present two alternative growth scenarios that were presented to the public during the planning process.
- p. 2-11 – p. 2-18 synthesizes the public’s responses to the two alternative growth scenarios into one “*preferred future.*” In essence, this growth scenario documents that even though the public has a future vision based the preservation of their current “rural character,” there was little support for implementation of tools necessary to keep the community rural.
 - No support for downzoning (making minimum lot sizes larger).
 - Agricultural protection areas are not agricultural preservation areas – land owner can remove a protection area at any time of their choosing.
 - No support to direct growth into specific growth centers while allowing open spaces to exist in others.

“This presents a dichotomy of interests regarding density and lot sizes in the region. On one end of the spectrum land owners are seeking higher density for greater development opportunity. On the other end, many existing residents desire a continuation of 1 unit per acre, 1 unit per 2 acre, and 1 unit per 3 acre densities to maintain animal rights, and to keep separation between housing units. Some residents favor the option to cluster this density onto smaller lots to maintain some open space within developing areas. Others are less favorable of a cluster option, arguing that lots below one acre are too small for the desired character of the area. Public hearing comments also indicated a desire to see a continuation of agricultural landscapes, although many who enjoy the views of agriculture do not own or operate farmland, and do not rely on their land for a future retirement.” (p. 2-11)

- p. 2-11 – p. 2-12: This dichotomy led to ‘the big punt.’ The plan advocates for growth at the status quo unregulated growth patterns until a time where there are more dwelling units in the area. Base on 2020 projected growth, the plan set a “trigger” for a new plan to be initiated. That trigger is the creation 580 new homes.

Note: Since 2003, approximately 410 permits for new single family dwellings have been issued. The number of new subdivision lots approved or in process in 2017 alone equals 291 (not including the 316 Terakkee Village and Farms entitlements).

- P. 2-12 – p. 2-18: Land use element policy and implementation status:

Residential Land Uses – Policy or implementation strategy:	Status:
<p>Policy: When 580 building permits have been issued in the plan area, there is automatically “triggered” an update of the West Central Weber County General Plan. The “wait and see” approach is difficult to manage without a trigger to start the updated planning effort. The trigger allows residents and planning commissioners to re-look and reevaluate their direction, to make a change if desired, and to take into account new information as it becomes available.</p>	In progress.
<p>Policy: The existing one and two-acre zoning lends itself to a cluster subdivision pattern of development with preservation of open space...</p> <p>Implementation Action: Create an overlay in all A-1, A-2, and A-3 zones in the West Central Weber County area. The intent is to encourage clustering, which is further explained in the following example on a 20 acre parcel.</p>	<p>Complete.</p> <p>The new cluster subdivision ordinance generally implements this strategy. Although the plan advocates for more cluster density.</p>
<p>Policy: Managed Open Space (part 1)</p> <ul style="list-style-type: none"> • Agricultural conservation • Homeowner’s association. • Dedication to County 	<p>Complete.</p> <p>The new cluster subdivision ordinance generally implements this strategy.</p>
<p>Policy: Managed Open Space (part 2)</p> <p>An optional consideration is provided, in which a retained open space parcel no smaller than 20 acres may be sold as a single family residence, thus creating an “estate”. In this case the single-family owner is responsible for management and maintenance of the 20 acre or larger parcel, may use it for agricultural or other open space uses, but may never develop it further due to the conservation easement. This provides an opportunity for the farmer/rancher/dairyman to either live on the property (20 acres or larger) or sell the estate to another individual.</p>	Not implemented.

Commercial Land Use – Policy or implementation strategy:	Status:
<p>Policy: Commercial Development Direct new commercial development to contiguous parcels at the intersection of 1200 South and 4700 West. To accommodate approximately 50,000 to 94,000 square feet of retail space, a maximum of 15 acres of commercial development is permitted.</p> <p>Implementation Action: As new commercial development is proposed, properties should be rezoned to C-1.</p> <p>Implementation Action: Rezone the existing C-2 properties to C-1.</p>	<p>Not implemented.</p> <p>Land owners in the area have commercial options. Some are scoping possibilities at this time.</p>

Manufacturing Land Use – Policy or implementation strategy:	Status:
<p>Policy: Industrial Development</p> <p>Any new industrial uses should be directed to existing planned and zoned industrial areas. Industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored.</p> <p>Implementation Action: Eliminate permitted single-family residential uses in all manufacturing zones in this area to reduce potential conflicts between residential and agricultural uses, and manufacturing uses. If this is not consistent throughout Weber County, it may require new zones or an amendment that specifically states it applies to the West Central Weber County area.</p> <p>Implementation Action: Rezone approximately 20 acres along the Union Pacific Railroad, which is not contiguous to the existing major manufacturing zone, currently zoned M-1 to A-2 or A-3. This eliminates an isolated manufacturing parcel that is surrounded by property zoned A-2 or A-3.</p> <p>Implementation Action: Improve access to the existing industrial area by improving 1200 South Street or developing an additional access road.</p>	<p>Not implemented.</p> <p>Unknown.</p> <p>Completed with the 12th street rebuild.</p>

Agricultural Land Use – Policy or implementation strategy:	Status:
<p>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.</p>	<p>Ongoing:</p> <ul style="list-style-type: none"> • Agritourism ordinance • Agricultural open space via cluster subdivision
<p>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.</p>	<p>Not implemented.</p>

Trails – Policy or implementation strategy:	Status:
<p>Policy: Off-street Bicycle and Pedestrian Paths</p> <p>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.</p> <p>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.</p>	<p>Complete and ongoing.</p> <ul style="list-style-type: none"> • Weber pathways cooperative plan • Impact fees for specific trails • New expanded trail plan in the CRMP • Ongoing partnership with UDOT to identify trail opportunities. • Organization and ongoing coordination of the Weber Active Transportation Committee.
<p>Policy: Equestrian Trails</p> <p>The rural quality of the area and the abundance of horses used for leisure activity indicates that equestrian trails are highly desired and will be used. The loop system shown on the plan should be implemented with developed trailheads.</p> <p>Implementation Action: Work with Weber Pathways Committee, local equestrian interests, property owners, and others affected to secure</p>	<p>Not implemented.</p>

funding for development of equestrian trails and trailhead facilities.

Policy: Trails Development on Private Property

Trails development shall not occur on private property unless the consent of the owner is received.

Ongoing.

Policy: Trails Development on Canal Rights-of-Way

Canals are routinely identified as trail corridors throughout Utah and the West, and are appropriate locations for trails in West Central Weber County.

Ongoing coordination between County and Weber Pathways.

Implementation Action: The Weber Pathways organization is the leading grass-roots organization promoting the development of trails in Weber County. Weber Pathways should take the lead in securing access rights to canal rights-of-way for use as pedestrian, bicycle, and equestrian trails.

Wildlife/waterfowl management areas – Policy or implementation strategy:

Status:

The existing wildlife and waterfowl management areas are zoned S-1 and remain unchanged.

Complete.

Schools – Policy or implementation strategy:

Status:

Schools Policy: As development occurs in the West Central Weber County area, new schools will be needed and should be planned.

Ongoing.

Implementation Action: Work with Weber School District to identify additional future locations for schools, as growth in the area demands.

Parks – Policy or implementation strategy:

Status:

Parks Policy: 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.

Ongoing.

Implementation Policy: Work with Weber School District to locate additional public parks adjacent to schools, and negotiate joint management and maintenance agreements for shared facilities.

- New parks district as recently voted by public.

- Following p. 2-18 are the following maps
 - Existing Land Use Map, which shows land uses as they were in 2003.
 - Prime Agriculture and Agricultural Protection Map, which shows the agricultural land as it was in 2003
 - Existing Zoning Map, which shows zoning as it was in 2003.
 - Proposed Land Use Map, which shows the land uses that this plan should implement.

Chapter 3, Transportation Element (p. 3-1)

- p. 3-1: Offers an assessment of transportation systems as they existed in 2003.
- p. 3-1 – p. 3-2: projects transportation needs and identifies essential transportation projects based on Wasatch Front Regional Council’s Regional Transportation Plan (RTP).
- p. 3-2: Applies the transportation projections to the alternative growth scenarios mentioned in the land use element. I found that there was no significant difference in transportation needs between the two.
- p. 3-3 – p. 3-5: Transportation element policy and implementation status:

Transportation – Policy or implementation strategy:	Status:
<p>Policy: Road Improvements 1200 South</p> <p>Turn lanes at major intersections as well as wider shoulders on 1200 South will improve overall safety on the road, and should help to alleviate issues related to slow-moving vehicles such as tractors. Included within an improved cross-section for 1200 South is a multi-purpose trail.</p> <p>Implementation Action: Weber County should begin preserving right-of-way and requiring sufficient setbacks along this transportation facility to accommodate future expansion of these facilities.</p>	<p>Partially complete.</p> <p>12th Street under construction. Transportation studies only justify three lanes on 12th street at this time, not five.</p> <p>§108-7-10 requires increased setback to preserve ROW corridor.</p> <p>The plan also calls for a multiuse trail parallel to 12th street, which has not been implemented.</p>
<p>Policy: Road Improvements 4700 West</p> <p>While traffic capacity on this road is not of concern, safety is. The addition of turn lanes at major intersections and shoulders would help to alleviate safety concerns in the corridor.</p> <p>Implementation Action: Weber County should begin preserving right-of-way and requiring sufficient setbacks along this transportation facility to accommodate future expansion of these facilities.</p>	<p>Complete.</p> <p>4700 West is not a County right-of-way. The County has limited control.</p> <p>§108-7-10 requires increased setback to preserve ROW corridor.</p>
<p>Policy: Commercial Development Road Improvements</p> <p>With commercial development planned at the intersection of 1200 South and 4700 West, driveway spacing and possible shared access should be examined during the development approval process.</p> <p>Implementation Action: As commercial development is proposed, require access control actions such as shared driveways, master planned commercial development, and other means to reduce the number of access points onto 1200 South and 4700 West.</p>	<p>In progress.</p> <p>This will be completed as commercial development occurs in the area.</p>
<p>Policy: Transportation and Residential Development</p> <p>As West Central Weber County begins to see increasing residential</p>	<p>Complete.</p> <p>This is implemented in the</p>

development, impacts of that development should be carefully examined.

Although the population increase in the area is not expected to impact traffic congestion in the area, the impacts of development on internal circulation and access issues on major roads are potential issues. Driveway spacing, increased turn movements, and safety concerns such as turn lanes and shoulders are in important part of the future of the West Weber County area.

design standards, conditional use permit standards, and subdivision review standards.

Implementation Action: As part of the development review and approval process, take into consideration impacts to roadways caused by access to new residential development areas.

Policy: Alternative North/South Roadway Corridors

North/south corridors shall be improved including 4700 West, 5100 West, and 3500 West south of 1200 South. Weber County has been preserving approximately 100 feet of right-of-way along 4700 West with plans to upgrade that facility to a four or five lane arterial. A similar approach is needed for 5100 West and 3500 West.

In progress.

3500 West complete.

Policy: Alternative Road to Industrial Area

The County should identify and preserve a 66-foot right-of-way to accommodate a three-lane facility in the southern part of the study area.

Options for this alignment include the 2550 South alignment, tying into the existing 2100 South interchange on I15, 2100 South coming out of West Haven, or some other acceptable alignment. Coordinate with West Haven and UDOT.

In progress.

2550 reconstruction being planned at this time.

Policy: Transportation Impact Fees

As development pressures increase, Weber County should consider implementing an impact fee program to assist in minimizing the impacts of development, and as a growth management tool, allowing the County to better define areas where development will be encouraged and discouraged.

Complete.

This was completed in 2005.

Implementation Action: Complete an impact fee feasibility study for new roads and other public infrastructure (water, sewer, parks), which are needed because of new development.

Due to state code changes, a new Impact Fee Analysis and Impact Fee Facilities Plan is necessary, and is currently in the works.

Implementation Action: Weber County should pursue the use of transportation impact fees to fund development related infrastructure. The County should consider preparing a capital facilities plan in preparation for the use of impact fees.

- Following p. 3-5 is the following map:
 - Transportation Map, which shows the planned road improvements as of 2003.

Chapter 4, Sensitive Lands Element (p. 4-1)

- p. 4-1 – p. 4-4: Provides a brief analysis of slopes, soils, wetlands, stream and river corridors, flood plains, and liquefaction hazards.
- p. 4-3 – p. 4-4: Sensitive lands element policy and implementation status:

Sensitive Lands – Policy or implementation strategy:	Status:
<p>Policy: Sensitive Area Management Planning</p> <p>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.</p> <p>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.</p>	<p>Not implemented</p> <p>Coordination with the Army Corps is required during the development review process.</p>
<p>Policy: Weber River Floodplain Setback</p> <p>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.</p> <p>Implementation Action: Require a 100 foot setback from the high water line on either side of the river, as determined by the County Engineer.</p>	<p>Not implemented</p> <p>Through the CRMP process the Planning Commission desired to not specify this setback as it makes lands undevelopable.</p>

- Following p. 4-4 are the following maps:
 - Slope Analysis Map, Showing the slopes of the area.
 - General Soils Map, showing soil formations.
 - Hydric Soils Map, showing very wet soils.
 - Priority Streams and Flood Plain Map.

Chapter 5, Possible Implementation Tools (p. 5-1)

- p. 5-1 – p. 5-10: these pages offer the following possible implementation strategies and tools:

Possible implementation strategies and tools:	Status:
Open Space Design Standards (Cluster Subdivisions)	Adopted generally in cluster subdivision code.
Sensitive Land Overlays	Not implemented. New geologic hazards ordinance addresses liquefaction for critical service facilities only.
Fee Simple Title (Out-right Purchase)	Not implemented. Staff continue to be on the lookout for opportunities.
Purchase and Sellback or Leaseback	Not implemented.
Conservation Easements (Through Donated Development Rights, Purchased Development Rights or Transfer of Development Rights)	Implemented in part through cluster subdivision code. Bigger program not implemented.
Transfer of Development Rights (TDR)	Not implemented.
Land Banking	Not implemented.
United States Department of Agriculture Programs	Not intended to be implemented by County.

**Weber County Housing Assessment and Plan 2012-2014
(Moderate Income House Element)**

Note: The housing assessment and plan was a cooperative plan from multiple participating jurisdictions and consequently takes a more macro approach to housing in the County. This outline will only cover those sections specific to unincorporated Weber County – and will emphasize the Western Weber planning area over Ogden Valley planning area. To get a more thorough sense as to why the objectives for the unincorporated area are what they are a more thorough review of the entire plan may be necessary. The entire plan can be found here: <http://www.webercountyutah.gov/planning/plans.php>.

Section 1, Executive Summary (p. 3 – p. 14). The executive summary comprehensively addresses the details of the plan. On page 12 it emphasizes the follow key findings/goals:

Goal 1: *Seek to maintain the quality of existing single-family housing stock and affordable homeownership opportunities, by facilitating the mix of new construction and in-fill in keeping with neighborhood design standards and community sustainability.*

Goal 2: *Seek to maintain the overall quality of existing multi-family housing stock and affordable rental housing opportunities, by facilitating the mix of new construction and in-fill in keeping with neighborhood design standards and community sustainability.*

Goal 3: *Seek to update and/or put in place the necessary tools enabling the community to track the: 1) mix of existing housing stock, 2) the condition of existing housing stock, 3) delivery of existing housing education made available to the public, 4) the availability of local resources enabling single- and multi- family rehabilitation and/or new construction which facilitates access and affordability for special needs populations.*

Goal 4: *Seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.*

Section 2, Demographics, Economic and Housing Study Element (p. 15)

- **p. 15 – p. 21: Offers a comparative analysis of demographic trends, primarily based on US Census data between 2000 and 2010, including population changes and shifts within the county, household changes, age, household sizes, and minority ratios. Key points for the unincorporated County area (Ogden Valley not separated from Western Weber):**
 - 1.6 percent population increase.
 - 10.7 percent household increase.
 - 11.4 percent population over 65 years.
 - 27 percent under 19 years.
 - Average household size of 3.08 people.

- 7.3 percent minority population
- **P. 22 – p. 41: Offers an in depth analysis of economic and employment trends as they primarily relate to housing choices throughout the County. Key points for the unincorporated County area (Ogden Valley not separated from Western Weber):**
 - There is very little distribution of affordable housing in the unincorporated area.
 - There was an additional 1,315 dwelling units added in the unincorporated areas between 2000 and 2010.
 - 10.7 percent increase in owner occupied dwelling units.
 - 40.6 percent change in renter occupied dwelling units.
 - 60.6 percent reduction for single-family home sales price and 63.9 percent reduction in condominium sales prices.
 - The unincorporated areas of the county need to add 145 “extremely low income” housing units, 265 “very low income” housing units, and 344 “low income” housing units in order to offer fair housing market opportunities across these incomes within the area.
- **p. 42 – p. 52: Offers economic, housing and demographic trends specific to Unincorporated Weber County (Ogden Valley not separated from Western Weber). Key points are:**
 - Since 2004 unincorporated Weber County has issued 693 permits for single-family homes, 102 condominiums, 6 apartments and 10 cabins.
 - New home construction has fallen from a high of 257 units in 2005 to 20 units in 2011, a decline of 92 percent.
 - Of the 325 homes sold between 2005 and 2011 about 16 percent of all homes sold were affordable to the moderate income household.
 - 54 were affordable to households at 80 percent AMI.
 - Seven were affordable for low income households (2.2 percent).
 - Of the 112 condominiums sold between 2005 and 2011 about 50 percent were affordable to moderate income households
 - 19 percent were affordable to low income households.
 - ***Without condominiums as a housing alternative housing affordability in unincorporated Weber County is reduced.***
 - From 2005 to 2011, housing prices in unincorporated Weber County have fallen from above \$300,000 to \$258,000.
 - Short sales account for about 11 percent of all home sales in the past between 2007 and 2011 (pushing median sales price down).
 - Maps 3-6 (p. 49 – p. 52) show the distribution of affordable single-family housing and rental housing in unincorporated Weber County as well as minority owner and renter occupied units. Minorities own 109 homes and rent 27 rental units. These maps have specific data for Western Weber planning area.

Section 3, Community Assessment and Plan (p. 134)

- p. 134 – p. 141: Offers discussion and finding points related to the following subjects: neighborhood stabilization, housing education opportunities, multi-family development and

housing opportunities, housing for persons with special needs, homeless and domestic violence victims, housing for the disabled, elderly housing, persons being released from incarceration, youth aging out of foster care, and implementation of new housing-based policies and ordinances. Perhaps the most relevant to the unincorporated areas statement is:

Weber County and participating jurisdictions recognize that while there appears to be an ample supply of affordable housing stock at this time in most areas, that the need for the creation of new diversified housing opportunities in strategic locations will still be needed to serve moderate-, low- and very-low income households as the community continues to grow.

- p. 141 – p. 144: Outlines the housing plan, goals, and objectives generally applicable to the entire County. They are as follows:

County-Wide Goals, Objectives, and Policies:	Status:
<p>Goal 1: Single Family – Seek to make the improvement and maintenance of existing single family housing stock a priority; while facilitating new in-fill construction in keeping with neighborhood design standards and community sustainability.</p>	<p>NA. Applicable for urban jurisdictions.</p>
<p>Objective 1.1: Determine the current mix and condition of 1-4 unit owner and non-owner occupied single family housing types located within each participating jurisdiction.</p>	<p>Weber County supports the Housing Authority.</p>
<p>Policy 1.1.1: Within one year of plan adoption, accurately inventory and map in-fill lots and 1-4 unit owner and non-owner occupied single family housing stock by type, price, square footage and condition into a usable data base to determine target housing type(s) for programmatic focus in all participating jurisdictions.</p>	<p>Geogizmo offers most of these mapping capabilities. Weber County supports the Housing Authority.</p>
<p>Policy 1.1.2: Review and adopt design standards, explore financial and technical assistance resources and partnerships to leverage for renovation or build out of new housing of the target type(s) while promoting housing choice and maintaining affordability.</p>	
<p>Goal 2: Multi-Family – Seek to maintain the overall quality of existing multi-family housing stock and affordable rental housing opportunities, by facilitating the mix of new construction and in-fill in keeping with neighborhood design standards and community sustainability.</p>	<p>This goal is partial executed with the adoption of the new cluster subdivision code.</p>
<p>Objective 2.1: Within one year of plan adoption accurately inventory and map in-fill lots and multi-family housing stock by type, rental rate, square footage and condition into a usable data base to determine target housing type(s) for programmatic focus in all participating jurisdictions.</p>	<p>NA Weber County supports the Housing Authority.</p>

Policy 2.1.1: Encourage enactment of a program like or similar in scope to the Good Landlord Program and review city ordinances to assure the ability to enforce maintenance of these facilities as a long term community asset in participating jurisdictions.	Not implemented.
Objective 2.2: Preserve and maintain existing multi-family properties, promote in-fill and new site development in keeping with local market demand, neighborhood design standards and community sustainability.	Ongoing.
Goal 3: Tools – Participating jurisdictions will take action to implement on the following coordinated research and planning tools, including: land use mapping, form based ordinance assessments, housing stock inventory and condition, rehab and in-fill design standards, consideration of future ‘visitability’ policies related to subsidized housing, creation of a bilingual housing resource and referral marketing materials, upgrading the WHA web-site and setting up municipal web-sites linkages to ease access to information by the general public.	Land use mapping is ongoing. Form based codes have not been implemented. Weber County supports the Housing Authority.
Goal 4: Monitoring – Participating jurisdictions will continue to monitor market data for all housing sectors, regulatory barriers and RDA project proposal priorities every two years and update the moderate income housing plan as needed for state reporting compliance.	Weber County supports the Housing Authority.

- p. 145 – p. 149: Offers an overview of federal, state, and local resources, including private and nonprofit partners that could be useful to help implement the plan’s goals, objectives, and implementation strategies.
- p. 152: Offers Unincorporated Weber County’s Individual Plan for West Central Weber County. The goals and implementation strategies for West Central Weber are as follows:

West Central Weber Goals and Implementation Strategies:	Status:
Goal 1: Maintain the quality of existing single family housing stock and affordable homeownership opportunities.	Ongoing.
Implementation Strategies: facilitate a mix of new construction in keeping with neighborhood design standards and community sustainability; support the Weber Housing Authority in re-establishing an emergency home repair program to assist in housing maintenance for moderate to low income home owners.	Incomplete and/or ongoing. Subdivision and cluster codes offer neighborhood design standards. Cluster code offers smaller lot sizes conducive to smaller home styles.

<p>Goal 2: Maintain the quality of existing multi-family housing stock and affordable rental housing opportunities.</p>	<p>Ongoing.</p>
<p>Implementation Strategies: facilitate a mix of new construction in keeping with neighborhood design standards and community sustainability; encourage the development of urban housing development in nodes; develop cluster and node ordinances that will allow for mixed type of housing choices in compact areas consistent with the General Plan locations to preserve the remaining agricultural lands and open spaces and develop and adopt design standards for the nodes and mixed use communities.</p>	<p>Partially completed with new cluster subdivision code – including increased density in exchange for affordable housing. PRUD code allows mixed use development.</p> <p>Higher density “nodes” are not supported by the West Central Weber General Plan.</p>
<p>Goal 3: Provide housing choices in neighborhoods that will allow residents to live in the same neighborhood for their entire life-cycle.</p>	<p>Ongoing.</p>
<p>Implementation Strategies: support the Weber Housing Authority’s role in developing mixed use housing projects resulting in additional housing opportunities; where mixed use development occurs provide a variety of housing types and investigate the potential for adding accessory dwelling units as an allowed use in the zoning ordinance.</p>	<p>Not implemented – or implemented only by PRUD.</p> <p>Weber County supports the Housing Authority.</p>
<p>Goal 4: Update and or put in place the necessary tools enabling the community to track the:</p> <p>1) mix of existing housing stock, 2) the condition of existing housing stock, 3) delivery of existing housing education made available to the public, 4) the availability of local resources enabling single and multi – family rehabilitation and or new construction which facilitates access and affordability for special needs populations.</p>	<p>Ongoing.</p> <p>Weber County supports the Housing Authority.</p>
<p>Implementation Strategies: maintain land use inventory maps and analysis to track land use and housing and the transitioning of various land uses; establish a mechanism to track housing condition of the existing housing stock, including multifamily and single family residences and conduct a survey of how other communities are tracking their housing stock in order to determine the most efficient and effective way to track housing stock and condition in unincorporated Weber County.</p>	<p>Generally offered through ongoing land use and development.</p> <p>Weber County supports the Housing Authority.</p>
<p>Goal 5: Seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.</p>	<p>Not implemented.</p>
<p>Implementation Strategy: conduct a housing barriers analysis as part of the two year update of the moderate income housing plan. Coordinate this effort with the Weber Housing Authority.</p>	<p>Not implemented.</p>

- p. 154 – p. 155 offers additional County-wide goals:

Additional County-wide Goals:	Status:
Collaboration of Housing Goals: continue to have collaboration between Weber County and the cities within the county to accomplish common housing needs and goals.	Ongoing.
Single Family Housing Goals: preserve existing housing stock and conduct infill development as a primary focus; work with local jurisdictions to develop new outreach materials for rehabilitation; explore partnerships to leverage available resources to expand program impact via Home Depot 203K, financial institutions, foundations and municipal funding strategies and create a Volunteer Service Programs; and map future infill and re-use sites.	NA. This implementation is more appropriate for urban areas.
Multi-Family Housing Goals: Promote Fair Share Housing and work on geographic de-concentration and project set asides to address future demand/needs for housing affordable to households at 30 percent of AMI and seek to collectively support applications and provide funding for priority community-wide housing development activities to meet future market demand and identify priority projects for next one to five years for households at 40 to 80 percent of AMI.	Weber County supports the Housing Authority.
Miscellaneous Additional Goals: Utilize collaboration and sustainability as a driving implementation force; conduct housing dispersion, commercial nodes and land use mapping for Master Planning analysis; use life-cycle philosophy; conduct roof-top surveys; establish educational resources in English and Spanish hosted centrally by Weber County Housing Authority; use a “put a face on it” strategy as a community education and marketing campaign; jointly sponsor education initiatives through local municipal councils; consider implementation of Good Landlord Program and seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.	Weber County supports the Housing Authority.

Section 4, Appendices (p. 187 – p. 212): The appendices offer a 10 year plan implementation matrix, documents stakeholder interviews, provides planning forms and offers additional resource materials to help execute the housing plan.