



# Staff Report to the Weber County Commission

Weber County Planning Division

## Synopsis

### APPLICATION INFORMATION

**Agenda Item:** ZTA 2023-06. A public hearing to consider a County-initiated ordinance amendment to Section 106-4-2.080, Street Trees, providing for the requirement for street trees including financial guarantees required for public improvements, installation and maintenance of street trees, and the adoption of a species list of approved street trees/vegetation, and Section 108-7-7.040, Public Tree Care, providing for the long-term maintenance and care of street trees.

**Agenda Date:** Tuesday, February 6, 2024

**Applicant:** Planning Division

**File Numbers:** ZTA 2023-06

### STAFF INFORMATION

**Report Presenter:** Bill Cobabe  
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**Report Reviewer:** CE

## Applicable Ordinances

Utah State Code Section 17-27a-503 – Zoning District or Land Use Regulation Amendments  
Weber County Code Section 102-2-4 – Powers and Duties of the Planning Commission  
Section 106-4-2.080 - Street Trees  
Section 108-7-7.040 - Public Tree Care

## Legislative Decisions

This is a legislative matter. When the County Commission is acting on a legislative matter, it is acting as the legislative body based on a recommendation from the Planning Commissions. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

## Summary

Due to ongoing concerns related to the installation and maintenance of street trees throughout the County, County Commissioners have directed Planning Staff to review our procedures and requirements. On January 9, 2024, the Western Weber Planning Commission held a public hearing to discuss proposed changes and review the species list, and on January 11, 2024, the Ogden Valley Planning Commission held a similar public hearing. The proposed changes allow for a more orderly and efficient development standard for street trees in the County.

## Proposed Changes

The following is a brief explanation of the changes proposed:

1. **Section 106-4-2.080 – Street Trees** – The purpose of the section is explained.
2. **Section 106-4-2.080 (a)** – The requirement for street trees is set forth, including a financial guarantee.
3. **Section 106-4-2.080 (b)** – Specific regulations for planting trees, including replacement, spacing, irrigation required, an approved species list, and deviations from required landscaping plans.
4. **Section 108-7-7.040 – Public Tree Care** – Explaining the County’s right to maintain/remove vegetation from public property.
5. **Section 108-7-7.040 (a)** – Making it illegal to remove or top trees without permission.

6. **Section 108-7-7.040 (b)** – Providing for keeping sidewalks and corners clear of obstructions.
7. **Section 108-7-7.040 (c)** – Outlining the responsibilities for adjacent property owners removal of trees.
8. **Section 108-7-7.040 (d)** – Setting forth the requirements for obtaining a tree removal permit.

## Policy Analysis

The Ogden Valley General Plan, adopted in 2016, notes that:

*Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character* (page 4).

The Western Weber General Plan, adopted in 2022, states:

*Consider also the urban heat islands effects of areas without sufficient landscaped area. Consider planting and preserving healthy trees that have a reasonable water requirement or are resistant to dry soil conditions* (page 158).

The proposed changes to the Code reflect these principles.

Weber County Code Section 102-2-4 requires the Planning Commission to make a recommendation to the County Commission:

*The planning commission shall be an advisory board to the county commission, and shall make recommendations regarding:*

1. *Amendments to changes in zoning map.*
2. *Land Use Code text amendments.*

Utah State Code further explains the role of the Planning Commission, as found in Section 17-27a-503 Zoning District or Land Use Regulation Amendments:

- (1) *Only a legislative body may amend:*
  - (a) *the number, shape, boundaries, area, or general uses of any zoning district;*
  - (b) *any regulation of or within the zoning district; or*
  - (c) *any other provision of a land use regulation.*
- (2) *A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.*
- (3) *A legislative body shall comply with the procedure specified in Section 17-27a-502 in preparing and adopting an amendment to a land use regulation.*

The referenced State Code Section 503 states that:

- (1) *A planning commission shall:*
  - (a) *provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable, Subsection 17-27a-205(4);*
  - (b) *hold a public hearing on a proposed land use regulation;*
  - (c) *if applicable, consider each written objection filed in accordance with Subsection 17-27a-205(4) prior to the public hearing; and*
  - (d)
    - (i) *review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:*
      - (A) *all or any part of the unincorporated area of the county; or*
      - (B) *for a mountainous planning district, all or any part of the area in the mountainous planning district; and*

- (ii) *forward to the legislative body all objections filed in accordance with Subsection 17-27a-205(4).*
- (2)
  - (a) *The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.*
  - (b) *After providing notice as required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):*
    - (i) *as proposed by the planning commission; or*
    - (ii) *after making any revision the legislative body considers appropriate.*
  - (c) *A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.*

Today's public hearing is in fulfillment of these requirements.

### **Staff Recommendation**

Staff recommends approval of ZTA 2023-06 by the County Commission for the proposal.

This recommendation is based on the following finding:

1. The proposal helps to accomplish a general plan goal or policy related to development in the County.

### **Planning Commission Recommendation**

As noted above, the Western Weber and Ogden Valley Planning Commissions held public hearings to discuss the proposed changes to the Code. The Planning Commissions voted to recommend approval of the proposed changes based on the finding listed above and with the condition that the issuance of a tree removal permit is not assessed any fee.

### **Exhibits**

Exhibit A. Proposed Ordinance Language

Exhibit B. Street Tree List

Exhibit A. Proposed Ordinance Language

Exhibit B. Street Tree List