



# Staff Report to the County Commission

Weber County Planning Division

## Synopsis

### APPLICATION INFORMATION

**Agenda Item:** ZTA 2023-04. A public hearing to consider a county initiated ordinance amendment to implement water-wise landscaping regulations that align with the Weber Basin Water Conservancy District and State of Utah turf removal incentives.

**Agenda Date:** Tuesday, September 26, 2023

**Applicant:** Weber County

**File Number:** ZTA 2023-04

### STAFF INFORMATION

**Report Presenter:** Steve Burton  
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801-399-8766

**Report Reviewer:** CE

## Applicable Ordinances

Weber County Code, Part II, Title 108 Standards  
Chapter 108-1 Design Review  
Chapter 108-2 Architectural, Landscape, and Screening

## Legislative Decisions

This is a legislative matter. 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.

## Planning Commission recommendations

On July 11, 2023 the Western Weber Planning Commission held a public hearing and offered a positive recommendation of the proposed text amendment, as written in the draft ordinance attached to this report.

On July 18, 2023 the Ogden Valley Planning Commission held a public hearing and unanimously voted to recommend denial of the proposed text amendment. Their recommendation for denial is based on the following findings:

1. The proposed text amendment is not consistent with the general plan.
2. The proposed text amendment is not in the best interest of the general public.
3. The planning commission would like to see the Weber Basin and State of Utah incentive programs apply to residents of the Ogden Valley Planning area without adopting the proposed landscaping restrictions.

## Summary

Weber Basin Water Conservancy District and the State of Utah are administering water-wise landscaping incentives to communities that have adopted specific landscaping requirements intended to restrict the use of irrigated turf grass. The attached ordinance amendments will implement Weber Basin's landscaping requirements for municipalities and counties to adopt, and if adopted, will allow residents in unincorporated Weber County to participate in the District's "Flip your Strip" and "Landscape Lawn Exchange" programs.

The most notable change to the current landscaping regulations is the addition of 108-7-12 titled "Water-wise Landscaping". This section restricts new single-family residential developments from having no more than 35 percent of the front and side yard of a lot or parcel to include irrigated turf grass, and no more than 3,000 square feet of total lot area to be irrigated turf grass. The section also restricts commercial, industrial, institutional, and multi-family residential developments to having no more than 15 percent of the total landscaped area to be irrigated turf grass.

After holding public hearings with both planning commissions, it is clear that the Ogden Valley Planning Commission does not want the proposed landscaping regulations to apply to the Ogden Valley Planning Area. Staff has had conversations with Weber Basin Water Conservancy District who has confirmed that applying the regulations only to the Western Weber Planning Area will allow residents in the Western Weber Planning area to receive the benefits of the incentive programs. The proposed ordinance will not apply to the Ogden Valley Planning area and residents in that area will not be eligible for the incentive programs.

## Policy Analysis

Both the Western Weber General Plan and the Ogden Valley General Plan anticipate that the county will consider new water conservation methods. The following paragraphs are intended to highlight each planning area's general plan policies regarding water conservation techniques.

**Western Weber General Plan:** The 2022 Western Weber General Plan mentions the high water demand for the predominant 40,000 square foot lot in the area. The general plan states, "Replacement of existing turf grass with water-wise landscaping and irrigation practices can significantly reduce this water demand" (pg. 145, Western Weber General Plan, 2022). Resource Management Principle 11.1.3 states, "Continue to monitor drought conditions and search for opportunities to implement water-wise and water conservation best practices (pg. 202, Western Weber General Plan, 2022).

**Ogden Valley General Plan:** The 2016 Ogden Valley General Plan Utilities and Public Services Implementation 1.3.2 states, "Explore water conservation techniques and education, such as public outreach, metering secondary water, increasing block rate structures, etc." (pg. 46, Ogden Valley General Plan, 2016).

## Staff Recommendation

Staff recommends that the County Commission adopt ZTA 2023-04 as proposed in the attached draft ordinance. This recommendation comes with the following findings:

1. The proposal helps to accomplish a general plan goal or policy related to water conservation.

## Model Motion

The model motions herein are only intended to help the Commission provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

### Motion for positive recommendation **as-is:**

I move that we recommend approval of File # ZTA 2023-04. I do so with the following findings:

Example findings:

- The proposed ordinance amendment is supported by the General Plan.
- [ \_\_\_\_\_ add any other desired findings here \_\_\_\_\_ ].

### Motion to **table:**

I move that we **table** action on File # ZTA 2023-04 to [ \_\_\_\_\_ state a date certain \_\_\_\_\_ ], so that:

Examples of reasons to table:

- We have more time to review the proposal.
- Staff can get us more information on [ \_\_\_\_\_ specify what is needed from staff \_\_\_\_\_ ].
- The applicant can get us more information on [ \_\_\_\_\_ specify what is needed from the applicant \_\_\_\_\_ ].
- More public noticing or outreach has occurred.
- [ \_\_\_\_\_ add any other desired reason here \_\_\_\_\_ ].

### Motion to recommend **denial:**

I move that we deny File # ZTA 2023-04. I do so with the following findings:

Examples of findings for denial:

- The proposal is not adequately supported by the General Plan.
- The proposal is not supported by the general public.
- The proposal runs contrary to the health, safety, and welfare of the general public.
- The area is not yet ready for the proposed change to be implemented.
- [ \_\_\_\_\_ add any other desired findings here \_\_\_\_\_ ].

## Exhibits

Exhibit A. Draft ordinance language

WEBER COUNTY  
ORDINANCE NUMBER 2023-\_\_\_\_\_

WATER-WISE LANDSCAPING

**AN ORDINANCE AMENDING THE COMMERCIAL, INDUSTRIAL, MULTIFAMILY, AND INSTITUTIONAL PROJECT DEVELOPMENT STANDARDS TO RESTRICT THE AMOUNT OF IRRIGATED TURF GRASS THAT CAN BE INSTALLED IN PARKSTRIPS AND YARD AREAS IN THE WESTERN WEBER PLANNING AREA.**

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, these land use regulations include provisions that allow irrigated turf grass to be planted in park strips and other yard areas; and

WHEREAS, the Board of Weber County Commissioners wishes to restrict the amount of irrigated turf grass that can be planted in park strips and other yard areas in all new development projects in the Western Weber Planning area; and

WHEREAS, the amendments proposed herein align with the 2022 Western Weber General Plan, which emphasizes the policy goal of adopting water-wise landscaping regulations; and

WHEREAS, the Board of Weber County Commissioners has received a positive recommendation from the Western Weber Planning Commission, after holding a public hearing, in their July 11, 2023 regular meeting, for the amendments proposed herein;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

**SECTION 1: AMENDMENT.** The Weber County Code is hereby *amended* as provided in **Exhibit A**.

**PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

Gage Froerer:        AYE\_\_\_\_        NAY\_\_\_\_        ABSENT\_\_\_\_        ABSTAIN\_\_\_\_

Jim "H" Harvey:    AYE\_\_\_\_        NAY\_\_\_\_        ABSENT\_\_\_\_        ABSTAIN\_\_\_\_

Sharon Bolos:      AYE\_\_\_\_        NAY\_\_\_\_        ABSENT\_\_\_\_        ABSTAIN\_\_\_\_

Presiding Officer

Attest

\_\_\_\_\_  
Gage Froerer, Chair

\_\_\_\_\_  
Ricky D. Hatch, Clerk

EXHIBIT A

**Sec 108-1-4 Considerations In Review Of Applications**

....

(c) ***Considerations relating to landscaping.***

(3) A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required in Chapter 108-2.

(7) ***Landscape standards.*** Plant sizes at the time of installations shall be as follows:

....

f. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement. [If the project is located in the Western Weber Planning Area, see Sec. 108-7-12 for the maximum area that may be irrigated turf grass.](#)

i. ~~Water conserving landscaping methods and materials are recommended and encouraged.~~

**Sec 108-2-5 Minimum Standards And Guidelines; General Landscaping**

(a) ***Minimum landscaped area.*** Sites shall have a minimum of 20 percent of the total lot area landscaped and, [if the site is in the Ogden Valley](#), a minimum of 80 percent of the landscaping shall be living plant materials. ~~In Western Weber County, the land use authority may reduce the living plant material to 40 percent if all landscaped area is xeriscaped with drought tolerant plants and, if necessary for the plants to survive, is sufficiently watered with a drip system.~~

(b) ***Maximum turf grass area.*** A maximum of 50 percent of the total landscaped area shall be planted in turf grass. [If the site is in the Western Weber Planning Area, See Sec. 108-7-12 for the maximum area that may be irrigated turf grass.](#) ....

(f) ***Parkstrips.*** All parkstrips shall be landscaped [in a manner that complies with the following:](#)

(1) All parkstrips shall be landscaped with ~~with~~ [angular rock no less than two inches in size. The parkstrip may be interspersed with drought tolerant shrubs, ornamental grasses, or flowering plants.](#)

(2) All plantings shall be maintained by the landowner in compliance with [Section 108-7-7.030 Clear View of Intersecting Streets.](#)

~~(3) In subdivisions where trees are required to be installed within parkstrips, the landowner is required to install a drip system with drip emitters rated at 5 gallons per hour or less. a native grass mixture that is low growing. Automatic watering of parkstrip landscaping shall also be required. Parkstrip landscaping shall not be included in the total area and turf grass percentage requirements listed in subsections (a) and (c) of this section.~~

- (i) Plant material. Plant material shall be as follows:
- (1) **Quality.** Initial plantings used in conformance with the provisions of this chapter shall be in good health and capable of flourishing.
  - (2) **Size.** Plant sizes at the time of installation shall be as follows:  
.....
    - e. **Groundcover.** Groundcover may be used ~~in place of turf grass to meet landscaping area requirements~~ provided it is planted densely enough that it will grow into reasonably full and even coverage within two growing seasons after planting.
    - f. **Turf grass.** Turf grass species shall be hardy to the site and be of the type normally specified for the area. ~~A drought tolerant fescue seed blend is strongly encouraged.~~ Turf may be planted by sodding, plugging, sprigging or seeding. Application rates for plugs, sprigs and seed shall be high enough to provide even and uniform coverage of turf within one growing season after planting.  
.....
  - (3) **Selection.** Plants used in conformance with the provisions of this chapter shall be hardy and capable of withstanding the extremes of the climate of the site. ~~The use of drought tolerant and native plants is strongly encouraged where site conditions can support them.~~

....

#### Sec 108-2-6 Minimum Standards—Off-Street Parking

(a) Landscaping between parking and street. A continuous landscape area shall be provided between the edge of an off-street parking area or other vehicular use area and an adjacent street right-of-way. The minimum landscaping shall consist of the following:

....

(2) Shrubs and groundcover. In addition to trees, the landscape area shall be planted with low shrubs, or groundcovers, or turf grass, provided the turf grass does not exceed the requirement of Section 108-2-5(c). The total combined height of earthen berms and plant materials, excluding trees, shall not be less than 18 inches and not more than 48 inches. ~~Planting schemes which minimize turf use, and promote xeriscape or water conserving principles are strongly encouraged.~~

108-7-12 Water-wise Landscaping

(a) The following water-wise landscaping standards apply to all new development in the Western Weber Planning Area:

1. In single-family residential developments, no more than 35 percent of the front and side yard of a lot or parcel or no more than 3,000 square feet of the entire lot or parcel, may be irrigated turf grass, whichever is greater; and
2. In commercial, industrial, institutional, and multi-family developments, no more than 15 percent of the total landscaped area may be irrigated turf grass. This provision shall not apply to active recreational areas that meet the design and landscape standards of Weber Basin Water Conservancy District; and
3. Irrigated turf grass in a parkstrip and any other yard area with a width of less than eight feet is prohibited.

(b) After the effect of this chapter, which is \_\_\_\_\_, 2023 all landscaping that does not comply with the requirements of this chapter shall be considered nonconforming landscaping. All nonconforming landscaping shall be phased out in accordance with the following schedule:

1. Landscaping replacement. The replacement of any nonconforming landscaping shall comply with the requirements of this chapter;
2. Site improvements. When a site improvement, including the expansion of a building, which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming landscaping on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:
  - a. Twenty-five percent of the site area; or
  - b. Twenty thousand square feet.