

OGDEN VALLEY PLANNING COMMISSION

Ogden Valley Virtual Meeting

April 28, 2020

4:30 p.m.

<https://zoom.us/j/444636182>

Meeting ID: 444 636 182

- *Roll Call*
- *Pledge of Allegiance*

1. Approval of the March 3, 2020, March 31, 2020 and April 7, 2020 meeting minutes
2. CUP 2020-04: Request for final approval of a Condition Use Permit for a Bed and Breakfast Dwelling located at 3786 E Abbyon Dr., Liberty, UT 84310. *Presenter Tamara Adyelotte*
3. CUP-2019-15: Consideration and action on a conditional use permit to raise an existing 40-foot tower by 14 feet, add 4 new antennas, and a new equipment shelter to make an existing site co-locatable. *Presenter Felix Lleverino*
4. UVM 122019, AAE 2019-09: Consideration and action on a request for preliminary approval of Monastery Cove Phase 2, Consisting of nine lots, with a request for Alternative Access approval. *Presenter Felix Lleverino*
5. ZTA 2020-01: Public hearing to consider and take action on a proposal to amend the Weber County Code, Sections 108-16 and 110-2 to clarify Ogden Valley outdoor lighting an illuminated sign allowances. *Presenter Scott Perkes*
6. ZTA 2020-02: Public hearing to consider and take action on a proposal to amend the site development standards, remove unnecessary text, and add a Perpetual Building Maintenance Contract provision to the CV-1, CV-2 zone code. *Presenter Felix Lleverino*
7. ZTA 2020-04: A public hearing to consider and take action on a request amend Weber County Code to require PUE's to be as specified by the County Engineer and to enable development along substandard streets under specific conditions. *Presenter Charlie Ewert.*
8. WS1: Discussion regarding a proposed accessory Dwelling Unit Ordinance. *Presenter Tamara Aydelotte*
9. WS2: Discussion regarding rezoning procedures and Legislative amendments. *Presenter Steve Burton*
10. Adjourn

The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following weblink in a web browser: <https://zoom.us/j/444636182>

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

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

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

Minutes of the Ogden Valley Planning Commission Work Session Meeting for March 3, 2020 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: John Lewis, Chair; Bob Wood, John Howell, Chris Hogge, Jeffrey Burton, Shanna Francis

Absent/Excused: Steve Waldrip

Staff Present: Rick Grover, Planning Director; Steve Burton, Principal Planner; Felix Lleverino, Courtlan Erickson, Legal Counsel; Angela Martin, Lead Office Specialist

- Pledge of Allegiance
- Roll Call:

1. Approval of the August 6, 2019 and January 7, 2020 meeting minutes

Commissioner Wood made a motion to approve the August 6, 2019 and January 7, 2020 minutes. Commissioner Howell seconded the motion. Commissioners Howell, Hogge, Burton, Francis, Wood and Chair Lewis voted aye. (Motion carried)

2. Administrative Items.

2a. CUP# 2020-02: Consideration and action on a conditional use permit application for an accessory apartment located at 4884 E 2800 N, Eden

There was no public comment on this item.

Commissioner Howell made a motion to approve CUP# 2020-02: Consideration and action on a conditional use permit application for an accessory apartment located at 4884 E 2800 N, Eden, subject to Staff recommendations and findings. Commissioner Hogge seconded the motion. Commissioners Burton, Howell, Hogge, Francis, Wood and Chair Lewis voted aye. (Motion carried)

2b. CUP# 2020-03: Consideration and action on a conditional use permit application for snowmaking and ski run Expansion at Nordic Valley Ski Resort

Braden Fesler, GM for Nordic Valley stated that snowmaking is an important part of the resort. The resort can bring revenue to the Ogden Valley. They addressed increasing parking and having parking attendants to help with overflow parking. He also addressed the restroom issues. They are trying to get self-contained restrooms to mitigate that issue. It will take us some time to get the parking issue taking care of it won't be overnight, but it might take us up to 5 years.

Commissioner Howell asked how they are going to get the cars off parking on the road. Mr. Fesler said they are going to work on that and we try to get those moved as soon as we can.

Commissioner Francis asked what the decimal levels for the snowmaking equipment. Mr. Fesler said that the new snowmaking equipment is very efficient and didn't know what those levels are.

Bruce Keswick stated that a comprehensive geological study and survey is needed before any clearing\construction to plan the exact locations of all of the elements such as runs, towers and drainage. How will snowpack runoff be controlled so the properties below are not washed away or flooded? He also wanted to know about the noise and lights from nighttime grooming, snowmaking or skiing will be mitigated.

Jeff Stokes claimed that there was not enough water for this expansion. He handed a letter from the State to Mr. Grover.

Kenny Wright stated that all of our families have learned how ski on this mountain for years. All ski resorts have parking issues. He said he has seen it at Deer Valley and Snowbasin.

Elizabeth Keswick stated that the Ogden Valley General Plan Chapter 2 Vision statement begins as follows: *"The rural character of Oden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife"*. Due to the proposed expansion, stands of 100+ year old fir trees are threatened, Wildlife habitat will be reduced, neighborhood peace and quiet will forever disappear as skiers, snowboarders traverse the new runs, and potential summer mountain bikers use the trails, fewer trees will remain and more asphalt will be required thus increasing the carbon footprint not to mention more water and more cars and trucks. The proposed use will deteriorate the environment and negatively impact the surrounding area.

Richard Schnieder stated that he has lived in the Ogden Valley for 30 years. He has been involved in this project for 5 years. He said that this is the right group to do this project. This project should have been done 5 years ago.

There were comments made by the neighbors on lack of restroom facilities, water, lighting, hours of grooming the hill, parking and snowmaking machine noise. Here is a list of names that participated in the discussion.
Jeff Clark, Ron Gleason, Miranda Menzi.

Commissioner Burton made motion to approve CUP# 2020-03: Consideration and action on a conditional use permit application for snowmaking and ski run Expansion at Nordic Valley Ski Resort. Subject to staff recommendations and that the findings of this approval conforms to the Ogden Valley General Plan. That the approval will not be detrimental to public health, safety and welfare, will comply with applicable County ordinances and will not be deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Additional conditional that the operations meets State and County water requirements, staff be tasked with investigating appropriate number of restrooms and their locations and also staff investigating additional parking requirements. Also a recommendation of reviewing engineering staff requiring and mitigating stormwater drainage from the hill and the drainage plan not drain on nearby properties. Commissioner Hogge seconded the motion. Commissioners Burton, Hogge, Wood, Francis, Howell and Chair Lewis voted aye. (Motion carried)

2c. UVM 122019, AAE 2019-09: Consideration and action on a request for preliminary and final approval of Monastery Cove Phase 2, consisting of nine lots, with a request for alternative access approval

Mr. Lleverino gave a power point presentation to show where the proposed subdivision is. In addition, where the alternative access will be. He also showed where the proposed wells will be located.

The property owners in Phase 1 of Monastery Cove Subdivision stated that when they purchased their property they were told Phase 2 of Monastery Cove Phase 2 could never be developed until their lots received secondary water. They were told this by the Real Estate Agent as well as by the participating Homeowners Association Board Members at the time of purchase. The Homeowners in Phase 1 would like staff to look at the minutes to see if they could find anything about not developing Phase 2. The Homeowners were all in agreeance with the secondary water issue and also public safety for the children on the roads and that roads need a lot of work done on them. Here is a list of the property owners that had the same concerns. Dale Larve, Beverly LaRocque, James Green, Cinthiia Irvine, Nicole Hayes, Jessica Shuman, Kay and Dan Kilgore, Corey Shuman, Mike Pace, Dan Wallwork, Mr. Woodring, Darren Funk, Mike Manfull, Ed Makner, and Zachary Johnson, Linda Jones, Mart Cook, Dawn Mendez, Darrell LaRocque

Shawn Durrant stated that the Planning Commissioners should give the petitioner a chance to prove that this development will work.

Curtis Hyde, Developer for Phase 2 explained that he knows there has been issues but they have been working through those. He said that the Fire Marshall said that all the homes in Phase 1 have to be sprinkled. Mr. Hyde said the water will be coming from the wells on each lot for secondary and culinary.

Commission Francis made a motion to table UVM 122019, AAE 2019-09: Consideration and action on a request for preliminary and final approval of Monastery Cove Phase 2, consisting of nine lots, with a request for alternative access approval until the March 24, 2020 meeting so that staff can look at the past minutes in Phase 1. Commissioner Howell seconded the motion. Commissioners Burton, Hogge, Wood, Francis, Howell and Chair Lewis voted aye. (Motion carried)

3. Legislative Items

3a. Public Hearing: ZTA 2020-1 Discussion and decision regarding a proposal to amend the Weber County Code, Sections 108-16 and to clarify Ogden valley outdoor lighting and illuminated sign allowances.

This item will be heard on the March 24, 2020 meeting agenda

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

5. Planning Director Report. Mr. Grover stated that because of the virus that is going on the Conference in Houston maybe cancelled.

6. Remarks from Legal Counsel. Mr. Erickson told the Planning Commissioner's had some hard decisions but did a good job.

7. Adjourn

Commissioner Howell made a motion to adjourn and Commissioner Hogge seconded the motion. Commissioner's Francis, Burton, Howell, Hogge, Wood and Chair Lewis voted aye. (Motion carried) Meeting adjourned at 8:35 pm.

Respectfully Submitted,

Angela Martin

Angela Martin, Lead Office Specialist
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Work Virtual Test Meeting for March 31, 2020 at 4:30 pm

Present: John Lewis, Chair; John Howell, Chris Hogge, Jeffry Burton, Shanna Francis, Steve Waldrip

Absent/Excused: Commissioner Wood and Howell

Staff Present: Rick Grover, Planning Director; Steve Burton, Principal Planner; Felix Lleverino, Scott Perkes, Charlie Ewart, Tammy Adolotte, Courtlan Erickson, Legal Counsel; Angela Martin, Lead Office Specialist

ZOOM Video Conferencing – Connection Info:

Join Zoom Meeting

<https://zoom.us/j/949343158>

Meeting ID: 949 343 158

- **Roll Call:**
- **Troubleshoot Electronic Devices to Ensure Connectivity and Functionality**
To use Zoom we will send you an invite (link) to each of the meetings through your email, which will come shortly before each meeting.
- **For desktops or laptops:**
- Click the emailed link. It will open a webpage that contains two messages. The first, in big font, will invite you to download the Zoom software to your computer; the second, in little font beneath the big font, will invite you to join via the web. Unless you are planning on setting up your own account with Zoom I recommend just using the second method. It will automatically open the meeting within the web browser. Your computer will need at least a microphone to participate, but having both a mic and webcam in your computer is better for everyone to see who is talking.
- **For smart devices:**
- You will need to download the ZOOM app and create an account first. Then from your email on your device, click the invite link and the app should automatically launch you into the meeting
- **Discuss Public Comment Scenarios and Preferred Approach**
- **Scenario 1:**
- **For all items:**
- Increase the number of days prior to a hearing in which public notice is sent out.
- Public comment may be submitted during this extended public notice period.
- Submitted comments will be reviewed by the Commission during the virtual meeting.
- Action may be taken during the virtual meeting.
- **Scenario 2:**
- **For non-legislative items:**
- Public comment will not be accepted.
- Action may be taken during the virtual meeting.
- **For legislative items:**
- Increase the number of days prior to a hearing in which public notice is sent out.
- Public comment may be submitted during this extended public notice period.

- Submitted comments will be reviewed by the Commission during the virtual meeting.
- Action may be taken during the virtual meeting.

- Scenario 3:
 - For all items:
 - No extension in the number of days prior to a hearing in which public noticing is sent out.
 - Public comment may be submitted during the virtual meeting.
 - Public comment may be submitted for up to one week following the virtual meeting.
 - Action will not be taken during the virtual meeting.
 - All submitted public comments will be reviewed by the Commission at a follow-up meeting.
 - Action may be taken during the follow-up meeting.

- Scenario 4 (Hybrid of Scenario 1 and Scenario 3):
 - For all items:
 - Increase the number of days prior to a hearing in which public notice is sent out.
 - Public comment may be submitted during this extended public notice period.
 - Public comment may be submitted during the virtual meeting.
 - Submitted comments will be reviewed by the Commission during the virtual meeting.
 - Action may be taken during the virtual meeting.
 - If the item is tabled, public comment may be submitted during the time leading up to the next meeting.
 - All submitted public comments will be reviewed by the Commission at a follow-up meeting.
 - Action may be taken during the follow-up meeting.

- Scenario 5 (Hybrid of Scenario 1 and Scenario 3):
 - For all items:
 - Increase the number of days prior to a hearing in which public notice is sent out.
 - Public comment may be submitted during this extended public notice period.
 - Public comment may be submitted during the virtual meeting.
 - Public comment may be submitted for up to one week following the virtual meeting.
 - Action will not be taken during the virtual meeting.
 - All submitted public comments will be reviewed by the Commission at a follow-up meeting.
 - Action may be taken during the follow-up meeting.

Planning Commissioners picked scenario #4. They all agreed.

Adjourn

Commissioner Howell made a motion to adjourn and Commissioner Hogge seconded the motion. Commissioner's Francis, Burton, Wood and Chair Lewis voted aye. (Motion carried) Meeting adjourned at 5:00 pm.

Respectfully Submitted,

Angela Martin

Angela Martin, Lead Office Specialist
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit to raise an existing 40-foot cell tower by 14 feet, add 4 new antennas, and a new equipment shelter to make an existing site co-locatable.

Agenda Date: Tuesday, April 28, 2020

Applicant: Craig Chagnon, Agent for AT&T

File Number: CUP 2019-15

Property Information

Approximate Address: 546 Ogden Canyon

Project Area: 1056 square feet

Zoning: Forest Residential (FR-1 Zone)

Existing Land Use: Dwelling and a Public Utility Substation.

Proposed Land Use: Dwelling and a Public Utility Substation.

Parcel ID: 20-138-0001

Township, Range, Section: T6N, R1E, Section 18

Adjacent Land Use

North:	Residential	South:	Forest
East:	Residential	West:	Residential

Staff Information

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

Report Reviewer: SB

Applicable Ordinances

1. Title 104 Zones Chapter 13 Forest Residential (FR-1 Zone)
2. Title 108 Standards Chapter 2 (Architectural, Landscape, and Screening Standards)
3. Title 108 Standards Chapter 4 (Conditional Uses)
4. Title 108 Standards Chapter 7 (Supplemental Regulations: Sale or Lease of Required Space)
5. Title 108 Standards Chapter 10 (Public Buildings and Public Utility Substations and Structures)

Development History

The original CUP to construct this cell site was approved on April 27, 2010, with the file number CUP 2010-03.

An amendment to the original CUP that is similar to what is being proposed today was unanimously approved on March 10, 2015. Due to external circumstances, it has yet to be built and the conditional use approval has expired.

On April 7, 2020, the Ogden Valley Planning Commission heard this proposal. After taking public comment, it was decided that the decibel level of the new generator should not exceed what is produced by traffic on the nearby Ogden Canyon Road. The applicant has been able to obtain the Generac generator factory specs that have been attached as Exhibit E. At a distance of 23 feet, the decibel levels for the Type 2 enclosure will not exceed 60 decibels. Noise from 40 mph automobile traffic at a distance of 50 feet is 67dB for a car, 78dB for a medium truck, 83dB for a heavy truck (nonoise.org).

Background

The applicant is requesting approval of a Conditional Use Permit to raise an existing 40-foot cell tower by 14 feet, add 4 new antennas, and a new 22-foot by 12-foot equipment shelter to make an existing site co-locatable. The 1,056 square foot leased cell tower location will be on property at 546 Ogden Canyon. This property is lot 2R of the Sleepy Hollow Subdivision 1st

Amendment. All proposed exposed equipment, mounts, and cables will be painted to match the existing facilities. This site is in the Forest Residential (FR-1) zone.

The leased area will be screened by a 6-foot tall wood fence along with 9-foot tall evergreen trees. This shelter is a standard issued facility that will house generators and other machinery essential for adequate cellular communication service. The applicant has worked with the property owners by including their stealth pole design for these facilities. The 54-foot monopole will have a corten (rusted steel) color, and a texture like the bark of a tree. It is not a pine tree design with tree branches.

This site did receive a 10-foot variance from the Board of Adjustment (BOA #2010-02 on 3-11-2010) for the front yard setback, to allow these new facilities to be 20 feet from the front lot line. Sleepy Hollow Subdivision 1st Amendment that was recorded on April 26, 2013, expanded the lot boundary thereby allowing more space to the south of the substation. The site expansion will extend eastward and will continue to conform to the minimum setback requirements for a public utility substation.

The staff has concluded that this application does comply with the following requirements:

- Meeting the access and setback requirements for a Public Utility Substation Title 108 Chapter 10
- Meeting the height and setback requirements for public utility substations Title 108 Chapter 10 (Public Buildings and Public Utility Substations and Structures)
- Meeting the requirement to be of a stealth design by utilizing textured bark-like material for the monopole. The antennas and hardware will all be painted mate gray and black to match the existing tower.

Summary of Planning Commission Considerations

General Plan: As a conditional use, this operation is allowed in the FR-1 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The FR-1 Zone allows a “public utility substation” as a conditional use and this proposal meets the use and setback requirements for the FR-1 zone and BOA 20 foot front setback

Conditional Use Review: The cellular site is anticipated to have minimal negative impacts from noise, dust, vibration, etc. There are no lights associated with this site. To reduce the visual impact, the 54-foot monopole will have a Corten (rusted steel) color, and a texture like the bark of a tree. The 4 new antennas will be painted to match the existing (see page 10).

Sec. 108-4-4. - Decision requirements.

- (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use following the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Architectural, Landscape, and Screening Standards: This site meets all architectural styles, setbacks, and height regulations. The conditions established by the applicable review agencies must be complied with for this conditional use permit to be granted.

Design Review: The cellular site is consistent with the architectural and site development requirement as sited below:

- *Consideration related to Screening.* The site is screened by a line of tall trees and is mostly concealed from Ogden Canyon Road (see the Area Map).
- *Considerations relating to traffic safety and traffic congestion.* Traffic safety hazards and congestion are not anticipated with this project. The cell site is 129 feet from Ogden Canyon Road and accessed via a dirt driveway that terminates at the site.

- *Considerations relating to landscaping.* Extreme care must be taken when clearing foliage to the east of the existing site to preserve established foliage. Bare dirt areas must be kept weed-free and maintained in keeping with the surrounding landscaping within the property.
- *Considerations relating to buildings and site layout.* The added area will be enclosed by a wooden fence. The equipment within will only be accessed via a locking gate. The site is on top of a mound which elevates the fenced-in area by roughly 8-feet (see A-4.2 of Exhibit B).
- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the planning report. Weber County Engineering has posted approval and has no concerns with the proposal.
- *Considerations relating to prior development concept plan approval associated with any rezoning agreement planned commercial or manufacturing rezoning or planned residential unit development approval.* This addition will take place within an area that is being leased to AT&T. This request for approval adds to the site plan that was approved on April 27th, 2010.

Review Agencies: Weber Fire District requires a minimum 3-foot separation be maintained from the generator and the vegetation.

Staff Recommendation

Staff recommends approval of Conditional Use Application 2019-15 to raise an existing 40-foot cell tower by 14 feet, add 4 new antennas, and a new equipment shelter to make an existing site co-locatable, subject to the applicant meeting the conditions of approval and any other conditions required by the Planning Commission. This recommendation is based on any review agency comments and the following conditions:

1. The new buildings, fences, and pole extension match the existing facilities and conform to the approved plans.
2. Any new plantings and landscaping conform to what is existing and conform to the approved plans.
3. The Fire District requires that the generator have at least 3 feet of clear space to vegetation.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use is not detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use, if conditions are imposed, is not anticipated to deteriorate the environment or negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Construction plans
- C. Site Photos
- D. Sleepy Hollow Subdivision 1st Amendment
- E. Generac specs and sound data sheets

Area Map



Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 11/26/2019	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) CROWN CASTLE TOWERS 09 LLC		Mailing Address of Property Owner(s) PO BOX 203469 C/O CROWN CASTLE INVESTMENT CORP SOLE HOUSTON, TX 77216-3469	
Phone (509) 796-4795	Fax		
Email Address (required) craig.chagnon@crowncastle.com			
		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Craig Chagnon - Crown Castle		Mailing Address of Authorized Person 116 Inverness Drive E, Suite 300 Englewood, CO 80112	
Phone 801-979-9077	Fax		
Email Address craig.chagnon@crowncastle.com			
		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name AT&T LTE 5C	Total Acreage .01	Current Zoning FR-1
Approximate Address 540 Ogden Canyon Rd	Land Serial Number(s) 20-133-0001	

Proposed Use
Existing wireless telecom facility collocation.

Project Narrative
 NEW SITE BUILD UNMANNED TELECOMMUNICATIONS FACILITY.
 1. BRING POWER / FIBER TO SITE LOCATION
 2. ADD 20'-0" x 10'-0" COMPOUND EXPANSION
 3. ADD AT&T APPROVED WALK IN CABINET (WIC) AND ASSOCIATED INTERIOR EQUIPMENT
 4. ADD (1) 30KW AC DIESEL GENERATOR
 5. ADD 14'-4" TOWER EXTENSION ON (E) MONOPOLE
 6. ADD (3) VFA12-HD-WLL SECTOR MOUNTS ON (E) MONOPOLE
 7. ADD (4) ANTENNAS, (2) PER SECTOR
 8. ADD (8) RRHS, (4) PER SECTOR
 9. ADD (2) SURGE SUPPRESSORS TOTAL
 10. ADD (4) DC TRUNKS
 11. ADD (2) FIBER TRUNKS



Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

This is an expansion of an existing use. AT&T intends to collocate on an existing wireless telecom facility/tower.



That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

Collocation with comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.



UTILIZATION
 548 OGDEN CANYON
 OGDEN, UT 84001

CROWN CASTLE
 COMMUNICATIONS CORPORATION
 A Crown Castle Company

PREPARED FOR
at&t
 1700 North 1700 West, Suite 100
 Provo, UT 84601

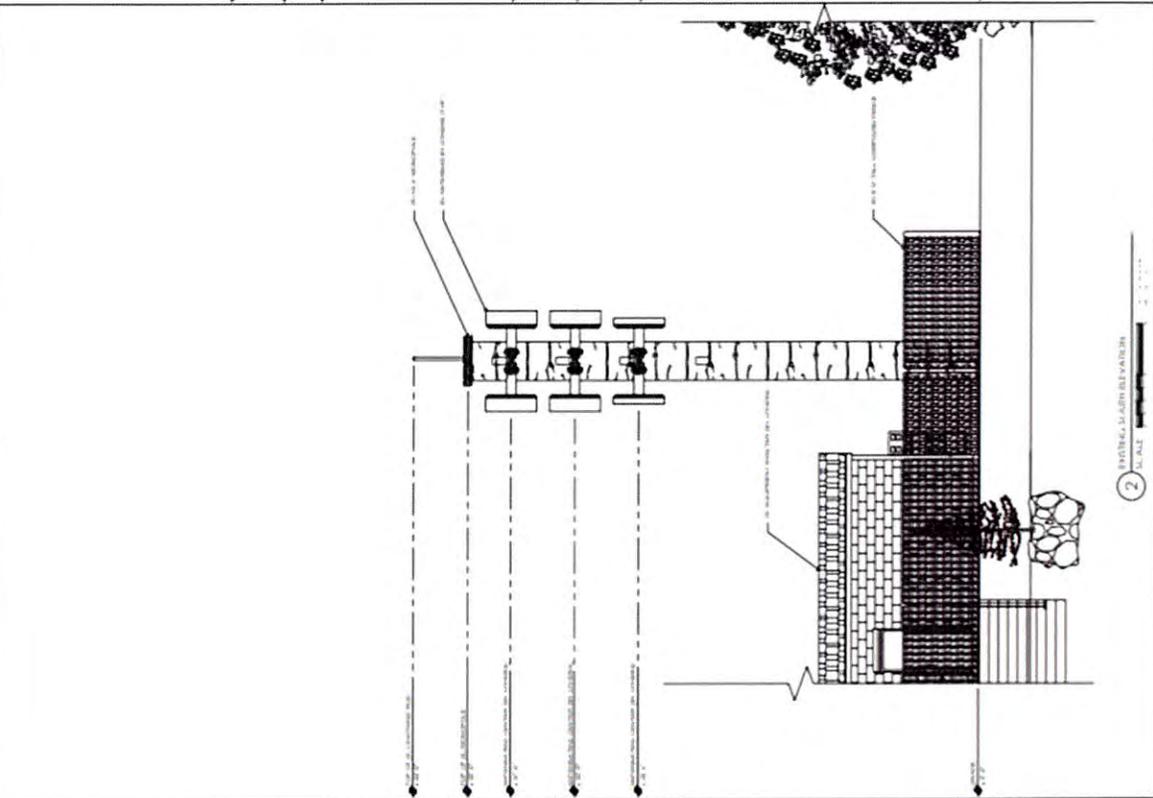
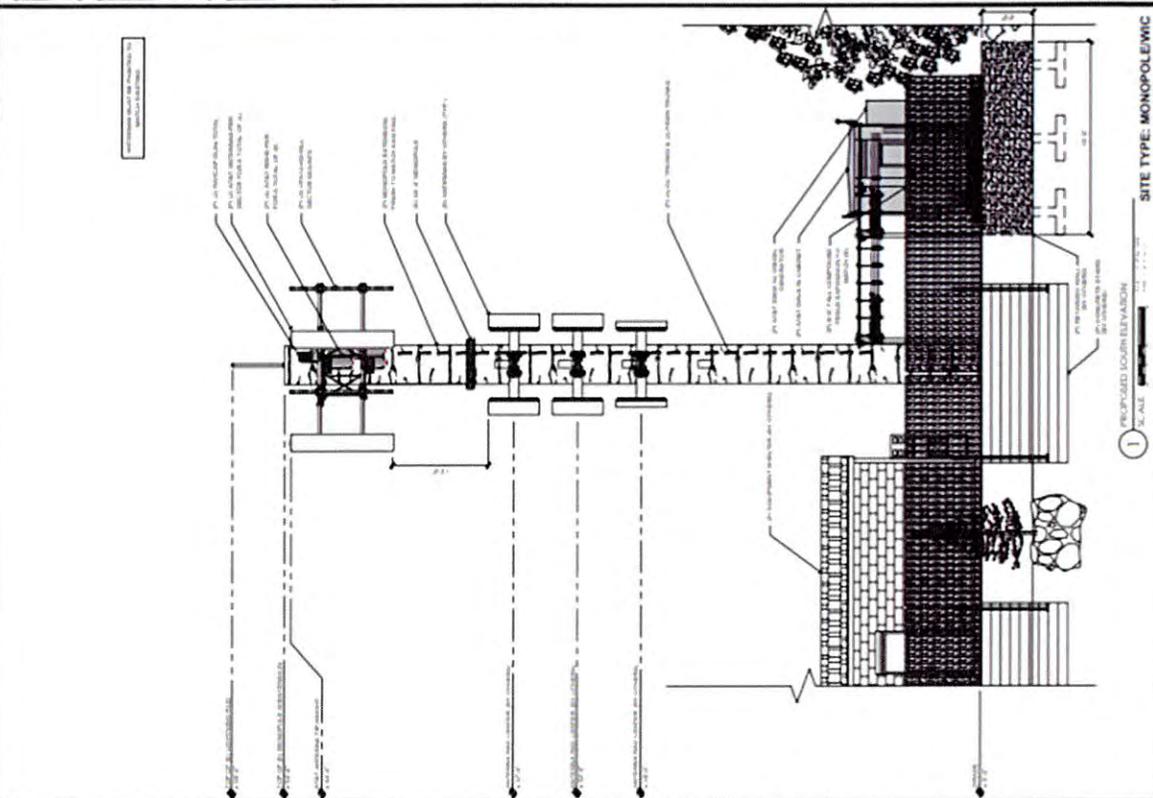
TELETYPE
 TELETYPE CORPORATION
 1000 North 1700 West, Suite 100
 Provo, UT 84601

DATE	3/27/20	
BY	SM/ALP	
CHECKED BY	SM/ALP	
APPROVED BY	SM/ALP	
SCALE	AS SHOWN	
PROJECT NO.	1700-001	
DRAWING NO.	1700-001-001	
REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	3/27/20
2	ISSUED FOR PERMITS	3/27/20
3	ISSUED FOR PERMITS	3/27/20
4	ISSUED FOR PERMITS	3/27/20
5	ISSUED FOR PERMITS	3/27/20
6	ISSUED FOR PERMITS	3/27/20
7	ISSUED FOR PERMITS	3/27/20
8	ISSUED FOR PERMITS	3/27/20
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10	ISSUED FOR PERMITS	3/27/20

3/27/20
 PRELIMINARY CD

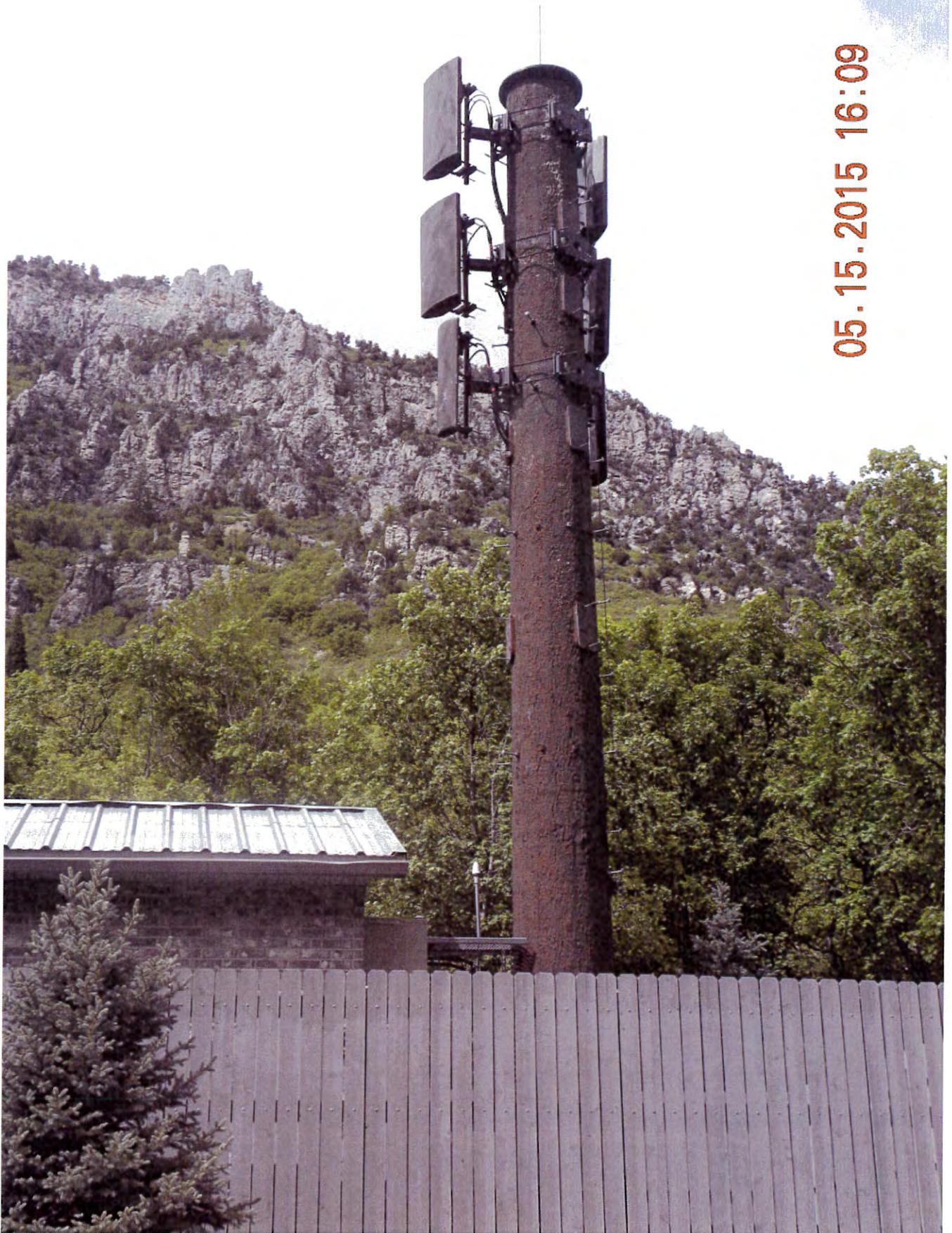
PROPOSED
 MONOPOLE SOUTH
 ELEVATION

A-4.1





05.15.2015 16:09







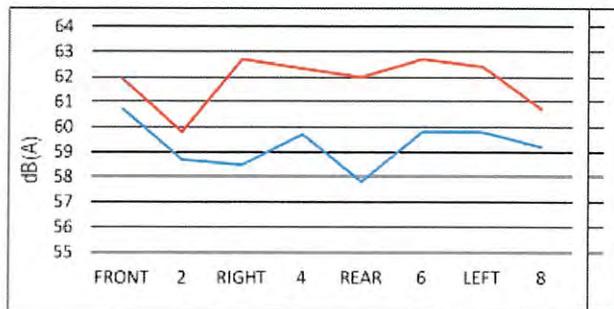
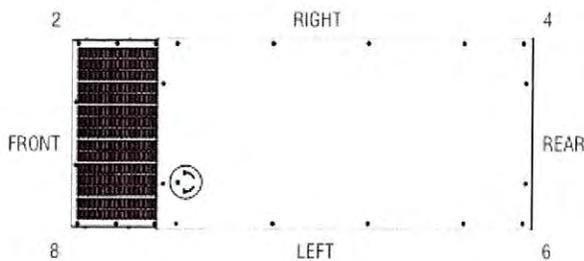




LEVEL 2 SOUND ATTENUATED ENCLOSURE SD030 2.2L GENERAC

60Hz NO-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									dB(A)
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	
1, FRONT	21	42	50	59	53	52	49	46	36	61
2	20	37	48	56	53	54	49	45	37	59
3, RIGHT	19	41	52	55	52	52	49	48	38	59
4	18	53	48	56	54	51	49	44	34	60
5, REAR	16	54	49	52	51	50	47	41	31	58
6	17	55	47	55	52	54	49	45	38	60
7, LEFT	21	54	50	54	53	53	50	46	38	60
8	20	46	47	52	55	55	50	44	38	59
AVERAGE	19	48	49	55	53	53	49	45	36	59

60Hz FULL-LOAD, dB(A)										DISTANCE: 7 METERS
MICROPHONE LOCATION	OCTAVE BAND CENTER FREQUENCY (Hz)									dB(A)
	31.5	63	125	250	500	1,000	2,000	4,000	8,000	
1, FRONT	23	54	52	60	54	52	49	46	36	62
2	21	48	49	55	55	54	49	46	38	60
3, RIGHT	20	50	59	59	54	52	50	50	37	63
4	20	59	49	58	55	52	48	46	35	62
5, REAR	21	60	51	55	54	51	47	41	31	62
6	20	60	49	58	53	53	52	46	38	63
7, LEFT	20	59	55	55	52	54	51	47	39	62
8	21	54	51	54	55	55	50	45	37	61
AVERAGE	21	56	52	57	54	53	49	46	36	62



- All positions at 23 feet (7 meters) from side faces of generator set.
- Test conducted on a 100 foot diameter asphalt surface.
- Sound pressure levels are subject to instrumentation, installation and testing conditions.
- Sound levels are ± 2 dB(A)



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for approval of a conditional use permit for a bed and breakfast dwelling located at 3786 E Abbyon Dr., Liberty, UT 84310.

Application Type: Administrative

Applicant: Stephen Walker

Agenda Date: Tuesday, April 28, 2020

Approximate Address: 3786 E Abbyon Dr., Liberty UT 84310

Project Area: 1.23 Acres

Zoning: FV-3

Existing Land Use: Residential

Proposed Land Use: Residential/Commercial

Parcel ID: 22-105-0004

Township, Range, Section: Township 7 North, Range 1 East, Section 29 SE

Adjacent Land Use

North: Vacant	South: Abbyon Dr.
East: Residential	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: SB

Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 14 (FV-3 Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 7 (Parking Lot Design and Maintenance)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)

Background and Summary

The applicant is requesting approval of a conditional use permit for the Yorkshire West on Liberty, a bed and breakfast dwelling located in the FV-3 zone at 3786 E Abbyon Dr. in Liberty. The FV-3 Zone allows a "bed and breakfast dwelling" as a conditional use. The proposed bed and breakfast dwelling is an existing single-family residence, and has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: As a conditional use, this operation is allowed in the FV-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Forest Valley (FV-3) Zone. The purpose of the FV-3 Zone can be further described in LUC §104-21-1 as follows:

The purpose of the FV-3 zone is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

The FV-3 Zone has specific standards identified in the LUC §104-14-3(2) as well as additional standards that are outlined throughout the LUC that shall be met as part of the development process. The applicable standards are as follows:

- Two parking spaces shall be provided for the host family plus one space for each guest room;
- Proprietor or owner shall occupy the property;
- Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
- Not more than two guest sleeping rooms per dwelling;
- Allowed only in existing dwellings with no exterior additions nor change in residential character;

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Prior to commencing work, the applicant will need to receive approval from the applicable agencies, including the Weber Fire District and Weber County Engineering Division, for the proposal. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met. The following is an analysis of the proposal reviewed against the conditional use standards:

(1) Standards relating to safety for persons and property. The proposal is not anticipated or expected to negatively impact this property, surrounding properties, or persons.

(2) Standards relating to infrastructure, amenities, and services: The proposal is not anticipated or expected to negatively impact infrastructure, amenities, or services in the area.

(3) Standards relating to the environment. The proposal is not anticipated or expected to negatively impact the environment.

(4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan. This proposal is allowed by the current zoning of the property and the general plan does not call for this property to be used in any other way. The property on which the conditional use permit is sought will remain residential, with no additions to the dwelling to accommodate the bed and breakfast. The proposal complies with the intent of the general plan.

Design Review: The FV-3 zone and the proposed conditional use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion. The proposal includes a site plan that identifies the location of the proposed building and the location of future and existing parking spaces that will provide adequate parking for the property owners and guests.

While bed and breakfast dwelling is not a listed in the parking chapter (LUC §108-8-4), the chapter states the following:

Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses.

LUC §108-8-7(6) further states:

All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of storm water onto adjacent properties.

Where there is only one guest sleeping room indicated in the application, only one parking space is required by zoning. The applicant has indicated a dedicated parking space, on an existing hard-surface, as well as the required two spaces required for the owner-occupied residence. Should the applicant decide at a later date to include an additional guest sleeping room, an amendment to this conditional use permit will be required.

Under the parking chapter of the land use code, 108-8-7(c) also applies to this property. That section states:

For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.

Considerations relating to landscaping. After performing a site visit to the subject property, it was determined that the existing landscaping meets the requirements as outlined in LUC §108-2.

Considerations relating to buildings and site layout. The existing buildings meet the site development standards of the FV-3 Zone.

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements and is based on the following condition:

Should the applicant decide at a later date to include an additional guest sleeping room, an amendment to this conditional use permit will be required.

This recommendation is based on the following findings:

- The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Exhibits

- A. Project Narrative
- B. Site Plan
- C. Floor Plan

Map 1



Exhibit A - Project Narrative

Project Narrative:

Bed and Breakfast Dwelling Yorkshire West on Liberty. Private Separate Entrance apartment in basement in existing dwelling with no exterior additions nor change in residential character needed. Four guest Parking Spaces are available, with two available at all times even with snow removal. Garage is used by owners for parking which is an additional 3 parking spots. All parking has in and out access not impeding on owners access. Proprietor owns and occupies the house all year long. No more than 2 guest will be in sleeping rooms. Meals will only be served to guests.

Basis for issuance of Conditional Use Permit

Proposed Bed and Breakfast dwelling use will provide a service that will benefit the community, providing customers to local merchants, resorts and restaurants.

That the proposed use will comply with the regulations and conditions specified in this ordinance for such use.

Proposed Bed and Breakfast dwelling conforms to land use for General plan for Weber County. Two parking spaces for the Host family and one space for each room. 7 spaces total available, each with unimpeded access to drive way out.

Proprietor occupies the property

Meals only provided to overnight guests

No more than two guests per sleeping room.

No exterior additions needed. No signs posted.

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

Proposed Bed and Breakfast dwelling will comply with Ordinances for such use.

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

Proposed Bed and Breakfast will not impact environment or ecology as only 2 persons occupy a 5500sqft house.

Exhibit B – Site Plan Showing Proposed Parking Located Outside of Existing R.O.W.

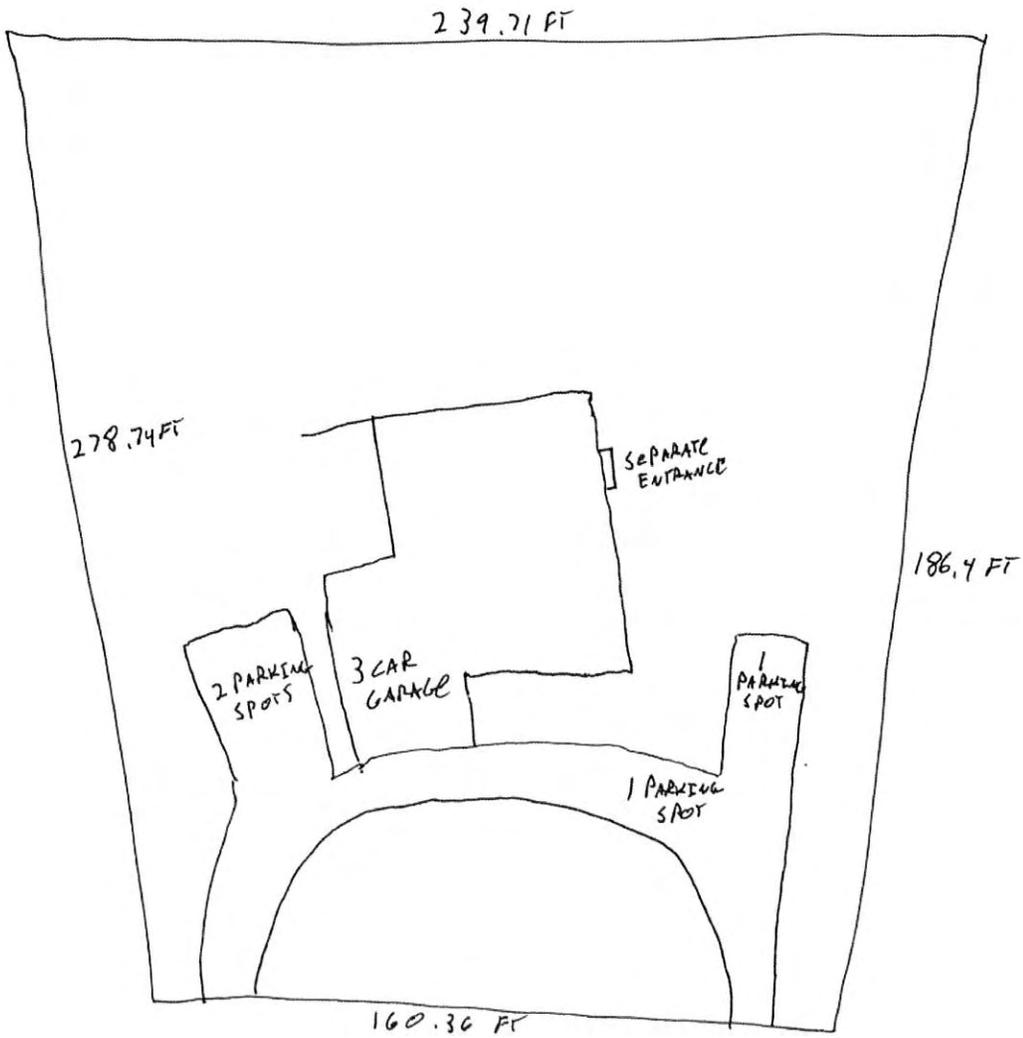
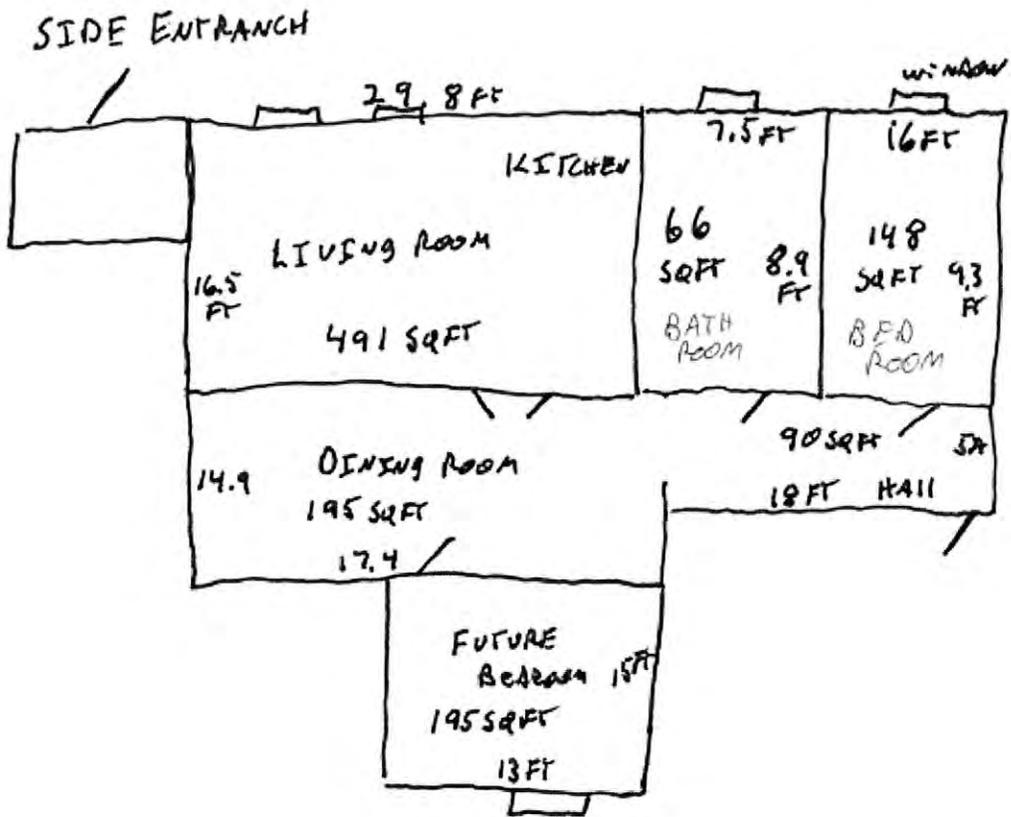


Exhibit C - Floor Plan





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for preliminary approval of Monastery Cove Phase 2, consisting of nine lots, with a request for alternative access approval.

Type of Decision: Administrative

Agenda Date: Tuesday, April 28, 2020

Applicant: Curtis Hyde

File Number: UVM 122019, AAE 2019-09

Property Information

Approximate Address: 9400 E Artist Way

Project Area: 33.24

Zoning: Forest Valley (FV-3)

Existing Land Use: Grassland

Proposed Land Use: Residential Subdivision

Parcel ID: 21-037-0014, 21-037-0032

Township, Range, Section: T6N, R2E, Section 28

Adjacent Land Use

North:	Residential	South:	Grassland
East:	Grassland	West:	Grassland

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: SB

Applicable Ordinances

- Title 101 (General Provisions) 1-7 (Definitions)
- Title 104 (Zones) Chapter 14 (Forest Valley 3 Zone)
- Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay District)
- Title 106 (Subdivisions)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)
- Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 31 (Access to a lot/parcel using a private right-of-way or access easement)

Development History

On March 3, 2020, this proposal was presented before the Ogden Valley Planning Commission for a request for preliminary and final approval. During the public comment portion of the presentation, there were several residents who voiced their concerns. Poor roadway conditions within Monastery Cove Phase 1 were raised by several local residents. As a means to address this, I would refer the Planning Commission to a traffic analysis that was conducted in August of 1995 (see Exhibit I). The study was done assuming 30 additional lots. Considering that Phase 1 has twenty lots and Phase 2 will have 9 lots and that no subdivisions have been created in this local area, the traffic study may be considered sufficient.

A reoccurring topic of concern from the local residents pertained to the developer of Phase 1, who failed to provide for a pressurized secondary water system, and it was assumed by some folks who live in Phase 1 that the developer of Phase 2 is responsible to provide a secondary water system. After thoroughly searching the Phase 1 subdivision file, the abstract, and the title report, I did not find an agreement that runs with the land that would hold the current developer responsible for providing secondary water. The County has determined that the owner of Phase 2 is not responsible for the secondary water improvements for Monastery Cove phase 1.

Background

The applicant is requesting preliminary approval of phase 2 of Monastery Cove Subdivision that will have its sole access from Artist Way. The public right-of-way extended from Artist Way will be 60 feet wide. During staff's review, a right-of-way connection to 9400 East was considered, however, due to the road (9400 E) being private and there not being sufficient width at this time, the planning staff is not requiring a road connection to 9400 East. However, at its discretion, the Planning Commission may require a dedicated right-of-way to extend to the adjacent property (LUC 106-2-1).

In conjunction with the request for subdivision approval, the applicant is requesting approval of an alternative access to connect lot 208 to the rest of the development. The alternative access option was created as a means for landowners to provide access over, and across areas that restrict the construction of a standard County 66-foot right-of-way. Alternative access applications should be approved as long as the design standards can be implemented, and the application meets the criteria in LUC §108-7-31(1)(c) which states:

Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such a lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

See Exhibit E for the narrative describing site conditions that would justify approval of an Alternative Access. Also, see Exhibit E for the construction plan indicating compliance with safety, design, and lot standards.

As part of the approval process, the proposal has been reviewed against the current Weber County Land Use Code (LUC), and the standards of the FV-3 zone found in LUC §104-14. The following section is a brief analysis of this project against current land use regulations.

Analysis

General Plan: This proposal is in conformity with the Ogden Valley General Plan (OVGP) by encouraging low-density development (see page 21 of the OVGP).

Zoning: The property is located in the FV-3 Zone. The purpose of this zone is stated in the LUC §104-14-1.

"The purpose of the Forest Valley Zone, FV-3 is to provide an area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development."

Drinking-Water Source Protection Zone: Each operating well location with its associated 100' radius well protection area is depicted on the plat pursuant to LUC 106-1-5 (a)(6).

Natural Hazards: Western Geologic, has prepared a Geologic Hazard Reconnaissance dated October 3, 2019. The geologic reconnaissance was conducted for potential home sites shown in exhibit G. The hazards and their associated risk level are as follows:

Earthquake Ground Shaking – High
Stream Flooding – Medium
Shallow Groundwater – Medium

The Conclusions and Recommendations pages of the geologic reconnaissance are included in this staff report as Exhibit F.

Flood Zone: This parcel and the lands surrounding it are within an area of minimal flood hazard and determined to be outside the 500-year flood level.

Sensitive Lands: Weber County Sensitive Lands Map indicates the presence of a natural ephemeral stream that will be crossed during the construction of the public road. The dedication plat shows the stream centerline and the stream corridor setback.

Secondary and Culinary Water: The owner has petitioned Weber Basin Water District, and the district has approved water allotments that may be used for both irrigation and culinary purposes as shown in Exhibit G.

Operational Wells: Lot number 207 and 209 contain functioning wells. The owner has provided a Well Driller Report attached as Exhibit B.

Sanitary System: Weber-Morgan Health Department has provided feasibility letters for nine lots within phase 2 that are within the range of acceptability for utilization septic system. For information regarding the specific type of system for each lot see Exhibit D. Water table monitoring is underway at this time for two additional lots within the "Remainder Parcel Not Approved for Development parcel" # 210370014.

Alternative Access requirements: If this proposal is approved, the applicant will be required to ensure that all design, safety, and lot standards are met for the private access roads, as outlined in LUC §108-7-29(1), (2), (3). The narrative describing circumstances that meet the criteria to create two alternative accesses that will provide access to lots that would otherwise require a dedicated right of way is attached as Exhibit E.

Block Length: Section (106-2-3 Blocks) requires, generally, that the formation of blocks shall be between 500 and 1300 feet. "Blocks over 800 feet in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such a walkway shall be not less than six feet in width."

Relation to Adjoining Street System: Section (106-2-1 a) "The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the planning commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it."

Improvements Required: Under LUC 106-4-2 (a)(3) "The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:"

1. That a well permit must be obtained;
2. The time it may take to obtain the permit;
3. The well must be drilled;
4. Water quality to be satisfactory; and
5. Water quantity to be sufficient as required by the Weber County Health Department before a building permit can be obtained.

If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.

The staff has included as a condition of approval that a covenant to run with the land shall be recorded which advises new lot owners of the well requirements before a building permit can be obtained.

Review Agencies: The Engineering Department requires that the public roads and private accesses be constructed in conformity with all applicable design and safety standards. Weber County Fire District will require that all homes within this development install sprinkler fire suppression systems which alleviate the need to install a fire hydrant and provide a secondary ingress/egress. Weber County Surveyor will require an easement agreement for the alternative access colored green in Exhibit E. The Weber-Morgan Health Department has stated in a review that the well and protection area must be completely within the lot that it is intended to serve and the well and protection area shall not encroach into the Public Right-of-Way. For this reason, the planning staff and the Planning Commission consider allowing the water to be used for non-culinary purposes with the Health Department approval.

Public Notice: Noticing was provided to all property owners of record within 500 feet of the subject property.

Staff Recommendation

Staff recommends preliminary approval of Monastery Cove Phase 2, consisting of nine lots, with a request for alternative access approval based on the following conditions:

1. The culvert sizing calculations for the seasonal drainage crossing shall be submitted to Weber County Engineering.
2. Construction of the alternative accesses shall follow all safety, design, and lot requirements of LUC 108-7-29 through 108-7-32.
3. Prior to final approval from the County Commission, all subdivision improvements must be installed or escrowed for.
4. With approval from the Health Department, water from the well that has a protection area within the public ROW is limited to non-culinary uses.
5. At the time of subdivision recording, the developer shall record a covenant, which advises the new lot owner of the requirements related to the placement of a well.
6. At the time of subdivision recording, the owner shall enter into a Building On A Private Right Of Way/Access Easement Equitable Servitude And Covenant.

The following findings are the basis for staff's recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with the applicable County codes.

Exhibits

- A. Monastery Cove Phase 2 Plat
- B. Well driller report
- C. Weber Basin Water Allocation Letter
- D. Septic Feasibility Letters for 9 lots (Phase 2)
- E. Alternative access narrative
- F. Geologic Reconnaissance select pages
- G. Petitions to Weber Basin for the allotment of water
- H. Developer Agreement with Huntsville town
- I. Traffic study (1995)



WELL DRILLER'S REPORT

State of Utah
Division of Water Rights

RECEIVED
SEP 19 2006
WATER RIGHTS
SALT LAKE

For additional space, use "Additional Well Data Form" and attach

Well Identification
Exchange Application: E4717 (35-11997) WIN: 35658

Owner Note any changes
B & H Investment Properties LLC
110 West 1700 North
Centerville UT 84014

Contact Person/Engineer: _____

Well Location Note any changes
N 233 W 1366 from the E4 corner of section 28, Township 6N, Range 2E, SL B&M

Location Description: (address, proximity to buildings, landmarks, ground elevation, local well #)

Drillers Activity Start Date: MAY-11-2006 Completion Date: SEPTEMBER-2-2006
Check all that apply: New Repair Deepen Clean Replace Public Nature of Use: _____
If a replacement well, provide location of new well. _____ feet north/south and _____ feet east/west of the existing well.

DEPTH (feet)		BOREHOLE DIAMETER (in)	DRILLING METHOD	DRILLING FLUID
FROM	TO			
0'	30'	12" INCH	CABLE TOOL	WATER
0'	170'	10" INCH	CABLE TOOL	WATER
0'	391'	8" INCH	CABLE TOOL	WATER

Well Log		WATER	INCONSOLIDATED					CONSOLIDATED		DESCRIPTION AND REMARKS (e.g., relative %, grain size, sorting, angularity, bedding, grain composition density, plasticity, shape, cementation, consistency, water bearing, order, fracturing, mineralogy, texture, degree of weathering, hardness, water quality, etc.)
			CLAY	SAND	GRAVEL	COBBLES	BOULDERS	ROCK TYPE	COLOR	
DEPTH (feet)	FROM	TO	High	Low						
0'	2'							X	BLACK TOP SOIL	
2'	26'					X	X	X	BROWN LARGE COBBLES, BOULDERS	
26'	104'		X		X	X	X		BROWN LARGE COBBLES, BOULDERS	
104'	109'		X		X	X	X		BROWN LARGE COBBLES, BOULDERS	
109'	115'		X						BROWN	
115'	191'		X		X	X	X		BROWN LARGE COBBLES, BOULDERS	
191'	210'		X		X	X			BROWN SANDY CLAY, GRAVEL	
210'	234'		X		X	X			BROWN SANDY CLAY, COBBLES	
234'	271'		X		X	X			BROWN SANDY CLAY, BOULDERS	
271'	278'							X	BROWN SHALE SHELF	

Static Water Level
Date: AUGUST-23-2006 Water Level: 24' feet Flowing? Yes No
Method of Water Level Measurement: PROBE If Flowing, Capped Pressure: _____ PSI
Point to Which Water Level Measurement was Referenced: GROUND Elevation: _____
Height of Water Level reference point above ground surface: _____ feet Temperature: _____ degrees C F

Well Log

Construction Information

DEPTH (feet)		CASING			DEPTH (feet)		<input type="checkbox"/> SCREEN	<input checked="" type="checkbox"/> PERFORATIONS	<input checked="" type="checkbox"/> OPEN BOTTOM
FROM	TO	CASING TYPE AND MATERIAL GRADE	WALL THICK (in)	NOMINAL DIAM (in)	FROM	TO	SCREEN SLOT SIZE OR PERF SIZE (in)	SCREEN DIAM OR PERF LENGTH (in)	SCREEN TYPE OR NUMBER PERF (per foot/interval)
0'	30'	STEEL	.375	12" inch	376'	386'	6"	1/4"	9 perforations total
0'	170'	STEEL	.365	10" inch					
0'	391'	STEEL	.250	8" INCH	SHOTS - 207'	-208 - 213' - 214'			
						247' - 248' - 253' - 254'			

Well Head Configuration: WELDED CAP Access Port Provided? Yes No

Casing Joint Type: WELDED Perforator Used: TORCH CUT - SHOTS

Was a Surface Seal Installed? Yes No Depth of Surface Seal: _____ feet Drive Shoe? Yes No

Surface Seal Material Placement Method: _____

Was a temporary surface casing used? Yes No If yes, depth of casing: 30' feet diameter: 12" inches

DEPTH (feet)		SURFACE SEAL / INTERVAL SEAL / FILTER PACK / PACKER INFORMATION		
FROM	TO	SEAL MATERIAL, FILTER PACK and PACKER TYPE and DESCRIPTION	Quantity of Material Used (if applicable)	GROUT DENSITY (lbs/gal., # bag mix, gal/sack etc.)
		USED DYNAMITE AT 271' - 278' - 315' - 321'		

Well Development and Well Yield Test Information

DATE	METHOD	YIELD	Units Check One		DRAWDOWN (ft)	TIME PUMPED (hrs & min)
			GPM	CFS		
8-25-06	PUMP TEST	15	X		370'	44 HOURS

Pump (Permanent)

Pump Description: JACUZZI Horsepower: 7 1/2 Pump Intake Depth: 374' feet

Approximate Maximum Pumping Rate: 40 GPM Well Disinfected upon Completion? Yes No

Comments Description of construction activity, additional materials used, problems encountered, extraordinary Circumstances, abandonment procedures. Use additional well data form for more space.

PUMP TESTED WELL @ 15 GPM FOR 20 HOURS, OPENED VALVA TO 17.50GPM FOR 35 MINUTES, DRAW DOWN FROM 329' TO 367'. LEVELED OFF AT 370' @ 15 GPM FOR 24 HOURS. WELL DRILLED VERY HARD FROM START TO FINISH.

Well Driller Statement

This well was drilled and constructed under my supervision, according to applicable rules and regulations, and this report is complete and correct to the best of my knowledge and belief.

Name SUTTON DRILLING

License No. 654

Signature

Robert J Sutton

Date

9-14-06



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 East Highway 193 • Layton, Utah 84040 • Phone (801) 771-1677 • (SLC) 359-4494 • Fax (801) 544-0103

To: Curtis Hyde
From: Kendall Searle
Date: December 30, 2019
Subject: Water Allocation

As per our phone conversation earlier today, Weber County parcel 21-037-0014 does have an allotment of 26.0 acre-feet of replacement water with Weber Basin Water Conservancy District. The 26.0 acre-feet of replacement water is secured to the property and will remain with the land when sold. This water will be divided up between new tax ID numbers if the parcel is divided in the future.

Weber Basin Water Conservancy District appreciates your cooperation. The District looks forward to working with you in the future.

Thank you

BRIAN W. BENNION, M.P.A., L.E.H.S.
Health Officer/Executive Director



December 20, 2019

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

RE: Preliminary Subdivision **Determination**
Monastery Cover Phase 2, 8 buildable lots
Parcel #21-037-0014
Soil log #1864

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by Huntsville Water Improvement District, an approved water system. **A letter from the water supplier is required prior to issuance of a permit**

DESIGN REQUIREMENTS

Lot 201 & 202: Documented ground water tables not to exceed 42 inches. Due to the gravelly loamy sand, single grain structure soil horizon beginning at 24 inches below grade with a percolation rate lower than 5 minutes per inch the property falls within the range of acceptability for the utilization of a Wisconsin Mound Treatment System. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.45 gal/sq. ft. /day as required for a sandy loam, granular structure soil horizon.

Lot 203, 204, 205, 206, 207 & 209: Documented ground water tables not to exceed 42 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 18 inches. The absorption system is to be designed using a maximum loading rate of 0.70 gal/sq. ft. /day as required for a sandy loam, granular structure soil horizon with documented percolation rate between 5- 15 minute per inch.

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

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

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

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

Sincerely,

Summer Day, LEHS
Environmental Health Division
801-399-7160

EDUCATE | ENGAGE | EMPOWER

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



October 31, 2019

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

RE: Curtis Hyde Property
9379 E 1800 S, Huntsville
Parcel #21-037-0032
Soil log #14902

Gentlemen:

The soil and percolation information for the above-referenced lot have been reviewed. Culinary water will be provided by a private well. **The placement of the well is critical so as to provide the required 100 foot protection zone.** The well will need to be dug, tested and the water supply approved prior to issuance of a wastewater disposal permit.

DESIGN REQUIREMENTS

Documented ground water tables not to exceed 55 inches, fall within the range of acceptability for the utilization of a Conventional Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 24 inches. The absorption system is to be designed using a maximum loading rate of 0.55 gal/sq. ft. /day as required for a silty clay loam, prismatic structure soil horizon with a documented percolation rate of 34 minute per inch.

Absorption Area Restriction:

The location of the absorption field is restricted to the area of soil exploration pit #1, located at UTM Zone 12 Nad 83 439440E 4564344N. The original and replacement absorption field must be designed outside of the area shown on the attached map as requiring water table monitoring. It must also maintain a 100 foot separation from an area believe to have high ground water.

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

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

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

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

Sincerely,

Summer Day, LEHS
Environmental Health Division
801-399-7160

EDUCATE | ENGAGE | EMPOWER

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

Narrative: Access For Private Right of Way

Topography limitations for further road advancement:

- Advancement of Artists Way to the East will end at the base of a hill that exceeds the county grade limits of 10%-12%. This will inhibit any ability to create a public roadway.
- On the opposing side, the hill descends with a grade that exceeds the county grade limits of 10%-12%. Again, this will inhibit ability for a public roadway.
- The topography of the property to the East is unique. Monastery Cove Phase two is relatively flat with the exception of the Southeast lot 208.

Impact to land and surrounding area

- Natural streams and seasonal runoff from the mountain feeds ditches and waterways for community members downstream. Protecting and preserving this space is important for those individuals.
- The Monastery land to the East has been designated Open Space. Therefore future roads and improvements are not necessary.

Streams, wetlands and geologic

- Beyond the private right of way to the East is an area with natural waterways and several streams. These factors inhibit the ability for development, roads and future infrastructure.
- It is our goal to preserve those sensitive areas at all costs. After speaking in depth with county officials and engineers, we understand this to be the best-intended use for this particular area. Future road development would damage this invaluable and rare space.

Property boundary conditions

- Development of lot 208 is the only feasible place to build a home on that particular parcel area. Other areas to the east are non-developable due to topography and waterways.
- Private property to the South is a single-family residence in an existing development. The remaining area is part of the lot. As a result, this will not be developed in the future.
- All county zoning requirements and restrictions are complete for Monastery Cove Phase 2. Additionally, we have worked closely with all departments in finalizing the configuration being presented.

Rock Fall

No significant bedrock outcrops were observed at the site or in higher slopes that could present a source area for rock fall clasts. We therefore rate the hazard from rock falls to the Project as low.

Problem Soil and Rock

The U.S. Department of Agriculture Natural Resources Conservation Service (<https://websoilsurvey.nrcs.usda.gov/app/>) maps the soil in the area of proposed home sites 1 and 2 as "Yeates Hollow very stony loam, 10 to 30 percent slopes." This soil is described as a mountainside, bench and alluvial-fan soil formed in alluvium and/or colluvium overlying weathered conglomerate. The typical profile reportedly consists of an A horizon formed in very stony loam to a depth of 10 inches, a B horizon formed in very gravelly loam and very gravelly clay loam from 10 to 55 inches, and bedrock below 55 inches. Proposed home site 3 is in an area mapped as "Fluvaquentic Haploborolls-Fluventic Haploxerolls complex, 1 to 6 percent slopes." This soil is described as a floodplain and stream-terrace soil formed in alluvium. The soil profile reportedly varies. Weber County hazard mapping does not show any areas of potential expansive soil or rock at the Project. Given all the above, we rate the risk from problem soil as low. Evaluation of and recommendations regarding soil foundation conditions should be conducted and provided as needed in site-specific geotechnical investigations once development plans have been formalized.

CONCLUSIONS AND RECOMMENDATIONS

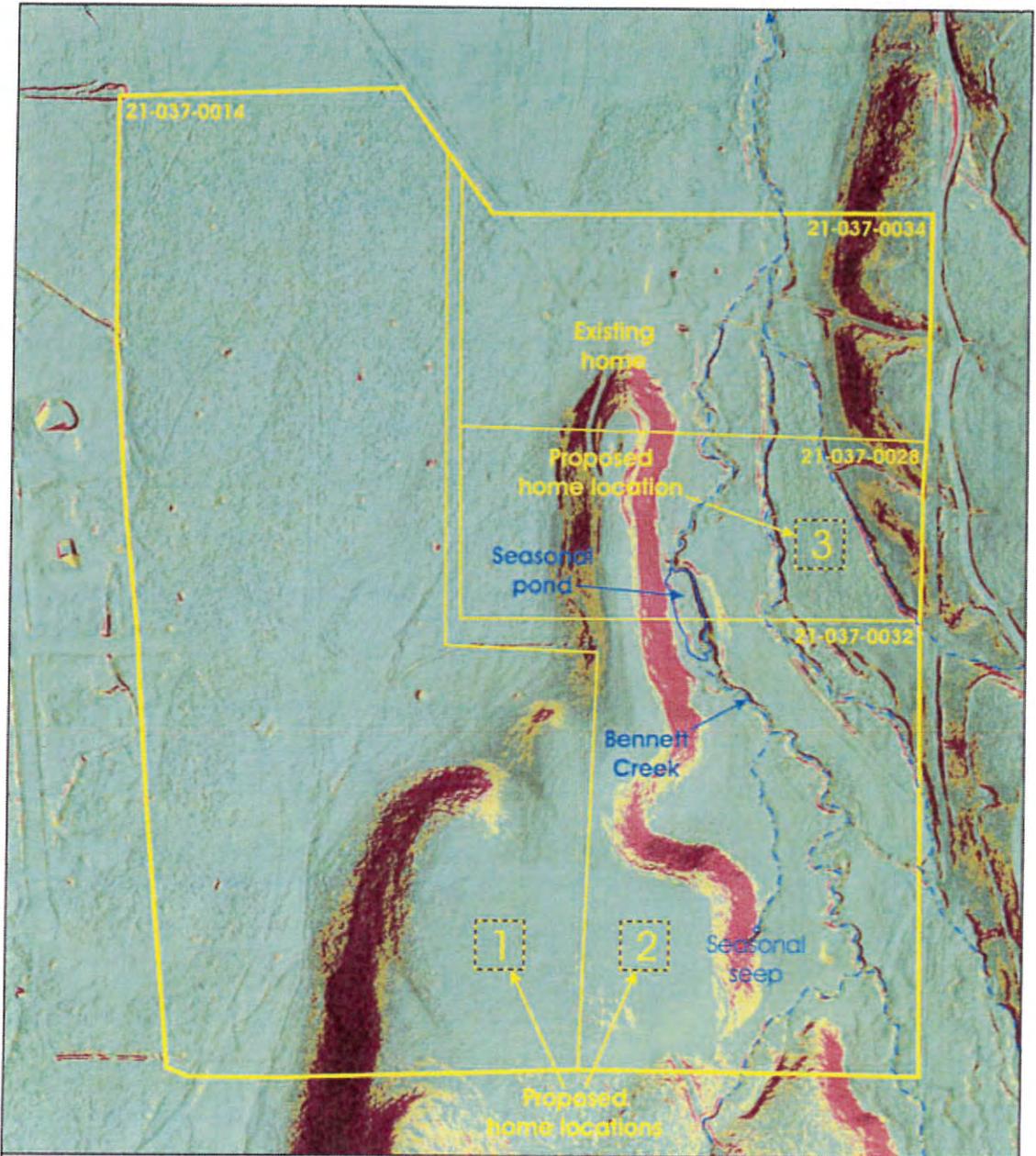
Earthquake ground shaking is the only geologic hazard identified as posing a high relative risk to the Project. This hazard is a regional hazard common in all Wasatch Front areas. Stream flooding and shallow groundwater also pose a moderate (equivocal) risk.

We recommend the following:

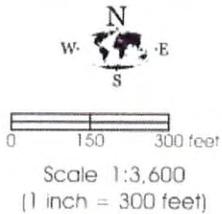
- **Seismic Design** – All habitable structures developed at the property should be designed and constructed to current seismic building codes to reduce the risk of damage, injury, or loss of life from earthquake ground shaking.
- **Geotechnical Investigation** – Site-specific geotechnical investigations should be conducted prior to construction to assess soil foundation conditions. No substantial slope cuts should be made in the slopes at the site without prior geotechnical analyses.
- **Site Hydrology** – Surface drainage and the potential for seasonal stream flooding should be addressed with regard to the proposed home sites in accordance with all Weber County requirements. The proposed homes will also require foundation drainage systems to ensure proper subsurface drainage. We recommend the designs be provided or reviewed (and approved) by a licensed geotechnical engineer.

over →

- **Report Availability** – This report and any subsequent reports regarding geologic conditions at the property should be made available to the architect and building contractor, as well as real estate agents and potential buyers in the event of a future sale. The report should be referenced for information on technical data only as interpreted from observations and not as a warranty of conditions throughout the site. The report should be submitted in its entirety, or referenced appropriately, as part of any document submittal to a government agency responsible for planning decisions or geologic review. Incomplete submittals void the professional seals and signatures we provide herein. Although this report and the data herein are the property of the client, the report format is the intellectual property of the authors and should not be copied, used, or modified without their express permission.



Source: Utah AGRC, 2016 LIDAR Bare Earth DEM, 50 cm resolution, slope gradients <20% shaded in green, 20-30% in yellow, and >30% in red.



LIDAR ANALYSIS

GEOLOGIC HAZARDS RECONNAISSANCE
 Eden Development Group Land
 About 9379 East 1800 South
 Huntsville, Weber County, Utah

FIGURE 3C

6

&



W2152454

EN 2152454 PG 1 OF 5
DG08 CROFTS, WEBER COUNTY RECOVER
03-JAN-06 254 PH FEE \$0.00 BEP SOC
REC FOR: WEBER BASIN WATER CONSERV DIST
Contract D-3

Account # 04113

PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT
FOR THE ALLOTMENT OF WATER

B&H Investment Properties LLC herein "Petitioner"),
hereby applies to the Weber Basin Water Conservancy District, (herein "District"), for the allotment
of the beneficial use of 26.0 acre-feet of untreated water annually, **for irrigation and domestic
purposes**, on land situated in Weber County, Utah, legally described as follows:

Section 28, Township 6N, Range 2E, Acres _____

Tax I.D. No 21-037-0014

SEE ATTACHED "EXHIBIT A"

1. In consideration of such allotment and upon condition that this petition is granted by the District, Petitioner agrees as follows:

a. To pay for the right to use the allotted water an amount annually to be fixed from time to time by the District's Board of Directors, which amount initially shall be the sum of \$ 15.00 per 1.0 acre-foot.

b. To pay an additional amount, per acre foot, annually to be fixed by the District's Board of Directors for operation, maintenance or other charges.

The amount so fixed shall be paid whether or not the Petitioner actually takes and uses the water allotted.

The amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the provisions of the Water Conservancy Act of Utah and the rules and regulations of the District's Board of Directors. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied pursuant to Sections 17A-2-1426 and 17A-2-1427, Utah Code Annotated 1990, as amended.

2. The use of the water allotted hereby shall be solely for the replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well or spring for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use of purpose.

3. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe. The Petitioner shall not use the allotted water in any way without first receiving an approved exchange application from the Utah State Engineer. It is the responsibility of the Petitioner to obtain such approved exchange application.

4. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of _____ reservoir.

5. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

6. In the event there is a shortage of water caused by drought, inaccuracies in distribution not resulting from negligence, hostile diversion, prior or superior claims or other causes not within the control of the District, no liability shall arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of treated and untreated water for municipal, domestic and industrial use shall have first priority.

7. The Petitioner shall construct, operate and maintain, without cost to the District, the well or spring and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well or spring.

8. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with law.

9. The Petitioner agrees to fully comply with all applicable federal laws, orders and regulations and the laws of the State of Utah, all as administered by appropriate authorities, concerning the pollution of streams, reservoirs, ground water or water courses with respect to thermal pollution or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, mine tailings, mineral salts, or other pollutants.

10. Petitioner recognizes that in addition to the tax lien referred to in paragraph 1 above, the above-described land is presently encumbered by a lien created by District Contract No. 69312.45074 in the name of Gibbs Smith, hereinafter the "contract lien." There is presently an outstanding balance owed the District of \$0, which petitioner hereby assumes and agrees to discharge. The unpaid balance of the contract lien shall be assessed simple interest at the rate of n/a % per annum. Petitioner recognizes that the unpaid balance of the contract lien together with the accrued interest shall remain a lien upon the land until discharged. The parties agree further that in the event the indebtedness represented by the contract lien and accrued interest is not fully discharged on or before n/a, District may cancel this

contract, retain both its contract lien and tax lien and inform the State Engineer of the cancellation and request that the corresponding exchange application be invalidated. The District may also elect to foreclose its contract lien against the land.

11. The provisions of this Contract shall apply to and bind the successors and assigns of the parties hereto but as long as payments are required under Articles 1 (a) and (b) above neither this contract or any assignment or transfer of this contract or any part thereof or interest therein shall be valid until approved by the District's Board of Directors.

12. The reuse of water delivered pursuant to this contract shall not be allowed without permission of the District. The waste, seepage, or return flow from water delivered pursuant to this contract shall belong to the United States or the Weber Basin Water Conservancy District for the use and benefit of the Weber Basin Project.

Dated this 7 day of October, 2005.

[Signature]
[Signature]
Petitioners and Owners of Land
above-described

B&H Investment Properties LLC
110 West 1700 North
Centerville, UT 84014
Address

STATE OF Utah)
: ss.
COUNTY OF Davis)

On the 7th day of October, 2005 personally appeared before me Steven L. FerltoKI for Justin Deppe, the signer(s) of the above instrument, who duly acknowledged to me that he executed the same.

[Signature]
NOTARY PUBLIC

(SEAL)  NOTARY PUBLIC
COLETTE M. EDWARDS
2837 East Highway 180
Layton, Utah 84040
My Commission Expires
September 8, 2007
STATE OF UTAH

ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of B&H Investment Properties LLC, be granted and an allotment of 26.0 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 4 day of November, 2005.

WEBER BASIN WATER CONSERVANCY
DISTRICT,

By Jewel Lee Kenley
Chairman, Board of Trustees
Jewel Lee Kenley

ATTEST:

Tage I. Flint
Secretary
Tage I. Flint

(SEAL)



EXHIBIT MA"

E) 2152454 PG 5 OF 5

Part of the North half of Section 28, Township 6 North, Range 2, East, Salt Lake Base and Meridian, Beginning at the Northeast Corner of Lot 8 of MONASTERY COVE SUBDIVISION PHASE 1, said point being South 89D33'27" East 918.89 feet along the Section line and South 691.57 feet from the North Quarter Corner of Section 28, Township 6 North, Range 2 East, Salt Lake Base and Meridian (Basis of bearing: North 89D33'10" West from the North Quarter Corner of Section 28 to the Northwest Corner of Section 28) thence South BSD[▲]'SS" East, 601.92 feet along South Boundary of Susan Short Property; thence South 37D52'13" East 151.13 feet along the Southwest boundary of Tim Ford Right of Way, thence South 00D09'27" East 1000.75 feet along West boundary of Tim Ford Property; thence North 87D43'20" East 255.31 feet along said boundary of Tim Ford property; thence South 00D40'17" East 855.86 feet along West boundary of Tim Ford property; thence North 89D10'54" West 802.22 feet along North Boundary of FALCON CREST SUBDIVISION, thence North 05D31'41" West 1472.85 feet along East boundary of MONASTERY COVE SUBDIVISION PHASE 1; thence North 02D08'23" West 495.96 feet along East boundary of MONASTERY COVE SUBDIVISION PHASE 1; to the point of beginning.

(Being the Proposed MONASTERY COVE SUBDIVISION PHASE 2)

#21-037-0014



(Property Address: 9300 East 2075 South, Huntsville, Utah, 84037)

1 YEAR 1-15-19 W/E
R



W2997972

EH 2997972 PG 1 OF 9
LEANN H KILTS, WEBER COUNTY RECORDER
19-AUG-19 327 PH FEE i 0.00 DEP DC
RFC FDR: WEBER BASIN WATER CDNSEKV DIST

Account No. 18428

Replacement Contract/Project Untreated

**PETITION TO WEBER BASIN WATER CONSERVANCY DISTRICT
FOR THE ALLOTMENT OF WATER**

Eden Development Group LLC (herein "Petitioner") hereby applies to the Weber Basin Water Conservancy District (herein "District") for the allotment of the beneficial use of 25.00 acre-feet of untreated replacement water annually, **for irrigation and domestic purposes**, on land situated in Weber County, Utah, legally described as follows:

Section 28, Township 6N, Range 2E, Acres _____

Tax I.D. No.(s): 21-037-0034, 21-037-0028 & 21-037-0032

Description of Lands:

See Attached "Exhibit A"

1. APPROVAL BY DISTRICT. In the event that the District grants this petition by executing the Order on Petition, attached hereto, this instrument shall be a contract between the Petitioner and the District (sometimes referred to herein as the "Contract"), which Contract shall be effective on the date upon which the District enters the Order on Petition.

2. OBLIGATION TO PAY. In consideration of such allotment and upon condition that this Petition is granted by the District, Petitioner agrees:

(a) To pay for the right to use the allotted water an amount annually, which amount initially shall be \$3,143.25. A portion of the above payment amount is to be applied to the extent required on the District's obligations under bonds or other government-District contracts or capital expenditures, and is to be fixed from time to time by the District's Board of Trustees. The remainder of the above payment amount is to apply to the District's general operation, maintenance, and repair and replacement expenses, and other special expenses and costs incurred in operating, maintaining, repairing and replacing the separate facilities of the District used or required in servicing this Contract, hereinafter referred to as "OM&R". Such fair OM&R amounts shall be estimated each year by the Board of Trustees of the District, and any such determination shall be final and conclusive and binding on all parties. If such estimate is more than the actual cost thereof, an appropriate adjustment will be made in the annual OM&R amount for the year following the year

OK

for which the estimate was made.

(b) The amount so fixed shall be paid whether or not the Petitioner actually takes or uses the water allotted.

(c) The first payment of the amounts so fixed shall be a tax lien upon the above-described land and the Petitioner shall be bound by the rules and regulations of the District's Board of Trustees. Nothing contained herein shall be construed to exempt the Petitioner from paying the taxes levied.

(d) Notwithstanding any of the forgoing, the District shall be entitled to change the charging structure of this Contract, including the amounts charged under this Contract, as determined from time to time by the District's Board of Trustees. The District may, in its sole and absolute discretion, change the billing structure outlined herein, including but not limited to changing that billing structure so that the Petitioner is billed based on the amounts of water used ("bill for use"), such that the District may choose to charge by the unit or gallon delivered or used, and may institute tiers that provide for increasing charges for each such unit based on the total use. As outlined in this Contract, Petitioner is obligated to install appropriate metering and measuring devices. Petitioner agrees that any such meter will satisfy all requirements of the District and will properly measure water usage, which measurement may be used by the District in determining any overuse, as outlined below, and in determining the appropriate charge under any bill for use payment structure adopted by the District under this paragraph.

(e) Petitioner recognizes that in addition to the tax lien referred to in paragraph 2 above, the above-described land is presently encumbered by a lien created by District Contract No. 22815 & 22819 in the name of Tim & Cindy Ford, hereinafter the "contract lien." There is presently an outstanding balance owed the District of \$0.00, which petitioner hereby assumes and agrees to discharge. The unpaid balance of the contract lien shall be assessed simple interest at the rate of 18 % per annum. Petitioner recognizes that the unpaid balance of the contract lien together with the accrued interest shall remain a lien upon the land until discharged. The parties agree further that in the event the indebtedness represented by the contract lien and accrued interest is not fully discharged on or before n/a, District may cancel this contract, retain both its contract lien and tax lien and inform the State Engineer of the cancellation and request that the corresponding exchange application be invalidated. The District may also elect to foreclose its contract lien against the land.

3. PENALTY FOR DELINQUENCY: Every installment or charge required to be paid to the District under this Contract, which shall remain unpaid after its due date, shall bear interest from date of delinquency at a rate of 18% APR.

4. REMEDIES IN CASE OF DEFAULT: If the Petitioner shall fail to make any payment due hereunder on or before the due date, or in the event that the petitioner shall violate any of the terms of this Contract, the District may refuse the delivery of water, or upon written notice to Petitioner, cancel this Contract in its entirety, but either or both of these remedies are not exclusive. The District may exercise any other remedy given by this Contract or by law to enforce collection of any payment due hereunder.

5. USE OF WATER. The use of the water allotted hereby shall be solely for the

replacement of underground water diverted, withdrawn or to be diverted or withdrawn by means of a well for irrigation and domestic purposes at a point located on the land hereinabove described, and for no other use or purpose.

6. OVERUSE. The amount of water to which the Petitioner is entitled annually shall not exceed the allotted amount as described above. In the event that Petitioner receives water in excess of the allotted amount in any given year, whether intentionally or unintentionally, the Petitioner will be billed for the excess water at a rate or rates fixed from time to time by the Board of Trustees of the District. Payment for use of water in excess of the allotted amount shall be paid within 30 days from notification by the District. Failure to make payment in full by the due date will result in the total amount being levied as a tax lien in future years, and, at the District's sole discretion, in the discontinuation of service until payment in full is received by the District.

7. UTAH STATE ENGINEER. Petitioner's use of the water hereby allotted as replacement water shall be subject to such rules and regulations as the Utah State Engineer may from time to time prescribe. The Petitioner shall not use the allotted water in any way, and the District will not be obligated to deliver water to the Petitioner as herein provided, until Petitioner first receives an approved exchange application from the Utah State Engineer. It is the responsibility of the Petitioner to obtain such approved exchange application.

8. DELIVERY OF WATER. Delivery of the water hereby allotted by the District shall be as directed by the Utah State Engineer or his representative at the outlet works of Pineview Reservoir. The District shall have no obligation to provide works or facilities of any type to conduct the water hereby allotted from its point of delivery to its ultimate place of use.

9. WATER SHORTAGE. In the event there is a shortage of water caused by drought, inaccuracies in distribution not resulting from negligence, hostile diversion, prior or superior claims or other causes not within the control of the District, no liability shall arise against the District or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom to Petitioner and the payments to the District provided for herein shall not be abated or reduced because of any such shortage or damage. During periods of water shortage, allocations of drinking water for municipal and domestic use and treated and untreated water for industrial use shall have first priority.

10. WATER CONSERVATION. The Petitioner shall, at a minimum, take the following actions to conserve and protect water: (i) keep water use within the District's conservation goals (ii) follow all applicable water use restrictions for landscape watering; (iii) follow all applicable landscape ordinances.

11. FACILITIES. The Petitioner shall construct, operate and maintain, without cost to the district, the well and appurtenant facilities necessary to secure and accurately measure Petitioner's water supply. The metering or other measuring device installed by Petitioner shall be satisfactory to the Utah State Engineer. The District has no responsibility for the quality or quantity of water that Petitioner is able to secure through the source of Petitioner's well.

12. BENEFICIAL USE. The basis, the measure and the limit of the right of the Petitioner in the use of water shall rest perpetually in the beneficial application thereof, and the Petitioner agrees to put the water allotted Petitioner hereby to beneficial use in accordance with

law. The Petitioner shall have no right to hold over or accumulate water from year to year, nor to sell or rent the water.

13. ACCOUNTING AND WATER SUPPLY RECORDS. The Petitioner shall maintain a set of books and records, satisfactory to the District, which shall keep and furnish suitable records of water supply and the disposition thereof. The Petitioner agrees to provide the above information and documentation to the District upon request, and within 30 days of any such request.

14. COMPLIANCE WITH LAW. The Petitioner agrees to fully comply with all applicable federal laws, orders and regulations and the laws of the State of Utah, all as administered by appropriate authorities, concerning the pollution of streams, reservoirs, ground water or water courses with respect to thermal pollution or the discharge of refuse, garbage, sewage effluent, industrial waste, oil, mine tailings, mineral salts, or other pollutants.

15. INDEMNIFICATION. Petitioner agrees to indemnify, protect, and save and hold the District harmless against and in respect of any and all claims, losses, liabilities, damages, costs, deficiencies or expenses (including attorney's fees) resulting from any claim for any rights under the Contract or from the non-fulfillment of any covenant or agreement on the part of Petitioner under or relating to this instrument, and any and all actions, suits, proceedings, demands, assessments, judgments, costs, legal and accounting fees and other expenses incident to any of the foregoing.

16. NUMBER AND JOINT LIABILITY. In this instrument, the singular number includes the plural and the plural number includes the singular. If this instrument is executed by more than one person, firm, partnership or corporation, the obligations of each such person, firm, partnership or corporation hereunder shall be joint and several.

17. NO THIRD-PARTY BENEFICIARIES. Nothing herein shall be interpreted or construed to confer any right or remedy upon, or any duty, standard of care, liability or inference of liability to or with reference to, any person other than the District and the Petitioner and their respective successors and permitted assigns.

18. GOVERNING LAW; JURISDICTION. This instrument shall be governed by and construed in accordance with the domestic laws of the State of Utah without giving effect to any choice or conflict of law provision or rule (whether of the State of Utah or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Utah. Petitioner submits to the jurisdiction of the Second Judicial District Court of the State of Utah in any action or proceeding arising out of or relating to this instrument and agrees that all claims in respect of the action or proceeding may be heard and determined in any such court. Petitioner waives any defense of inconvenient forum to the maintenance of any action or proceeding so brought and waives any bond, surety, or other security that might be required of the District with respect thereto.

19. INTERPRETATION. In the event an ambiguity or question of intent or interpretation arises, no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this instrument. The paragraph headings contained herein are for purposes of reference only and shall not limit, expand, or otherwise affect the interpretation of any provision hereof. Whenever the context requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any

part thereof, any gender shall include the masculine, feminine and neuter gender, and the term "person" shall include any individual, firm, partnership (general or limited), joint venture, corporation, limited liability company, trust, association, or other entity or association or any combination thereof. If any provision of this instrument or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this instrument and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the extent permitted by applicable law.

20. WAIVER. No failure or delay in exercising any right, power or privilege under this instrument, whether intentional or not, shall operate or be construed as a waiver thereof, nor shall any single or partial exercise of a right, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, power or privilege hereunder.

21. SUCCESSION AND ASSIGNMENT. The Contract shall be binding upon and inure to the benefit of the parties named herein and their respective successors and permitted assigns. Petitioner may not assign the Contract or any of its rights, interests, or obligations thereunder without the prior written approval of the District.

22. FURTHER ACTS. The parties hereby agree for themselves, and for their successors and assigns, to execute any instruments and to perform any act which may be necessary or proper to carry out the purposes of the Contract.

23. INCORPORATION OF RECITALS. The recitals set forth in this instrument are incorporated herein by reference and made a part hereof.

24. INTEGRATION. This instrument sets forth the entire understanding of the parties with respect to the subject matter hereof, and all prior negotiations, correspondence, proposals, discussions, understandings, representations, inducements and agreements, whether oral or written and whether made by a party hereto or by any one acting on behalf of a party, shall be deemed to be merged in and superseded by this instrument and shall be of no further force or effect. There are no representations, warranties, or agreements, whether express or implied, oral or written, with respect to the subject matter hereof, except as set forth herein, and no party has relied upon any representation, promise, assurance, covenant, omission or agreement not included in the terms hereof in making the decision to enter into this instrument. This instrument may not be contradicted by evidence of prior, contemporaneous or subsequent oral agreements among or between the parties.

25. AMENDMENTS. This instrument may not be modified, amended or changed by any oral agreement, either express or implied. No amendment, modification or change in this instrument shall be valid or binding unless reduced to writing and signed by both the District and the Petitioner. The provisions of this and the immediately preceding sentence themselves may not be amended or modified, either orally or by conduct, either express or implied, and it is the declared intention of the parties that no provisions of this instrument, including said two sentences, shall be modifiable in any way or manner whatsoever other than through a written document signed by both the District and the Petitioner.

26. EXPENSES OF ENFORCEMENT. In any proceeding to enforce, interpret, rescind or terminate this instrument or in pursuing any remedy provided hereunder or by applicable

law, the prevailing party shall be entitled to recover from the other party all costs and expenses, including a reasonable attorney's fee, whether such proceeding or remedy is pursued by filing suit or otherwise, and regardless of whether such costs, fees and/or expenses are incurred in connection with any bankruptcy proceeding. For purposes of hereof, the term "prevailing party" shall include, without limitation, a party who agrees to dismiss an action or proceeding upon the other's payment of the sums allegedly due or performance of the covenants allegedly breached, or who obtains substantially the relief sought. The provisions set forth in this paragraph shall survive the merger of these provisions into any judgment.

27. **EFFECTIVE DATE.** This Contract shall become effective upon approval hereof by the District, as indicated by its endorsement herein below.

28. **REUSE.** The reuse of water delivered pursuant to this contract shall not be allowed without permission of the District. The waste, seepage, or return flow from water delivered pursuant to this contract shall belong to the United States or the District for the use and benefit of the District.

29. **NOTICE.** Any notice herein required to be given to the Petitioner shall be sufficiently given if sent by mail addressed to the Petitioner at the address listed below, or if sent by electronic mail addressed to the Petitioner at the email address listed below, if any such email address is listed, or through public notice, and to the District office if delivered to 2837 East Highway 193, Layton, Utah 84040.

30. **AUTHORIZED EXECUTION.** The individuals signing below each represent and warrant (i) that they are authorized to execute this instrument for and on behalf of the party for whom they are signing; (ii) that such party shall be bound in all respects hereby; and (iii) that such execution presents no conflict with any other agreement of such party.

31. **CONTRACT ASSESSMENTS:** This Petition is governed by the provisions of Utah Code Section 17B-2a-1007, titled "Contract Assessments," together with the rules and regulations of the District's board of trustees relating to contract assessments.

ORDER ON PETITION

DUE NOTICE having been given and hearing had, IT IS ORDERED that the foregoing petition of Eden Development Group LLC be granted and an allotment of 25.00 acre-feet of water is hereby made to the lands therein described, upon the terms, at the rates, and payable in the manner as in said petition set forth.

DATED this 1 day of August, 2019.

WEBER BASIN WATER CONSERVANCY DISTRICT

BY 
Pam C. Summers, President

ATTEST:

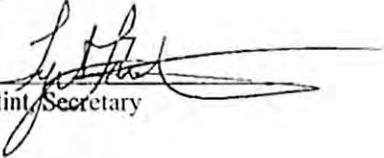

Tagerh-Flint, Secretary



EXHIBIT A

Parcel # 21-037-0028 :PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH,RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN. BASIS OF BEARING IS NORTH 89D52'10" WEST ALONG THE NORTH LINE OF SAID QUARTERSECTION AS MONUMENTED WITH WEBER COUNTY SURVEYOR'S BRASS CAPS(DATED 1989). BEGINNING AT A POINT THAT IS NORTH 89D52'10" WEST 1580.76 FEET ALONG NORTH LINE OF SAID QUARTER SECTION AND SOUTH 38D10'56" EAST (SOUTH 38D42' EAST) 1084.43 FEET ALONG THE EASTERLY SIDE OF AN EXISTING 33.00 FOOT WIDE RIGHT OF WAY, AND SOUTH 38D10'56" EAST 72.42 FEET TO A FENCE ON THE SOUTHSIDE OF WALLWORK PROPERTY, AND NORTH 87D24'37" EAST (NORTH 85D55'49" EAST) 863.95 FEET TO THE FENCE CORNER, AND SOUTH 0D35'09" EAST 270.37 FEET AND SOUTH 0D40'22" WEST 148.70 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE ALONG FENCE DESCRIBED AS FOLLOWS, SOUTH 0D40'22" WEST 225 FEET, SOUTH 2D55'33" EAST 155.50 FEET AND SOUTH 0D39'39" EAST 70.64 FEET, THENCE SOUTH 87D24'37" WEST 950.20 FEET, THENCE NORTH 0D28'10" WEST 451.15 FEET; THENCE NORTH 87D24'37" EAST 947.80 FEET TO THE POINT OF BEGINNING

Parcel # 21-037-0032: PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH,RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN. BASIS OF BEARING IS NORTH 89D52'10" WEST ALONG THE NORTH LINE OF SAID QUARTERSECTION AS MONUMENTED WITH WEBER COUNTRY SURVEYOR'S BRASSCAPS (DATED 1989). BEGINNING AT A POINT WHICH BEARS NORTH 89D52'10" WEST 1580.76 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION, SOUTH 38D10'56" EAST (SOUTH 38D42' EAST) 1084.43 FEET ALONG THE EASTERLY SIDE OF AN EXISTING 33 FOOTWIDE RIGHT OF WAY AND SOUTH 89D50'04" WEST 41.89 FEET FROM THE NORTHEAST CORNER OF SAID SECTION, AS MONUMENTED, AND RUNNING THENCE NORTH 38D10'56" WEST 49.04 FEET ALONG THE WESTERLY SIDE OF SAID RIGHT OF WAY, THENCE SOUTH 0D28'10" EAST 1000.61 FEET, THENCE NORTH 87D24'37" EAST 255.29 FEET, THENCE SOUTH 0D59'00" EAST 855.86 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID QUARTER SECTION, THENCE SOUTH 89D29'35" EAST 725.20 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION, THENCE NORTH 0D59'08" WEST 925.06 FEET TO AND ALONG AN EXISTING FENCE LINE, THENCE SOUTH 87D24'37" WEST 950.20 FEET, THENCE NORTH 0D28'10" WEST 930.68 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 15.9 ACRES, MORE OR LESS.

Parcel # 21-037-0034: PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH,RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN. BASIS OF BEARING IS NORTH 89D52'10" WEST ALONG THE NORTH LINE OF SAID QUARTERSECTION AS MONUMENTED WITH WEBER COUNTY SURVEYOR'S BRASS CAP(DATED 1989). BEGINNING AT A POINT THAT IS NORTH 89D52'10" WEST 1580.76 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION AND SOUTH 38D10'56" EAST (SOUTH 38D42' EAST) 1084.43 FEET ALONG THE EASTERLY SIDE OF AN EXISTING 33.00 FOOT WIDE RIGHT OF WAY, AND RUNNING THENCE SOUTH 38D10'56" EAST 72.42 FEET TO THE FENCE ON THE SOUTH SIDE OF WALLWORK PROPERTY, THENCE NORTH 87D24'37" EAST (NORTH 85D55'49" EAST) 863.95 FEET TO THE FENCE CORNER, THENCE ALONG FENCE DESCRIBED AS FOLLOWS: SOUTH 0D35'09" EAST 270.37 FEET, THENCE SOUTH 0D40'22" WEST 148.70 FEET, THENCE SOUTH 87D24'37" WEST 947.80 FEET, THENCE NORTH 0D28'10" WEST 479.53 FEET, THENCE NORTH 89D50'4" EAST 41.89 FEET TO THE POINT OF BEGINNING, POINT OF BEGINNING IS FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION, SUBJECT TO A RIGHT OF WAY: BEGINNING AT A POINT WHICH IS SOUTH 89D19' WEST 1564.19 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE SOUTH 38D42' EAST 1130.98 FEET; THENCE SOUTH 89D19' WEST 41.89 FEET; THENCE NORTH 38D42' WEST 1130.89 FEET TO THE SOUTH LINE OF COUNTY ROAD, THENCE NORTH 89D19' EAST 41.89 FEET TO BEGINNING.

07/08/2004 THU 15:55 FAX

002/003

AGREEMENT FOR THE INSTALLATION OF A
SECONDARY(IRRIGATION WATER) SYSTEM
FOR THE HOME OWNERS AND LOTS
IN PHASES ONE AND TWO OF
THE COVE AT RIVER RUN

The Town of Huntsville, (hereinafter referred to as Town) and the Home Owners Association, being all the owners of lots in Phase I of The Cove at River Run and Bally Watts LLC, being the owner of all the Lots of Phase II of The Cove at River Run (hereinafter referred to as Lot Owners) mutually enter into this agreement this 17th day of June, 2004.

WHEREAS, the Town of Huntsville has previously agreed to provide culinary water only to the lots which are physically located in Phases I and II of the subdivision known as "The Cove at River Run, located in Weber County, State of Utah

WHEREAS, the developers of the subdivision have agreed to install a secondary system and have placed in the CCRS restrictions on the outdoor use of culinary water for outside water and the contracts of sale to the lot owners in Phase I of the Subdivision have a provision in the contracts that secondary water is not being supplied.

WHEREAS, the Town of Huntsville has adopted a policy within the Town that culinary water will not be supplied to any lot unless the owners are stockholders in the Huntsville Waterworks and hooked up to the secondary water system and further receive secondary water

WHEREAS each homeowner in Phase I of the subdivision has received from the Developer one share of Weber Basin exchange water from Bally Watts, L C.

WHEREAS, to relieve pressure on the culinary water system and to assure to all users of culinary water that culinary water will not be used for secondary water purpose the Town and the Lot Owners agree as hereinafter set forth:

NOW THEREFORE the Town and the Lot Owners mutually agree as follows:

- 1 Each lot owner has and shall receive one share of Weber Basin exchange water from Bally Watt, L C
- 2 Each share of Weber Basin exchange water represents an equal right to receive secondary water from a well or wells drilled by Bally Watts L C solely for the purpose of providing secondary water for each lot.
- 3 Bally Watts shall cause as soon as permission is received from the Utah State Engineer to change the use of the water to irrigation water for use by the subdivision lot owners. Bally Watts shall file an application for a change of use of the Weber Basin Exchange water and also to

drill one or more wells to provide secondary water within ten (10) days from the date of this agreement. Bally Watts will diligently pursue the application and provide all documents and signatures as requested by the State Engineer.

4 ^{one bottom owners} Bally Watts will install at its own cost a source and storage facility for the secondary water and also a delivery system to each lot in Phase II of the subdivision. Bally Watts as a condition for the sale of each lot that the lot has the delivery system to the edge of the lot and also as a covenant that the lot owner use the secondary system to do all outside watering.

5 Bally Watts will also install a delivery system to the lot owners of Phase I of the Subdivision, delivering secondary water to each lot in Phase I. Each lot owner shall pay to Bally Watts a pro rata share of the delivery, storage and well costs as they relate to Phase I.

6 Bally Watts shall use its powers to ensure that all Lot owners in Phase I are connected to and use the secondary system to provide secondary water to the individual lots. The Town may read meters for all lot owners until the system is connected and bill the lot owners for water used in accordance with the rates and usage established by the Town Council. The Town may disconnect any lot from the culinary system if the billed charges are not paid within thirty days after being billed.

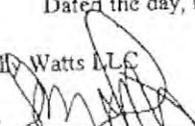
7. Town may refuse to connect Phase II to its culinary system if in its sole opinion the Developer is not pursuing with reasonable diligence the obtaining of the necessary approvals and drilling of a well or wells and the installation of a delivery system.

8. Town will support the recording of Phase II of the Subdivision upon demonstration by the Developer of due diligence in pursuing the development of a secondary water system

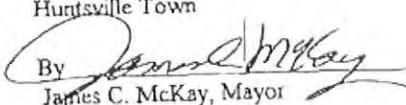
9. Bally Watts, LLC agrees to pay culinary hookup impact fees of \$3,000.00 per lot to Town at the date the Plat for Phase II is recorded with the Weber County Recorders Office.

Dated the day, month and year first above written

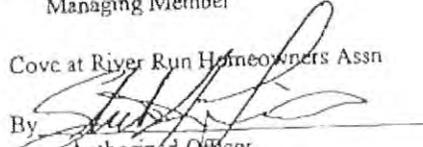
Bally Watts LLC

By 
Managing Member

Huntsville Town

By 
James C. McKay, Mayor

Cove at River Run Homeowners Assn

By 
Authorized Officer

Traffic Impact Analysis

**Bally Watts Subdivision
Ogden Valley, Weber County, Utah**

August 1995

Cityscape
Multi-Disciplinary Consulting Services
44 Exchange Place, Salt Lake City, Utah, 84111

Location and Background

The Bally Watts Subdivision is proposed for approximately 85 acres of undeveloped land in the southwestern portion of Ogden Valley. (See Location Map)

The proposed subdivision contains approximately 30 lots. (See Preliminary Plat)

*20 lots
within phase 1*

The proposed roads within the subdivision are to be built to Weber County standards. The proposed subdivision roads will need to carry only traffic generated by the subdivision. Given the relatively low density of the proposed development, there is no question that the roads within the new development will be more than adequate for this local traffic burden.

The proposed subdivision obtains access from the existing road on 1800 South. Questions have been asked regarding the traffic carrying capacity of 1800 South and other adjoining streets. Simply put, what impact will this new subdivision have on 1800 South and other adjoining streets?

Traffic Generation

The amount of traffic generated by thirty homes is reasonably predictable. In the Transportation Technical Report (Appendix C), of the 1996 Ogden Valley General Plan, a trip generation rate of 5 trips per day per single family dwelling was used (pg. 4).

Applying this factor to the thirty proposed homes yield an average daily traffic contribution of 150 ADT to 1800 South.

Traffic Distribution

The 150 ADT will be distributed onto the surrounding road network according to the selection of routes which will be affected by the locations of the trip destinations. The vast majority of trip destinations lie to the north and west of the proposed subdivision. There are two primary routes from the proposed subdivision to the north and west.

The simpler, probably quicker route would be to go east along 1800 South to 9500 East, then proceed north to 100 South, then west along 100 South to the center of Huntsville. The shorter, but slower route would be along a series of roads to the west and north of the site which meet up with 500 South near 8600 East, then west along 500 South to Huntsville. (While these routes have been described for outbound trips they clearly serve inbound trips as well.)

Given these two routes, it can be assumed that the traffic generated by the proposed subdivision will be distributed equally (or nearly equally) between them. This means that approximately 75 ADT can be assigned to each route.

Peak Hour Factor

In the Transportation Technical Report (Appendix C), of the 1996 Ogden Valley General Plan, a peak hour factor of 10% was used. Multiplying the Average Daily Traffic by 10% yields the peak hour two way volume of traffic. Applying this factor to the 75 ADT means that 7.5 vehicles per hour will be added to either alternative route.

Roadway Capacity

In order to determine the existing roadway capacity, it was necessary to measure the pavement width at a number of locations along both routes. Measurements were made in twenty four different locations. Photos were also taken to document the edge conditions where each measurement was made. The points of measurement were selected to be characteristic of the roadway in the general location.

Route A

100 South is generally 27 feet wide (paved surface). 9500 East is generally 22 feet wide. 1800 South is 20 feet wide.

Route B

500 South is generally 22 feet wide. 8600 East is 22 feet wide. 1800 South and the other meandering roads are 20 feet wide.

Corresponding roadway capacity estimates:

Route A

100 South has a capacity of 1800 vph. 9500 East has a capacity of 1200 vph. 1800 South has a capacity of 800 vph.

Route B

500 South is has a capacity of 1200 vph. 8600 East has a capacity of 1200 vph.. 1800 South and the other meandering roads have a capacity of 800 vph.

Capacity Consumed

The impact of the proposed subdivision can be measured by the amount of existing roadway capacity it will consume. Along 1800 South 1% of the existing capacity will be consumed. For the other roads in the network less than 1% of the existing capacity will be consumed.

Summary

The traffic generated by the proposed subdivision is likely to add 7 to 8 cars to the surrounding road network during peak hour each day.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.

Agenda Date: Tuesday, April 28, 2020

Applicant: Weber County Planning Division

File Number: ZTA 2020-01

Frontier Project Address: <https://frontier.co.weber.ut.us/p/Project/Index/9892>

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
(801) 399-8772

Report Reviewer: CE

Applicable Ordinances

§108-16: Ogden Valley Outdoor Lighting

§110-2: Ogden Valley Signs

Legislative Decisions

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

Summary and Background

Over the past several months the Planning Commission has been working with staff on revisions to the Ogden Valley Outdoor Lighting ordinance and Ogden Valley Signs ordinance to send to the County Commission for formal consideration. The proposed revisions are intended to clean up a few clerical errors in addition to clarifications and modifications to a few of the existing standards based on lessons learned and potential loop holes found through administration of the ordinance since 2017. The ordinance drafts attached (Exhibits A & B) are a result of that effort.

This staff report will offer an analysis of the differences between the proposed drafts and the existing ordinances.

Policy Analysis

Policy Considerations:

Ogden Valley Outdoor Lighting Ordinance Amendments (See Exhibit A):

Clerical Edits:

A few clerical edits have been made through the ordinance to fix a few minor items.

Clarifying edits to the Applicability section (Sec 108-16-2(a)):

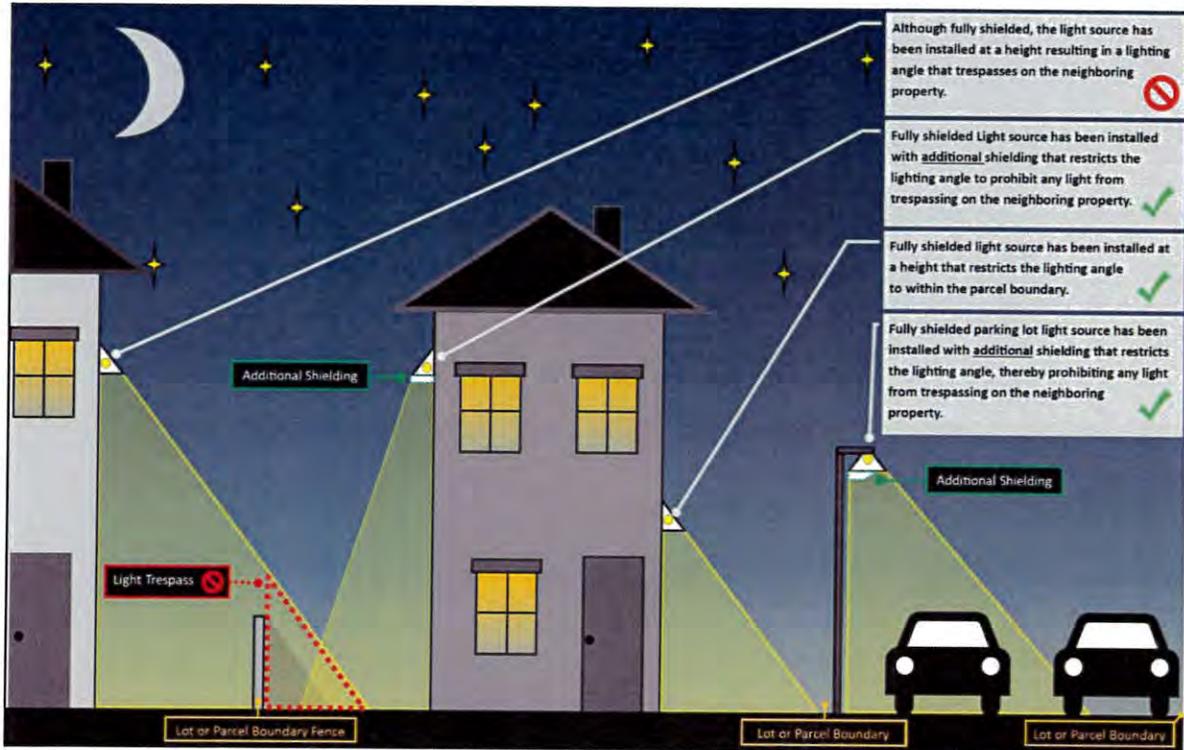
These edits have been made in an effort clarify how the ordinance requirements apply to single-family, two-family, and three-family residential uses that existed on or before August 1, 2017. In the existing ordinance, there are a few uses of exemption language that could lead a reader to believe that these residential uses are required to bring their outdoor lighting into conformance on or before the ten year deadline outlined in Sec. 108-16-7(1). This is not the intention. All new residential uses (except for multi-family units of four or

more families) must have night sky compliant lighting. However existing residential uses (except for multi-family units of four or more families) do not have to bring their outdoor lighting into compliance with the ordinance requirements within 10 years. They DO however need to comply with the conversion requirements outlined in Sec 108-16-7 (2) – (5).

Clarification to shielding requirements (Sec. 108-16-3):

We have found that a few lights have been installed, or proposed to be installed in which the selected light fixture is compliant with the lighting standards in the existing ordinance. However due to the installation location or height, the fixture's angle of light travel would extend beyond the property's boundary and create light trespass. For this reason we have inserted some clarifying language to indicate that installation location and height must be considered in addition to the standard shielding requirements to prevent trespass.

Additionally, we have created a new graphic to add to Sec. 108-16-11 to graphically depict this requirement. See below:



Clarification to the applicability of artificial light sources for "multi-family" land uses (Sec 108-16-4(1)):

For the purposes of this chapter, multi-family dwellings have been clarified to follow the definition of a multi-family dwelling in Sec. 101-1-7. This clarification is needed to determine how this chapter will apply to multi-family units of more than four dwellings and less than four dwellings. As amended, multi-family dwellings that house four or more families shall be subject to the specific standards (Sec. 108-16-4) of the ordinance as well as the required replacement of nonconforming outdoor lighting (Sec. 108-16-7).

Edits and additional provisions to specific uses of motion sensor controlled artificial light sources:

Due to the popularity of motion detection and illuminated security cameras, staff has proposed a number of amendments to both the Light Curfew section under Specific Standards (Sec 108-16-4(1)) and the Motion Sensor Controlled Light Source section under the Exemptions (Sec. 108-16-5(8)). These edits are geared to take advantage of the motion sensor technology to allow additional lighting options and flexibility. Some of these amendments allow lighting to exceed the general standards, so long as the amount of time these lights are on is shortened from 10 minutes to 2 minutes after the last detection of motion. Staff believes that these edits will allow more flexibility in the use of motion-controlled lights while also further mitigating the overall outdoor lighting impacts.

Clarification to the use of low output light sources within existing light fixtures (Sec 108-16-5(6)):

We have learned through the enforcement of the existing Ogden Valley Outdoor Lighting Ordinance, that many individuals have proposed using low output lighting sources within existing fixtures as a loophole to the requirements to replace old fixtures with those that are Night Sky compliant. To address this, staff has added language to this section to indicate that low output light sources may not be used within existing fixtures unless they are 1) rated to produce a lighting output of 105 lumens or less or 2) conforms to the shielding standards found in the General Standards section.

Removal of the existing Enforcement section (Sec 108-16-8(b)):

This edit has been proposed as the more recently adopted code enforcement section of the Land Use Code (Sec 102-4-4) was adopted with the intent of standardizing all code enforcement efforts.

Removal of county staff from the list of Dark Sky Committee members (Sec 108-16-8 (c)):

This modification to the list of committee members was made at the suggestion of the public as an effort to keep this committee run by public volunteers.

Clarifying edit to the shielding graphic (Sec 108-16-10):

This edit has been made to the graphic to keep "Fully Shielded" and "Full Cut Off" terminology consistent.

Ogden Valley Signs Ordinance Amendments (See Exhibit B)

Added language to Movie Poster Signs section (Sec. 110-2-10):

This language has been added to require movie poster signs to be compliant with the Ogden Valley Outdoor Lighting ordinance.

Additions to the Illumination Standards (Sec. 110-2-12(b)(3)a.1.):

Additional language has been added to the Illumination section to allow an exemption to illumination requirements for directional or circulation signage that are completely shielded from outside the property boundaries.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. The new 2016 Ogden Valley General Plan offers us guidance on what the community desires:

The vision for the community character section of the general plan is as follows:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, *dark skies*, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character.¹

The community's desire to maintain an identity and character of being a dark sky destination is specifically written into this vision. Further, the general plan provides the following:

Dark Sky Preservation: Ogden Valley residents have expressed a strong desire to preserve their legacy dark skies. In 2000, dark-sky lighting and sign ordinances were passed, and in spring 2015, North Fork Park became the world's 21st International Dark Sky Park, constituting a northern anchor for the national parks in Utah that have also been accredited. Astrotourism (a natural companion to agritourism) is an accelerating trend that not only can support the local economy but also can honor Ogden Valley's rural heritage and distinct natural beauty.²

This suggests that there is a desire to not only enhance the character of the valley by offering excellent visibility of the night sky, but to also take advantage of an emerging high value tourism trend for economic development purposes.

¹ See 2016 Ogden Valley General Plan page 4.

² See 2016 Ogden Valley General Plan page 5.

The plan recommends goals, principles, and implementation strategies to protect the nighttime sky:

Dark Sky Preservation Goal 1: A goal of Weber County is to protect the night sky in order to preserve the Valley's rural character and heritage.

Dark Sky Preservation Principle 1.1: Encourage programs for residential and agricultural dark-sky-lighting compliance.

Dark Sky Preservation Implementation 1.1.1: Review the current dark-sky lighting ordinance for consistency with dark-sky principle and current technology; identify possible updates. Consider amendments as necessary.

Dark Sky Preservation Principle 1.2: Promote the accreditation of North Fork Park as the world's 21st International Dark Sky Park, and encourage astro-, agri-, and ecotourism development.

Dark Sky Preservation Implementation 1.2.1: Evaluate current dark-sky sign ordinance for community character effectiveness and competitiveness with other Amenity West communities; identify possible updates.³

Commercial Development Goal 2: A goal of Weber County is to ensure that the design of retail and commercial development is consistent with Ogden Valley's rural character.

Commercial Development Principle 2.3: Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley.

Commercial Development Principle 2.3: Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley.⁴

The plan also references the need for better nighttime lighting ordinances in the Commercial Development Implementation strategy 2.1.1.

The Planning Commission can easily find support for the proposed ordinance in the 2016 Ogden Valley General Plan.

Past Action on this Item

No action has occurred on this item. The Planning Commission has discussed the proposed amendments to the Ogden Valley Lighting ordinance and Ogden Valley Signs ordinance in two past work sessions.

Noticing Compliance

A hearing for this item will held on April 28, 2020 with the Planning Commission in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website (10 days prior to the public hearing)

Posted on the Utah Public Notice Website (10 days prior to the public hearing)

Published in a local newspaper (10 days prior to the public hearing)

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and Exhibit B and offer staff critical feedback for additional amendments. At a time that the Planning Commission is comfortable with the proposal, it could be passed to the County Commission with the following findings:

1. The changes are supported by, and are part of the execution of, the 2016 Ogden Valley General Plan.
2. The changes are necessary to clarify provisions in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Proposed Amendments to the Ogden Valley Outdoor Lighting Ordinance (track changes)
- B. Proposed Amendments to the Ogden Valley Signs Ordinance (track changes)

³ See 2016 Ogden Valley General Plan page 8.

⁴ See 2016 Ogden Valley General Plan page 26.

1 CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING^{IZI}

2

3 Footnotes:

4 --- (7) ---

5 Editor's note— Ord. No. 2017-24, Exh. B, adopted June 27, 2017, effectively repealed the former tit.
6 108, ch. 16, §§ 108-16-1—108-16-10, and enacted a new ch. 16 as set out herein. The former ch. 16
7 pertained to Ogden Valley lighting and derived from §§ 39-1—39-10 of an ordinance adopted in 1956;
8 Ord. No. 2000-3; Ord. No. 2003-18.

9 Sec. 108-16-1. - Purpose and intent.

10 The purpose and intent of this chapter is to promote the community character of the Ogden Valley,
11 as provided for in the Ogden Valley general plan, by providing regulations and encouragement for the
12 preservation of a dark sky. This chapter is also intended to promote the health, safety, and general
13 welfare of Ogden Valley residents and visitors by:

- 14 (1) Reducing, eliminating, or preventing light trespass;
- 15 (2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- 16 (3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- 17 (4) Preventing unsightly and unsafe glare;
- 18 (5) Promoting energy conservation;
- 19 (6) Maintaining nighttime safety, utility, and security;
- 20 (7) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and
- 21 (8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of
22 accreditation of local parks by the International Dark-Sky Association.

23 (Ord. No. 2017-24, Exh. B, 6-27-2017)

24 Sec. 108-16-2. - Applicability.

- 25 (a) ~~New outdoor lighting. Except as provided in subsection (c) below, a~~All outdoor lighting installed after
26 August 1, 2017, shall conform to the requirements established by this chapter.
- 27 (b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting
28 that does not meet the requirements of this chapter and is not exempted by this chapter shall be
29 considered a nonconforming use and as such shall be phased out as outlined in section 108-16-7 of
30 this chapter.
- 31 (c) *Lighting for residential use.* Except as may be provided in section 108-16-7, the lighting standards of
32 this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or
33 approved on or before August 1, 2017. The county shall employ educational methods and incentives
34 to encourage voluntary compliance for these residential uses.
- 35 (d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more
36 restrictive shall apply.

37 (Ord. No. 2017-24, Exh. B, 6-27-2017)

Commented [SP1]: All outdoor lighting installed after August 1, 2017 are required to be in compliance with this ordinance. This includes subsection (c) for residential uses.

38 Sec. 108-16-3. - General standards.

39 (a) *Light shielding and direction.* Unless specifically exempted in section 108-16-5, all outdoor lighting
40 shall be fully shielded and downward directed in compliance with the following, examples of which
41 are graphically depicted in section 108-16-10:

- 42 (1) No artificial light source shall project direct artificial light into the nighttime sky.
- 43 (2) No artificial light source shall be placed at a location, angle, or height that creates a light
44 trespass, as defined in section 101-1-7 and graphically depicted in section 108-16-11.
- 45 (3) The shielding shall be made of completely opaque material such that light escapes only
46 through the bottom. Shielding that is translucent, transparent, has perforations or slits of any
47 kind, or allows light to escape through it in any other manner is not permitted.
- 48 (4) Shielding may be attained by light fixture design, building design, or other site design features
49 such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with
50 subsections (a)(1) through (3) of this section.

51 (5) To ensure light does not trespass on neighboring property, light fixtures that comply with the
52 shielding provisions of this section may also require additional or extended shielding elements
53 to further mitigate its angle of light travel to ensure the direct artificial light source does not
54 trespass on neighboring property. This concept is graphically depicted in section 108-16-11;

55 (b) *Light color.* Unless otherwise specified in this chapter, the color of any outdoor lighting-artificial light
56 source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature
57 chart, as graphically depicted in section 108-16-12.

58 (Ord. No. 2017-24, Exh. B, 6-27-2017)

59 Sec. 108-16-4. - Specific standards.

60 In addition to the general standards of section 108-16-3. The following are specific standards that
61 apply to all commercial, industrial, manufacturing, public and quasi-public, institutional, ~~multifamily~~,
62 recreation, ~~and~~ resort uses, and multiple-family dwellings as defined in section 101-1-7;

- 63 (1) *Light curfew.* Unless exempt in section 108-16-5, ~~and except for residential uses,~~ all outdoor
64 lighting shall be turned off by 10:00 p.m., or, if applicable, within one hour after the close of
65 business, whichever is later, except the following, so long as they are activated by a motion
66 sensor controller that is set to extinguish the light source within two minutes after the last
67 detection of motion:
 - 68 a. Lighting to illuminate the building's point of entry ~~and only of the building;~~
 - 69 b. Safety lighting of parking lots and pedestrian areas;
 - 70 c. Limited lighting that is absolutely necessary for after-hours business.
- 71 (2) *Flashing or flickering light.* No flickering or flashing lights shall be permitted.
- 72 (3) *Canopy lighting.* All direct artificial light sources shall be sufficiently recessed so as not to
73 project direct light greater than five feet from the outside perimeter of the canopy, and shall not
74 produce more than a ratio of eight lumens per square foot of canopy area. This ratio shall be
75 calculated by combining the total lumen output of each artificial light source and dividing by the
76 square footage of the canopy. See section 108-16-13 for a graphic depiction.
- 77 (4) *Parking lot lighting.* All artificial light sources in open-air parking lots shall not exceed a ratio of
78 two lumens per square foot of parking lot area. This ratio shall be calculated by combining the
79 total lumen output of each artificial light source divided by the square footage of the parking lot
80 area. See section 108-16-14 for a graphic depiction.

Commented [SP2]: Adds additional clarity as conforming fixtures may be installed in a manner or location that causes them to be NON-compliant. See new graphic depicted in 108-1-11.

Commented [SP3]: Multifamily has been clarified as 4 or more units that require specific standards. As indicated in the Applicability section above, three-family multi-family dwellings are treated similar to single and two-family dwellings.

Commented [SP4]: *Dwelling, multiple-family.* The term "dwelling, multiple-family" means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels, but not including tourist courts.

Commented [SP5]: The paragraph above lists the uses to which the specific standards apply. Since this paragraph does not mention residential uses, this should be removed to prevent confusion.

Commented [SP6]: With motion detection, we don't need these lights to be on all night. They can turn on when needed and turn off shortly thereafter. These changes have been considered in concert with the proposed modifications to the exemption item for motion detected light sources with integrated camera systems.

Commented [SP7]: We don't want applicants to argue that they are lighting up their entry but defining "entry" as their full front façade. The intent is just to illuminate their point of entry.

- 81 (5) *Recreation facility lighting.* Recreation facility lighting, as defined in section 101-1-7, shall
82 comply with the following:
- 83 a. The lighting for the recreation activity area shall only be directed onto the area where the
84 recreation activities are occurring. It shall not be allowed to illuminate surfaces that are not
85 essential to the function of the recreation activity.
 - 86 b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity
87 area. This ratio shall be calculated by combining the total lumen output of each artificial
88 light source divided by the square footage of the recreation activity area. See section 108-
89 16-15 for a graphic depiction.
 - 90 c. The recreation activity area shall be lit only when it is in use.
 - 91 d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity
92 area.
- 93 (6) *Sign lighting.* Sign lighting shall comply with the requirements of 110-2-12.

94 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

95 Sec. 108-16-5. - Exemptions.

96 The following artificial light sources are exempt from the requirements of this chapter:

- 97 (1) *Agricultural lighting.* Lighting for agricultural uses;
- 98 (2) *Federal and state flag lighting.* The outdoor lighting of a United States or State of Utah official
99 flag, provided it is in compliance with the following:
 - 100 a. The light shall be downward directed from the top of the flag pole;
 - 101 b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to
102 the best effort practicable, only the area which the flag occupies in all wind conditions; and
 - 103 c. The light level shall be minimized to create the least amount of impact on the dark sky,
104 while still offering noticeable illumination of the flag;
- 105 (3) *Federal and state facilities lighting.* Federal and state facilities are exempt from the
106 requirements of this chapter. However, they are encouraged to cooperate and to coordinate
107 with the county [during](#) the construction of their facilities [to be](#) in compliance with this chapter;
- 108 (4) *Fossil fuel lighting.* Fossil fuel light, produced directly by the combustion of natural gas or other
109 utility-type fossil fuels;
- 110 (5) *Holiday or festive lighting.* Holiday or festive outdoor lighting for residential uses, provided it is
111 in compliance with the following:
 - 112 a. That the lighting shall not create a hazard or glare nuisance; and
 - 113 b. That the lighting shall be temporary in nature and not permanently installed. It shall be
114 removed within a reasonable time after the end of the holiday or festive event, but at least
115 once per year;
- 116 (6) *Low output light source.* An artificial light source having an output equal to or less than 105
117 lumens, provided that the cumulative lumen output of all low output light sources shall not
118 exceed a ratio of one and one-half lumens per square foot of cumulative area intended to be
119 illuminated. This ratio shall be calculated by combining the total lumen output of each low output
120 light source divided by the square footage of the area intended to be illuminated. The low output
121 light sources shall be distributed across the area intended to be illuminated and not organized in
122 a focused location. [Low output light sources are exempt from the requirements of this chapter
123 so long as they comply with the definition and use outlined in this section, except:](#)

- 124 a. A low output light source may not be integrated into an existing outdoor light fixture that is
 125 either 1) rated to produce a lighting output that exceeds 105 lumens, or 2) does not
 126 conform to the shielding requirements of section 108-16-3(a);
- 127 (7) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the
 128 stationary illumination of an area;
- 129 (8) *Motion sensor controlled light source* with an integrated camera system. ~~A motion sensor~~
 130 ~~controlled~~ Artificial light source with an integrated camera system, that has a light output equal
 131 to or less than 900 lumens and is controlled by a motion sensor, provided it is in compliance
 132 with the following:
- 133 a. The light output is equal to or less than 1,800 lumens
- 134 b. The color temperature of the light source does not exceed 5,000 degrees kelvin
- 135 c. That the motion sensor is set to turn the artificial light source off ~~ten minutes~~ two minutes
 136 after the last detection of motion; and
- 137 d. Lighting shall not be triggered by any activity outside the property boundary; and
- 138 ~~eb. That the artificial light source is sufficiently shielded in a manner that prevents glare and~~
 139 ~~trespass on adjacent properties or roadways;~~
- 140 (9) *Safety or security lighting.* For the sole purpose of mitigating legitimate and verifiable safety or
 141 security hazards, the land use authority may exempt an artificial light source if it is shown to be
 142 necessary. The land use authority may apply reasonable conditions to ensure optimal
 143 compliance with the purpose and intent of this chapter. Evidence demonstrating that it is
 144 necessary shall be one or both of the following:
- 145 a. Submitted proof of lighting requirements from a property insurance company that
 146 demonstrates that compliance with this chapter will render the property uninsurable. The
 147 minimum amount of lighting required by the property insurance company shall be
 148 considered the maximum for the purposes of this chapter; or
- 149 b. Submitted reasonable research findings, from a qualified professional, as defined by
 150 section 101-1-7, that offer a compelling argument for the need for the exemption. However,
 151 if the land use authority is aware of other research findings that refute what is submitted,
 152 then the land use authority must determine which research findings are more persuasive
 153 under the circumstances. If the land use authority grants the exemption, then the minimum
 154 amount of lighting necessary to ensure appropriate safety or security, as recommended by
 155 the qualified professional, shall be considered the maximum for the purposes of this
 156 chapter;
- 157 (10) *Occasional event lighting.* Outdoor lighting intended for an occasional event, such as a
 158 wedding, party, social gathering, or other similar event that occurs on an occasional basis,
 159 provided it is in compliance with the following:
- 160 a. Occasional event lighting shall be turned off by 10:30 p.m. and any remaining lighting shall
 161 comply with this chapter; and
- 162 b. Occasional events shall not occur more than twice per month;
- 163 (11) *Underwater lighting.* Underwater lighting in a swimming pool or other water feature provided it
 164 is not intended to illuminate features above water;
- 165 (12) *Temporary public agency lighting.* Temporary outdoor lighting in use by law enforcement or a
 166 government agency or at their direction;
- 167 (13) *Tower lighting.* Tower lighting required by the FAA or the FCC, provided that it shall not
 168 exceed the minimum requirements of those agencies. Collision markers shall have a dual mode
 169 for day and night to minimize impact to the night sky and migrating birds; and
- 170 (14) *Traffic control devices.* Traffic control devices and signals.

Commented [SP8]: We want to make sure that people aren't using their non-conforming fixture with a low-output bulb that could allow a non-conforming bulb to be swapped back into the non-compliant fixture.

Commented [SP9]: Motion sensor controlled flood lights are allowed so long as they meet the shielding and color temperature requirements listed in the general standards section.

This section has been updated to specify that motion sensor controlled light sources that exceed the color temperature standard of 3000 kelvin may be exempt to the requirements of this chapter IF it is used with an integrated camera system and so long as it meets the 5 listed criteria.

This section was modified in concert with the proposed modifications to the light curfew section of the specific requirements for more intensive land uses.

171 (Ord. No. 2017-24 , Exh. B, 6-27-2017)

172 Sec. 108-16-6. - Procedures for compliance.

173 (a) *Applications.* Any application for a permit or approval required by this Land Use Code shall contain
174 evidence that the proposed work complies with this chapter.

175 (b) *Contents of application or submittal.*

176 (1) In addition to the specific application requirements elsewhere in this Land Use Code, the
177 application submittal shall contain the following:

178 a. Plans indicating the location of all artificial light sources on the premises, including their
179 height above the ground.

180 b. Description of each artificial light source device, and supporting structure. This description
181 may include, but is not limited to, device specifications from the manufacturer, drawings,
182 details, and cross sections, when available.

183 (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be
184 complete and shall be presented in a manner that clearly demonstrates compliance with this
185 chapter. The land use authority may require the applicant to submit photometric schematics and
186 attestation from a qualified professional that the submittal complies with this chapter.

187 (Ord. No. 2017-24 , Exh. B, 6-27-2017)

188 Sec. 108-16-7. - Required replacement of nonconforming outdoor lighting.

189 After the effect of this chapter, which is August 1, 2017, all outdoor lighting that does not comply with
190 the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming
191 outdoor lighting shall be phased out in accordance with the following schedule:

192 (1) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family
193 dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor
194 artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements
195 of this chapter within ten years after the effect of this chapter. The county shall provide periodic
196 ~~frequent~~ public notice of the ~~effect, but no less than one per year after the effect of~~ effect of this
197 chapter. The county shall employ educational methods and incentives to encourage voluntary
198 compliance prior to this ~~10~~ five-year period and to assist the public in understanding and
199 complying with this chapter;

200 (2) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source
201 shall comply with the requirements of this chapter;

202 (3) *Building exterior modification.* When the replacement of a building's exterior materials exceeds
203 25 percent of the building's exterior area, excluding roof area, whether by a single modification
204 project or by an accumulation of separate modification projects, all nonconforming outdoor
205 lighting on the premises on or within 25 feet of the building shall be brought into compliance with
206 the requirements of this chapter. This shall not include repainting or re-roofing.

207 (4) *Building expansion.* When a building's expansion exceeds the threshold established in this
208 subsection, whether by a single expansion project or by an accumulation of separate expansion
209 projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building
210 shall be brought into compliance with the requirements of this chapter. The established
211 threshold of expansion shall be the smaller of the following:

212 a. Twenty-five percent of the total area of the building as it exists on August 1, 2017; or

213 b. Two thousand five hundred square feet; and

Commented [PS10]: Although no amendments are proposed for this section of the code, new submittal checklists have been developed for various types of building permits to ensure each permit type is requesting the appropriate amount of information within their plans to ensure compliance with the requirements of the Ogden Valley Outdoor Lighting Code.

214 (5) *Site improvements.* When a site improvement which requires a land use permit, conditional use
215 permit, or design review approval, modifies an area that exceeds the threshold established in
216 this subsection, whether by a single modification project or by an accumulation of separate
217 modification projects, all nonconforming outdoor lighting on the premises shall be brought into
218 compliance with the requirements of this chapter. The established threshold of modification
219 shall be the smaller of the following:

- 220 a. Twenty-five percent of the site area; or
- 221 b. Twenty thousand square feet.

222 (Ord. No. 2017-24, Exh. B, 6-27-2017)

223 Sec. 108-16-8. - Violations, enforcement, and implementation.

224 (a) *Violations.* The following constitute violations of this chapter:

- 225 (1) The installation, maintenance, or operation of any outdoor artificial light source not in
226 compliance with the provisions of this chapter.
- 227 (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval
228 ~~certificate of occupancy has been issued~~ without the review and approval of the land use
229 authority when such alteration does not conform to the provisions of this chapter.
- 230 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in
231 a manner that does not comply with this chapter.

232 (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in
233 section ~~102-41-413~~. ~~If the violation constitutes a safety hazard, typical enforcement measures shall~~
234 ~~be employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this~~
235 ~~chapter shall be addressed as follows:~~

236 ~~(1) A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant~~
237 ~~outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20 calendar~~
238 ~~days after the previous courtesy letter if a previous courtesy letter does not either cause the~~
239 ~~resolution of the violation or cause the landowner to initiate resolution with the county as provided in~~
240 ~~subsection (b)(3) of this section. Educational information about how to appropriately comply with this~~
241 ~~chapter shall also be sent and a method of contacting the county for discussion shall be provided in~~
242 ~~each courtesy letter. The third courtesy letter shall state that it is the last courtesy letter, and future~~
243 ~~contact will be in the form of a notice to comply.~~

244 ~~(2) No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the resolution~~
245 ~~of the violation or cause the landowner to initiate resolution with the county as provided in subsection~~
246 ~~(b)(3) of this section, a notice to comply shall be sent to the land owner. The notice shall include, with~~
247 ~~specificity, the violation, and shall give the landowner 30 days to comply with this chapter or initiate~~
248 ~~resolution with the county as provided in subsection (b)(3) of this section. The notice shall also~~
249 ~~include educational information about how to appropriately comply with this chapter.~~

250 ~~(3) If a landowner initiates resolution of a violation of this chapter with the county, the county shall give~~
251 ~~the landowner no less than six months and no more than 12 months to comply with this chapter if is~~
252 ~~the landowner clearly demonstrates that good faith efforts will resolve the violation within the six-~~
253 ~~month period given. If the landowner does not clearly demonstrate that good faith efforts will resolve~~
254 ~~the violation a notice to comply shall be sent to the landowner. The notice shall include, with~~
255 ~~specificity, the violation and shall give the landowner 30 days to comply with this chapter.~~

256 ~~(4) If, after steps (1) through (3) of this subsection have been satisfied, a landowner fails to initiate~~
257 ~~resolution of a violation of this chapter, or fails to comply within the period specified in subsection~~
258 ~~(b)(3) of this section, typical enforcement measures shall be employed. Additionally, the final~~
259 ~~approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of~~

Commented [PS11]: This land use code enforcement section was finalized after this ordinance was adopted. As this section is meant to be used for all land use violations, we propose striking the language below and utilizing the standardized enforcement section moving forward.

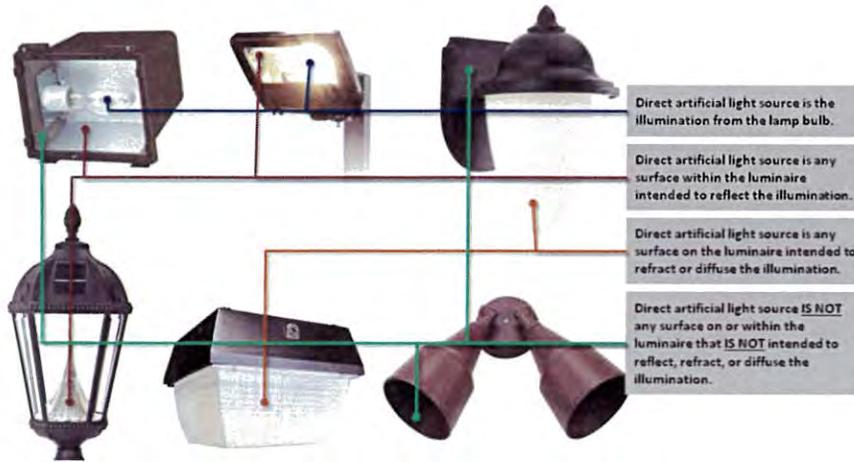
260 new applications authorized by this Land Use Code may be withheld until compliance with this
261 chapter is demonstrated.

262 (c) *Creation of dark sky committee.* The county will create a dark sky committee to include
263 representatives as follows: ~~one planning division employee~~, two Ogden Valley residents at large, two
264 Ogden Valley Business Association members, and one individual from the Ogden Weber Chamber
265 of Commerce. The committee's purpose shall be to advise the county on dark sky best practices,
266 implementation strategies, incentive programs, public/private partnerships, and anything else as the
267 county commission deems necessary.

Commented [PS12]: Public comment during a Planning Commission work session indicated that it may be best to have this committee comprised entirely of members of the public.

268 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

269 Sec. 108-16-9. - Examples of direct artificial light.



270

271 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

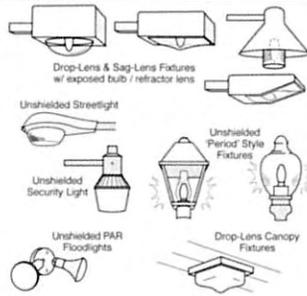
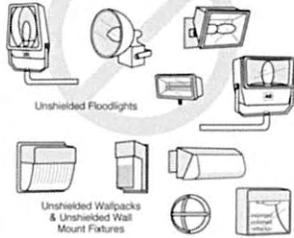
272 Sec. 108-16-10. - Examples of unshielded and shielded light sources.



273

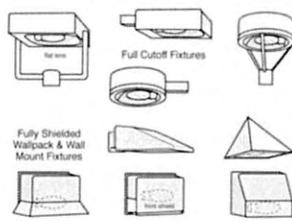
Unshielded

Fixtures that produce glare and light trespass



Fully Shielded

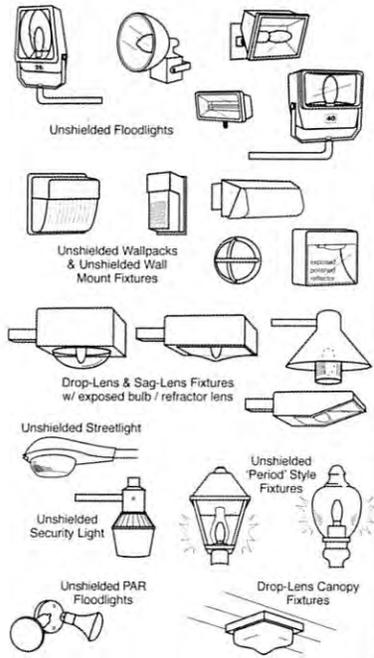
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Commented [PS13]: Updated to remove all instances of "Full Cutoff" and replace them with "Fully Shielded"

Unshielded

Fixtures that produce glare and light trespass



Fully Shielded

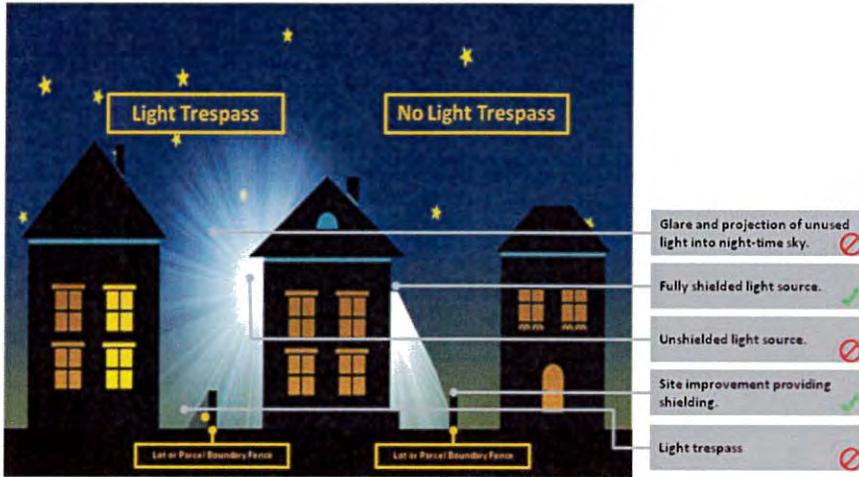
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



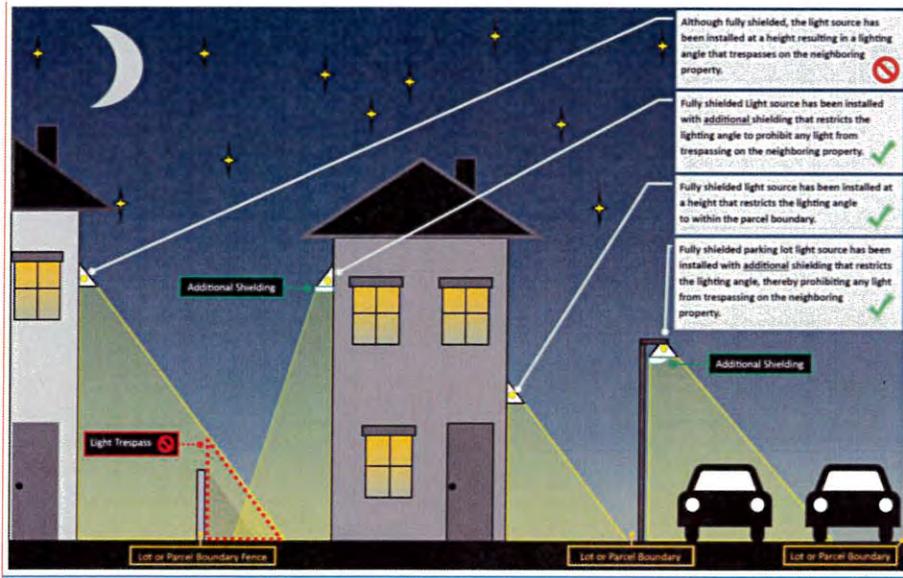
275

276 (Ord. No. 2017-24, Exh. B, 6-27-2017)

277 Sec. 108-16-11. - Examples of light trespass.



278

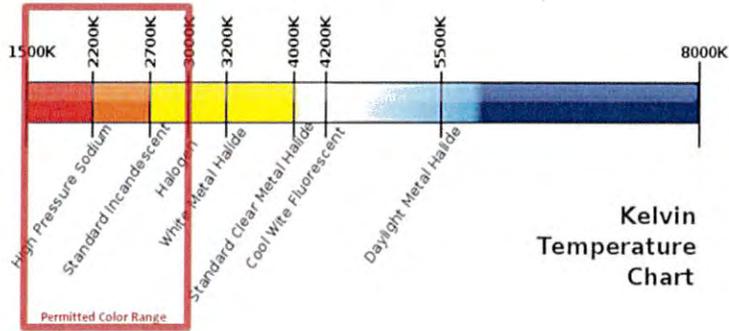


279

Commented [PS14]: New graphic added to show how a fully-shielded fixture may create light trespass based on its installed height or location. Even through the fixture may meet the shielding requirements, it's install location may need to be adjusted to ensure it's angle of lighting doesn't trespass on neighboring property.

280 (Ord. No. 2017-24, Exh. B, 6-27-2017)

281 Sec. 108-16-12. - Standard Kelvin temperature chart.



282

283 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

284 Sec. 108-16-13. - Example of canopy lighting.

Lumen per Square Foot Ratio	
(14) 2800 Lumen Bulbs	7.78 Lumens per Square Foot of Canopy Area
Total combined lumens less than or equal to 8 lumens per square foot. ✓	
Fully shielded, recessed light source. Only incidental reflection. ✓	
Direct light projected no greater than five feet from canopy perimeter. ✓	

285

286 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

287 Sec. 108-16-14. - Example of parking lot lighting.

Lumen per Square Foot Ratio	
(60) 8000 Lumen Bulbs	1.92 Lumens per Square Foot of Parking Lot Area
Total combined lumens less than or equal to 2 lumens per square foot. ✓	
Parking lot lighting spill-over shielded by wall. ✓	
Direct artificial light source only visible when on parking lot area. ✓	
No spill-over onto non-parking lot area. ✓	

288

289 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

290 Sec. 108-16-15. - Example of recreation facility lighting.



Lumen per Square Foot Ratio	
(162) 6000 Lumen Bulbs	9.72 Lumens
100,000 Square Feet of Field Area	= per Square Foot of Field Area
Total combined lumens less than or equal to 10 lumens per square foot. ✓	
Fully shielded light source. Only incidental reflection. ✓	
No spill-over onto non-recreation activity areas. ✓	
Direct artificial light source only visible when on recreation activity area. ✓	

291

292 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

1 CHAPTER 2. - OGDEN VALLEY SIGNS

2 Sec. 110-2-1. - Purpose and intent.

3 ...

4 Sec. 110-2-2. - Applicability.

5 ...

6 Sec. 110-2-3. - Master signage plan.

7 ...

8 Sec. 110-2-4. - Nonconforming signs.

9 ...

10 Sec. 110-2-5. - Allowable signs by zoning district.

11 ...

12 Sec. 110-2-6. - Optional and alternative signs.

13 ...

14 Sec. 110-2-7. - Window signs.

15 Signs displayed in windows of buildings or storefronts are allowed in all zoning districts. A land use
16 permit for a sign is not required for their display, provided they comply with the following:

17 (1) *Size limit of window sign.* The cumulative sign area for window signage shall occupy no more
18 than 25 percent of the area of the window in which the signage is displayed. Signage necessary
19 to fulfill a governmental regulation or requirement is exempt.

20 (2) *Illumination of window sign.* Despite the provisions of Title 108, Chapter 16, one window sign,
21 measuring no greater than four square feet in area, may be illuminated in a manner visible from
22 outside the building, provided it shall only be illuminated during business hours and only to an
23 illumination level reasonably necessary to communicate the message to the nearest street right-
24 of-way.

25 (3) *Prohibited features of window sign.* No window sign or any other sign within a building or
26 structure shall move, flash, blink, rotate, or be animated in any way that is visible from outside
27 the property's boundaries.

28 (4) *Example of window signs:*

Commented [PS1]: Remains unchanged.

29



30

31 (Ord. of 1956, § 32B-8; Ord. No. 2009-30; Ord. No. [2017-31](#), Exh. A, 10-31-2017)

32 Sec. 110-2-8. - Prohibited signs and sign devices.

33 All signs not specifically listed as allowed are prohibited, including:

- 34 (1) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging, changing, rotating
35 or otherwise moving signs, pennants, tethered "party or weather-type" balloons, holograms,
36 light beams, lasers or other like decorations.
- 37 (2) *Moving appurtenances.* Moving mechanical or electrical appurtenances attached to a sign or
38 otherwise intended to attract attention to a sign.
- 39 (3) *Rotating beacon lights .*
- 40 (4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type hot air balloons being
41 used for passenger flight.)
- 42 (5) *Flags.* Flags not exempted in section 110-2-2.
- 43 (6) *Banners.* Banners, unless specifically provided otherwise in this chapter.
- 44 (7) *Changeable copy signs.* Electronic changeable copy signs, except as permitted in section 110-
45 2-9(b)(13). Manual changeable copy signs except as permitted in section 110-2-10.
- 46 (8) *Off-site signs.* All off-site, off-premises and directional signs which advertise businesses,
47 establishments, activities, facilities, goods, products, or services not made, produced, sold or
48 present on the premises or site where the sign is installed and maintained are prohibited, except

49 as exempted in section 110-2-9, Other signs. Notwithstanding the foregoing, where access to a
50 parcel is via an adjacent parcel, signs may be located on such adjacent parcel.

51 (9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may be allowed on
52 vehicles, but they may not be illuminated or parked on a long-term basis to be used as a sign
53 for the purpose of advertising a product or directing people to a business activity as listed in
54 section 110-2-9, Other signs.

55 (10) *Luminous tube signs.* External gas filled luminous tubes, such as neon, argon or fluorescent,
56 signs or valances, unless inside a building or in a window and not to exceed four square feet in
57 area, except as listed in section 110-2-12, Sign materials and display standards, and may not
58 flash or blink.

Commented [PS2]: Remains unchanged.

59 (11) *Other temporary signs.* Any other device in the form of a sign, which is of a temporary nature,
60 or mobile, and not permanently affixed to a building or an upright support affixed firmly to the
61 ground, except as permitted in section 110-2-11, Temporary sign usage.

62 (12) *Roof signs.* Signs mounted on a roof or atop a parapet wall.

63 (13) *Billboards.*

64 (14) *Pole signs.* Except one pole sign per public, private, and charter school, consisting of not
65 more than a six-foot tall by ten-foot wide changeable reader board sign, located not less than
66 ten feet and not more than 15 feet above the sidewalk, may be permitted.

67 (15) *Public property signs.* It shall be unlawful for any person to fasten or attach, paint or place any
68 sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise
69 or to cause the same to be done in or upon the curbstone, lamp post, telephone pole, electric
70 light or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It
71 shall be unlawful to paste, place, paint or attach any sign defined in this chapter on any building,
72 street or property of the county. No sign shall be erected on or project over public property,
73 except as permitted in section 110-2-9, other signs, and section 110-2-11, temporary sign
74 usage.

75 (Ord. of 1956, § 32B-9; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013; [Ord. No. 2016-4](#), Exh.
76 G2, 5-24-2016; [Ord. No. 2017-24](#), Exh. B, 6-27-2017; Ord. No. [2017-31](#), Exh. A, 10-31-2017)

77 Sec. 110-2-9. - Other allowed signs.

78 ...

79 Sec. 110-2-10. - Special purpose signs.

80 (a) *Manual changeable copy signs.* One reader board or changeable copy sign per business is
81 permitted to be displayed, at one square foot of sign area per linear foot of building frontage, and
82 may be either ground or wall sign by the following types of businesses:

83 (1) Theaters. Motion picture theaters and playhouses.

84 (2) Auditoriums and performing arts facilities.

85 (3) Convention facilities. Businesses with convention facilities.

86 (4) Gasoline stations. Businesses which sell motor fuels at retail cost, dispensed from pumps on
87 premises.

88 (5) Grocery stores.

89 (6) Public, private or charter schools.

- 90 (b) *Destination and Recreation Resort Zone manual changeable copy sign.* One reader board or
91 changeable copy sign, not exceeding 16 square feet, is permitted and may be displayed within a
92 resort village area when the village area consists of six or more commercial buildings.
- 93 (c) *Movie poster signs.* Motion picture theaters, facilities for performing arts, and retail stores whose
94 primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general
95 public shall be permitted to display a maximum of two poster signs. Movie posters shall be displayed
96 in a display case which shall be permanently affixed to the wall of the building or storefront. Movie
97 posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be
98 lighted as long as they comply with the sign illumination standards found in Section 110-2-12 of this
99 chapter, and Movie poster display cases shall not exceed 12 square feet in area. The area of any
100 movie poster sign conforming to this section shall not count toward the total signage allowed by
101 section 110-2-5, Allowable signs by zoning district.

102 (Ord. of 1956, § 32B-11; Ord. No. 2009-30)

103 Sec. 110-2-11. - Temporary sign usage.

104 ...

105 Sec. 110-2-12. - Sign materials and display standards.

- 106 (a) *Sign materials.* All materials used to construct signs, supports or fasteners shall conform to the
107 following standards:
- 108 (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone,
109 textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which
110 is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper,
111 brass, wrought iron, and other metals may remain untreated and allowed to develop a natural
112 patina.
- 113 (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick,
114 stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted,
115 anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass,
116 wrought iron, and other metals may remain untreated and allowed to develop a natural patina.
117 Support structures shall use natural, muted earth-tone colors including browns, black, grays,
118 rusts, etc. White shall not be used as a predominant color, but may be used as an accent.
- 119 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the
120 standards of this section.
- 121 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street
122 right-of-way, entrance or exit.
- 123 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices
124 shall be allowed to project or be located within a public right-of-way.
- 125 (3) *Illumination.* An illuminated sign, as defined in section 101-1-7, shall comply with the
126 requirements of chapter 108-16 and the following provisions, examples of which are graphically
127 depicted in section 110-2-15.
- 128 a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be
129 downward directed from the top of the sign, and oriented so as to illuminate only the sign
130 area, as defined in section 101-1-7, excluding the supports, and except the following:
- 131 1. Directional or circulation signs that are not visible from any point outside of the property
132 boundary are not subject to the illumination requirements of this subsection or the
133 outdoor lighting requirements of chapter 108-16. An applicant wishing to install such an
134 exempt illuminated directional or circulation sign shall have the burden of proof to

communicate the proposed sign height, location, and visibility from any point outside of the property boundaries through the submission of an outdoor lighting plan to the land use authority. Directional or circulation signs claiming exemption from the illumination requirements of this chapter or chapter 108-16 shall not allow their illumination to extend past the horizontal plain of the upper sign boundary into the night sky;

- b. No direct artificial light, as defined in section 101-1-7, shall be projected from the sign area or beyond the sign area, including by means of diffusion or refraction through a translucent or transparent surface. However, direct artificial light, excluding diffused or refracted light, for a sign area that does not have a frame or separate background, as in the case of a logo or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign area, provided that:
1. It shall not exceed six inches beyond the sign area;
 2. It shall be shielded so as not to project light onto any other surface.
- c. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the sign area. See section 110-2-15 for a graphic depiction.
- d. The land use authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.
- (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six inches or more below the top of the parapet wall.
- (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver visibility upon roads.
- (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a way that prevents free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying a sign.
- (8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the lowest edge of the overhang eight feet to the driving or walking surface below.
- (9) *Sign setbacks.*
- a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a minimum of ten feet from any property line. Signs fronting on state highways shall be set back ten feet from the right-of-way.
 - b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed, except for signs set by public agencies for safety purposes, such as the state department of transportation.
 - c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in title 108, chapter 7 of the Weber County Land Use Code.
- (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be landscaped in accordance with the requirements of applicable chapters of the Weber County Land Use Code. The planning commission may exempt some monument/ground signs from this standard where it is demonstrated, by the owner/developer, that the landscaping would unduly

182 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be
183 impractical.

184 (11) *No street frontage.* When a freestanding building, complex or storefront does not face a public
185 street or approved private road, and is accessed via a pedestrian area or common parking and
186 driveway area, the linear footage of building or storefront facing the pedestrian area or common
187 parking area shall substitute for purposes of determining allowable signage.

188 (12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as
189 provided in section 101-1-7.

190 (Ord. of 1956, § 32B-13; Ord. No. 2009-30; [Ord. No. 2017-24](#), Exh. B, 6-27-2017)

191 Sec. 110-2-13. - Dangerous or defective signs.

192 ...

193 Sec. 110-2-14. - Construction standards.

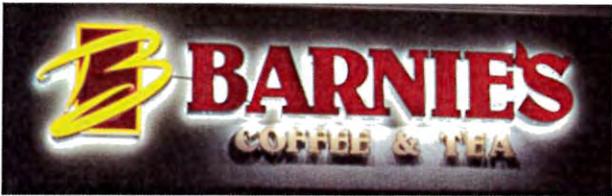
194 ...

195 Sec. 110-2-15. - Examples of sign illumination.

Commented [PS3]: Remains unchanged.



- Unacceptable color temperature. ❌
- Fully shielded artificial light source. No visible direct artificial light. ✅
- Light buffers no more than six inches around perimeter of sign area. ✅



- Acceptable color temperature. ✅
- Direct artificial light source projected by means of diffusion through translucent surface. ❌
- Light buffers no more than six inches around perimeter of sign area. ✅



Lumen per Square Foot Ratio

1650 Lumen Bulb	50 Lumens per
33 Square Feet of Sign Area	Square Foot of Sign Area
=	

- Total combined lumens less than or equal to 50 lumens per square foot. ✅
- Acceptable color temperature. ✅
- Light only illuminates sign area. ✅
- No visible direct artificial light. ✅

196

197 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to discuss and take comment on a proposal to amend the following sections of Chapter 104-21 Commercial Valley Zones CV-1 and CV-2 of the Weber County Code:
Section 2, by reducing the minimum front yard setback to zero and the side-yard facing a street set-back to zero,
Section 4, by removing unnecessary text, adding minimum set-backs for car washes, and requiring a complete street for new commercial development and commercial expansions that exceed 25% of the existing site, and adding provisions for a building maintenance contract to facilitate upkeep and maintenance to structures built on the property line, and adding provisions for a cross access easement.

Agenda Date: Tuesday, April 28, 2020
Staff Report Date: Tuesday, April 21, 2020
Applicant: Weber County Planning Division
File Number: ZTA 2020-02

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: CE

Applicable Ordinances

Section 107-1-7 Definitions

Chapter 104-21, Commercial Valley Zones, CV-1 and CV-2

Legislative Decisions

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

Summary and Background

A reduction to the minimum side-yard setbacks within the CV-1 and CV-2 zones will allow for commercial development within the village areas to bring structures close to the edge of the right-of-way which will increase the design possibilities available to commercial developers while enhancing the design of complete streets.

Complete streets in village areas invite cyclists, pedestrians, and drivers of automobiles to patronize businesses.

Policy Analysis

Below you will find line numbers that correspond with the track changes found in Exhibit A, including the planning staff description of why the amendments are being proposed.

Lines 8 – 15: Planning staff has identified that the definition of a complete street should be in the definition section of Title 101 General Provisions. Definitions for cross access and cross access easement are needed.

Line 27: Reformatting of the site development standards table makes it easier to read. The minimum front and side-yard setback distance are being reduced and a new provision for a building maintenance contract is being created.

Lines 37, 38: Admin edits to strike unnecessary language

Lines 40 - 43: Admin edits to strike unnecessary language

Lines 44, 45: A new provision that would place car wash facilities at least 60 feet from a street right-of-way. This would facilitate a mixture of commercial development abutting the street.

Line 46: Admin edits to strike unnecessary language

Lines 51 - 58: The original provision has been expanded to require that new development on vacant properties and existing commercial operation expansions are to install a percentage of, or the entire, lot frontage. At minimum, the developer would install a ten-foot sidewalk.

Lines 59, 60: Are staff suggested changed that have been moved to lines 54, 55

Lines 61 - 63: Complete street definition moved to definitions section.

Lines 64 – 69: Some basic design criteria will be helpful in giving a developer some direction. Ultimately the Planning Director, after consulting with the County Engineer, will make final design judgments on a case by case basis.

Lines 79 – 88: These new standards address trespassing issues that may arise when the developer needs to construct and or maintain the commercial building abutting the property line.

Lines 89 – 101: The new cross access statute guides the design of parking lots and access-ways.

Conformance to the General Plan

The 2016 Ogden Valley General Plan gives guidance on what the community desires. These land-use code changes are structured to bring the CV-1, and CV-2 zoning code into alignment with the community desires.

The Ogden Valley General Plan suggests the following goals and principals:

Commercial Development Implementation 1.1.2:

Require new commercial or mixed-use development to locate on property currently zoned for commercial uses. Avoid rezoning new property to commercial or manufacturing until such time that the community supports it. Future commercial or mixed-use rezoning should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and avoids strip commercial along highway corridors.

Commercial Development Principle 1.2:

Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.

Commercial Development Principals 1.2.1:

As also provided in the Transportation Element Streetscape Implementation 1.1.1, develop and adopt multimodal streetscape cross-sections for village areas, and implement key elements during programmed road maintenance and upgrade projects. Evaluate current commercial development standards in Ogden Valley to ensure opportunities for internal walkability and connections to the trail system.

Commercial Development principle 2.1:

Require new commercial development to conform to community design standards to ensure compatibility with the character of Ogden Valley and to provide for an aesthetic and functional transition to surrounding residential and agricultural areas.

If the Planning Commission can determine that the preceding goals and principals support the proposal it should recommend approval of the proposal to the County Commission.

Past Action on this item

No action has been taken on this item. A land-owner with commercial vacant property in the Old Town Eden area brought to light conflicts between the general plan and the text written into the existing CV-1, and CV-2 zone code.

Noticing Compliance

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

Posted to the County's Official Website

Posted to the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and Exhibit B and offer staff critical feedback for additional amendments if needed. Otherwise, we recommend that the Planning Commission forward this proposal to the County Commission. This recommendation comes with the following findings:

1. The changes are supported by the general plan.
2. The changes will encourage functioning complete street design.
3. The changes will help cluster commercial development within the intended village areas.
4. The changes will ensure conformity to community design standards.

Exhibits

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

Title 101 General Provisions...

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

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

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

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

Conditional use. See Use, conditional.

A complete street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.

...

TITLE 104 ZONES

...

CHAPTER 104-21 COMMERCIAL VALLEY ZONES CV-1 AND CV-2

...

Sec 104-21-2 Site Development Standards

The following site development standards shall apply in the Commercial Valley Zones CV-1 and CV-2:

	<u>CV-1</u>	<u>CV-2</u>
<u>Minimum lot area.....</u>	<u>None</u>	<u>None</u>
<u>Minimum lot width.....</u>	<u>None</u>	<u>None</u>
<u>Maximum lot coverage.....</u>	<u>60% of lot area by buildings or accessory buildings</u>	
<u>Minimum yard setbacks:</u>		
<u>Front.....</u>	<u>None</u>	<u>None</u>
<u>Rear.....</u>	<u>10 feet, except none if either: the owner has obtained either: a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.</u>	

Side.....	<u>10 feet</u> , except none if either: the owner has obtained a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel. except none if the owner has obtained either: a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.	
Side; facing street on corner lot...	None	None
Main building height:		
Minimum.....	<u>1 story</u>	<u>1 story</u>
Maximum.....	<u>35 feet</u>	<u>35 feet</u>

28
29

	CV-1	CV-2
Minimum lot areas	None	None
Minimum lot width	None	None
Minimum yard setbacks		
Front	20 ft. unless the requirements listed in section 104-21-4(c) are met	
Side	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Side facing street on corner lot	20 feet unless the requirements listed in section 104-21-4(c) are met	
Rear	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Building height		
Minimum	1-story	1-story
Maximum	35-feet	
Maximum lot coverage	60% of lot area by buildings or accessory buildings	

30 (Ord. of 1956, § 18B-2; Ord. No. 2011-5, § 18B-2, 3-15-2011; Ord. No. 2012-17, § 18B-2, 10-23-2012; Ord. No. 2016-10, Exh.
31 A, 8-23-2016)

32 **Sec 104-21-3 Sign Regulations**

33 The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in title 110, chapter
34 21, Ogden Valley signs, of this Land Use Code.

35 (Ord. of 1956, § 18B-3; Ord. No. 2011-5, § 18B-3, 3-15-2011; Ord. No. 2012-17, § 18B-3, 10-23-2012)

36 Sec 104-21-4 Special Regulations

37 (a) ~~Manufacturing uses. Hereinafter specified permitted and conditional uses shall be allowed only when the following~~
38 ~~conditions are complied with:~~ All manufacturing uses shall be done within a completely enclosed building in an effort to
39 mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.

40 (b) Car wash. Car wash shall be permitted subject to the following restrictions:

41 (1) ~~In the CV-1 zone, Operation or use hours shall limited to the hours between~~ are limited to 6:00 a.m. and to 10:00
42 p.m. in CV-1 Zone.

43 (2) ~~In the CV-1 zone, There shall not be more than four washing bays for a manual spray car wash in CV-1 Zone.~~

44 (3) Car wash facilities bays shall be setback from the street right-of-way at least 60 feet. The frontage of the lot shall,
45 for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.

46 (4) ~~In both the CV-1 and CV-2 zones the~~ The off-street vehicle spaces or queues required shall be as follows:

47 a. One bay car wash, four spaces in the approach lane;

48 b. Two bay car wash, three spaces in the approach lane for each wash bay;

49 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

50 (c) Complete street.

51 (1) A complete street, as defined in Section 101-1-7, shall be installed to span the frontage of the lot for the width of
52 completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the
53 lot width or greater, the complete street shall span the entire frontage of the CV-1 or CV-2 zone on the lot.

54 a. Modification of site improvements that affect less than 25 percent of the lot are exempt from the complete
55 street requirement.

56 b. ~~All of the requirements of this subsection (c) notwithstanding,~~ When a complete street is not required, each lot
57 shall provide a six10-foot sidewalk or 10-foot pathway, as prescribed by the Planning Director after consultation
58 with the County Engineer, for the full frontage of the CV-1 or CV-2 zone on the lot.

59 is required For amendments to an existing commercial operation, expansions that exceed 25% of the project area shall
60 comply with the complete street standards.

61 1) ~~A complete street is a transportation facility that is planned, designed, operated, and maintained to~~
62 ~~provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists,~~
63 ~~appropriate to the function and context of the facility.~~

64 (2) ~~A complete street design is required when the front setback is less than 20 feet, and shall include a ten-foot~~
65 ~~pedestrian pathway or sidewalk, night sky friendly pedestrian lighting, shade trees, appropriate clear view of~~
66 ~~intersection, and, when applicable, may also shall also include safe street crossings for pedestrians at least every 300~~
67 ~~feet. The complete street design, tree species and planting techniques, and pedestrian lighting is subject to approval~~
68 ~~by the Planning Director, after consultation with the County Engineer. shall be approved by the planning~~
69 ~~commission.~~

70 (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in section 104-21-5, and only
71 when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When
72 fronting on a public or private street, buildings that contain dwelling units shall comply with the following:

73 (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for
74 the entire length of the building's street frontage;

75 (2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to
76 the public or private street;

77 (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2; and

78 (4) The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(c).

- 79 (e) Perpetual building maintenance contract. When permitted required by this chapter as a way to allow reduced setbacks,
80 a perpetual building maintenance contract is required. The perpetual building maintenance contract shall allow for
81 construction and maintenance of the side or rear of a commercial building structure, and shall be provided and shall
82 comply with the following:
- 83 (1) The contract shall be created in a form as approved by the County Attorney's Office and shall be signed by the owner
84 of the commercial building and the adjacent property owner both parties;
- 85 (2) The contract shall place responsibility on the benefactor building owner for prompt repairs and maintenance of the
86 side of the building, and shall require allowance of access to the property for repairs and maintenance purposes;
87 and
- 88 (3) The contract shall be recorded on the title of both properties.
- 89 (f) Cross access easements. Access to adjacent existing or future development without the need to access the public right-of-
90 way is in the interest of public safety.
- 91 (1) At a minimum, each parcel shall have two points of ingress and egress, at least one of which shall be stubbed into
92 adjacent property where practicable.
- 93 (2) When locating cross-access easements or designing the ingress and egress infrastructure, good faith efforts shall be
94 made to coordinate the location and design of the cross-access easement with the adjoining lot or parcel owner.
- 95 (3) The Planning Director may require the ingress and egress to be located in a manner that optimizes traffic circulation
96 in the area.
- 97 (4) Construction of the cross-access infrastructure in each cross-access easement shall be completed prior to certificate
98 of occupancy for any structure on the specific lot or parcel; or a completion bond may substitute for completion.
- 99 (5) Development on a lot or parcel adjoining a lot or parcel with a cross-access easement shall provide a reciprocal cross-
100 access easement on the same lot line or parcel line of equal size, and the ingress and egress accessway shall be
101 constructed to the same standard as, or better than, the existing cross-access.

TITLE 101 GENERAL PROVISIONS

...

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

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

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

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

...

TITLE 104 ZONES

...

CHAPTER 104-21 COMMERCIAL VALLEY ZONES CV-1 AND CV-2

...

Sec 104-21-2 Site Development Standards

The following site development standards shall apply in the Commercial Valley Zones CV-1 and CV-2:

	CV-1	CV-2
Minimum lot area.....	None	None
Minimum lot width.....	None	None
Maximum lot coverage.....	60% of lot area by buildings or accessory buildings	
Minimum yard setbacks:		
Front.....	None	None
Rear.....	10 feet, except none, if either: the owner has obtained a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.	
Side.....	10 feet, except none, if either: the owner has obtained a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.	
Side; facing street on corner lot...	None	None

Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet

(Ord. of 1956, § 18B-2; Ord. No. 2011-5, § 18B-2, 3-15-2011; Ord. No. 2012-17, § 18B-2, 10-23-2012; Ord. No. 2016-10, Exh. A, 8-23-2016)

Sec 104-21-3 Sign Regulations

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in title 110, chapter 21, Ogden Valley signs, of this Land Use Code.

(Ord. of 1956, § 18B-3; Ord. No. 2011-5, § 18B-3, 3-15-2011; Ord. No. 2012-17, § 18B-3, 10-23-2012)

Sec 104-21-4 Special Regulations

(a) *Manufacturing uses.* All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.

(b) *Car wash.* Car wash shall be permitted subject to the following restrictions:

- (1) In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m.
- (2) In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash.
- (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.
- (4) The off-street vehicle spaces or queues required shall be as follows:
 - a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

(c) *Complete street.*

- (1) A complete street, as defined in Section 101-1-7, shall be installed to span the frontage of the lot for the width of completed improvements, including parking facilities and required landscaped areas. If this width is 75 percent of the lot width or greater, the complete street shall span the entire frontage of the CV-1 or CV-2 zone on the lot.
 - a. Modification of site improvements that affect less than 25 percent of the lot is exempt from the complete street requirement.
 - b. When a complete street is not required, each lot shall provide a six-foot sidewalk or 10-foot pathway, as prescribed by the Planning Director after consultation with the County Engineer, for the full frontage of the CV-1 or CV-2 zone on the lot.
- (2) A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of the intersection, and shall also include safe street crossings for pedestrians at least every 300 feet. The complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer.

(d) *Dwelling unit.* A dwelling unit is allowed, as part of a mixed-use building, only if allowed in section 104-21-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:

- (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
- (2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street;

- (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2; and
- (4) The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(c).
- (e) *Perpetual building maintenance contract.* When permitted by this chapter as a way to allow reduced setbacks, a perpetual building maintenance contract shall allow for construction and maintenance of the side or rear of a commercial building, and shall comply with the following:
 - (1) The contract shall be created in a form as approved by the County Attorney's Office and shall be signed by both the owner of the the commercial building and the adjacent property owner;
 - (2) The contract shall place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building, and shall require the allowance of access to the property for repairs and maintenance purposes; and
 - (3) The contract shall be recorded on the title of both properties.
- (f) *Cross access easements.* Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety.
 - (1) At a minimum, each parcel shall have two points of ingress and egress, at least one of which shall be stubbed into adjacent property where practicable.
 - (2) When locating cross-access easements or designing the ingress and egress infrastructure, good faith efforts shall be made to coordinate the location and design of the cross-access easement with the adjoining lot or parcel owner.
 - (3) The Planning Director may require the ingress and egress to be located in a manner that optimizes traffic circulation in the area.
 - (4) Construction of the cross-access infrastructure in each cross-access easement shall be completed prior to certificate of occupancy for any structure on the specific lot or parcel; or a completion bond may substitute for completion.
 - (5) Development on a lot or parcel adjoining a lot or parcel with a cross-access easement shall provide a reciprocal cross-access easement on the same lot line or parcel line of equal size, and the ingress and egress accessway shall be constructed to the same standard as, or better than, the existing cross-access.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on a request amend Weber County Code to require PUE's to be as specified by the County Engineer and to enable development along substandard streets under specific conditions.

Agenda Date: Tuesday, April 28, 2020

Staff Report Date: Tuesday, April 21, 2020

Applicant: Weber County

File Number: ZTA 2020-04

Staff Information

Report Presenter: Charlie Ewert
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(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

- § Sec 106-2-4 Lots
- § Sec 106-4-1 General Requirements

Legislative Decisions

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

Summary and Background

Recent development in a cluster subdivision in Western Weber County has brought to our attention that requiring a ten foot public utility easement on every side lot line does not support the reduced sideyard setback of the cluster code. Further, we have found that a number of subdivision plat designers will place ten foot public utility easements along every lot line as their standard mode of operation. These arbitrary and unused easements often lead to problems for resulting landowners who cannot utilize the area in the easement. The attached proposal allows flexible public utility easement widths along with affirmative consent from the County Engineer or Land Use Authority (who is the planning commissions on all subdivisions except small subdivisions) for their placement.

Policy Analysis

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan.

General plan. Neither the Ogden Valley General Plan nor the West Central Weber General Plan address public utility easements or substandard streets in the context of this proposal. It can be determined, however, that the proposal will have a positive effect on both plans, since both plans strongly advocate for clustering development onto smaller lots, and an easement on every lot line causes unnecessary hardship on the use of the land. The effect of allowing development to continue along a substandard street, provided a traffic engineer deems it safe, will decrease street impacts and stormwater runoff. Requiring a substandard road agreement will assist the county to obtain a standard street at some point in the future.

Ordinance. Requiring that the County maintain control over what and where public utility easements are required is necessary because, through plat dedication, the County becomes the owner of those easements. The majority of the time, public utility entities want to locate only across the front of the lot. Side and rear easement may be

necessary on a case by case basis given the uniqueness of specific subdivisions and the specific utility, but to enable a surveyor or engineer to arbitrarily place them in an arbitrary or impracticable location on a subdivision plat leads to the county inheriting a host unnecessary private land encumbrances.

Recommending additional development to occur on a substandard dead-end street is atypical in more urban environments. However, there are a number of long substandard dead-end streets in rural areas that exist today as an evolutionary effect of age-old wagon trails, and not as a deliberate and intentional result of new street construction. Thus the public street right of way construction standards have never been applied to many unincorporated streets, and rather, the county has only provided operations, maintenance, and occasional safety improvements. The current ordinance does not allow development along a substandard public street. The proposal will allow development to occur provided traffic safety and road capacity is not reduced to unacceptable levels. It also builds-in a method by which the County can ensure the street is brought to standard over time without significant cost to the general public.

Past Action on this Item

The Western Weber Planning Commission considered this item and offered staff direction in their April 14, 2020 work session.

The Ogden Valley Planning Commission considered this item and offered staff direction in their April 7, 2020 work session.

Noticing Compliance

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

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

Staff Recommendation

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2020-04, a proposal to require PUE's to be as specified by the County Engineer and to enable development along substandard streets under specific conditions.

This comes with the following findings:

1. That the proposal does not have negative effect on the general plans.
2. The proposal will not place unnecessary burden for offsite street improvements on any single land developer.
3. The proposal will ensure thoughtful and deliberate acquisition of public utility easements in a manner less impactful to land owners.
4. That the proposal is in the best interest of the health, safety, and welfare of the public.

Exhibits

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

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1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec 106-2-4 Lots**

6 ...

7 (i) ~~Easements. Natural drainage and other easements.~~ Lots shall have a ten-foot public utility
8 easement abutting the public street right-of-way and spanning the lot width, except that this
9 easement is not required in zones that allow no front setback. Other public utility easements
10 shall be provided if, and only if, authorized or required by the County Engineer or Land Use
11 Authority, who shall specify their location and width, with a minimum width of five feet. The
12 ~~planning commission may require that easements for drainage through the subdivision and~~
13 ~~adjoining property be provided by the subdivider.~~ If any proposed subdivision contains soils
14 with a slow percolation rate that creates the potential for surface water runoff in excess of
15 historic runoff rates onto an adjacent lot or parcel, a land drain easement shall be provided by
16 the applicant. The land drain shall be installed as a part of the subdivision improvements.

17

18 ...

19

20 **Sec 106-4-1 General Requirements**

21 ...

22 (h) New subdivisions with sole access from a terminal substandard public street shall not be
23 approved until the substandard street is fully improved to county public work standards and
24 adopted right-of-way width. This requirement shall be waived if a traffic study, conducted by
25 a qualified professional, demonstrates that the existing substandard public street system from
26 which the new subdivision will gain access is adequate for the increased traffic demand of the
27 new subdivision, and if the Planning Director and County Engineer can mutually make the
28 following findings:

29 (1) That due to topographic or other environmental characteristics of the area, it is unlikely
30 that the terminal substandard street system will make a second connection to the public
31 street network within the next 10 years;

32 (2) That not providing a secondary connection to the public street network does not conflict
33 with a general plan, small area plan, master streets plan, or similar adopted planning
34 document; and

35 (3) That all owners having interest in the subdivision will execute a substandard road
36 agreement and notice to new owners. The content of the substandard road agreement
37 and notice shall be as specified by the county. At a minimum, it shall:

38 a. require a deferral agreement that specifies that the owner or their successors and heirs
39 are responsible for their proportionate share of improving the substandard public street
40 system at a time the county deems it necessary;

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- 41 b. bind the owners and their successors and heirs to not protest the creation of a special
- 42 assessment area, special improvement district, or similar revenue generation
- 43 mechanism, to fund improvements to the substandard public street system. This
- 44 requirement applies regardless of whether the terminal substandard public street later
- 45 makes a second connection to the public street network; and.

- 46 c. be recorded to the property at the time of subdivision recordation, or sooner.

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