

OGDEN VALLEY PLANNING COMMISSION

Revised Ogden Valley Virtual Meeting

July 7, 2020

4:30 p.m.

Join Zoom Meeting

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

- *Roll Call*
- *Pledge of Allegiance*

Regular Items:

1. **Election of Vice Chair for the Ogden Valley Planning Commission.**

Legislative Items:

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

CLOSE PUBLIC HEARING

Adjourn to Work Session

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

Adjourn

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

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

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

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



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To hold a public hearing to consider and take action on a proposal to rezone approximately 15 acres of land located at 4706 E. 2650 N. from AV-3 to MV-1.
Agenda Date: Tuesday, June 23, 2020
Applicant: Levanta, LLC. Agent: Rob Edwards and Kody Holker
File Number: ZMA 2020-01

Property Information

Approximate Address: 4706 E. 2650 N.
Zoning: The area is currently Agricultural (AV-3)
Existing Land Use: Agricultural and Residential
Proposed Land Use: Light Manufacturing (MV-1) – Indoor Storage Units
Township, Range, Section: T7N, R1E, Sections 27, 28, 33, and 34

Adjacent Land Use

North: School and Residential	South: Manufacturing and Agricultural
East: Residential and School	West: Agricultural

Staff Information

Report Presenter: Charles Ewert
 cewert@webercountyutah.gov
 801-399-8767
Report Reviewer: RG

Applicable Ordinances

- § 102-5: Rezoning Procedures
- § 104-6: AV-3 Zone
- § 104-23: MV-1 Zone

Proposal History

This proposal was introduced to the Planning Commission in their May 5, 2020 work session, and was generally received positively.

Legislative Decisions

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

Summary

This application is for a rezone and associated general plan amendment to change approximately 15 acres from the AV-3 zone to the MV-1 zone. The purpose of the rezone is to develop the site with indoor storage units for recreational vehicles and watercraft, as well as personal and household storage. The applicant has volunteered a number of concessions to make the rezone appealing to the county, including providing an architectural theme that compliments the 2016 general plan, proposing development that will have a low impact on stormwater, buffering the visual effect of the site from view of adjoining property owners, ensuring existing transportation infrastructure is satisfactory for the use and other adjacent uses, and providing a use that is in high market demand by for which there are few suitable locations for it to be located.

Planning staff are offering a positive recommendation for the proposed rezone with a primary condition that the applicant enter a mutually agreeable development agreement with the County. The agreement will limit the site to only to the use of storage units, to provide awareness and triggers in which infrastructure improvements may be required in order to protect adjacent drinking water sources and public transportation infrastructure, and to provide an aesthetically appealing site considering the typical appearance of storage unit development.

Planning staff offer several rezone alternatives for the Planning Commission to consider, and provide a preferred alternative and justification to support it. Staff’s recommendation provides a number of conditions of approval that are intended to be grafted into a development agreement prior to County Commission consideration. The recommendation is also followed with findings.

The Planning Commission should consider planning staff’s recommendation, the comments and concerns of the public, and relevant facts at hand to formulate a recommendation on this item for the County Commission’s consideration. The Planning Commission’s recommendation should be supported with findings of fact.

Policy Analysis

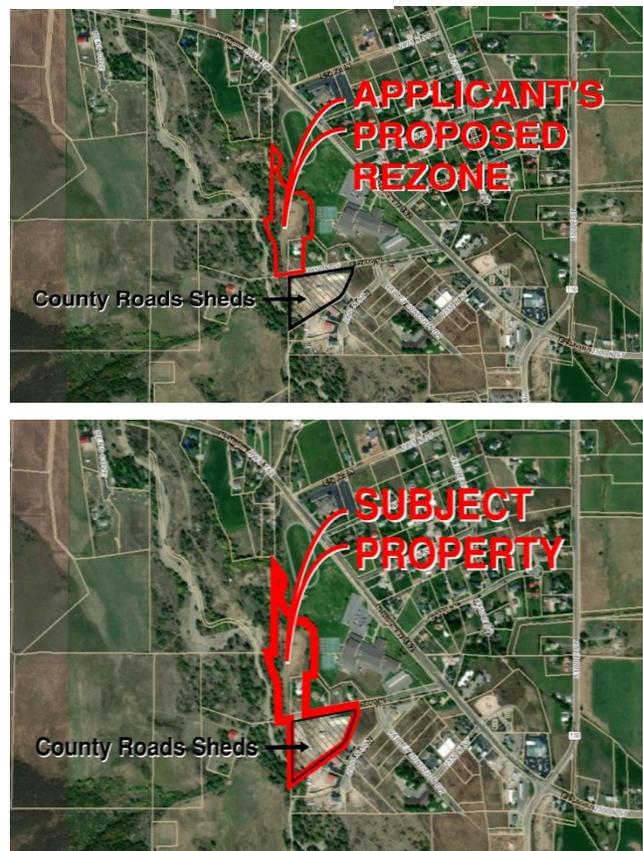
The applicant, Levanta, LLC, has proposed a rezone of the east portion of their 14.15 acre parcel, known on the Weber County tax roles as parcel number 22-040-0030. The portion the applicant is pursuing to rezone is approximately 8.23 acres, and is entirely on the east side of the North Fork of the Ogden River, which runs through the property.

A change to zoning has the potential to change the character of an area. Careful analysis of the change should be considered in order to assure the protection of the overall health, safety, and general welfare of the community. Rezones may not always be optimally beneficial to everyone affected. The rezone process is a time in which the county should try to anticipate whether the detriments to some are appropriately and reasonably mitigated and balanced with the overall desired community outcomes, as specified in a community’s general plan.

This area is within the Ogden Valley General Plan’s planning area. This staff report evaluates the existing and proposed zoning – based on the purpose and intent of the zone – and the allowed uses within the zone, and compares that to the desired outcomes of the general plan and the social, economic, and political pressures currently present in the Ogden Valley.

Typically, and unless planned otherwise in the general plan, a rezone should not occur unless it offers a contiguous extension of an existing zone in the area. Two adjoining zones could be extended to the subject property to allow for storage units. If the proposal is desirable, it may prove beneficial to the County for the MV-1 zone to be extended to at least envelop the adjoining property that houses the County’s roads sheds. Allowing the road’s sheds to remain on AV-3-zoned land may set forth incorrect expectations regarding the uses of the area as potential landowners conduct their due diligence. The total area to be rezoned, including the County property, is approximately 16 acres. **Figure 1** displays the current property configurations.

Figure 1: Subject Properties.



Zoning Analysis

The current zone of the subject parcel is AV-3. The AV-3 zone is typically reserved for agricultural pursuits and large-lot residential uses. **Figure 2** displays current zoning and the parcels affected by the proposed rezone.

The purpose of the AV-3 zone is specified by the Weber County Code as being:

The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.¹

The AV-3 zone also has a preferred use described as follows:

Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.²

The applicant is requesting the MV-1 zone. The applicant’s specific land use request is to construct and operate indoor storage units. The storage units are designed with the intention of storing recreational vehicles and boats. They will also be capable of offering indoor storage for other personal and household items. There are currently two zones in the Ogden Valley that allow storage units, the MV-1 zone and the CV-2 zone.

The MV-1 zone’s purpose is:

The purpose of the light manufacturing zone is to provide suitable areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.³

The CV-2 zone’s purpose is:

The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial zones, uses based upon the type of activity which are compatible and complementary, as well as the intensity of land utilization and accessory use needs.

...

The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.

Figure 2: Current Zoning Map and the Subject Properties.

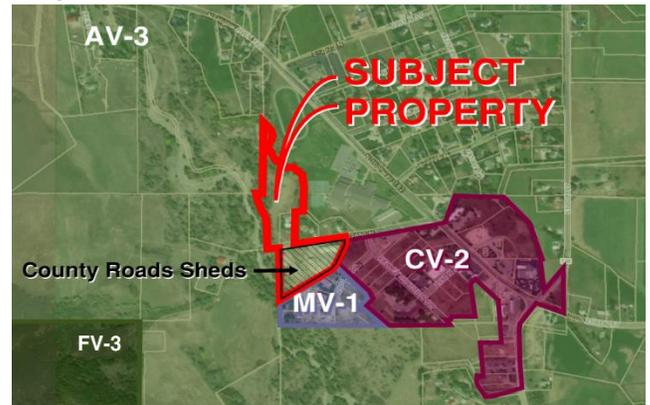


Figure 3: Proposed Zoning Map.



¹ See LUC § 104-6-1: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-6_Agricultural_Valley_AV-3_Zone

² See LUC § 104-6-2: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-6_Agricultural_Valley_AV-3_Zone

³ See LUC § 104-22-1: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-22_Manufacturing_Zone_M-1

Despite the CV-2 zone's assertion of providing for the commercial "nodes" as specified in the general plan, a review of the uses allowed in the CV-2 zone will show that it allows uses that are not compatible with the pedestrian oriented villages envisioned by the plan. Many of the uses allowed in the CV-2 zone are automobile-centric. Automobile-centric uses easily tend toward the market proclivity of "strip commercial," or as the CV-2 zone's purpose states it, uses that are "strung out along the highways."

This inconsistency was considered during the plan-writing process. The 2016 Ogden Valley General Plan suggests steering zoning tools away from uses that stimulate strip commercial and implement strategies and tools that will better enable walkable villages.⁴ Weber County Planning Staff are currently working on creating such a zoning tool, which we hope to be available for formal public vetting later this year. If successful, the new tool may very well replace the need for the CV zones. Rezoning property to this zone at this time is ill advised, as it may cause unnecessary complications related to vested rights and nonconforming rights if applied to property that is not intended to be a part of a village core. The applicant's property is not planned to be included as part of the pedestrian oriented village core, but rather is planned to be adjacent.

Staff suggests that a rezone to the MV-1 zone, a "light" manufacturing zone, is more suitable to longer-term community outcomes than any other zone. Exhibit B offers the planning commission a side-by-side comparison of the differences in uses between the MV-1 zone and the CV-2 zone. In reality, the CV-2 zone allows a large host of uses that the MV-1 zone does not. It could be observed that the MV-1 zone is quite a bit less intense than the CV-2 zone, although it does allow a few uses, such as machine shops, that by the use's nature are not likely to fit well even in automobile-oriented strip-commercial areas. When considering the "light" descriptor for this manufacturing zone, one may find that the uses permitted in the County's M-1, M-2, and M-3 zones are considerably and progressively more intense than those use found in the MV-1 zone. Those zones are used in the western parts of unincorporated Weber County for true manufacturing and industrial operations. The M-1 zone was once the county's original "light" manufacturing zone. When the MV-1 zone was created a few decades ago, only the lightest of the light manufacturing uses from the M-1 zone were written into the MV-1 zone. Perhaps the MV-1 zone is better described as an "ultralight" manufacturing zone.

The Weber County Land Use Code has a chapter that governs application-driven rezones.⁵ It specifies that rezoning should comply with the general plan. A general plan analysis is provided later in this report. It also sets forth approval criteria when considering a rezone. Because a rezone is legislative, each criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

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

§ 102-5-4 and § 102-5-5 of the County's Land Use Code sets forth rezone application submittal criteria. In these chapters, the Commission will find that Weber County has adopted very strict requirements for rezones. These application requirements expect engineered drawings for concept plans, water and wastewater provisions, and stormwater runoff provisions. This is a challenging burden to meet when a landowner is considering a rezone, but the applicant has provided for each of these requirements as part of their application, as may be applicable for the use. Exhibits C and D illustrate the applicant's most recently submitted information, which varies slightly from the original submittal concept plan and offers more details and context.

⁴ See the Commercial Development Goals 1 and 2 and their respective policies and implementation strategies on page 33 of the Ogden Valley General Plan:

<http://www.webercountyutah.gov/planning/documents/Ogden%20Valley%20General%20Plan,%20Updated%20Nov%2019,%202019.pdf>

⁵ See LUC § 102-5: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_102-5_Rezoning_Procedures

Market Synopsis and Emerging Community Concerns

Staff have learned that rezoning this property to a manufacturing zone has conjured images such as smoke stacks, water pollution, waste dumping, and environmental contamination for some members of the community. Last year at this time, the applicant proposed a gravel mine and concrete batch plant on this same property that is likely a contributing factor to the concern, as that use did not do well to garner community support or trust. Staff have heard reports that there are even community fears that the applicant is trying to pull a fast one by pretending to want to construct storage units, but will reveal ulterior nefarious intentions after being granted the MV-1 zone. Some members of the community assert that rezoning this property to the adjacent CV-2 zone would offer a less abuseable zone than the MV-1 zone, since it would not allow for manufacturing uses. To satisfy and validate this community perspective, planning staff have included utilizing the CV-2 zone as a viable alternative in this staff report. Despite some of the complications of utilizing the CV-2 zone, if that is the zone desirable to the Planning Commission then planning staff will make the necessary adjustments.

It may be of value to note that the application for this use has come forth as a collaborative effort with planning staff to provide storage units for the community and others who recreate in it. It is not often that planning staff will actively advocate for a specific commercial use on a specific site. However, because planning staff is routinely queried by would-be applicants seeking to locate storage units on property in the valley that is less suitable than the subject site, we took the initiative to ask the applicant to consider the current market demand. This was in hopes that responding to the market with a decent supply in an appropriate location will help keep the market-pressure from pushing for the use in areas not supported by the 2016 Ogden Valley General Plan.

Storage units are commonly constructed to offer minimal owner-oversight, operation, and maintenance. As can be observed in **Figure 4**,⁶ this generally lends to sterile-appearing architecture, minimal landscaping, and more hardscape than is typically found on sites with other uses. Each of these pose potential problems for the community in which the units are located. Through careful planning and with an applicant volunteering to be regulated to the benefit of the community, these problems can be overcome.

The current market-pressure has stimulated such a sense of urgency that the County Commission has asked staff to pursue changes to the CV-2 zone to make the use less aesthetically intrusive to the planned village areas. The hope being that this can be accomplished before a would-be storage unit developer successfully acquires a property in the CV-2 zone and becomes entitled to the use without adequate community-oriented design regulations. The amendment is in process at this time, and is further reason to not rezone this property to the CV-2 zone, as pending legislation is ongoing.

The intention of this rezone is to allow storage units, and exclude all other uses. This can be done by use of a development agreement, which is a contract between the applicant and the County that will limit other uses, as well as set forth expectations for the use in a manner that is attractive and mitigates negative community impacts. The applicant has been working with staff in good faith to execute this intent, including volunteering for an architectural style harmonious with the rural community, rustic agrarian building material, site landscaping, sight obscuring methods, etc. If rezoned, **Figure 3** provides a graphic depiction of the revised zone map for the MV-1 zone.

Figures 5 – 8 offer planning staff's proposed alternatives for this rezone, including the MV-1 preferred alternative.

Figure 4: Aesthetics common for storage unit facilities.



⁶ This image is not an image from the Ogden Valley. However, aesthetics that vary in similarity can be observed on storage unit properties that currently exist in the Ogden Valley. The current CV-2 zone does not currently have sufficient community-aesthetic requirements, as advocated in the 2016 Ogden Valley General Plan.

Site Specific Land Use Analysis

The use of storage units on this site has several community-impacts worth considering. Given the information and evidence currently available, existing ordinances, and volunteered regulatory standards from the applicant, the Planning Commission may find that most, if not all, negative effects can be reduced within tolerable thresholds. The following analysis offers this consideration.

Concept development plan.

As depicted in **Figure 9**, the applicant has provided a concept development plan.⁷ It shows the layout of the site and the configuration of the buildings, accessways between the buildings, and access to the public street system.

Parcel configuration.

After a rezone, but prior to receiving construction permits, this site will need to be formally platted as a part of a subdivision. The applicant has tentatively proposed the storage units to be located on one lot, the existing home onsite to be located on its own lot (retaining nonconforming residential rights for the time being), and the remainder property east of the North Fork River to be utilized as may be allowed by the existing AV-3 zone. The subdivision process is not a part of the rezone process and will be addressed at a later time.

Access and traffic circulation.

Access will be provided to the site from 2650 North Street (Clark Lane). The applicant will be expected to obtain a public right-of-way permit to construct the drive-approach from the edge of the street's asphalt into the subject property. The applicant should be required to either bond for these improvements at the time of subdividing, or install them prior to receiving any certificates of occupancy. If during construction of the site the drive approach and/or its joints with the county's street asphalt sustain damage, the applicant should be responsible for repairing the damage prior to certificate of occupancy or a business license.

Access to the site from the greater highway system will be by means of Highway 162. The intersection of Highway 162 and Clark Lane is configured poorly and the increased traffic demand from this use may merit reconstruction and reconfiguration of the intersection. The applicant has provided a

⁷ See Exhibit C.

Figure 5: Zoning Map Alternative 1 (Preferred Alternative).

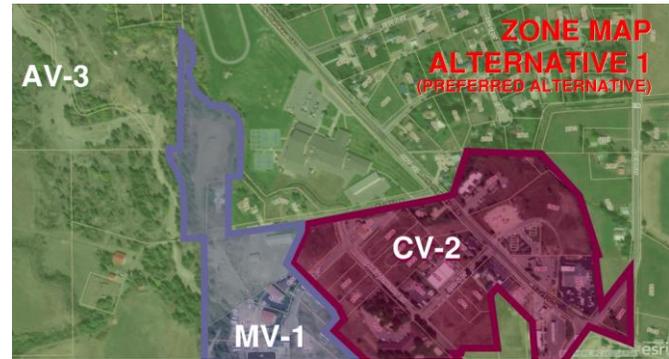


Figure 6: Zoning Map Alternative 2 (Preferred if supported by adjacent residential owners).



Figure 7: Zoning Map Alternative 3.

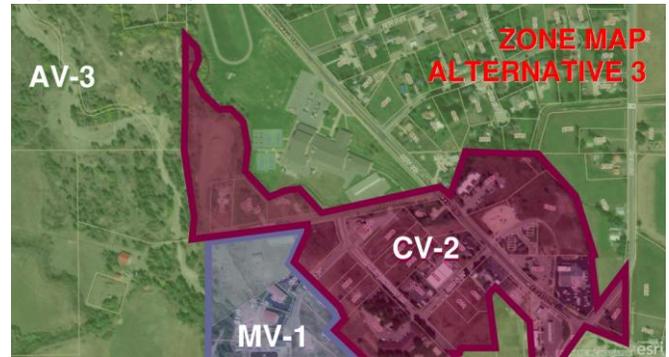
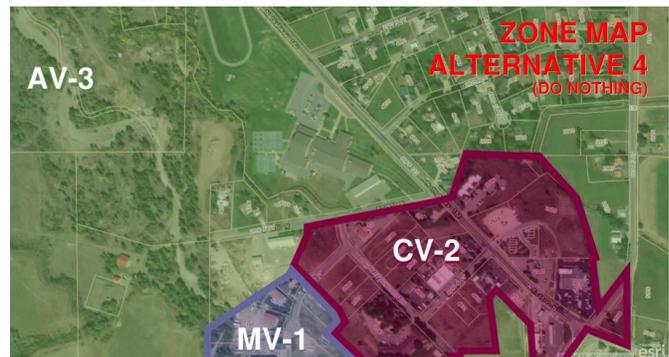


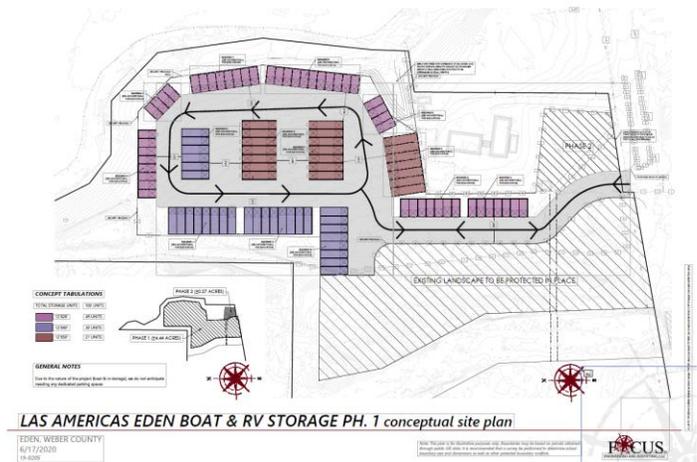
Figure 8: Zoning Map Alternative 4 (Do Nothing).



preliminary traffic study⁸ that suggests traffic coming from or going to the north is likely to be negligible and might not merit the need for improvements, asserting that all traffic is expected to travel eastward toward the reservoir and other areas that offer public access to mountainous recreation. However, the County Engineering Division staff suspects traffic coming to the site from the north Ogden Divide, or traffic leaving the site to recreate in the North Fork or Avon area, may very well establish the need for intersection improvements leading northward. The applicant should be required to work with Weber County and the Weber School District to provide a fair share of this intersection's improvements. The Engineering Division staff have requested a more detailed study that establishes a traffic demand threshold to trigger the applicant's participation in improving the intersection.

The County Engineering division is further concerned about the existing construction of Clark Lane. No information can be found that details the standard of construction used to create it. They have asked the applicant to pothole the street in certain intervals to provide the detail. In the event the street is not constructed to a standard that can withstand the routine traffic burden of a storage unit operation, the applicant should be responsible for improving the street to an acceptable standard. The applicant should also be responsible for curb, gutter, and sidewalk along the subject property's frontage.

Figure 9: Concept Development Plan.



Culinary water.

The residential building onsite currently has access to culinary water. It is not clear at this time whether the site will have culinary water services beyond that found in the residence. If culinary water is desired, the applicant will need to work with Eden Waterworks or the Weber Morgan Health Department to secure the appropriate rights/shares and agreements.

Secondary water.

If not otherwise provided by means of culinary water, if allowed by the provider, the facility will need a secondary water irrigation system to maintain non-native landscaping on the site. If pervious grass/turf pavers are used for the accessways, as described later in this report, then they will need to be serviced by a site-wide automatic sprinkler system. Automatic drip irrigation systems are preferred for the proposed vegetation that supports it.

Sanitary wastewater.

The storage unit facility is not anticipated to have any bathrooms or other sanitary facilities at this time. In the event that changes, the applicant/owner will be required to satisfy any septic system requirements of the Weber Morgan Health Department, including providing area large enough for a primary and backup drainfield. Because the use will be designed to accommodate large recreational vehicles, it can be anticipated that an occasional RV owner may bring a tank with effluent to the site. To protect the groundwater and adjacent river corridor from spills or illegal effluent dumping, the owner should be required to post a conspicuous sign at the entrance of the facility that notifies renters that there are no sanitary dumping facilities onsite, and provide another location for the renter to drain their tanks. No grey or black water dumping should be allowed on the site without a dump station that meets all requisite standards for the location.

There is currently a dump station owned by the forest service at the Anderson Cove Campground on the south side of Pineview Reservoir that anyone may use for a \$10.00 fee.

⁸ See Exhibit A to review the traffic study.

It is unknown at this time whether the storage facility will provide a watercraft decontamination, clean-off, and/or drainage area. If one will be provided, it should be located on an impermeable surface, graded to catch and eliminate the clean-off and lake-water drainage in a manner that protects from the spread of aquatic invasive species. If the facility does not provide for a watercraft decontamination, clean-off, or drainage area, then the sign at the entrance of the facility providing notice of no dump station shall also instruct renters to drain and decontaminate watercraft before bringing them to the facility.

Stormwater and Drainage.

The applicant is considering the idea of using grass pavers instead of asphalt for much of the vehicle accessways on the site. This idea surfaced during a conversation between the applicant and planning staff when discussing the topic of drainage and aesthetics. Planning staff's desire is that the site not be covered in wall-to-wall asphalt. This amount of asphalt will have visual consequences for homeowners who live uphill, require large and intrusive stormdrain facilities, and create an urban-heat-island effect. Grass pavers over compacted road base will offer sufficient vehicle support, a rural-agrarian feel, and a relatively dust-free environment with drainage capabilities closer to native drainage characteristics of the site with water absorption and evapotranspiration from the turf contributing to surface water management. **Figure 10** offers examples of grass paver implementation. Using grass pavers has potential and unintended groundwater consequences if source contaminants leak or are spilled. Planning staff recommends the use of the grass pavers, but also recommends that each building have a hard surface impermeable floor, and provide a drain (i.e. french drain) at the entrance of each bay door that will capture any contaminated runoff originating from inside of a storage unit; the same to be applied for any parking areas.

Regardless of the use of grass pavers, the applicant's engineer has provided a statement of intent regarding the stormwater detention onsite, as can be reviewed in Exhibit A.

Fire.

The local fire authority does not typically initiate a development review until actual subdivision or construction activities are proposed. It is anticipated that the storage facility will need to be fire sprinkled. The nearest fire hydrant is approximately 850 feet away, eastward on Clark Lane. Unless allowed otherwise by the local fire authority, a fire hydrant should be installed on or adjacent to the site for ease of firefighting efforts.

Garbage.

When used for personal storage or household goods, storage unit facilities tend to need dumpsters to accommodate the renter's solid-waste or other refuse. It would be wise to require at least one dumpster onsite, to alleviate a renter's temptation to dump their refuse on other property in the area or in other business-owners dumpsters. The dumpster should be completely obscured from view on all four sides from adjacent properties and the public street.

Buffering adjacent land uses.

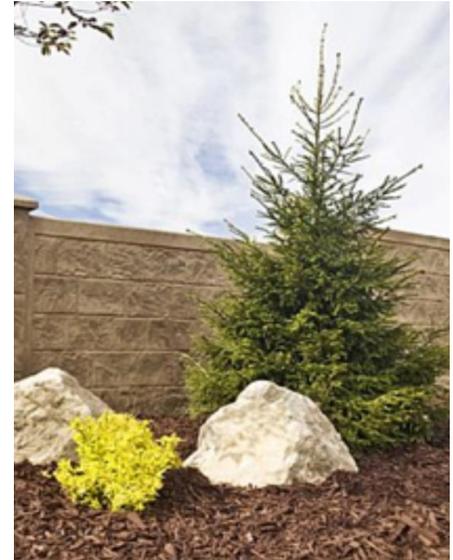
The applicant has proposed to buffer the storage facility from adjacent uses in several ways. The concept plan shows that the entire eastern side of the site already has a 15-20 foot berm that hides the property from view of

Figure 10: Examples of Grass Pavers.



most members of the public. The concept plan shows this berm being extended along the south side of the property to provide visual relief from the neighboring residential uses. This berm is intended to be eight feet tall. In front of the berm, along the property boundary, the applicant has proposed a security fence. The applicant has verbally agreed to this part of the security fence being constructed of black wrought iron. Atop the berm, the concept plan shows several deciduous tree plantings that will assist in offering a native appearance for the berm. Staff recommends alternating deciduous and conifers to offer optimal sight obscuring. Alternatively, if onsite complications make the berm too challenging to implement, the applicant is proposing a muted earth-toned precast concrete wall, similar to that in **Figure 11**.

Figure 11: Eight foot precast wall.

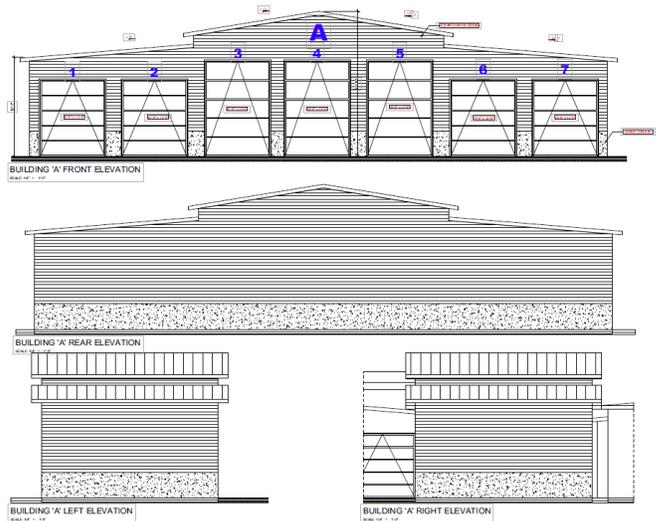


To the north, east, and west the applicant has proposed to leave as many native trees as possible, and has proposed a chainlink security fence. Staff recommends that if chainlink is allowed, the fence should be black-powder coated.

Landscaping.

The applicant has proposed that a great deal of the existing trees onsite remain undisturbed. The proposed landscape plan identifies the areas in which existing trees will be preserved, and other areas in which trees will be removed to make way for the storage units. With the exception of the removal of a handful of trees and vegetation along the east-side of the North Fork River necessary to make way for the project’s drive approach, all of the trees that are along the river’s east bank will be protected in place.

Figure 12: Example building design



Given the amount of existing vegetation that will remain onsite, it can be observed that the site will meet the County Code’s minimum landscaping requirements.⁹

The property has native grass species growing along the property boundaries, and this native plant material is intended to remain, to offer the rural agrarian feel. However, this site is also rife with dyers woad and other noxious weeds that the storage unit owner will need to keep under control.

Architectural styling

As can be observed in **Figure 12**,¹⁰ the applicant is proposing an agrarian-themed architectural style, as is generally supported in the general plan. The storage unit buildings are intended to resemble rustic barns, and the storage unit site is intended to look a little like a grouping of agricultural outbuildings. The building’s siding is proposed to be reclaimed wood to help with the rustic theme, as can be observed in **Figure 13**.

The example building design in Figure 12 is intended to represent Building A shown on the concept plan. The applicant’s architect is still completing the renderings of other building styles. As can be observed from the concept plan, there are several different building sizes so there will be slightly varying features of each building type.

⁹ See LUC § 108-2-5 Minimum Standards and Guidelines; General Landscaping. https://weber.municipalcodeonline.com/book?type=ordinances#name=Sec_108-2-5_Minimum_Standards_And_Guidelines;_General_Landscaping

¹⁰ Also included as Exhibit E.

Planning staff's initial opinion of the example building is that it is a good start, but is lacking some of the detail that will help keep these buildings from looking like the prefabricated metal structures that they actually are going to be. Staff initially requested that each building have façade offsets that will break up the horizontal monotony of the buildings. After a little discussion with the applicant's designer, staff now understands that these offsets create more building corners that can be hit by trucks and trailers as they maneuver through the site. Perhaps it is fair to not ask for the internally facing building fronts to be horizontally broken, but staff recommends each building's rear façade that faces outward from the site be designed with breaks such that the building's "shed roofs" are offset (staggered) from the façade area that is under the gable. The Planning Commission should be aware that these offsets do increase building costs for the applicant, as do other rustic agrarian design elements mentioned below, and may be something worth forgoing if other elements of the proposal are suitable.

To bring a stronger rustic agricultural element to the building's designs, staff suggests the gable of the example building possess a steeper pitch. Currently it is designed at a 2:12 pitch, and the side-shed roofs are a 1:12 pitch. Staff suggests the gable be at least a 4:12 pitch. For the three larger interior buildings it might be nice to see a different gable/shed roof configuration, an example of which can be observed in **Figure 14**.

Staff also recommends trim work with the iconic X or Z-bar commonly found in old farm construction. This can be accomplished using the reclaimed slats if desired. The bay doors can be dressed up to offer this effect as well, as can parts of the blank side and rear walls that will be visible from offsite. The horizontal siding can be changed to alternate in logical places between horizontal and vertical to also help break up monotonous horizontal lines. **Figure 15** offers examples of different ways this has been executed in other rustic agrarian contexts. Other agrarian architectural features that can be incorporated into the buildings are displayed in **Figure 16**, should the planning commission desire to see any of them included in the building designs as well.

Lighting.

The lighting of the project will be required to comply with the Ogden Valley's outdoor lighting code. If security

Figure 14: Three tier roof example.



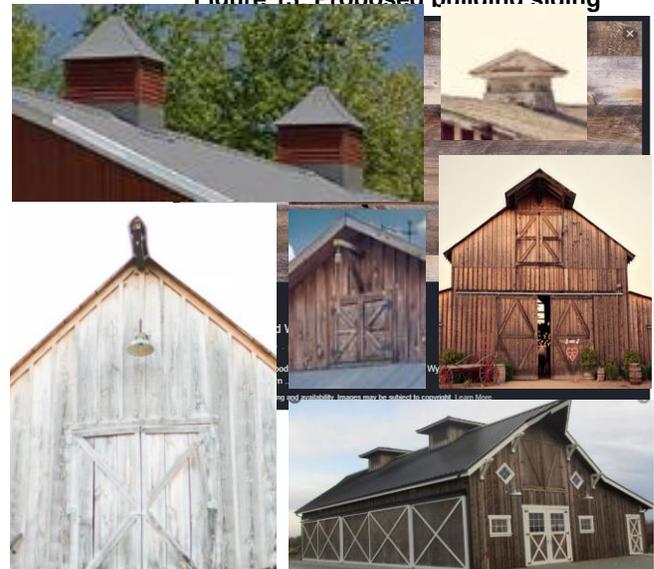
Figure 15: X and Z-bar barn trim examples.



Figure 16: Rustic agrarian design features.



Figure 13: Proposed building siding



lighting is desired throughout the night, each lighting device will need to be on a motion detector that stays on for no greater than two minutes after it last detects motion.

Planning staff recommends that the applicant work with the Ogden Valley Starry Nights organization to offer building façade area in a reasonably conspicuous location for their consideration of a night-sky mural.

Phasing.

The applicant's concept plan is divided into two phases. No plans have been provided for phase two yet and will require future discussions and reviews to implement.

Sensitive Lands Protection.

There are a number of considerations for the protection of sensitive lands. There is occasionally standing water in certain locations on the site. However, planning staff reviewed the wetlands maps of the Army Corps of Engineers and found no demarked wetlands.

The "AE" floodplain of the North Fork River transects the applicant's property and bounds the rezone area on the west side. The "AE" represents "an area inundated by 1% annual chance flooding, for which BFEs [base flood elevations] have been determined." The site has been designed to avoid floodplain development, except that the drive approach to the site may require floodplain development review by the County Engineer. This is conducted either when the property is subdivided or when actual construction permits are pulled. **Figure 17** displays the floodplain boundary on the property.

The Ogden Valley Sensitive Lands ordinance¹¹ requires development to be located at least 100 feet from the high water mark of the North Fork River, and at least 50 feet from an ephemeral stream. According to the adopted sensitive lands map, the Wolf Creek, which joins the North Fork River just northwest of the rezone area, is an ephemeral stream. **Figure 18** shows the estimated river and stream setbacks as they relate to the property, and **Figure 19** shows how the proposed concept plan avoids placing buildings within this setback.

It is worth noting that the high water demarcation of a stream is not necessarily the same mark as the 100-year floodplain. High water is determined based on a more regular high water event than the 100-flood event, and is most commonly determined to be where more mature vegetation ends as a result of regular water movement along that demarcation.

Wellhead protection and groundwater quality.

As previously addressed in this report, the site is in close proximity to the public culinary water wells of Eden Water Works. A part of the subject rezone area is within one of their wellhead's source protection zone 4. A wellhead source protection zone is an area around a well in which certain source contaminants should not be located because if spilled into the ground, they cannot be sufficiently filtered from the groundwater by the time the water infiltrates the well's drinking water source. Pursuant to Weber County's Land Use Code,¹² the drinking water source protection zone 4 is defined as follows:

Figure 17: Floodplain boundaries.

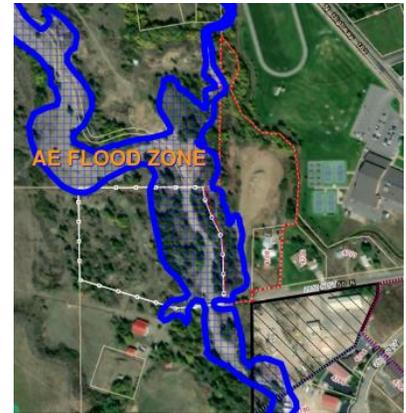
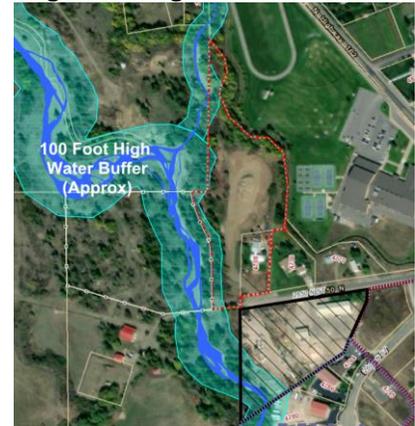


Figure 18: High-water setback area.



¹¹ See LUC § 104-28: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-28_Ogden_Valley_Sensitive_Lands_Overlay_Districts

¹² See LUC § 108-18-3 Establishment of Drinking Water Source Protection Zones: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_108-18_Drinking_Water_Source_Protection

"Zone Four is the area within a 15-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.

Zone 4 has the longest groundwater time of travel of the four zones.

Each public water authority is required by state law to delineate each wellhead's source protection zones. State law only requires zone one, a 100-foot radius around the wellhead, and zone 2, a 250-day groundwater travel time, to be governed by County law, but Weber County opted to govern the uses in zones three and four as well.

The four source protection zones for the two wells located nearby have been delineated by Eden Waterworks. The special regulations applicable to the source protection zone 4 on the site state that commercial uses are allowed to be located in the zone,¹³ but that hazardous waste materials cannot be used, stored, or dumped in the zone 4 area.¹⁴

In the event Eden Waterworks determines that contaminated surface water infiltration through grass pavers is likely, then the area of the site in zone 4 should use impervious accessway approaches and best management practices for surface water drainage.

Development agreement contingencies.

Even though a development agreement is reserved for County Commission to negotiate, the Planning Commission has the opportunity to influence the terms of the agreement by offering conditions that can be imposed in the

Figure 19: Floodplain and high-water setback area superimposed on concept plan.

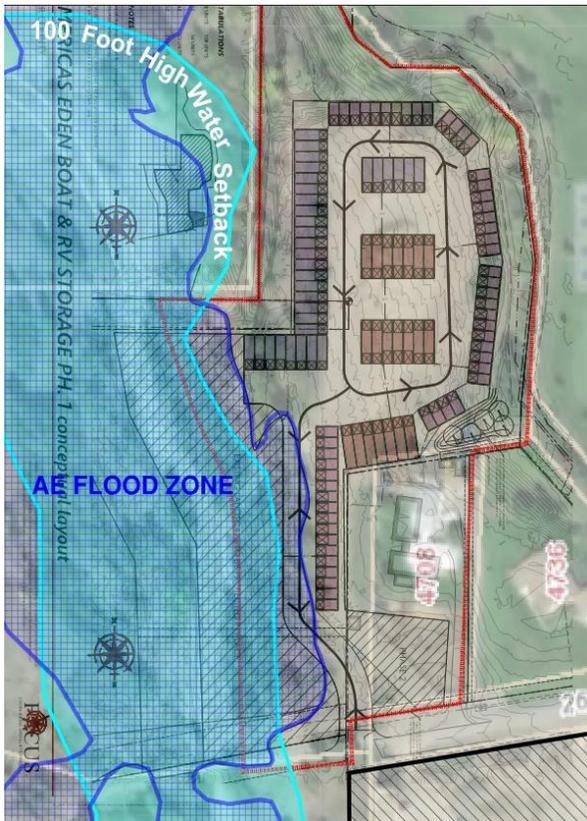
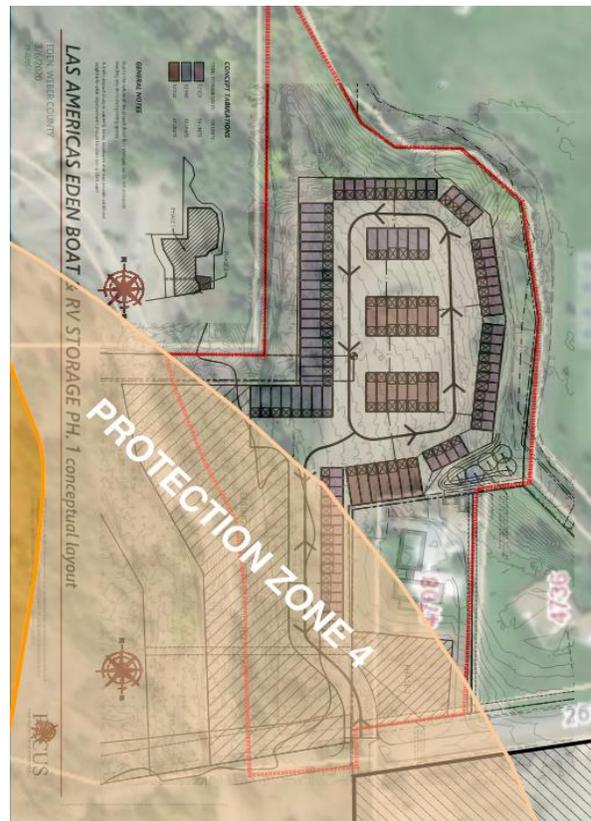


Figure 20: Drinking Water Source Protection Zone 4, superimposed on concept plan.



¹³ See LUC § 108-18-5 Allowed Uses: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_108-18_Drinking_Water_Source_Protection

¹⁴ See LUC § 108-18-6 Prohibited Uses: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_108-18_Drinking_Water_Source_Protection

agreement. The conditions provided in the staff recommendation may act as a baseline for the Planning Commission's consideration. Removal, addition or modifications of staff's recommended conditions is the Planning Commission's prerogative as this project moves toward creation and execution of a mutually-negotiated agreement and formal legal rezone.

Additional consideration that planning staff suggests including in the agreement that is not otherwise referenced in this report or anticipated in the 2016 Ogden Valley General Plan includes the possibility of reserving a trail corridor along the North Fork River through this property. If the applicant is amenable to the desire, it could be preserved in the development agreement to be executed at a later time when better planning of a trail corridor can be completed.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed rezone of approximately 16 acres from the AV-3 Zone to the MV-1 Zone, File #ZMA 2020-01 with the following requirements to be executed by means of a development agreement:

1. Use of the applicant's property shall be limited to storage units only.
2. Staff should work with the adjoining residential property owners to determine whether they prefer to be included in the rezone.
3. The applicant shall work with Weber County and the Weber School District in provide their fair share of improvements to the intersection of Highway 162 and Clark Lane. A more detailed study shall be provided that establishes a traffic demand threshold to trigger the applicant's participation in improving the intersection.
4. The applicant shall pothole Clark Lane as directed by the County Engineer to provide the construction detail of the street. In the event the street is not constructed to a standard that can withstand the routine traffic burden of a storage unit operation, the applicant shall be responsible for improving the street to an acceptable standard, as determined by the County Engineer. The applicant shall also be responsible for curb, gutter, and sidewalk along the applicant's property frontage. If this rezone does not result in the rezone of the adjacent two residential uses, the applicant shall also extend curb, gutter and sidewalk along the entire frontage of Clark Lane.
5. No grey or black water dumping shall be allowed on the site without a dump station that meets all requisite standards and regulations for the location.
6. A sign shall be posted in a conspicuous manner at the entrance of the facility that notifies renters that there are no wastewater dumping facilities onsite. The sign shall provide information regarding other nearby locations that have dumping stations.
7. Any watercraft decontamination, wash off, or drain area shall provide for containment of waste water in a manner that will stop the spread of invasive species in local waters. In the event no decontamination, wash off, or drain area is provided, the applicant shall post a sign in a conspicuous manner at the entrance of the facility that notifies renters that watercraft must be decontaminated, cleaned, and drained prior to storage at the site.
8. The use shall not have any negative effect on the drinking water quality of the nearby wells of Eden Water Works, or any other culinary water source in the area.
 - a) In the event that Eden Waterworks or any other potentially affect culinary water authority determines that ground water infiltration from the site is not capable of being diluted and/or filtered to drinking water standards adopted by the Utah Department of Environmental Quality before it enters a drinking water source, then the applicant or owner bears the burden of constructing remediating drainage facilities prior to conducting any further business onsite or allowing any further access to the site.
 - b) If groundwater infiltration onsite constitutes an immediate threat to a drinking water source, all activities onsite, including access, shall cease until the threat is remediated. This remediation shall be conducted by the applicant or owner, at no expense to the culinary water authority.
 - c) The culinary water authority bears the burden of demonstrating through scientifically reproducible means, based on site specific evidence gathering, including, if necessary, subterranean hydrogeologic exploration, that the soil types and/or drainage methods on the site are incapable of protecting the drinking water source(s). The applicant or owner shall allow the culinary water authority reasonable access to the site to conduct the investigations or inspections they may deem necessary to maintain a clean drinking water source. If onsite subterranean investigations are conducted prior to initiation of construction, the culinary water authority shall bear the evidence-gathering expenses, and the applicant shall bear the cost to restore the evidence-gathering site(s). If the onsite subterranean investigations are desired after initiation of construction, and if the applicant has notified the culinary water authority two weeks prior to initiation of construction, the

culinary water authority bears the full cost of evidence gathering. The applicant and the culinary water authority may make alternative agreements to achieve these ends, as they deem mutually beneficial.

9. Unless determined to be a groundwater contamination concern by a local culinary water authority, as provided in these conditions, the accessways shall be paved with grass pavers instead of asphalt. Turf grass or other high-traffic turf plant shall be planted between the pavers. An automatic sprinkler system shall be provided throughout the paver area to keep the turf green and healthy. The owner shall maintain the turf at a well-groomed and consistent height that does not exceed six inches.
10. If grass pavers are allowed for the accessways, drains shall be designed and constructed to catch any contaminated drainage that could exit a storage unit or building. The floors of the storage units shall be impermeable hard surface and contoured to support this drainage. The drainage shall be routed through an oil/sand separator or similar water-conditioning device prior to discharge. Onsite discharge shall be as far from the Eden Waterworks wellhead protection zone 4 as reasonably possible. Alternative drainage methods may be considered by the County Engineer provided they offer as good or better protection of the Eden Waterworks wellhead. Parking areas shall also be hard-surfaced and similarly drained.
11. Unless specifically deemed as unnecessary by the local fire authority each building shall be fire-sprinkled such that each unit has at least one sprinkler head, or as may be otherwise required by the fire code or the local fire authority.
12. If not already extended to the site, the applicant shall install a water trunk line no less than 8 inches in diameter, or as otherwise specified by the local fire authority or County Engineer, from the nearest hydrant to the site, and shall install a hydrant onsite or in the adjoining public right-of-way, as may be deemed appropriate by the local fire authority.
13. An eight-foot earthen berm shall be constructed between the adjacent residential uses and the storage facility. Atop the berm, the applicant shall plant four eight-foot conifer trees of a species native to the Wasatch Mountains, and shall plant three deciduous trees of a native species well known for shade producing capabilities. The deciduous trees shall have a caliper of at least two inches when planted. The trees shall be provided with an automatic irrigation system to support healthy growth.
14. As specified in the landscape plan, the applicant shall protect existing trees that line the perimeter of the project area, with special attention to protecting the trees along the river corridor. The applicant shall take a photo inventory of existing trees, identify those that will be removed, and submit the inventory to planning staff prior to any site work. For every tree that will be removed to make way for the development, another of the same species shall be planted on the site.
15. The storage unit owner/operator shall be responsible for regular monitoring and removal of noxious weeds on the site.
16. There shall be no outdoor storage permitted on the site.
17. At least one 6-yard or larger dumpster shall be placed onsite in a permanent location. The dumpster location shall be completely hidden from view when viewed from adjoining properties and streets. The use of an eight-foot masonry wall, existing buildings, or both, may be employed to provide three sides of the dumpster's enclosure. The fourth side shall have a solid metal gate(s).
18. Contribution to the local culture and arts shall be pursued by exploring opportunities with the Ogden Valley Starry Night organization to provide possible façade space for a future Starry Night mural.
19. No phasing plan is reviewed at this time. Phase two will require its own considerations at a later time.
20. As shown on the concept plan, the site shall maintain compliance with floodplain development requirements, the highwater setback requirement, and shall maintain the riparian corridor in good health.
21. The development agreement shall contain provisions for a future trails corridor along the North Fork of the Weber River, in a location as may be agreed upon by the County and applicant.
22. The final architectural designs of the buildings shall consider greater roof pitches, variance in sheer wall massing, and a reasonable amount of additional agrarian architectural detail as generally illustrated in this report and further negotiated by the applicant and County.
23. That roofing of the buildings shall be of a nonreflective metal material that can develop and natural patina overtime.

This recommendation may come with the following findings:

1. The use helps support the 2016 Ogden Valley General Plan by providing for a market demand in a location outside an intended village area.
2. The use offers a design theme recommended by the 2016 Ogden Valley General Plan.
3. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities.

4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by use of natural and built buffers, vegetation, and architectural styling.
5. The development will enhance the overall health, safety, and welfare of the community.

Exhibits

Exhibit A: Application.

Exhibit B: A comparison between uses allowed in the MV-1 zone and the CV-2 zone.

Exhibit C: Concept Development Plan.

Exhibit D: Landscape Plan.

Exhibit E: Architectural Elevations



Weber County Incoming Application Processing Form

Project Name: Eden Boat and RV Storage rezone AV-3 to MV-1
 Date Submitted: 3-6-2020 Zoning: AV-3 Received by: Felix
 Culinary Water Provider: Auntsville water Secondary Water Provider: _____ Waste Water Provider: septic

Project Type:

- | | |
|--|---|
| <input type="checkbox"/> Alternative Access
<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Building Parcel Designation
<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Design Review
<input type="checkbox"/> Hillside Review
<input type="checkbox"/> Land Use Permit | <input type="checkbox"/> Subdivisions: <ul style="list-style-type: none"> <input type="checkbox"/> Subdivision (Small/Amendment) <input type="checkbox"/> Subdivision-(Prelim/Final) <input type="checkbox"/> Subdivision-Cluster <input type="checkbox"/> Zoning Text Amendment
<input checked="" type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Zoning Development Agreement
<input type="checkbox"/> Vacation
<input type="checkbox"/> Other _____ |
|--|---|

Project Description: An application to rezone 3.5-acres from AV-3 to MV-1. Located at 4708 E 2650 N

Applicable Ordinances:

- | | | |
|--|---|---|
| <input type="checkbox"/> Accessory Apartments
<input type="checkbox"/> Airport Zones and Height Regulations
<input type="checkbox"/> Cluster Subdivision
<input type="checkbox"/> Design Review
<input type="checkbox"/> Drinking Water Source Protection
<input type="checkbox"/> Hillside Development Review and Procedures and Standards
<input type="checkbox"/> Home Occupation
<input type="checkbox"/> Land Use Permit, Building Permit and Certificate of Occupancy
<input type="checkbox"/> Natural Hazards Overlay Districts | <input type="checkbox"/> Nonconforming Buildings, Uses and Parcels
<input type="checkbox"/> Ogden Valley Architectural, Landscape and Screening Standards
<input type="checkbox"/> Ogden Valley Lighting
<input type="checkbox"/> Ogden Valley Pathways
<input type="checkbox"/> Ogden Valley Sensitive Lands Overlay District
<input type="checkbox"/> Ogden Valley Signs
<input type="checkbox"/> Parking and Loading Space, Vehicle Traffic and Access Regulations | <input type="checkbox"/> Petitioner Requirements-Res zoning Procedure Development Agreement
<input type="checkbox"/> Planned Residential Unit Development
<input type="checkbox"/> Public Buildings and Public Utility Substations and Structures
<input type="checkbox"/> Signs
<input type="checkbox"/> Standards for Single Family Dwellings
<input type="checkbox"/> Supplementary & Qualifying Reg
<input type="checkbox"/> Time Share
<input type="checkbox"/> Zones & Districts |
|--|---|---|

Weber County Review Agencies:

- | | | |
|--|--|---|
| <input type="checkbox"/> Weber-Morgan Health Department-Drinking Water Division
<input type="checkbox"/> Weber-Morgan Health Department-Waste Water Division
<input type="checkbox"/> Weber County Addressing Official
<input type="checkbox"/> Weber County Animal Services
<input type="checkbox"/> Weber County Assessor's Office
<input type="checkbox"/> Weber County Board of Adjustment
<input type="checkbox"/> Weber County Building Inspection
<input type="checkbox"/> Weber County Commission | <input type="checkbox"/> Weber County Economic Development Partnership
<input type="checkbox"/> Weber County Engineering Division
<input type="checkbox"/> Weber County GIS
<input checked="" type="checkbox"/> Weber County CED
<input type="checkbox"/> Weber County Planning Division
<input type="checkbox"/> Weber County Recorder's Office
<input type="checkbox"/> Weber County Recreation Facilities
<input type="checkbox"/> Weber County Roads Division | <input type="checkbox"/> Weber County School District-Transportation Division
<input type="checkbox"/> Weber County Sheriff
<input type="checkbox"/> Weber County Special Events
<input type="checkbox"/> Weber County Surveyor's Office
<input type="checkbox"/> Weber County Treasurer's Office
<input type="checkbox"/> Weber Fire District
<input type="checkbox"/> Other _____ |
|--|--|---|

Outside Review Agencies:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bona Vista Water Improvement District
<input type="checkbox"/> Causey Estates Lot Owners Assoc.
<input type="checkbox"/> Central Weber Sewer Improvement
<input type="checkbox"/> Cole Canyon Water Company
<input type="checkbox"/> Centurylink
<input type="checkbox"/> Eden Irrigation Company
<input type="checkbox"/> Hooper Irrigation Company
<input type="checkbox"/> Hooper Water Improvement District
<input type="checkbox"/> Nordic Mountain Water Inc. | <input type="checkbox"/> Ogden Valley Starry Nights
<input type="checkbox"/> Powder Mountain Water & Sewer District
<input type="checkbox"/> Dominion Energy
<input type="checkbox"/> Rocky Mountain Power
<input type="checkbox"/> State of Utah Dept of Ag & Food
<input type="checkbox"/> Taylor Geotechnical
<input type="checkbox"/> Taylor-West Weber Water District
<input type="checkbox"/> Uintah Highlands Water & Sewer Dist
<input type="checkbox"/> US Forest Service | <input type="checkbox"/> Utah Department of Transportation
<input type="checkbox"/> Utah Division of Air Quality
<input type="checkbox"/> Utah Division of Drinking Water
<input type="checkbox"/> WC3
<input type="checkbox"/> Weber Pathways
<input type="checkbox"/> West Warren-Warren Water & Sewer
<input type="checkbox"/> Wolf Creek Water and Sewer Improvement District
<input type="checkbox"/> Other _____ |
|--|--|---|

Weber County Zoning Map Amendment Application

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

Date Submitted 03/06/2020	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Levanta LLC		Mailing Address of Property Owner(s) 11148 Zealand AVE N Champlain MN 55316	
Phone 6125187629	Fax		
Email Address kody@holkerlawoffices.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) Robert Edwards		Mailing Address of Authorized Person 68 N 700 W Kaysville, UT 84037	
Phone 8015584740	Fax		
Email Address robwedwards@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Eden Park Boat and RV Storage		Current Zoning AV-3	Proposed Zoning MV-1
Approximate Address 4708 E 2650 N Eden, UT 84310		Land Serial Number(s) 22040030	
Total Acreage 3.5	Current Use AV-3	Proposed Use MV-1	

Project Narrative

Describing the project vision.
 To provide a secure and viable location for indoor boat and RV Storage. The units will provide quick secure access with individual power in the units. The location and design is to encourage owners to leave their boats after each use instead of hauling down the canyon or to their home. Regardless there will be access year round, it will be electronic access 24 hours 7 days a week. The project is designed to utilize existing natural features and topography to hide, limit visibility and secure the site. There will be a berm with existing and new trees and landscape in visible areas around the perimeter to enhance and limit visibility.

How is the change in compliance with the General Plan?

The general plan has identified key locations or pods for development of this type throughout the Ogden Valley. This property sits on Clarke Lane that supports business of this type and adjacent to MV-1 use properties. This property and its natural boundary barriers make for a nice boundary to the MV-1 zone in the Eden development POD.

The general plan emphasizes the importance of recreational activities and this would provide a sensible quality location for recreation enthusiasts to store and protect their boats in close proximity to the reservoir in a secure location. This business would encourage owners to pickup and drop-off the same day they use their recreational vehicle of choice. The traffic in the POD area would increase while decreasing trailer and large loads over longer distances on narrow dangerous 2 lane roadways. The increased traffic in the area would increase opportunities for local and supporting business to capture additional revenues.

Why should the present zoning be changed to allow this proposal?

1. This is a natural boundary for the existing MV-1 and would allow this AV-3 parcel being affected by the MV-1 area with recent additions of business up and down Clarke Lane and the County yard which operates 24 7 days a week throughout the year an opportunity to have a business that matches the allowed uses in the area.
2. To keep boats and RVs centralized in a secure location in the designated areas close to the Development POD of Eden. It will increase traffic in the business area and provide additional opportunities to other businesses entities in the area to capture sales.
3. It will decrease the amount of traffic with Boats and RVs through the canyon or on narrow 2 lane roads. Keeping the recreational toys and tools closer to the area of recreation.
4. Increase secure and quickly accessible storage and the availability and opportunity for greater recreation in the area answering the call to support recreational activities as one of the primary functions of the valley area for Weber County residents.

How is the change in the public interest?

Decrease traffic with trailers in the canyon during peak hours.

Accessibility to recreation with recreation vehicles stored in a clean safe environment close to reservoir or other recreational activity locations.

Increased sells opportunities for businesses in the local area.

Reduction in outdoor storage creating a better view shed for the surrounding area.

Additional tax revenues.

Traffic study performed on road way.

Increased safety.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

The MV-1 business has spread and Clarke Lane has become the main access for truck hauling and county maintenance vehicles and also construction vehicles. There is now a landscape yard and a yard for construction vehicles and the County business which operates 24 / 7 days a week as a necessity to serve the county and its needs. This expansion has consumed both sides of Clarke Lane and turned the area into one of the most busy areas for MV-1 activities.

Instead of the area being utilized for AV-3 projects or uses it is the area being used for MV-1 activity. This property provides a natural boundary for the MV-1 zone. It is the most practical use for the property with the changes that have happened in the area over the last 20 years.

STATE OF MINNESOTA)
County of HENNEPIN) ss.

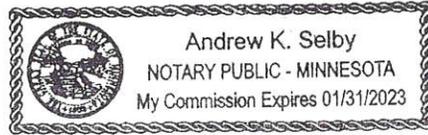
On 3/13/2020, before me, the undersigned Notary Public, personally appeared KORY B. HOKER, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

[Signature]
Notary Public

STATE OF **UTAH**)
COUNTY OF **SALT LAKE**)



On this Twenty-seventh day of February, 2020, personally appeared before me Mark S. Webber, who being duly sworn, did say that he is an Authorized Agent of **First American Title Insurance Company** and that said instrument was signed in behalf of said Company.

Notary Public

Commission expires:

Authorized Representative Affidavit

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

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)



To: Weber County

From: Jason Watson, PE, PTOE

FOCUS Engineering & Surveying, LLC

File: Las Americas Eden Boat & RV Storage

Date: March 9, 2020

Reference: Las Americas Eden Boat & RV Storage Trip Generation Statement

INTRODUCTION

FOCUS Engineering and Surveying, LLC (FOCUS) has been retained to complete a Traffic Study for the Las Americas Eden Boat & RV Storage Development in Eden, Utah. The purpose of this study is to project the number of vehicles that will be entering and exiting the proposed site onto Clark Lane during a typical day. This proposed development will access onto Clark Lane by one access into and out of this site. The site currently consists of natural vegetation and is unoccupied. Exhibit 1 illustrates the vicinity map of the proposed project site.

Exhibit 1 – Project Vicinity Map





March 9, 2020
Weber County
Page 2 of 6

Reference: Las Americas Eden Boat & RV Storage

EXISTING CONDITIONS

Surrounding Land Uses

The Las Americas Eden Boat & RV Storage Development is bordered to the west by the North Fork Ogden River, Clark Lane to the south, and Snowcrest Jr. High School to the north and east. There is also an existing residence located to the east of this property. The Las Americas Eden Boat & RV Storage Development is located within the city limits of Eden. The proposed site for this development currently consists of undeveloped land.

Roadways

Clark Lane: Clark Lane currently consists of 22' of asphalt pavement allowing one lane in each direction. Currently the roadway is unstriped. This part of Eden has very minimal traffic along Clark Lane. The pavement ends at the boundary of the Las Americas Eden Boat & RV Storage property. To the west it continues as a dirt road over the North Fork Ogden River to an existing farm house. The posted speed limit is 25 mph.

SR-162: SR-162 currently consist of one lane in each direction with occasional left turn lanes for vehicles to access developments adjacent to the highway. Historical traffic counts taken by UDOT illustrate that traffic along SR-162 has grown at roughly 3.8% from 2012 to 2017. The latest traffic volumes available by UDOT, illustrate there are 5,316 vehicles traveling in both directions along SR-162 on an average day. The posted speed limit along SR-162 at the Clark Lane intersection is 40 mph. SR-162 extends north to the Town of Liberty and serves as the main route for vehicles to access Eden and continue south to Ogden Canyon.

PROPOSED SITE CONDITIONS

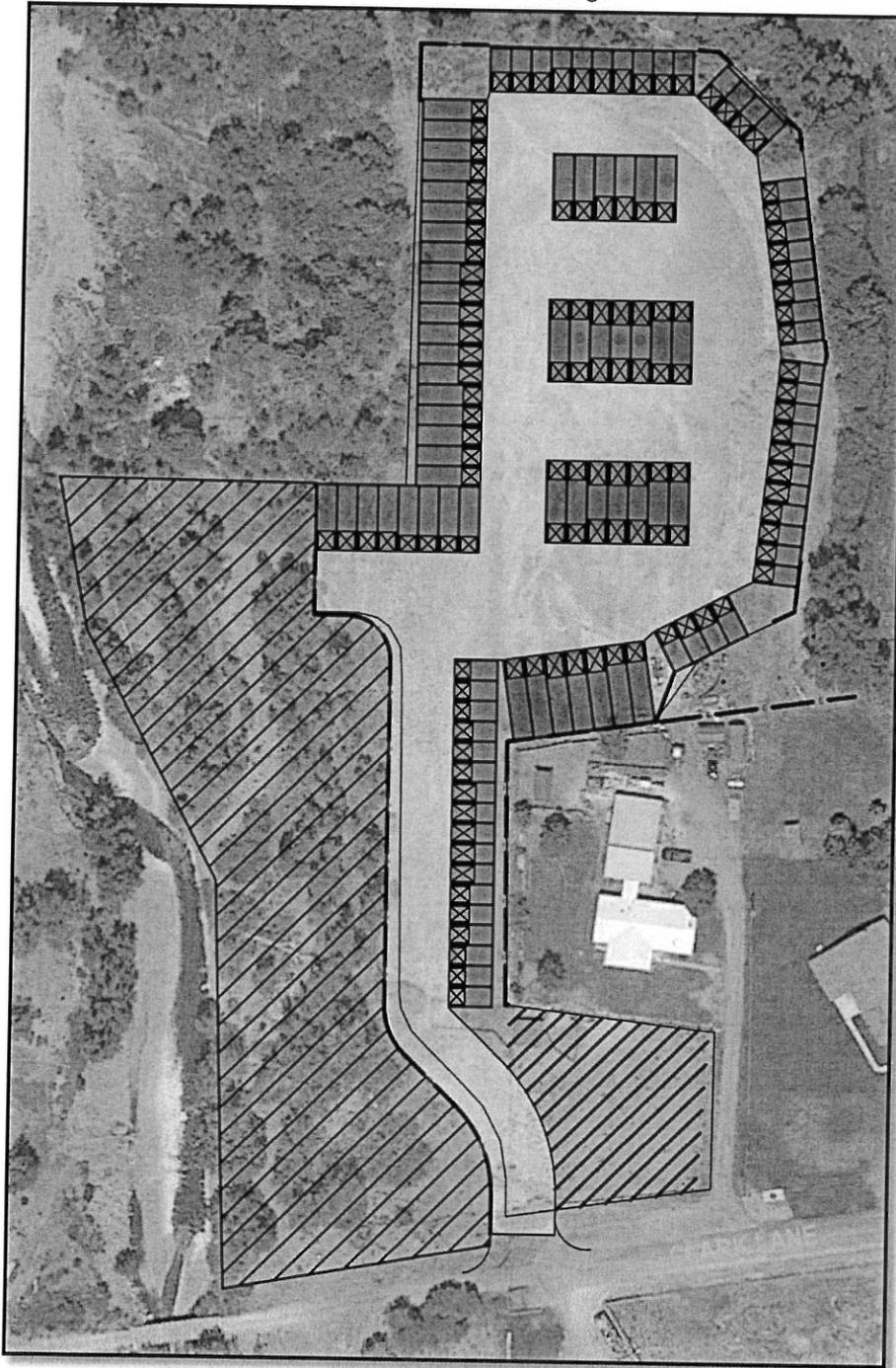
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Weber County
Page 3 of 6

Reference: Las Americas Eden Boat & RV Storage

Exhibit 2 – Site Plan for Las Americas Eden Boat & RV Storage





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 Weber County
 Page 4 of 6

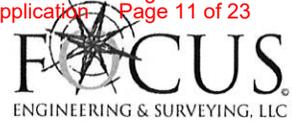
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Reference: Las Americas Eden Boat & RV Storage

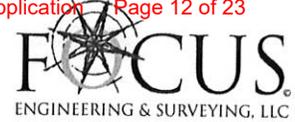
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CONCLUSION

Based on the provided site plan, the Las Americas Eden Boat & RV Storage will consist of 108 Storage Units, primarily for boats and RV's. As vehicles enter and exit the storage facility, 100% will exit the site making a left turn onto Clark Lane to head east to SR-162. At SR-162 it is anticipated 100% of the trips will make a right turn to head south on SR-162 toward Pineview Reservoir. By the end of the day, it is assumed these vehicles will return to the storage facility making a left turn from SR-162 onto Clark Lane and then turn right into the storage facility. Traffic volumes along SR-162 are minimal. UDOT traffic counts along this highway illustrate that the Average Daily Traffic is 5,316 and has been growing at a rate less than 4% since 2012. From conversations and research that was gathered from existing boat storage facilities around Bear Lake and Pineview Reservoir, it is anticipated the Las Americas Eden Boat & RV Storage facility will generate 44 daily trips on a typical weekend day during the Summer months, with 50% of those trips entering (22 vehicles) and 50% exiting the site (22 vehicles). These volumes are anticipated to occur over a full day.

With the minimal amount of traffic along this rural stretch of SR-162 and the minimal amount of vehicles entering and exiting the site at the proposed access location, it is concluded that traffic generated by this storage facility will have very minimal impact to the traffic along Clark Lane and SR-162. There will be enough gaps in the flow of traffic along SR-162 that the vehicles exiting the proposed site will be able to safely access the highway.



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Reference: Las Americas Eden Boat & RV Storage

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Please feel free to contact me with any questions or comments.

Sincerely,

FOCUS ENGINEERING & SURVEYING, LLC

A handwritten signature in black ink that reads "Jason Watson". The signature is written in a cursive, flowing style.

Jason Watson, PE, PTOE
Transportation Department Manager
801.352.0075
jwatson@focusutah.com





Weber County Corporation

Weber County Planning
2380 Washington Blvd, Ste 240

Planning Commission Staff Report -- Eden Boat and RV Rezoning Application
Exhibit A: Application Page 28 of 51 Page 13 of 23

Customer Receipt

Receipt Number **131244**

Receipt Date

03/11/20

Received From:
TRUE HOMES

Time: 16:11:2
Clerk: amartin

Description	Comment	Amount
ZONING FEES	ZONE CHANGE	\$647.00

Payment Type	Quantity	Ref	Amount
CHECK		1068	

AMT TENDERED: \$647.00
 AMT APPLIED: \$647.00
 CHANGE: \$0.00

**LEGAL DESCRIPTION
PREPARED FOR
EDEN PROPERTY
EDEN CITY, UTAH
(March 5, 2020)
19-0205**

PROPOSED LOT 2

A portion of the SW1/4 of Section 27, the NW1/4 of Section 34, the NE1/4 of Section 33 & the SE1/4 of Section 28, Township 7 North, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point located N89°22'34"W along the Section line 70.00 feet from the Northeast Corner of Section 33, T7N, R1E, SLB&M; thence N00°31'13"E 234.83 feet; thence S89°31'00"E 185.55 feet; thence S46°15'00"E 70.33 feet; thence S07°49'00"E 140.42 feet; thence S06°04'39"W 161.10 feet; thence S62°26'15"W 65.90 feet; thence S33°39'22"W 46.70 feet; thence S81°27'20"W 93.60 feet; thence S00°35'24"E 165.24 feet; thence S84°14'26"E 127.47 feet; thence S03°45'10"W 100.17 feet; thence S81°31'22"W 120.24 feet; thence S00°22'55"W 16.02 feet; thence S79°54'11"W 176.01 feet; thence N02°00'00"W 253.62 feet; thence N28°00'00"W 174.98 feet; thence N11°00'00"W 96.70 feet; thence S89°22'34"E 215.79 feet; thence N00°31'13"E 40.00 feet to the point of beginning.

Contains: 4.70 acres+/-



DATE: 03/06/2020
TO: Rob Edwards
FROM: Sean Alt, Focus Engineering
salt@focusutah.com
RE: Las Americas Eden Boat & RV Storage

Storm Water Runoff Narrative

Our preference for the storm water runoff would be to channel the surface flows to waterways located between storage buildings which would route water to an underground pipe system. The pipes would connect to an underground storm water storage device.

We would detain the 100-year storm event using an underground solution like stormtech or stormbrix. We would restrict outfall from our detention then treat the post retention water before fully releasing it into the adjacent creek.

It is our strong preference to detain rather than retain for this site.



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To: Weber County

From: Jason Watson, PE, PTOE

FOCUS Engineering & Surveying, LLC

File: Las Americas Eden Boat & RV Storage

Date: March 9, 2020

Reference: Las Americas Eden Boat & RV Storage Trip Generation Statement

INTRODUCTION

FOCUS Engineering and Surveying, LLC (FOCUS) has been retained to complete a Traffic Study for the Las Americas Eden Boat & RV Storage Development in Eden, Utah. The purpose of this study is to project the number of vehicles that will be entering and exiting the proposed site onto Clark Lane during a typical day. This proposed development will access onto Clark Lane by one access into and out of this site. The site currently consists of natural vegetation and is unoccupied. Exhibit 1 illustrates the vicinity map of the proposed project site.

Exhibit 1 – Project Vicinity Map



March 9, 2020
Weber County
Page 2 of 6

Reference: Las Americas Eden Boat & RV Storage

EXISTING CONDITIONS

Surrounding Land Uses

The Las Americas Eden Boat & RV Storage Development is bordered to the west by the North Fork Ogden River, Clark Lane to the south, and Snowcrest Jr. High School to the north and east. There is also an existing residence located to the east of this property. The Las Americas Eden Boat & RV Storage Development is located within the city limits of Eden. The proposed site for this development currently consists of undeveloped land.

Roadways

Clark Lane: Clark Lane currently consists of 22' of asphalt pavement allowing one lane in each direction. Currently the roadway is unstriped. This part of Eden has very minimal traffic along Clark Lane. The pavement ends at the boundary of the Las Americas Eden Boat & RV Storage property. To the west it continues as a dirt road over the North Fork Ogden River to an existing farm house. The posted speed limit is 25 mph.

SR-162: SR-162 currently consist of one lane in each direction with occasional left turn lanes for vehicles to access developments adjacent to the highway. Historical traffic counts taken by UDOT illustrate that traffic along SR-162 has grown at roughly 3.8% from 2012 to 2017. The latest traffic volumes available by UDOT, illustrate there are 5,316 vehicles traveling in both directions along SR-162 on an average day. The posted speed limit along SR-162 at the Clark Lane intersection is 40 mph. SR-162 extends north to the Town of Liberty and serves as the main route for vehicles to access Eden and continue south to Ogden Canyon.

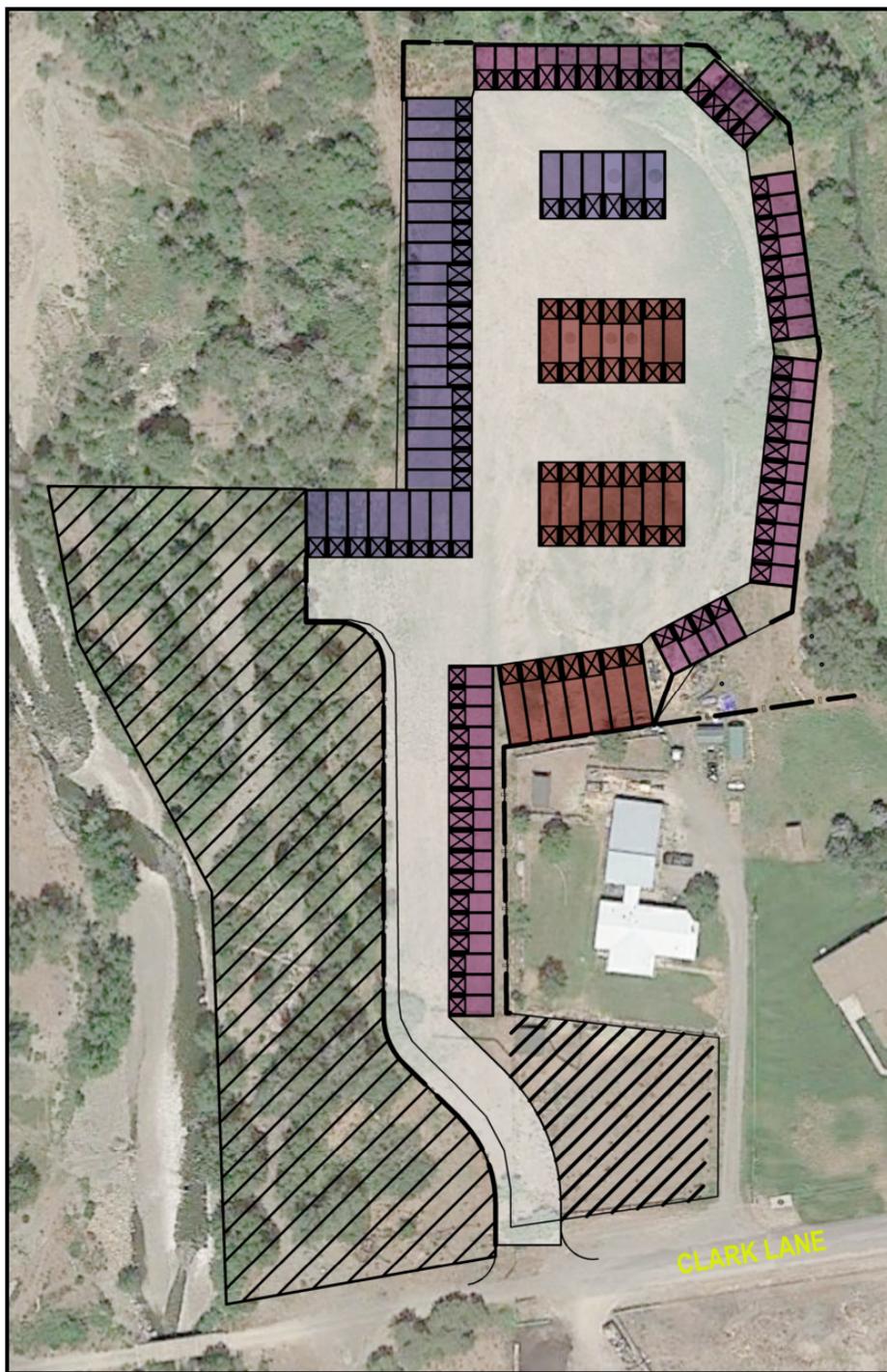
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Weber County
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Weber County
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March 9, 2020
Weber County
Page 6 of 6

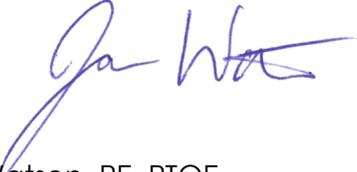
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Sincerely,

FOCUS ENGINEERING & SURVEYING, LLC



Jason Watson, PE, PTOE
Transportation Department Manager
801.352.0075
jwatson@focusutah.com



Uses	CV-2	MV-1
Academies/studios for dance, art, sports, etc.	P	N
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P	P
Agricultural implement repair.	N	P
Ambulance base station.	N	P
Animal hospital	C	P
Antique, import or souvenir shop	P	N
Archery shop and range, provided it is conducted within an enclosed building	P	P
Art and artists gallery or supply store	P	N
Assisted living facility including convalescent or rest home	P	N
Athletic, recreational equipment, and sporting goods sales/ rentals, excluding sale or repair of motor vehicles, motor boats or motors	P	N
Auction establishment	C	P
Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building	C	C
Automobile, new or used sales/service	C	N
Awning sales and service	P	N
Bakery	P	N
Bank or financial institution not including payday loan services	P	N

Barbershop	P	N
Beauty shop	P	N
Bed and breakfast dwelling	P	N
Bed and breakfast inn	P	N
Bed and breakfast hotel	C	N
Brewery, micro in conjunction with a restaurant	P	N
Bicycle sales and service	P	N
Billiard parlor	C	N
Boarding house	C	N
Boat sales and service	C	N
Boat and personal water craft rentals as an accessory use to boat sales and service	C	N
Book store, retail	P	N
Bowling alley	C	N
Butcher shop, excluding slaughtering	P	N
Cafe	P	N
Camera store	P	N
Candy store, confectionery	P	N
Car rental agency	P	N
Car wash, automatic	C	N
Car wash, manual spray	P	N

Carpenter shop, cabinet shop.	N	P
Catering establishment	P	N
Cement batch plants with the following conditions [...]	N	C
Church	P	N
Cleaning and dyeing establishment.	N	P
Clinics, medical or dental	P	N
Clothing and accessory store	P	N
Communication equipment building	P	P
Contractor's equipment storage yard, maintenance, and repair.	N	P
Convenience store	P	N
Costume rental	P	N
Data processing service and supplies	P	N
Day care center [In the MV-1 zone, limited to when located on the same lot/parcel and established in conjunction with and as an accessory to a recreation center]	P	C
Delicatessen	P	N
Diaper service, including cleaning	P	N
Distillery.	N	P
Drapery and curtain store	P	N
Drug store	P	N
Dry cleaning	P	N

Dwelling unit, if in compliance with section 104-21-4(d)	P	N
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use. The provisions of section 104-21-4(d) are not applicable.	P	C
Educational institution	P	N
Electrical and heating appliances and fixtures sales and service	P	N
Electronic equipment sales and service	P	N
Employment agency	P	N
Fabric and textile store	P	N
Farm implement sales	C	P
Feed and seed store, retail	P	N
Flooring sales and service, carpet, rug and linoleum	P	N
Florist shop	P	N
Fitness, athletic, health, recreation center, or gymnasium	P	N
Fruit and vegetable store or stand	P	N
Furniture sales and repair	P	N
Fur apparel sales, storage or repair	P	N
Garden supplies and plant materials sales	P	P
Gift store	P	N
Glass sales and service	P	N

Government office buildings	P	N
Greenhouse and nursery	P	P
Grocery store	P	N
Grooming for small animals	P	N
Gunsmith	P	N
Gymnasium.	N	P
Hardware store	P	N
Health food store	P	N
Hobby and crafts store	P	N
Hotel	C	N
House cleaning and repair	P	N
Household appliance sales and incidental service	C	N
Ice cream parlor	P	N
Insulation sales	P	N
Interior decorator and designing establishment	P	N
Jewelry store sales and service	P	N
Laboratory, dental or medical	P	N
Laundromat	P	N
Lawn mower sales and service	P	P
Library	P	N

Linen store	P	N
Liquor store	C	N
Locksmith	P	N
Lodge or social hall	P	N
Machine shop.	N	C
Meat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering	C	P
Medical supplies	P	N
Miniature golf	C	N
Monument works and sales	P	P
Mortuary	C	N
Motel	C	N
Motorcycle and motor scooters sales and service	C	N
Museum	P	N
Music store	P	N
Office supply	P	N
Ornamental iron sales or repair	C	P
Paint or wallpaper store	P	N
Park and playground	P	N
Parking lot or garage as a main use	C	N
Pest control and extermination	P	P

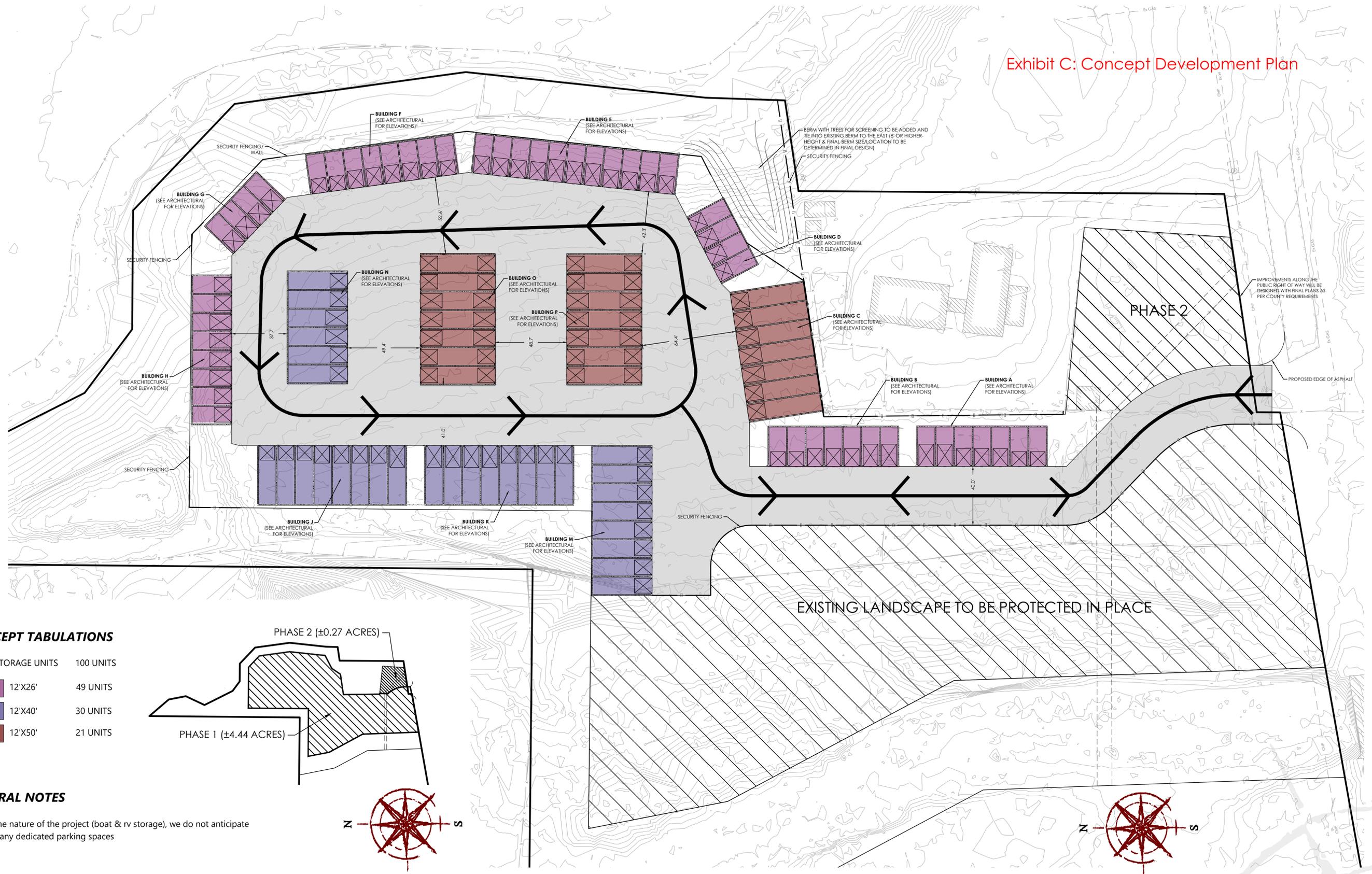
Pet and pet supply store	P	N
Pharmacy	P	N
Photo studio	P	N
Plumbing shop	P	P
Post office	P	N
Pottery, sales and manufacture of crafts and tile	P	N
Printing, copy sales and services	P	N
Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.	N	P
Private liquor club	C	N
Professional office	P	N
Public and quasi-public uses.	N	P
Public utilities substation	C	C
Radio and television sales and service	P	N
Radio or television broadcasting station	P	N
Real estate agency	P	N
Reception center or wedding chapel	C	N
Recreation center.	N	P
Recreational vehicle storage	C	P
Rental, equipment [in the MV-1 zone, limited to home and garden equipment]	P	P

Restaurant	P	N
Restaurant, drive-in	C	N
Restaurant, drive-through	C	N
Roofing sales or shop.	N	P
Second-hand store	P	N
Self storage, indoor units for personal and household items [Included in "warehouse"]	C	P
Service station, automobile excluding body, fender, and upholstery work	P	N
Service station, automobile with 1 bay automatic car wash as an accessory use	P	N
Sewing machine sales and service	P	N
Shoe repair	P	N
Shoe store	P	N
Sign painting shop.	N	C
Site leveling and preparation for future development.	N	C
Snow plow and removal service	C	N
Snowmobile, ATV sales and repair	C	N
Small-batch artisan food processing limited to food for human consumption, e.g., baked goods, confectioneries, and craft cheese.	N	P
Small brewery.	N	P
Soil and lawn service	P	P

Spa	P	N
Tailor shop	P	N
Tavern, beer pub	C	N
Taxidermist	P	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	N
Theater, indoor	P	N
Tobacco shop	P	N
Toy store, retail	P	N
Trade or industrial school	C	P
Travel agency	P	N
Upholstery shop	P	P
Vendor, short-term	P	N
Ventilating equipment sales and service	C	P
Video sales and rental	P	N
Warehouse, including storage units.	N	P
Water storage reservoir developed by a public agency and meeting the requirements of title 108, chapter 10 of this Land Use Code.	N	C
Wastewater treatment or disposal facilities meeting the requirements of the state division of health code of waste disposal regulations.	N	C
Welding shop.	N	C

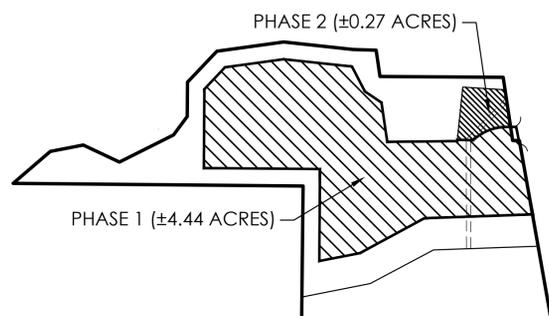
Window washing establishment	P	N
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Exhibit C: Concept Development Plan



CONCEPT TABULATIONS

TOTAL STORAGE UNITS	100 UNITS
 12'X26'	49 UNITS
 12'X40'	30 UNITS
 12'X50'	21 UNITS



GENERAL NOTES

Due to the nature of the project (boat & rv storage), we do not anticipate needing any dedicated parking spaces

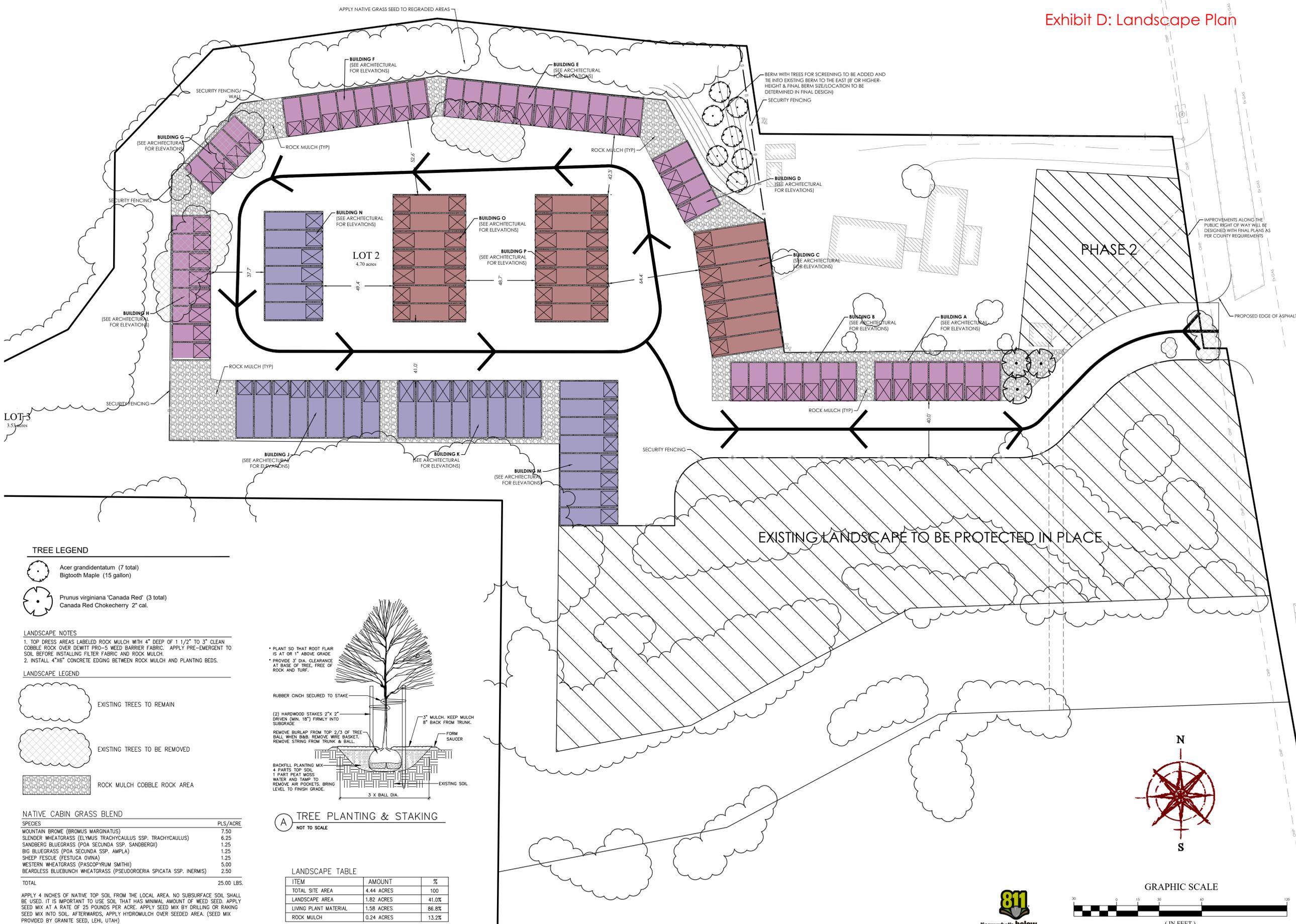
LAS AMERICAS EDEN BOAT & RV STORAGE PH. 1 conceptual site plan

EDEN, WEBER COUNTY
6/17/2020
19-0205

Note: This plan is for illustrative purposes only. Boundaries may be based on parcels obtained through public GIS data. It is recommended that a survey be performed to determine actual boundary size and dimensions as well as other potential boundary conflicts.



Exhibit D: Landscape Plan



TREE LEGEND

- Acer grandidentatum (7 total)
- Bigtooth Maple (15 gallon)
- Prunus virginiana 'Canada Red' (3 total)
- Canada Red Chokecherry 2" cal.

LANDSCAPE NOTES

1. TOP DRESS AREAS LABELED ROCK MULCH WITH 4" DEEP OF 1 1/2" TO 3" CLEAN COBBLE ROCK OVER DEWITT PRO-5 WEED BARRIER FABRIC. APPLY PRE-EMERGENT TO SOIL BEFORE INSTALLING FILTER FABRIC AND ROCK MULCH.
2. INSTALL 4"x6" CONCRETE EDGING BETWEEN ROCK MULCH AND PLANTING BEDS.

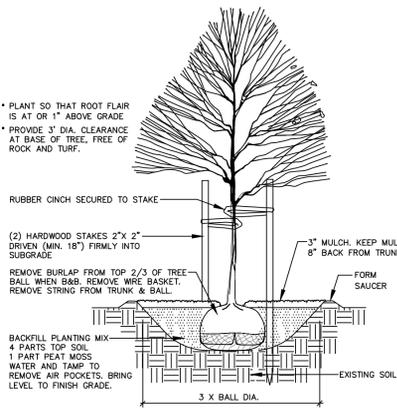
LANDSCAPE LEGEND

- EXISTING TREES TO REMAIN
- EXISTING TREES TO BE REMOVED
- ROCK MULCH COBBLE ROCK AREA

NATIVE CABIN GRASS BLEND

SPECIES	PLS./ACRE
MOUNTAIN BROWE (BROMUS MARGINATUS)	7.50
SLENDER WHEATGRASS (ELYMUS TRACHYCAULUS SSP. TRACHYCAULUS)	6.25
SANDBERG BLUEGRASS (POA SECUNDA SSP. SANDBERGI)	1.25
BIG BLUEGRASS (POA SECUNDA SSP. AMPLA)	1.25
SHEEP FESCUE (FESTUCA OVINA)	1.25
WESTERN WHEATGRASS (PASOPHYRUM SMITHII)	5.00
BEARDLESS BLUEBUNCH WHEATGRASS (PSEUDOROGERIA SPICATA SSP. INERMIS)	2.50
TOTAL	25.00 LBS.

APPLY 4 INCHES OF NATIVE TOP SOIL FROM THE LOCAL AREA. NO SUBSURFACE SOIL SHALL BE USED. IT IS IMPORTANT TO USE SOIL THAT HAS MINIMAL AMOUNT OF WEED SEED. APPLY SEED MIX AT A RATE OF 25 POUNDS PER ACRE. APPLY SEED MIX BY DRILLING OR RAKING SEED MIX INTO SOIL. AFTERWARDS, APPLY HYDROMULCH OVER SEEDED AREA. (SEED MIX PROVIDED BY GRANITE SEED, LEHI, UTAH)

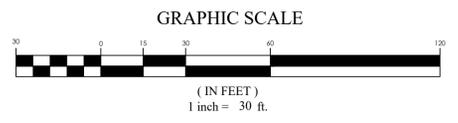


A TREE PLANTING & STAKING
NOT TO SCALE

LANDSCAPE TABLE

ITEM	AMOUNT	%
TOTAL SITE AREA	4.44 ACRES	100
LANDSCAPE AREA	1.82 ACRES	41.0%
LIVING PLANT MATERIAL	1.58 ACRES	86.8%
ROCK MULCH	0.24 ACRES	13.2%

EXISTING LANDSCAPE TO BE PROTECTED IN PLACE



FOCUS
ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focusutah.com

LICENSED LANDSCAPE ARCHITECT
No. 103994
ALAN K WEAVER
STATE OF UTAH

EDEN BOAT & RV STORAGE PH. 1
EDEN, UTAH
LANDSCAPE PLAN

REVISION BLOCK

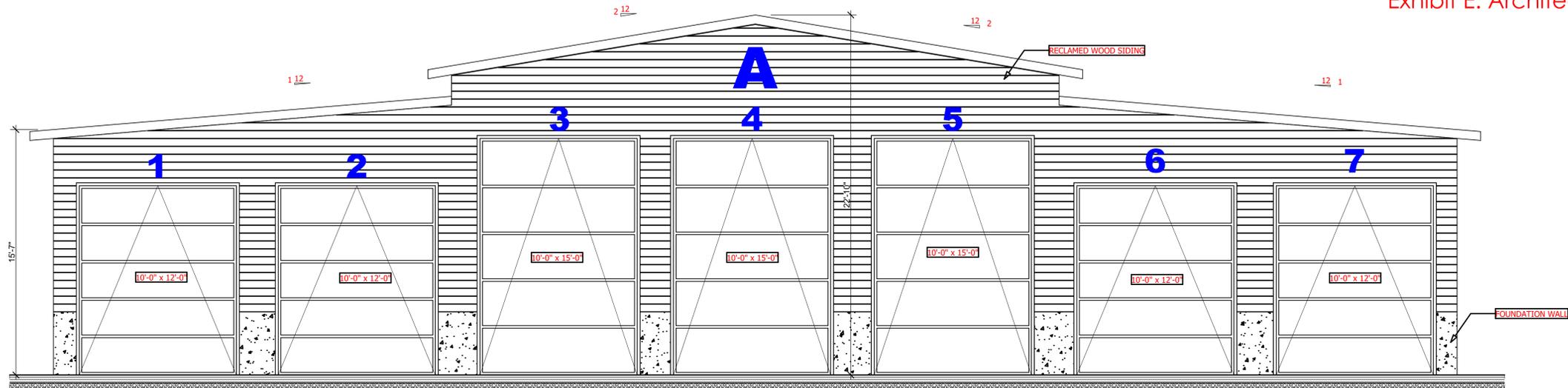
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LANDSCAPE PLAN

Scale: 1"=30' Drawn: AW
Date: 06/17/20 Job #: 19-0205
Sheet: **L-1**

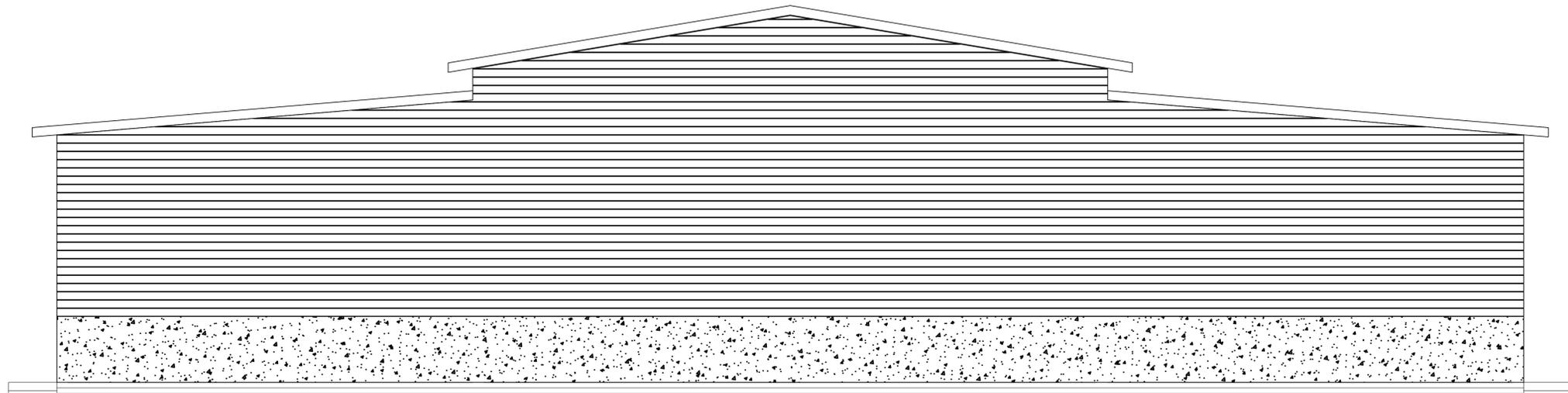
23_2019_19_0205_MCC-Caffery_Residence_Eden\Design_19_0205\Drawings\sheet\SL_1_Landscape.dwg

Exhibit E: Architectural Elevations



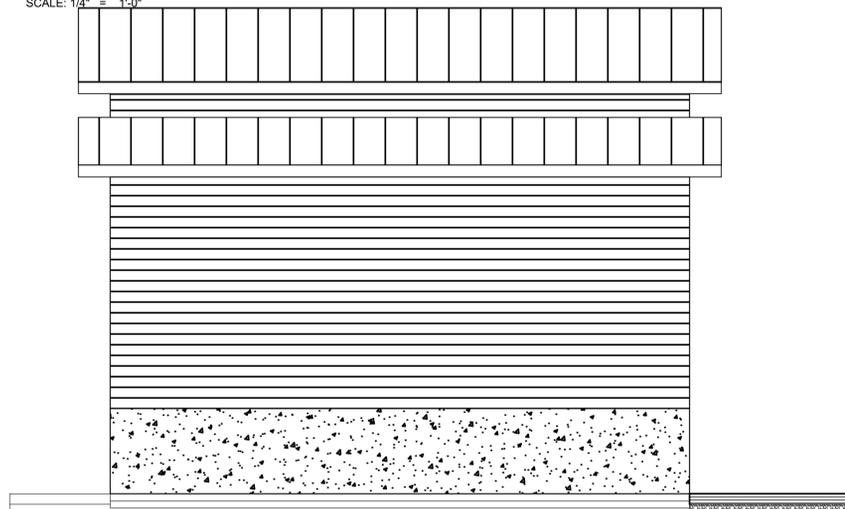
BUILDING 'A' FRONT ELEVATION

SCALE: 1/4" = 1'-0"



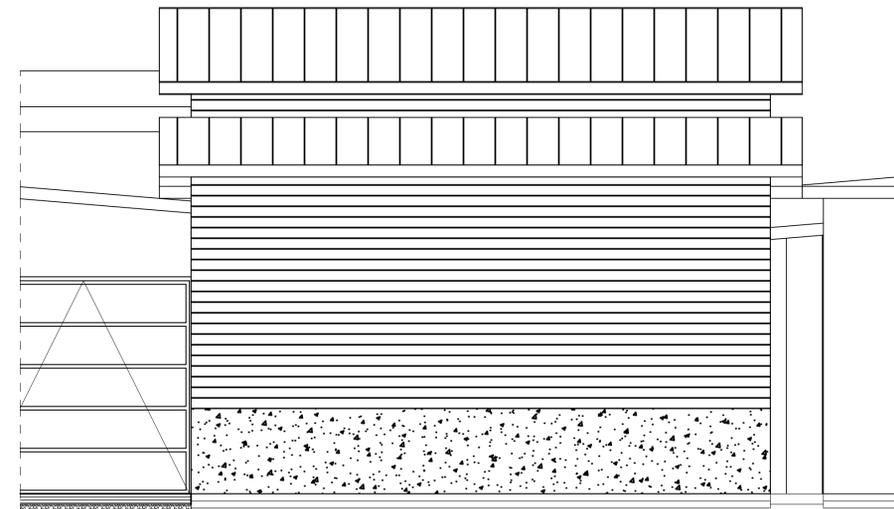
BUILDING 'A' REAR ELEVATION

SCALE: 1/4" = 1'-0"



BUILDING 'A' LEFT ELEVATION

SCALE: 1/4" = 1'-0"



BUILDING 'A' RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

Element ID	AREA
BUILDING "A"	2,442
BUILDING "B"	2,442
BUILDING "C"	4,586
BUILDING "D"	1,461
BUILDING "E"	3,827
BUILDING "F"	2,779
BUILDING "G"	1,403
BUILDING "H"	2,788
BUILDING "I"	4,148
BUILDING "K"	4,148
BUILDING "M"	4,216
BUILDING "N"	3,169
BUILDING "O"	4,586
BUILDING "P"	4,586
TOTAL	46,581 sq ft

EDEN UTAH
SHADD JOHNSON DESIGN LLC
 ENGINEERING: CHRIS OLSON
 PHONE: 801-201-7891
 EMAIL: chrisengineer@gmail.com

Contractor shall verify all dimensions, conditions and measurements at the job prior to construction. This drawing is an instrument of professional service, the property of SHADD JOHNSON DESIGN LLC and shall not be used, in whole or in part, for any other project without the permission of an authorized representative of SHADD JOHNSON DESIGN LLC. Unauthorised use will be prosecuted to the fullest extent of the law. Copyright © 2019 by SHADD JOHNSON DESIGN LLC.

PROJECT STATUS	DATE
DESIGN	06/19/2020
PROJECT NUMBER	2015

CHANGE LIST		
ID	NAME	LAST MODIFIED

A0 BUILDING 'A' ELEVATIONS
CLIENT GIVEN & FAMILY NAME



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments.
Agenda Date:	Tuesday, June 23, 2020
Applicant:	Weber County Planning Division
File Number:	ZTA 2018-05

Staff Information

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

Applicable Ordinances

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

Legislative Decisions

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

Summary and Background

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

Conformance to the General Plan

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

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

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

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

Staff Recommendation

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

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

Exhibits

- A. Proposed Ordinance – Track Change Copy.

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

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

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

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7 ...

9 Sec 102-5-1 Purpose And Intent

10 Every property in the unincorporated area of the county is legally zoned as a result of
11 comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the
12 1960s. The purpose of this chapter is to establish a legislative means by which applications to the
13 county are processed to change zoning. Rezoning is intended to implement the adopted general
14 plans for the different planning areas of the county.

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

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

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

24 ~~(a) To promote compatibility and stability in zoning and appropriate development of~~
25 ~~property within the county, no application for rezoning shall be approved unless it is~~
26 ~~demonstrated that the proposed rezoning promotes the health, safety and welfare of the~~
27 ~~county and the purposes of this chapter.~~

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28 ~~(b) The planning commission and the county commission will consider whether the~~
29 ~~application should be approved or disapproved based upon the merits and compatibility~~
30 ~~of the proposed project with the general plan, surrounding land uses, and impacts on the~~
31 ~~surrounding area. The commissions will consider whether the proposed development, and~~
32 ~~in turn the application for rezoning, is needed to provide a service or convenience~~
33 ~~brought about by changing conditions and which therefore promotes the public welfare.~~
34 ~~The county commission may require changes in the concept plan in order to achieve~~
35 ~~compatibility and may impose any conditions to lessen or eliminate adverse impacts.~~

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

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

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Sec 102-5-34 Application Submittal

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

Commented [B5]: We know that a concept development plan may not be necessary for every rezone. We want the code to be clear that it may be required, not that it is required for every rezone.
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- 78 b. Why should the present zoning be changed to allow this proposal?
 79 c. How is the change in the public interest?
 80 d. What conditions and circumstances have taken place in the general area since the
 81 general plan was adopted to warrant such a change?
 82 e. How does this proposal promote the health, safety and welfare of the inhabitants
 83 of the county?
 84 f. Project narrative describing the project vision.
 85 (c) Destination and recreation resort zone supplementary requirements.
 86 (1) Due to the anticipated scale and potential impact of a destination and recreation resort
 87 on the county and other surrounding areas, additional information, shall be required to
 88 accompany any application submitted for consideration of a destination and
 89 recreation resort zone approval. The additional information shall consist of the
 90 following:
 91 a. Concept development plan showing sensitive land areas as described/mapped in
 92 title 104, chapter 28, Ogden Valley Sensitive Lands Overlay Districts.
 93 b. Traffic impact analysis.
 94 c. Cost benefit analysis.
 95 d. Recreation facilities plan.
 96 e. Seasonal workforce housing plan.
 97 f. Emergency services plan including a letter of feasibility from the Weber fire
 98 district and Weber County sheriff's office.
 99 g. Letter of feasibility from the electrical power provider.
 100 h. Density calculation table showing proposed density calculations.
 101 i. Thematic renderings demonstrating the general vision and character of the
 102 proposed development.
 103 (2) All documents submitted as part of the application shall be accompanied by a
 104 corresponding PDF formatted file.

105 ~~(2)~~ —

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106

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

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

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

141

142 Sec 102-5-56 County Zoning Procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

249
250

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

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

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

267

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

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

272

273

274 Sec 102-6-1 Purpose and Intent

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

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

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

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

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

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283

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

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286 Sec 102-6-2 Eligibility

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

289

290 Sec 102-6-3 Scope

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

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

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300 Sec 102-6-4 Minimum Requirements

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

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

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

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330 Sec 102-6-5 Development Procedures

331 A. All development agreements shall be considered and approved by the county commission at a
332 regular meeting. If a development agreement contains any provision proposing to amend the
333 county general plan or land use ordinance, including zoning designation of the subject property,
334 the procedures of the county required for a general plan or land use ordinance amendment shall
335 be followed, including complying with all noticing and public hearing requirements.

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336 B. The county commission shall consider all materials presented and shall approve or deny the
337 proposed development agreement, with or without requirements and conditions and with
338 necessary findings. If approved, the county commission chair, on behalf of the county, and the
339 applicant shall sign and execute the development agreement, as approved.

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340 C. Within fourteen (14) business days of signature by the county commission chair and the
341 applicant the development agreement shall be recorded in the office of the county recorder,
342 which the recorded agreement constitutes the official document of the county.

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343 D. The county commission, in considering a development agreement, may request a
344 recommendation of the planning commission on planning, allowed uses, or other development
345 matters that may be associated with the proposed development agreement.

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346 E. In the event that a development agreement is amended after being executed by the affected
347 parties a notice of amendment shall be sent by certified mail to all property owners with interest
348 in the property as described in the development agreement. Such notice shall at a minimum
349 explain the amendment and provide information about where the amendment may be retrieved
350 from the county recorder's office. Expenses for the notice shall be borne by the developer.

351

352 Sec 102-6-6 Development Agreement Review

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

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355 (a) Public impacts and benefits.

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

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

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

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361 Sec 102-6-7 Effect of Approval:

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

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

370

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

374

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

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

378

379 Sec 102-6-9 Expenses

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

382

383 Sec 102-6-10 Enforcement

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

387

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

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

393 Sec 102-6-12 Noncompliance

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