



Weber County Commission Brief

Weber County Planning Division

Application Information

Application Request: Public hearing to discuss, take comment, and potentially take action on a county-initiated ordinance to amend various sections of the County's subdivision ordinance to encourage public street connectivity, to provide related amendments regarding the provision of street and lot development standards, to streamline the approval process, and to include general administrative and clerical amendments to create a more efficient ordinance.

Agenda Date: Tuesday, July 06, 2021

Applicant: Weber County

Brief Author: Charlie Ewert (801) 399-8763 cewert@webercountyutah.gov

Applicable Ordinances

§ 106-2-2(a) – Street Dedication

§ 106-2-7 – Subdivision Dedication

Synopsis

Primary Amendment (See proposed Sec 106-2-4.30 in Attachment A, on Page 55 of 90). The County's current ordinance governing the creation of subdivisions does not provide an effective mechanism for creating an efficient and effect interconnected street network. The attached proposed amendments will allow county staff to negotiate with a developer to get more lots if the subdivision provides optimal street connections. This new provision does not change any of the developer's existing requirements, allowances, or entitlements. If a developer is committed to their own proposed street layout they are still entitled to do it. The new provision simply adds a new option for the developer to reconsider their desired layout to provide better and more efficient street and neighborhood connections in favor of receiving more lots. This new provision will allow lot sizes to be reduced to enable the additional lots, but applies a limit on how much each lot can be reduced. This reduction allowance will give the developer more flexibility in configuring lots as a result of providing the county with staff's preferred street layout.

Secondary amendment. In the process of addressing the street connectivity incentive, it was imperative for staff to address other sections of the subdivision ordinance in order for the new text to work optimally. In doing so, many of the current deficiencies in the ordinance that time has not afforded staff the opportunity to better address snowballed into sweeping text changes. The vast majority of the changes are administrative and clerical in nature, and are intended to help the ordinance read better, reduce conflicts, and ease administration. However, the following are highlights of proposed policy changes that are not simply clerical in nature. These proposed changes are intended to streamline the administration of the subdivision ordinance to reduce the process timeline, the burden on staff, and the redundancies on the developer.

- Deletes unnecessary and superfluous text.
- Changes the land use authority for subdivision approval to the Planning Commission.
- Changes the appeal authority for subdivision approval to the Board of Adjustments.
- Adds a requirement for a street connectivity plan to subdivision application submittal.
- Adds a requirement for a title report to subdivision application submittal.
- Simplifies subdivision application requirements.
- Clarifies the review process.
- Clarifies subdivision approval and expiration deadlines.
- Clarifies that each subdivision lot needs to have frontage on a street.
- Reorganizes and recategorizes final plat requirements.

- Gives County Engineer authority to approval final improvements plans enter into escrow agreements on behalf of the County.
- Removes “Hillside Review Board” in favor of hillside review being conducted as a part of subdivision or land use permit review.
- Adds noticing requirements for rezones.

A more detailed review of the changes and the reasons for their proposal can be found in the Planning Commission Staff Report (Attachment B).

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.

Planning Commission Recommendation

Both the Western Weber Planning Commission and the Ogden Valley Planning Commission gave the County Commission a positive recommendation for the proposal. The version the Ogden Valley Planning Commission reviewed contained proposed changes to the “block-length” requirements, but they requested that be removed from their recommendation in favor of further review and consideration. The attached version contains additional clerical edits as requested by the Planning Division and the County Attorney’s office.

The Planning Commissions’ recommendations were forwarded with the following findings:

1. The proposal will protect future transportation opportunities, and enhance transportation safety of new streets.
2. The proposal will help streamline the subdivision review process.
3. The proposal will help eliminate redundancies and conflicts in the code.
4. The proposal is in the best interest of the health, safety, and welfare of the general public.

Attachment

- A. Proposed Ordinance Amendment.
- B. Planning Commission Staff Report

**WEBER COUNTY
ORDINANCE 2020-[TEMP] STREET CONNECTIVITY PART 1**

**STREET CONNECTIVITY INCENTIVES, SUBDIVISION PROCESS CHANGES,
ADMINISTRATIVE AND CLERICAL EDITS.**

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE COUNTY'S
SUBDIVISION ORDINANCE TO ENCOURAGE PUBLIC STREET
CONNECTIVITY, TO PROVIDE RELATED AMENDMENTS REGARDING THE
PROVISION OF STREET AND LOT DEVELOPMENT STANDARDS, TO
STREAMLINE THE APPROVAL PROCESS, AND TO INCLUDE GENERAL
ADMINISTRATIVE AND CLERICAL AMENDMENTS TO CREATE A MORE
EFFICIENT ORDINANCE.**

WHEREAS, The Board of County Commissioners of Weber County has previously adopted procedures, standards, and requirements for the subdivision of land; and

WHEREAS, The Board of County Commissioners has determined that these adopted provisions do not provide sufficient motivation for a developer to provide street connections for the betterment of the community; and

WHEREAS, The Board of County Commissioners has determined that these adopted provisions should be revised to provide greater efficiency and consistency in administration; and

WHEREAS, The Board of County Commissioners that these adopted provisions should be revised to provide greater clarity regarding the requirements for subdividing and developing land; and

WHEREAS, On June 8, 2021, the Ogden Valley Planning Commission forwarded a positive recommendation for the proposed amendments; and

WHEREAS, On June 15, 2021, the Western Weber Planning Commission forwarded a positive recommendation for the proposed amendments;

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

SECTION 1: **AMENDMENT** “Sec 101-2-3 B1 Definitions” of the Weber County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 101-2-3 B1 Definitions

Block. The term "block" means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

AFTER AMENDMENT

Sec 101-2-3 B1 Definitions

Block. See "street block." ~~The term "block" means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.~~

SECTION 2: AMENDMENT "Sec 101-2-20 St Definitions" of the Weber County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 101-2-20 St Definitions

Stable. The term "stable" means an accessory or main building for the keeping of horses, cattle and other farm animals.

Stable, private horse. The term "private horse stable" means a horse stable which is accessory to a residential dwelling unit or other main building, for the use of the owner/occupant, his friends and guests, not for the purpose of remuneration, hire or sale or any other commercial use nor use by an ad hoc informal association or group.

Stable, public horse. The term "public horse stable" means a stable where the general public may rent, lease, purchase, sale or board horses.

Stockyard. The term "stockyard" means a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens.

Story. The term "story" means the space within a building included between the surface of any floor and the surface of the ceiling next above.

Stream. The term "stream" means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Stream watercourses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt, but others would be exempt.

Stream corridor. The term "stream corridor" means the water's passageway defined by the stream's ordinary high water mark.

Street, collector. The term "collector street" means a street existing or proposed of considerable continuity which is the main means of access to the major street system.

Street major. The term "major street," means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, marginal access. The term "marginal access street," means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street, private. The term "private street" means a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the developer or other private agency.

Street, public. The term "public street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than 26 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

Street, standard residential. The term "standard residential street," means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Structural alterations. The term "structural alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

Structure, height of. The phrase "height of structure," or any of its variations, shall have the same meaning as "height of building" as defined in this section.

AFTER AMENDMENT

Sec 101-2-20 St Definitions

Stable. The term "stable" means an accessory or main building for the keeping of horses, cattle and other farm animals.

Stable, private horse. The term "private horse stable" means a horse stable which is accessory to a residential dwelling unit or other main building, for the use of the owner/occupant, his friends and guests, not for the purpose of remuneration, hire or sale or any other commercial use nor use by an ad hoc informal association or group.

Stable, public horse. The term "public horse stable" means a stable where the general public may rent, lease, purchase, sale or board horses.

Stockyard. The term "stockyard" means a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens.

Story. The term "story" means the space within a building included between the surface of any floor and the surface of the ceiling next above.

Stream. The term "stream" means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Stream watercourses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt, but others would be exempt.

Stream corridor. The term "stream corridor" means the water's passageway defined by the stream's ordinary high water mark.

Street block. The term "street block," also referred to as "block," means land bounded on all sides by a street or lane that is open to use by the general public, or land which is designated as a block or street block on any recorded subdivision plat.

Street, collector. The term "collector street" means a street existing or proposed of considerable continuity which is the main means of access to the major street system.

Street major. The term "major street," means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, marginal access. The term "marginal access street," means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street, private. The term "private street" means a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the developer or other private agency.

Street, public. The term "public street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than 26 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

Street, standard residential. The term "standard residential street," means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Structural alterations. The term "structural alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

Structure, height of. The phrase "height of structure," or any of its variations, shall have the same meaning as "height of building" as defined in this section.

SECTION 3: AMENDMENT "Sec 102-5-6 Rezone Procedure" of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 102-5-6 Rezone Procedure

- (a) ***Preapplication meeting; concept plan requirement.*** Prior to submittal of a rezone application, the applicant shall attend a pre-application meeting in which the proposal is discussed with County planning staff. After the pre-application meeting, the Planning Director or designee may require a concept development plan to be submitted with the application. After application submittal, if no concept plan was

previously required, the Planning Director or designee, the Planning Commission, or the County Commission may require a concept development plan or any other information to address emerging impacts.

(b) ***Application process.*** When a rezoning application meets the requirements outlined in 102-5-4 of this Chapter, and when the application is deemed complete by the Planning Director or designee, the application will be processed in the following manner:

(1) ***Planning Commission review and recommendation.*** Upon receiving a recommendation from staff regarding an amendment to the zoning map, the Planning Commission shall review the amendment and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall submit its recommendation to the County Commission for review and decision.

(2) ***County Commission review and decision.*** Upon receiving a recommendation from the Planning Commission regarding an amendment to the zoning map, the County Commission shall schedule and hold a public hearing to review and make a decision on the application. Following the public hearing the County Commission may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the Planning Commission's recommendation, the County Commission may, but is not obligated to, remand the amendment to the Planning Commission with a request for another recommendation with additional or specific considerations.

(3) ***Decision criteria.*** A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.
- c. The extent to which the proposed amendment may adversely affect adjacent property.
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

(4) ***Supplementary approval considerations for a destination and recreation***

resort zone. The Planning Commission and County Commission are also encouraged to consider the following factors, among other factors they deem relevant, when making an amendment to the DRR-1 zone:

- a. Whether 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.
- b. Whether the natural and developed recreational amenities, provided by the resort, will constitute a primary attraction and provide an exceptional recreational experience by enhancing public recreational opportunities.
- c. Whether the proposed resort's seasonal workforce housing plan will provide a socially, economically, and environmentally responsible development.

(5) **One-year period before reapplication if denied.** Where a rezoning application has been denied, the County shall not accept a substantially similar zoning amendment application within one (1) year of a denial unless there is a substantial change of conditions since the earlier application. A new application, with the applicable fee, shall be required and processed in accordance with the procedure outlined in this section.

(c) **Application expiration.** Rezoning applications shall expire 18 months after submittal, if not acted upon. The Planning Director may extend the expiration date for six months for just cause.

(Ord. of 1956, § 35-6; Ord. No. 2009-29; Ord. No. 2015-22, Exh. A, 12-22-2015)

AFTER AMENDMENT

Sec 102-5-6 Rezone Procedure

- (a) **Preapplication meeting; concept plan requirement.** Prior to submittal of a rezone application, the applicant shall attend a pre-application meeting in which the proposal is discussed with County planning staff. After the pre-application meeting, the Planning Director or designee may require a concept development plan to be submitted with the application. After application submittal, if no concept plan was previously required, the Planning Director or designee, the Planning Commission, or the County Commission may require a concept development plan or any other information to address emerging impacts.
- (b) **Application process.** When a rezoning application meets the requirements outlined in 102-5-4 of this Chapter, and when the application is deemed complete by the Planning Director or designee, the application will be processed in the following manner:
 - (1) **Planning Commission review and recommendation.** Upon receiving a recommendation from staff regarding an amendment to the zoning map, the Planning Commission shall review the amendment and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications, or denial of the proposed amendment and shall

submit its recommendation to the County Commission for review and decision.

(2) **County Commission review and decision.** Upon receiving a recommendation from the Planning Commission regarding an amendment to the zoning map, the County Commission shall schedule and hold a public hearing to review and make a decision on the application. Following the public hearing the County Commission may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the Planning Commission's recommendation, the County Commission may, but is not obligated to, remand the amendment to the Planning Commission with a request for another recommendation with additional or specific considerations.

(3) **Decision criteria.** A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.
- c. The extent to which the proposed amendment may adversely affect adjacent property.
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

(4) **Supplementary approval considerations for a destination and recreation resort zone.** The Planning Commission and County Commission are also encouraged to consider the following factors, among other factors they deem relevant, when making an amendment to the DRR-1 zone:

- a. Whether 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.
- b. Whether the natural and developed recreational amenities, provided by the resort, will constitute a primary attraction and provide an exceptional recreational experience by enhancing public recreational opportunities.
- c. Whether the proposed resort's seasonal workforce housing plan will

provide a socially, economically, and environmentally responsible development.

(5) ***One-year period before reapplication if denied.*** Where a rezoning application has been denied, the County shall not accept a substantially similar zoning amendment application within one (1) year of a denial unless there is a substantial change of conditions since the earlier application. A new application, with the applicable fee, shall be required and processed in accordance with the procedure outlined in this section.

(c) ***Application expiration.*** Rezoning applications shall expire 18 months after submittal, if not acted upon. The Planning Director may extend the expiration date for six months for just cause.

(d) ***Notice.*** The first public hearing regarding the rezone shall be noticed as required by State Code, and mailed to the owner of record of each parcel within 500 feet of the boundary of the area proposed to be rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public hearing.

(Ord. of 1956, § 35-6; Ord. No. 2009-29; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 4: AMENDMENT “Sec 106-1-2 Variances” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-1-2 Variances

The county commission is the appeal board for the subdivision ordinance. The county commission may vary the standards in cases where unusual topographical or other exceptional conditions exist. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The planning commission shall make a recommendation to the county commission prior to the consideration of any variances. Subdivision time extensions are not variances and are addressed in section 106-1-7, "Subdivision time limitations." Illegal division of land does not constitute an exceptional condition.

(Ord. No. 2015-22, Exh. A, 12-22-2015)

AFTER AMENDMENT

Sec 106-1-2 ~~Variances~~(Reserved)

~~The county commission is the appeal board for the subdivision ordinance. The county commission may vary the standards in cases where unusual topographical or other exceptional conditions exist. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The planning commission shall make a recommendation to the county commission prior to the consideration of any variances. Subdivision time extensions are not variances and are addressed in section 106-1-7, "Subdivision time limitations." Illegal division of land does not constitute an exceptional condition.~~

(Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 5: AMENDMENT “Sec 106-1-3 Subdivision Required” of the Weber County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-1-3 Subdivision Required

- (a) No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created in accordance with the provisions of this Land Use Code. This title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.
- (b) No lot within a subdivision approved by the planning commission and county commission and recorded in the county recorder's office in accordance with the provisions of this chapter shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the land use authority.

(Ord. of 1952, title 26, § 1-2; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, renumbered and amended former § 106-1-2, "Scope," as § 106-1-3, "Subdivision required."

AFTER AMENDMENT

Sec 106-1-3 ~~Subdivision Required~~Applicability

- (a) No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has

been created in accordance with the provisions of this Land Use Code. ~~This title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.~~

- (b) No lot within an approved and recorded subdivision ~~approved by the planning commission and county commission and recorded in the county recorder's office in accordance with the provisions of this chapter~~ shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the land use authority.

(Ord. of 1952, title 26, § 1-2; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, renumbered and amended former § 106-1-2, "Scope," as § 106-1-3, "Subdivision required."

SECTION 6: AMENDMENT “Sec 106-1-4 Subdivision Application Requirements” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-1-4 Subdivision Application Requirements

- (a) ***Pre-application meeting required.*** Each person who proposes to subdivide land shall confer with the county planning staff before submitting any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, neighborhood circulation plan, landscape design, and water budget submittal.
- (b) ***Subdivision application submittal.*** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:
- (1) ***Application form.*** A complete subdivision application form, signed by the property owners.
 - (2) ***Preliminary plan.*** A preliminary plan meeting the requirements listed in this title. This includes a phasing plan if phasing is proposed.
 - (3) ***Electronic documents.*** All documents submitted for the subdivision application shall be in a PDF file format. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file format.

(4) ***Statement of culinary and secondary water feasibility.*** A written statement of feasibility, also known as a "will-serve letter," specifying culinary and secondary water provisions for each lot.

- a. The statement of culinary water feasibility shall come from the culinary water authority, pursuant to UCA Sec. 17-27a-603, as follows:
 1. The local health department for lots proposed to be served by a private well;
 2. An existing culinary water service provider; or
 3. If the culinary water authority is being newly formed, the statement shall come from the person with authority to sign on behalf of the newly formed water corporation. The applicant shall also submit written notification from the Utah Department of Environmental Quality indicating their acknowledgement of the new culinary water authority and the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
- b. The statement of secondary water feasibility shall come from the secondary water service provider.
- c. The statements from the culinary water authority and secondary water service provider shall contain:
 1. An acknowledgement of the number of lots proposed to be served;
 2. An acknowledgement of all intended uses of the water, including, but not limited to, culinary uses, fire suppression appurtenances, and secondary water uses, if applicable and as provided for in Section 106-4-2;
 3. The method of water delivery to each proposed lot;
 4. The proposed source of the water rights or shares necessary to serve the lots; and
 5. If applicable, any other requirement expected or necessary to attain the culinary water authority's approval of the final subdivision plat.

(5) ***Statement of sanitary sewer or septic system feasibility.*** A written statement of feasibility, also known as a "will-serve letter," specifying wastewater provisions for each lot.

- a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-27a-603 as follows:
 1. The local health department for lots proposed to be served by a septic system:
 2. An existing sanitary sewer service provider; or
 3. If the sanitary sewer authority is being newly formed, the statement shall come from the body politic or manager of the system. The applicant shall also submit a written notification from the Utah State Department of Environmental Quality

indicating their acknowledgement of the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.

b. The statement shall provide:

1. An acknowledgment of the number of lots proposed to be served;
2. The method of wastewater disposal for each applicable proposed lot;
3. An assertion that there is sufficient capability for safe wastewater disposal using the proposed method; and
4. Any other requirement expected or necessary to attain the sanitary sewer authority's approval of the final subdivision plat.

(6) **An application fee.** Full payment of the application fee is required at the time of application submittal. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

AFTER AMENDMENT

Sec 106-1-4 Subdivision Application Requirements

(a) **Pre-application meeting required.** Each person who proposes to subdivide land shall confer with the county planning staff before submitting any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, neighborhood circulation plan, landscape design, and water budget submittal.

(b) **Subdivision application submittal.** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:

(1) **Application form.** A complete subdivision application form, signed by the property owners.

(2) **Preliminary plan.** A preliminary plan meeting the requirements listed in this title. This includes a phasing plan if phasing is proposed.

(3) **Electronic documents.** All documents submitted for the subdivision application shall be in a PDF file format. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file format.

(4) **Statement of culinary and secondary water feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying culinary and

secondary water provisions for each lot.

- a. The statement of culinary water feasibility shall come from the culinary water authority, pursuant to UCA Sec. 17-27a-603, as follows:
 1. The local health department for lots proposed to be served by a private well;
 2. An existing culinary water service provider; or
 3. If the culinary water authority is being newly formed, the statement shall come from the person with authority to sign on behalf of the newly formed water corporation. The applicant shall also submit written notification from the Utah Department of Environmental Quality indicating their acknowledgement of the new culinary water authority and the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
- b. The statement of secondary water feasibility shall come from the secondary water service provider.
- c. The statements from the culinary water authority and secondary water service provider shall contain:
 1. An acknowledgement of the number of lots proposed to be served;
 2. An acknowledgement of all intended uses of the water, including, but not limited to, culinary uses, fire suppression appurtenances, and secondary water uses, if applicable and as provided for in Section 106-4-2;
 3. The method of water delivery to each proposed lot;
 4. The proposed source of the water rights or shares necessary to serve the lots; and
 5. If applicable, any other requirement expected or necessary to attain the culinary water authority's approval of the final subdivision plat.

(5) ***Statement of sanitary sewer or septic system feasibility.*** A written statement of feasibility, also known as a "will-serve letter," specifying wastewater provisions for each lot.

- a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-27a-603 as follows:
 1. The local health department for lots proposed to be served by a septic system;
 2. An existing sanitary sewer service provider; or
 3. If the sanitary sewer authority is being newly formed, the statement shall come from the body politic or manager of the system. The applicant shall also submit a written notification from the Utah State Department of Environmental Quality indicating their acknowledgement of the proposed system, and offer any other relevant information necessary for

demonstrating system feasibility.

- b. The statement shall provide:
1. An acknowledgment of the number of lots proposed to be served;
 2. The method of wastewater disposal for each applicable proposed lot;
 3. An assertion that there is sufficient capability for safe wastewater disposal using the proposed method; and
 4. Any other requirement expected or necessary to attain the sanitary sewer authority's approval of the final subdivision plat.

(6) **Preliminary title report.** A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be no older than 30 calendar days prior to the submittal of the application. If the County Recorder's Office is backlogged more than 30 calendar days, then the preliminary title report(s) shall be no older than the current backlog date plus one day. The preliminary title report shall include a search of recorded documents back to patent and identify, at a minimum, the following items:

- a. All reference easements;
- b. Reference (the entry number and/or book and page number) to all deeds in chain of title;
- c. All boundary line agreements;
- d. All rights-of-way, whether the parcel is subject to or has reserve rights;
- e. All current owners;
- f. All outstanding liens, taxes, etc.

(7) **Street connectivity proposal.** If the proposed subdivision will create or extend a street, a street connectivity plan showing how the streets proposed in the subdivision might possibly connect to other streets existing or planned in the area. The plan shall show realistic connection opportunities that consider the actual lay of the land and environmental or physical constraints.

(8) **An application fee.** Full payment of the application fee is required at the time of application submittal. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

SECTION 7: AMENDMENT “Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure

- (a) The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and shall show:
- (1) A subdivision name, approved by the county recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - (2) A north arrow, scale, and date.
 - (3) The individual or company names and addresses of the applicant, engineer and land surveyor of the subdivision.
 - (4) The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners.
 - (5) Contour map with, unless specified otherwise by the county engineer, two-foot contour intervals.
 - (6) The existing location, widths and other dimensions of all existing or platted streets and other important features such as, but not limited to, railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.
 - (7) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
 - (8) Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
 - (9) Lots classified as "restricted" as defined in section 101-1-7 by placing the letter "R" immediately to the right of the lot number.
 - (10) The location of percolation test holes on each lot.
 - (11) Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the county engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.

- (12) Open space and common area improvements, including but not limited to landscaping, structures, signs, parking, and other amenities.
- (13) A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of the application and shall include a search of recorded documents back to patent that identifies, at a minimum, the following items:
 - a. All reference easements;
 - b. Reference (the entry number and/or book and page number) to all deeds in chain of title;
 - c. All boundary line agreements;
 - d. All rights-of-way, whether the parcel is subject to or has reserve rights;
 - e. All current owners;
 - f. All outstanding liens, taxes, etc.

(b) Approval procedure.

- (1) With the exception of small subdivisions, the preliminary plan/plat, including the phasing plan, shall be presented to the land use authority who, for the purposes of this section, shall be the planning commission, for their review and decision in compliance with applicable ordinances. The planning commission's decision may be appealed to the county commission by filing an appeal within 15 days of the planning commission's recommendation. If the planning commission's decision is not appealed to the county commission, the planning commission's recommendation shall stand as the county's decision on preliminary approval.
- (2) Grading limitation. No large scale excavation (more than 5,000 square feet), grading or regrading shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the planning commission and then only in accordance with the excavation ordinance of this Land Use Code.

(Ord. of 1952, title 26, § 1-5; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 106-1-5 from "Preliminary plan requirements and approval procedure" to read as herein set out.

AFTER AMENDMENT

Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure

- ~~(a) The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and shall show: **Approval procedure.** A subdivision name, approved by the county recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range;~~

and quarter section shall also be shown on the top of the plat. A north arrow, scale, and date. The individual or company names and addresses of the applicant, engineer and land surveyor of the subdivision. The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners. Contour map with, unless specified otherwise by the county engineer, two-foot contour intervals. The existing location, widths and other dimensions of all existing or platted streets and other important features such as, but not limited to, railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, water courses, wetlands, stream corridor setbacks, floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way. Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods. Lots classified as "restricted" as defined in section 101-1-7 by placing the letter "R" immediately to the right of the lot number. The location of percolation test holes on each lot. Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the county engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater. Open space and common area improvements, including but not limited to landscaping, structures, signs, parking, and other amenities. A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of the application and shall include a search of recorded documents back to patent that identifies, at a minimum, the following items: With the exception of small subdivisions, the preliminary plan/plat, including the phasing plan, shall be presented to the land use authority who, for the purposes of this section, shall be the planning commission, for their review and decision. Compliance with applicable ordinances. The planning commission's decision may be appealed to the county commission by filing an appeal within 15 days of the planning commission's recommendation. If the planning commission's decision is not appealed to the county commission, the planning commission's recommendation shall stand as the county's decision on preliminary approval. All reference easements; Reference (the entry number and/or book and page number) to all deeds in chain of title; All boundary line agreements; All rights-of-way, whether the parcel is subject to or has reserve rights; All current owners; All outstanding liens, taxes, etc. Grading limitation. No large scale excavation (more than 5,000 square feet), grading or regrading shall take place on any

~~land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the planning commission and then only in accordance with the excavation ordinance of this Land Use Code.~~

(Ord. of 1952, title 26, § 1-5; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 106-1-5 from "Preliminary plan requirements and approval procedure" to read as herein set out.

SECTION 8: ADOPTION “Sec 106-1-5.10 Preliminary Plan/Plat Requirements” of the Weber County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-1-5.10 Preliminary Plan/Plat Requirements (Non-existent)

AFTER ADOPTION

Sec 106-1-5.10 Preliminary Plan/Plat Requirements(*Added*)

The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations governing the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and shall show:

- (a) A subdivision name, approved by the county recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
- (b) A north arrow, scale, and date.
- (c) The individual or company names and addresses of the applicant, engineer and land surveyor of the subdivision.
- (d) The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners.
- (e) Contour map with, unless specified otherwise by the county engineer, two-foot contour intervals.
- (f) The existing location, widths and other dimensions of all existing or platted streets and other important features such as, but not limited to, railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.
- (g) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open

spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.

- (h) Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
- (i) Lots classified as a "restricted lot" as defined in Section 101-2-13 by placing the letter "R" immediately to the right of the lot number.
- (j) The location of percolation test holes on each lot.
- (k) Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the county engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.
- (l) Open space and common area improvements, including but not limited to landscaping, structures, signs, parking, and other amenities.

SECTION 9: **ADOPTION** “Sec 106-1-5.20 Agency Review” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-1-5.20 Agency Review (Non-existent)

AFTER ADOPTION

Sec 106-1-5.20 Agency Review (*Added*)

Agency review. The Planning Division shall distribute copies of the preliminary plan to other county divisions or departments, or other non-county agencies or organizations, as authorized by State Law, that it deems necessary to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return applicable information and recommendations to the planning division.

UDOT corridor review. A subdivision proposed within a designated UDOT corridor preservation area shall be sent to the UDOT regional office for review and comment.

SECTION 10: **ADOPTION** “Sec 106-1-5.30 Approval Procedure” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-1-5.30 Approval Procedure (Non-existent)

AFTER ADOPTION

Sec 106-1-5.30 Approval Procedure(Added)

- (a) Subdivision approval. After the applicable staff and agency reviews, the preliminary plan/plat, including the phasing plan, shall be presented to the Land Use Authority. The Land Use Authority shall review the preliminary plan/plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval to ensure compliance with applicable laws, the Land Use Authority shall approve the preliminary plan/plat. When considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 108-4-4 of this Land Use Code, and the conditional use standards of Section 108-4-5. A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (b) Small subdivision review. Preliminary plan/plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is not required. The preliminary plan/plat required in this section shall be reviewed simultaneously with the final plat.
- (c) Land Use Authority designated. The Land Use Authority for preliminary plan/plat approval of a subdivision other than a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the applicable planning area Planning Commission. The Land Use Authority for preliminary plan/plat approval of a small subdivision is the Planning Division Director.

SECTION 11: AMENDMENT “Sec 106-1-6 Agency Review” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-1-6 Agency Review

- (a) *Distribution of preliminary plan.* The planning division shall distribute a copy of the preliminary plan to each of the following for their information and recommendations: county engineer, county fire district, county health officer, county school board, county surveyor county treasurer, and company furnishing telephone, electric, water, sanitary sewer, and/or gas service. The planning division may distribute copies of the preliminary plan to other agencies and organizations to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any information and recommendations to the planning division.
- (b) *Public notice.* Notice of the proposed subdivision shall be mailed as a courtesy not less

than seven calendar days before the planning commission's public meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property.

- (c) *Notice for an amendment or vacating a subdivision.* For an amendment to a subdivision, the planning division shall provide notice of the date, time, and place of a least one public meeting at least ten calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.
- (d) *Notice challenge.* If the notice is not challenged within 30 calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.

(Ord. of 1952, title 26, § 1-6; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2017-15, Exh. A, 5-9-2017)

AFTER AMENDMENT

Sec 106-1-6 ~~Agency Review~~ (Reserved)

- ~~(a) *Distribution of preliminary plan.* The planning division shall distribute a copy of the preliminary plan to each of the following for their information and recommendations: county engineer, county fire district, county health officer, county school board, county surveyor county treasurer, and company furnishing telephone, electric, water, sanitary sewer, and/or gas service. The planning division may distribute copies of the preliminary plan to other agencies and organizations to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any information and recommendations to the planning division. *Public notice.* Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commission's public meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property. *Notice for an amendment or vacating a subdivision.* For an amendment to a subdivision, the planning division shall provide notice of the date, time, and place of a least one public meeting at least ten calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate. *Notice challenge.* If the notice is not challenged within 30 calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.~~

(Ord. of 1952, title 26, § 1-6; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2017-15, Exh. A, 5-9-2017)

SECTION 12: AMENDMENT “Sec 106-1-7 Subdivision Time Limitations”
of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-1-7 Subdivision Time Limitations

- (a) *Time limitation for preliminary approval.* Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval by the planning commission to receive a recommendation for final approval of the subdivision or the first phase. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal laws current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted. The planning director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.
- (b) *Time limitation for final approval.* A final subdivision plat or phase of a subdivision that receives a recommendation for final approval from the planning commission shall be offered to the county commission for final approval and recording within one year from the date of the planning commission's recommendation for final approval. After one year from that date, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The planning director may grant a onetime extension for final subdivision approval for a maximum of one year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a county caused delay.
- (c) *Nonconforming.* Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

(Ord. of 1952, title 26, § 1-7; Ord. No. 2015-22, Exh. A, 12-22-2015)

AFTER AMENDMENT

Sec 106-1-7 Subdivision Time Limitations

- (a) ***Time limitation for preliminary approval.*** Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. ~~Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval by the planning commission to receive a recommendation for final approval of the subdivision or the first phase. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal laws current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted. The planning director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.~~
- (b) ***Time limitation for final approval.*** Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval by the planning commission to receive final approval of the subdivision or the first phase if applicable. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal laws current at the time the extension is approved. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted. ~~The planning director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.~~
- (c) ***Time limitation for plat recordation.*** ~~A final~~ A subdivision plat or phase of a subdivision that receives a recommendation for final approval from the planning commission shall be offered to the county commission for final approval and recorded within the Office of the County Recorder within one year of final approval by the Land Use Authority. ~~from the date of the planning commission's recommendation for final approval.~~ After ~~one year from that date~~, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The planning director may grant a onetime extension for final subdivision approval for a maximum of one year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a county caused delay.
- (d) ***Nonconforming.*** Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

(Ord. of 1952, title 26, § 1-7; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 13: AMENDMENT “Sec 106-1-8 Final Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-1-8 Final Plat Requirements And Approval Procedure

- (a) ***Preliminary approval required.*** Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.
- (b) ***Final plat required.***
 - (1) After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.
 - (2) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting.
- (c) ***Final plat requirements.*** The following are requirements for final plat consideration:
 - (1) Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information:
 - a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - b. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."

- c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)
- d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, titl. 57, ch. 10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.
- e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.
- f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house

number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.

- g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the county recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:
 - 1. Description of land included in subdivision;
 - 2. Private licensed land surveyor's "certificate of survey";
 - 3. Owner's dedication certificate;
 - 4. Notary public's acknowledgment;
 - 5. County Land Use Authority's certificate of approval, to be signed by the planning director or designee;
 - 6. County Engineer's certificate of approval;
 - 7. County Attorney's certificate of approval;
 - 8. Board of County Commissioners' certificate of acceptance;
 - 9. County Clerk's certificate of attest;
 - 10. County Surveyor's certificate of approval;
 - 11. Local health department certificate of approval, if required by the local health department.
 - 12. Culinary water authority certificate of approval, if not the local health department; and
 - 13. Sanitary sewer authority certificate of approval, if not the local health department.
- i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.
- j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
- k. Map narrative. The map shall contain a written narrative which complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances.
 - l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.
- m. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders.
- n. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included

with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:

1. All easements.
 2. Reference (the entry number and or book and page number) to all deeds in chain of title.
 3. All boundary line agreements.
 4. All rights of way whether the parcel is subject to or has reserve rights.
 5. All current owners.
 6. All outstanding liens, taxes, etc.
- (2) A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
- (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.
- (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-2, the following shall be required on the final plat:
- a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.
 - b. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification: "Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."
 - c. Areas with special regulations subject to the Sensitive Lands

Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

- (5) Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat:
"Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."
 - (6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and, when available, the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.
 - (7) On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.
 - (8) The plat shall contain all notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Title 106.
 - (9) In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposal for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed.
- (d) ***Final improvement plans.*** The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All utility and street construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services to the subdivision, including the level of service, from applicable utility entities including but not limited to the water service provider, sewer service provider, electricity provider, natural gas provider, and telecommunications provider.
- (e) ***Approval of final plat.***
- (1) After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under \$25,000.00. Financial guarantees can be granted a time

extension by the county engineer and/or the planning director if the change in the financial guarantee is less than \$25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant.

- (2) No street improvements or utilities shall be installed until after approval of the improvement plans by the county engineer. No lots shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.
- (f) **Final plat approval; small subdivisions.** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land.
- (g) **Additional provisions.** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected.
- (h) **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (i) **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-2017)

AFTER AMENDMENT

Sec 106-1-8 Final Plat Requirements And Approval Procedure

~~**Preliminary approval required.** Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met. **Final plat required. Final plat requirements.** The following are requirements for final plat consideration: **Final improvement**~~

plans. The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All utility and street construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services to the subdivision, including the level of service, from applicable utility entities including but not limited to the water service provider, sewer service provider, electricity provider, natural gas provider, and telecommunications provider. After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan. The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting. Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information: A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances. Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision. For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-2, the following shall be required on the final plat: Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision." Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and, when available, the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any

construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance. On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat. The plat shall contain all notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Title 106. In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposal for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision." A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.) Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, titl. 57, ch. 10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier. A house number indicating the street

~~address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the county recorder. A signature block conforming to state code and county ordinances shall be included on the plat for the following: A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances. Map narrative. The map shall contain a written narrative which complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum: Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification: "Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas." Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks. Description of land included in subdivision; Private licensed land surveyor's "certificate of survey"; Owner's dedication certificate; Notary public's acknowledgment; County Land Use Authority's certificate of approval, to be signed by the planning director or designee; County Engineer's certificate of approval; County Attorney's certificate of approval; Board of County Commissioners' certificate of acceptance; County Clerk's certificate of attest; County Surveyor's certificate of approval; Local health department certificate of approval, if required by the local health department. Culinary water authority certificate of approval, if not the local health department;~~

~~and Sanitary sewer authority certificate of approval, if not the local health department. All easements. Referencee (the entry number and or book and page number) to all deeds in chain of title. All boundary line agreements. All rights of way whether the parcel is subject to or has reserve rights. All current owners. All outstanding liens, taxes, etc. **Approval of final plat. Final plat approval; small subdivisions.** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. **Additional provisions.** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected. **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid. **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat. After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under \$25,000.00. Financial guarantees can be granted a time extension by the county engineer and/or the planning director if the change in the financial guarantee is less than \$25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant. No street improvements or utilities shall be installed until after approval of the improvement plans by the county engineer. No lots shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded. (Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-2017)~~

SECTION 14: **ADOPTION** “Sec 106-1-8.10 Final Plat Required” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-1-8.10 Final Plat Required (Non-existent)

AFTER ADOPTION

Sec 106-1-8.10 Final Plat Required(Added)

- (a) After compliance with the preliminary plan/plat provisions of Section 106-1-5, the applicant shall digitally submit a draft final plat and draft improvement plans, meeting the remaining requirements of this Title and any additional conditions set by the Land Use Authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code.
- (b) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled Land Use Authority meeting.

SECTION 15: ADOPTION “Sec 106-1-8.20 Final Plat Requirements” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-1-8.20 Final Plat Requirements (Non-existent)

AFTER ADOPTION

Sec 106-1-8.20 Final Plat Requirements(Added)

The following are requirements for final plat consideration:

- (a) ***Final plat preparation.*** The final plat shall be prepared to be printed on a 24-inch by 36-inch sheet of mylar. The border line of the plat shall be drawn in heavy lines, and shall leave a minimum one-half of an inch and a maximum one-and-one-half of an inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards and created for long-term storage. The plat shall be made to a scale large enough to clearly show all details, but never smaller than 100 feet to the inch, unless specified otherwise by the county surveyor. The workmanship on the finished drawing shall be legible having a text size of not less than three-thirty seconds of an inch. The plat shall contain the following information:
 - (1) ***Subdivision name.*** A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - a. Where a subdivision complies with the cluster subdivision provisions

- of this Land Use Code, the final plat shall provide the following subtitle under the subdivision name: "A Cluster Subdivision."
- b. Where a subdivision complies with the lot-averaging subdivision provisions specified in Section 106-2-4 of this Land Use Code, the final plat shall provide the following subtitle under the subdivision name: "A Lot-Averaged Subdivision."
 - c. Where a subdivision complies with the connectivity-incentivized subdivision provisions specified in Section 106-2-4 of this Land Use Code, the final plat shall provide the following subtitle under the subdivision name: "A connectivity incentivized subdivision."
- (2) ***North arrow and scale.*** A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)
- (3) ***Legal description.*** A legal description of land included in the subdivision, including the overall acreage within the legal description.
- (4) ***Linework.*** Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well.
- (5) ***Basis of bearing.*** The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The Basis of Bearing sufficient for retracement shall be noted on the final plat, along with a measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place.
- (6) ***Bearings and measurements.*** The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, Title 57, Chapter. 10. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set shall be provided.
- (7) ***Streets, alleys, easements, and lots.*** The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys, and easements. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there

are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.

- (8) **Public dedication.** The boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public.
- (9) **Reservations.** The lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the County Recorder.
- (10) **Address.** A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.
- (11) **Signature block.** A signature block conforming to State Code and county ordinances shall be included on the plat for the following:
 - a. Private licensed land surveyor's "certificate of survey";
 - b. Owner's dedication certificate;
 - c. Notary public's acknowledgment;
 - d. County Land Use Authority's certificate of approval, to be signed by the planning director or designee;
 - e. County Engineer's certificate of approval;
 - f. County Attorney's certificate of approval;
 - g. Board of County Commissioners' certificate of acceptance;
 - h. County Clerk's certificate of attest;
 - i. County Surveyor's certificate of approval;
 - j. Local health department certificate of approval, if required by the local health department;
 - k. Culinary water authority certificate of approval, if not the local health department; and
 - l. Sanitary sewer authority certificate of approval, if not the local health department.
 - m. In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposed improvements for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed.
- (12) **Recorder's block.** A three-inch by three-inch space in the lower right-hand

- corner of the drawing for recording information.
- (13) **Subdivision boundary.** The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
- (14) **Map narrative.** A map narrative that complies with U.C.A. 1953, § 17-23-17 and Section 45-3-4 of the Weber County Code of Ordinances.
- (15) **Occupation lines.** All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.
- (16) **Easements.** All easements observed, recorded in the Office of the County Recorder, or included in a preliminary title report unless legally vacated by all easement holders.
- (b) **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when applicable:
- (1) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
 - (2) **Hillside development plat note.** Pursuant to Section 106-2-4, a lot that has an average percent of slope that is greater than 25-percent shall provide the following on the final plat:
 - a. **Buildable area.** If the lot provides a buildable area, the buildable area shall be delineated on the final plat by short dashed lines. The area shall be labeled as "Buildable area. See note [enter note number here]." The note shall read as follows: "A lot with a delineated "buildable area" shall only allow buildings within the designated buildable area."
 - b. **Restricted lot.** If a lot is a restricted lot, the letter "R" shall be placed immediately to the right of the lot number. The lot shall be labeled as "Restricted lot. See note [enter note number here]." The note shall read as follows: "A lot labeled with the letter "R" after the lot number is a restricted lot because it has an average percent of slope greater than 25-percent. Development thereon is subject to a hillside development review pursuant to the provisions of Title 108, Chapter 14."
 - (3) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3 Zone shall have the following plat note: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."
 - (4) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat note: "For each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and

- minimum width allowed in the zone. A subdivision amendment within any part of the overall subdivision boundary shall comply with Section 106-2-4(b) of the Weber County Code."
- (5) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall have the following plat note: "This subdivision was allowed flexible lot area and width in exchange for superior street connectivity. A subdivision amendment within any part of the overall subdivision boundary shall comply with Section 106-2-4(b) of the Weber County Code."
 - (6) **Moderate income housing plat note.** Pursuant to Section 104-27-6, a lot or unit set aside for moderate-income housing shall have a plat note explaining the nature of the housing restriction and the method by which occupancy and moderate-income affordability will be regulated.
 - (7) **Privately operated and maintained street plat note.** A parcel dedicated to the county but intended for a privately operated and maintained street, pursuant to Section 106-2-2.1, shall be labeled as "Privately operated and maintained street. See note [enter note number here]." The note shall read as follows: "Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining lot owners until and unless the governing body assumes public responsibility for the street."
 - (8) **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.1, a lot that will have landscaping and watering restrictions shall have a note placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.
 - (9) **Substitute monuments plat note.** Pursuant to Section 106-4-2.11, substitute monuments, when used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.
 - (10) **Outdoor lighting in a cluster subdivision plat note.** Pursuant to Section 108-3-8, a cluster subdivision plat shall contain a note stating that all lots in the subdivision are required to comply with the outdoor lighting requirements of Title 108 Chapter 16.
 - (11) **Natural hazard report disclosure plate note.** If any lot in the subdivision is in a natural hazard study area, a note shall be placed on the subdivision plat as provided in Section 108-22-4.
- (c) **Floodplain.** Floodplain and floodway boundaries shall be shown on the final plat. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain area. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any subdivision improvements constructed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.
- (d) **Setting boundary onsite prior to plat recording.** The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be

- set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction.
- (e) ***Additional information.*** The plat shall contain all other notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Land Use Code.

SECTION 16: ADOPTION “Sec 106-1-8.30 Final Plat Approval Process” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-1-8.30 Final Plat Approval Process (Non-existent)

AFTER ADOPTION

Sec 106-1-8.30 Final Plat Approval Process(*Added*)

- (a) ***Final subdivision approval.*** After the applicable staff and agency reviews, the final plat shall be presented to the Land Use Authority. The Land Use Authority shall review the final plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval to ensure compliance with applicable laws, the Land Use Authority shall approve the final plat. If applicable, when considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 108-4-4 of this Land Use Code, and the conditional use standards found in Section 108-4-5. A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (b) ***Land Use Authority designated.*** The Land Use Authority for final plat approval of a subdivision other than a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the applicable planning area Planning Commission. The Land Use Authority for final plat approval of a small subdivision is the County Planning Division Director. However, in the event a final plat includes a public street that poses a financial burden on the county that the County Engineer and County Planning Division Director have determined does not provide a commensurate public benefit, the County Commission shall be the Land Use Authority.
- (c) ***Submittal of final plat and final improvement plans.*** After approval of the final plat, the applicant shall submit a final plat printed on a 24-inch by 36-inch mylar sheet that includes the required signatures of all non-county employees. With the mylar, the applicant shall submit final improvement plans to the County Engineer for final approval, pursuant to Title 106, Chapter 4. After the final plat mylar has all required official approval signatures, and after the final improvement plans have received final approval by the County Engineer, the final plat may be recorded in the Office of the County Recorder, at the expense of the applicant.

- (d) *Tax clearance.* The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (e) *Record of survey.* A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

SECTION 17: **ADOPTION** “Sec 106-1-8.40 Final Plat Recordation” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-1-8.40 Final Plat Recordation (Non-existent)

AFTER ADOPTION

Sec 106-1-8.40 Final Plat Recordation(*Added*)

SECTION 18: **AMENDMENT** “Sec 106-2-2.1 Streets Generally” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-2-2.1 Streets Generally

- (a) ***Public street requirement.*** The standard method of ensuring ease of access, efficient mobility, reduced response time for first responders, effective emergency management, strong neighborhood relationships through interconnectivity, and a more equitable means of access to community opportunities, is by requiring public streets and public street connectivity at the time new development is proposed. As such, the default requirement for each subdivision lot is to provide lot frontage on a street dedicated to the County as a public right-of-way and thoroughfare.
 - (1) ***Public street dedication.*** Each street in a subdivision shall be dedicated to the county as a public street, except when a private street is allowed or required as provided in this section.
 - (2) ***Standard street cross-sections.*** All proposed public streets shall conform to the county street cross-section standards, unless explicitly specified otherwise.
- (b) ***Private street option.*** In the Ogden Valley Planning Area, the County, and in some cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority may require or an applicant may

volunteer a proposed street to be privately owned or privately operated and maintained. Development of or along a private street shall comply with the following:

- (1) **No entitlement.** An applicant is not entitled to make a street private. The Land Use Authority has full discretion, subject to the regulations herein, to allow or require a street to be private.
- (2) **Prohibition.** A private street shall not be allowed if:
 - a. It creates a hardship for other landowners in the area to access and develop their land, or
 - b. A public street is needed in the location of the private street, as determined by the Land Use Authority.
- (3) **Responsibility for construction.** The applicant shall pay for and construct the private street.
- (4) **Ownership.** The final plat shall dedicate the land under the private street to the County for the purpose of future conversion to a public street at a time the governing body determines a public street is necessary, if ever.
 - a. **Street-parcel dedication waiver.** The Land Use Authority may waive this requirement if development or further development on adjacent lots or parcels to which the street could be extended is extremely unlikely, or to which future public access offers very little public benefit, as determined by the Land Use Authority.
 1. **No street-block waiver.** A street needed to satisfy the street-block requirements of Section 106-2-3 is not eligible for this waiver unless there is no way in which that street can be configured in the subdivision to support the creation of the street-block.
 2. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and installation of a 12-foot wide public easement and pathway or trail connection. The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a maximum average grade of 18 percent.
 3. **Waiver requires joint ownership.** If a waiver is granted, the street parcel shall be held in joint ownership of the owners of all lots that gain access from it.
 - b. **Street-parcel configuration.** The parcel being dedicated to the county shall be the length of the private street and extend to adjacent developable land or another street regardless of whether the private street infrastructure does. The parcel shall be the same width required for a public street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
 - c. **Transfer of street-parcel.** If adjacent parcels to which the private

street could connect reach full build-out or otherwise change in a manner that renders a future public street connection extremely unlikely, or if future public access to those parcels offers very little public benefit, the county, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all lots that gain access from it.

- (5) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed private street improvements shall be the sole responsibility of the owners of each lot gaining access from the private street. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-parcel.
- (6) **Building setback standards.** The minimum building setbacks shall be measured from the boundary of the county-owned street-parcel.
- (7) **Private street required.** Unless the County Engineer or the Land Use Authority authorizes otherwise based on the public benefit outweighing the long term operations and maintenance expense, a public street is not allowed in the following circumstances:
 - a. **Permanent terminal street.** A non-temporary terminal street;
 - b. **Geologic hazards.** A street that traverses a geologic hazards study area shall be a private street, unless the hazards study, as required by Chapter 108-22, provides compelling evidence that demonstrates the hazard risk to a public street is low.
- (8) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a private street shall be constructed to public street standards.
- (9) **Plat notes.** On the final plat, the county-owned street-parcel, where applicable, shall be labeled as “Privately operated and maintained street. See note [enter note number here].” The note shall read as follows: “Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining lot owners until and unless the governing body assumes public responsibility for the street.”
- (10) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:
 - a. The owners of all lots that gain access from the private street are solely and equally responsible for operations and maintenance of the street.
 - b. If applicable, that by purchasing a lot that gains access from a private street, the owner acknowledges that the street-parcel is owned in fee by the governing body for possible future public street purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
 - c. The owner is responsible for disclosing the nature of the street to

prospective purchasers, renters, or lessees.

- d. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational public street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the private street to operational public street standards.

AFTER AMENDMENT

Sec 106-2-2.1 Streets Generally

- (a) **Public street requirement.** The standard method of ensuring ease of access, efficient mobility, reduced response time for first responders, effective emergency management, strong neighborhood relationships through interconnectivity, and a more equitable means of access to community opportunities, is by requiring public streets and public street connectivity at the time new development is proposed. As such, the default requirement for each subdivision lot is to provide lot frontage on a street dedicated to the County as a public right-of-way and thoroughfare.
 - (1) **Public street dedication.** Each street in a subdivision shall be dedicated to the county as a public street, except when a private street is allowed or required as provided in this section.
 - (2) **Standard street cross-sections.** All proposed public streets shall conform to the county street cross-section standards, unless explicitly specified otherwise.
- (b) **Private street option.** In the Ogden Valley Planning Area, the County, and in some cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority may require or an applicant may volunteer a proposed street to be privately owned or privately operated and maintained. Development of or along a private street shall comply with the following:
 - (1) **No entitlement.** An applicant is not entitled to make a street private. The Land Use Authority has full discretion, subject to the regulations herein, to allow or require a street to be private.
 - (2) **Prohibition.** A private street shall not be allowed if:
 - a. It creates a hardship for other landowners in the area to access and develop their land, or

- b. A public street is needed in the location of the private street, as determined by the Land Use Authority.
- (3) **Responsibility for construction.** The applicant shall pay for and construct the private street.
- (4) **Ownership.** The final plat shall dedicate the land under the private street to the County for the purpose of future conversion to a public street at a time the governing body determines a public street is necessary, if ever.
 - a. **Street-parcel dedication waiver.** The Land Use Authority may waive this requirement if development or further development on adjacent lots or parcels to which the street could be extended is extremely unlikely, or to which future public access offers very little public benefit, as determined by the Land Use Authority.
 - 1. **No street-block waiver.** A street needed to satisfy the street-block requirements of Section 106-2-3 is not eligible for this waiver unless there is no way in which that street can be configured in the subdivision to support the creation of the street-block.
 - 2. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and installation of a 12-foot wide public easement and pathway or trail connection. The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a maximum average grade of 18 percent.
 - 3. **Waiver requires joint ownership.** If a waiver is granted, the street parcel shall be held in joint ownership of the owners of all lots that gain access from it.
 - b. **Street-parcel configuration.** The parcel being dedicated to the county shall be the length of the private street and extend to adjacent developable land or another street regardless of whether the private street infrastructure does. The parcel shall be the same width required for a public street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
 - c. **Transfer of street-parcel.** If adjacent parcels to which the private street could connect reach full build-out or otherwise change in a manner that renders a future public street connection extremely unlikely, or if future public access to those parcels offers very little public benefit, the county, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all lots that gain access from it.
- (5) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the

installed private street improvements shall be the sole responsibility of the owners of each lot gaining access from the private street. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-parcel.

- (6) **Building setback standards.** The minimum building setbacks shall be measured from the boundary of the county-owned street-parcel.
- (7) **Private street required.** Unless the County Engineer or the Land Use Authority authorizes otherwise based on the public benefit outweighing the long term operations and maintenance expense, a public street is not allowed in the following circumstances:
 - a. **Permanent terminal street.** A non-temporary terminal street;
 - b. **Geologic hazards.** A street that traverses a geologic hazards study area shall be a private street, unless the hazards study, as required by Chapter 108-22, provides compelling evidence that demonstrates the hazard risk to a public street is low.
- (8) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a private street shall be constructed to public street standards.
- (9) **Plat notes.** On the final plat, the county-owned street-parcel, where applicable, shall be labeled and noted as required by Section 106-1-8.2. as ~~“Privately operated and maintained street. See note [enter note number here].”~~ ~~The note shall read as follows: “Use of a street labeled as “Privately operated and maintained street” is reserved for the exclusive and private use of the adjoining lot owners until and unless the governing body assumes public responsibility for the street.”~~
- (10) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:
 - a. The owners of all lots that gain access from the private street are solely and equally responsible for operations and maintenance of the street.
 - b. If applicable, that by purchasing a lot that gains access from a private street, the owner acknowledges that the street-parcel is owned in fee by the governing body for possible future public street purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
 - c. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.
 - d. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational public street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring

the private street to operational public street standards.

SECTION 19: **REPEAL** “Sec 106-2-4 Lots” of the Weber County County Code is hereby *repealed* as follows:

BEFORE REPEAL

Sec 106-2-4 Lots

- (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions.
- (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, except:
 - (1) *Variance*. When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code;
 - (2) *Cluster subdivision or PRUD*. When in accordance with the cluster subdivision or PRUD provisions of the Land Use Code;
 - (3) *Septic system and wellhead protection*. As required by the county health officer as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements;
 - (4) *Restricted lots and lots with designated building area*. For "restricted lots" and lots with a designated "building area", the minimum area and width requirements shall be increased in accordance with the slope density tables contained in the Land Use Code;
 - (5) *Lot-averaged subdivision*. In the A-1, A-2, A-3, and AV-3 zones, a lot's area and width standards may be reduced in a lot-averaged subdivision below the standard minimum lot area or minimum lot width as specified in the applicable zone or zones found in Title 104. A lot-averaged subdivision shall comply with the following:
 - a. *The averaged area and width of all lots to comply with zone standards*. The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the

minimum lot area and minimum lot width found in the applicable zone or zones.

- b. *Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

- c. *Subdivision plat table.* A table shall be provided with the subdivision application and on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision boundary. If platted in phases, the “overall subdivision boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.
 - d. A subtitle shall be displayed on the final subdivision plat that reads "A Lot-Averaged Subdivision."
 - e. A note shall be placed on the final subdivision plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. An amendment to any part of this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."
- (c) Each lot shall abut on a public street, private street, or private access right-of-way dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use and is more than 26 feet wide, except as provided in subsection (d) of this section. Interior lots having frontage on two streets shall be prohibited except where unusual conditions make other design undesirable.
 - (d) Lot right-of-way or fee title access strip (flag lots). Where approved by the board of adjustment, lots not having frontage on a street as required by the Land Use Code for the zone in which the subdivision is located but upon a right-of-way or fee title access strip may be included within a subdivision provided the requirements in the Land Use Code are met.
 - (e) Corner lots shall have extra width sufficient for maintenance of required building lines on both sides.
 - (f) Side lines of lots shall be approximately at right angles, or radial to the street line.
 - (g) Remnant parcels that are five contiguous acres or larger can be left as a remaining agricultural parcel not approved for development. Remnant parcel containing 5.25 contiguous acres (or more) and a home can be left as a remaining agricultural parcels

not approved for additional single-family dwelling. Any construction of additional single-family dwelling or dwellings will require a subdivision approval.

- (h) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners.
- (i) Natural drainage and other easements. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.
- (j) Lots meeting the criteria established for a "restricted lot" shall be designated on the preliminary and final plat by the letter "R" and shall be subject to the provisions of the Land Use Code prior to any construction or building being undertaken upon such lot.
- (k) A lot with an average slope of 25 percent or more over a major portion of its area, but with a "building area" as defined herein, within a buildable portion of the lot, may be classified as an unrestricted lot provided that the "building area" is approved by the planning commission as a suitable site for building and designated on the final plat as prescribed in section 106-5-1 and further provided that no building or construction or major cutting or filling of the natural terrain shall be made outside of such designated "building area".
- (l) Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.

(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)

AFTER REPEAL

~~See 106-2-4 Lots (Repealed)~~

- ~~(a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions.~~
- ~~(b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, except:
 - ~~(1) Variance. When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code;~~
 - ~~(2) Cluster subdivision or PRUD. When in accordance with the cluster subdivision or PRUD provisions of the Land Use Code;~~
 - ~~(3) Septic system and wellhead protection. As required by the county health officer as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements;~~
 - ~~(4) Restricted lots and lots with designated building area. For "restricted lots" and~~~~

lots with a designated "building area", the minimum area and width requirements shall be increased in accordance with the slope density tables contained in the Land Use Code;

(5) ~~Lot averaged subdivision.~~ In the ~~A-1, A-2, A-3, and AV-3~~ zones, a lot's area and width standards may be reduced in a lot averaged subdivision below the standard minimum lot area or minimum lot width as specified in the applicable zone or zones found in Title 104. A lot averaged subdivision shall comply with the following:

- a. ~~The averaged area and width of all lots to comply with zone standards.~~ The averaged lot area and averaged lot width of all lots located within a lot averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.
- b. ~~Lot standards.~~ The lot area and lot width of an individual lot located within a lot averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b):

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

- c. ~~Subdivision plat table.~~ A table shall be provided with the subdivision application and on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision boundary. If platted in phases, the "overall subdivision boundary" shall mean the exterior boundary of all phases in the approved preliminary plat.
 - d. A subtitle shall be displayed on the final subdivision plat that reads "A Lot Averaged Subdivision."
 - e. A note shall be placed on the final subdivision plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. An amendment to any part of this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."
- (e) Each lot shall abut on a public street, private street, or private access right-of-way dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use and is more than 26 feet wide, except as provided in subsection (d) of this section. Interior lots having frontage on two streets shall be prohibited except where unusual conditions make other design undesirable.

- ~~(d) Lot right-of-way or fee title access strip (flag lots). Where approved by the board of adjustment, lots not having frontage on a street as required by the Land Use Code for the zone in which the subdivision is located but upon a right-of-way or fee title access strip may be included within a subdivision provided the requirements in the Land Use Code are met.~~
- ~~(e) Corner lots shall have extra width sufficient for maintenance of required building lines on both sides.~~
- ~~(f) Side lines of lots shall be approximately at right angles, or radial to the street line.~~
- ~~(g) Remnant parcels that are five contiguous acres or larger can be left as a remaining agricultural parcel not approved for development. Remnant parcel containing 5.25 contiguous acres (or more) and a home can be left as a remaining agricultural parcels not approved for additional single-family dwelling. Any construction of additional single-family dwelling or dwellings will require a subdivision approval.~~
- ~~(h) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners.~~
- ~~(i) Natural drainage and other easements. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.~~
- ~~(j) Lots meeting the criteria established for a "restricted lot" shall be designated on the preliminary and final plat by the letter "R" and shall be subject to the provisions of the Land Use Code prior to any construction or building being undertaken upon such lot.~~
- ~~(k) A lot with an average slope of 25 percent or more over a major portion of its area, but with a "building area" as defined herein, within a buildable portion of the lot, may be classified as an unrestricted lot provided that the "building area" is approved by the planning commission as a suitable site for building and designated on the final plat as prescribed in section 106-5-1 and further provided that no building or construction or major cutting or filling of the natural terrain shall be made outside of such designated "building area".~~
- ~~(l) Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.~~

~~(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)~~

SECTION 20: **ADOPTION** “Sec 106-2-4* Lot Standards” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-2-4* Lot Standards (Non-existent)

AFTER ADOPTION

Sec 106-2-4* Lot Standards(*Added*)

(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)

SECTION 21: **ADOPTION** “Sec 106-2-4.10 Lot Standards Generally” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-2-4.10 Lot Standards Generally (Non-existent)

AFTER ADOPTION

Sec 106-2-4.10 Lot Standards Generally(*Added*)

- (a) **Lot configuration.** The lot arrangement and design shall provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions.
- (b) **Lot size and exceptions.** All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, as provided in the applicable zone pursuant to Title 104 of the Land Use Code. However, the following are exceptions to this requirement:
 - (1) **Variance.** When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code.
 - (2) **Cluster subdivision or master planned development.** When in accordance with the cluster subdivision or master planned development provisions of this Land Use Code.
 - (3) **Septic system and wellhead protection.** When required by the local health department as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements.
- (c) **Lot frontage.** Each lot shall have frontage on a street or shared private lane that meets County standards, unless specifically provided otherwise in this Land Use Code. A lot having double frontage is prohibited unless the rear of the lot is abutting a collector or arterial street, or a street planned to become a collector or arterial street, or extreme topography makes other design inappropriate, as determined by the County Engineer. If allowed, the rear lot line of a double frontage lot shall be labeled as "no access allowed."

- (d) **Side lot lines.** Side lines of lots shall be approximately at right angles, or radial to the street line.
- (e) **Remnant parcel.** A subdivision of land shall not exclude from its boundary any part or remainder of a parcel affected by the subdivision unless the remnant parcel is exempt from the definition of a subdivision under state and county code, or is exempt from platting requirements by state code.
 - (1) **Remnant parcel size.** An allowed remnant parcel shall be no smaller than five acres, and be recorded with the agricultural notice specified in UCA § 17-27a-605.
 - (2) **Retroactive compliance.** Any parcel that was created as the result of being a remainder from a platted subdivision, including those that do not comply with the recorded notice provisions of UCA § 17-27a-605, that is later used for any use other than agriculture is no longer exempt from the requirements of this Title and shall retroactively be made to comply with this Title and applicable state code.
- (f) **Multiple ownership.** Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more proposed lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners prior to recording the plat.
- (g) **Easements.**
 - (1) **Lot frontage public utility easements.** Each lot shall have a ten-foot public utility easement abutting a street right-of-way and spanning the lot width. This ten-foot easement is not required in a zone that allows a zero front setback.
 - (2) **Other public utility easements.** Other public utility easements shall be provided if, and only if, authorized or required by the County Engineer or Land Use Authority, who shall specify the easement's location and width, with a minimum width no less than five feet.
 - (3) **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff onto other property will not exceed historic runoff rates, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects other properties in the area and public infrastructure. The land drain shall be installed as part of the subdivision improvements.
 - (4) **Agricultural water drainage easements.** When a subdivision is proposed on land to which irrigation water runoff has historically and lawfully drained from other property, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects the new lots, public infrastructure, and historic irrigation flows from and to other property. The land drain shall be installed as part of the subdivision improvements.
- (h) **Taxing district annexation.** Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.
- (i) **Hillside development.** A lot that has an average percent of slope, as defined in Section 101-2 of this Land Use Code, that is greater than 25-percent shall provide for the

following:

- (1) **Buildable area.** If a lot has a buildable area, as defined in Section 101-2, a hillside development review is not required. The buildable area shall be delineated on the final plat by short dashed lines.
 - (2) **Restricted lot.** A lot that cannot contain a buildable area is a restricted lot and is subject to a hillside development review pursuant to the requirements of Title 108, Chapter 14. The letter "R" shall be placed immediately to the right of the lot number. All development conditions and restrictions resulting from the hillside development review shall be noted or referenced on the final plat.
- (j) **Sensitive lands restrictions.** A lot subject to development restrictions found in Title 104, Chapter 28 of this Land Use Code shall show the restrictions on the final plat. This shall include but may not be limited to wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)

SECTION 22: **ADOPTION** “Sec 106-2-4.20 Lot-Averaged Subdivision” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-2-4.20 Lot-Averaged Subdivision (Non-existent)

AFTER ADOPTION

Sec 106-2-4.20 Lot-Averaged Subdivision(*Added*)

In the A-1, A-2, A-3, and AV-3 zones, a lot's area and width standards may be reduced in a lot-averaged subdivision below the standard minimum lot area or minimum lot width as specified in the applicable zone or zones found in Title 104. A lot-averaged subdivision shall comply with the following:

- (a) **The averaged area and width of all lots to comply with zone standards.** The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones. A pre-existing nonconforming lot of record that is smaller in lot area or lot width shall be excluded from the calculation, and may continue with the smaller dimensions as long as it is not made more nonconforming.
- (b) **Lot standards.** The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that

the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

- (c) ***Subdivision plat table.*** A table shall be provided with the subdivision application and on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision boundary. If platted in phases, the “overall subdivision boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.
- (a) ***Plat subtitle.*** Pursuant to Section 106-1-8.20, a subtitle and note referencing this provision shall be placed on the final plat.

SECTION 23: **ADOPTION** “Sec 106-2-4.30 Connectivity-Incentivized Subdivision” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-2-4.30 Connectivity-Incentivized Subdivision (Non-existent)

AFTER ADOPTION

Sec 106-2-4.30 Connectivity-Incentivized Subdivision(*Added*)

In the zones listed herein, when an applicant voluntarily designs a subdivision's public street layout in accordance with the preferred layout of the County Planning Division Director and County Engineer, the applicant may use the base density calculation, as defined in Chapter 101-2, to determine the number of lots allowed in the subdivision. The following provisions also apply:

- (a) ***No entitlement.*** An applicant is not entitled to the provisions of this section and the County is not obligated to apply the provisions of this section to any application.
- (b) ***Base density incentive.*** When calculating the base density, the area proposed to be encumbered by a public street right-of-way, up to ten percent of the gross developable acreage, is not required to be omitted from the net developable acreage of the subdivision. Base density shall be calculated using the minimum lot area and minimum lot width of the applicable zone, pursuant to the provisions in Title 104.
- (c) ***Flexible lot standards.*** The following table provides the zones in which the County may choose to allow this incentive.

(1) Unless excepted in Subsection (c)(2) of this section, at no time shall the lot area and lot width of any residential lot be less than provided in this table:

	S - 1	F - 5	A V -3	F V -3	A -3	A -2	A -1	R E- 20	R E- 15	R- 1- 12	R- 1- 10	R -2	R -3	F R -3	C V R- 1
Reduced minimum lot area:	50-percent of the zone's min.							80-percent of the zone's min.							No mi n.
Reduced minimum lot width:	50-percent of the zone's min.							80-percent of the zone's min.							No mi n.

(2) The following are exceptions to the lot area and lot width provisions of Subsection (c)(1) of this section:

- a. A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.
- b. A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.

(d) **Preferred public street layout.** In determining the preferred public street layout, the County Planning Division Director and County Engineer shall focus on enhancing the overall public good. This may include, but need not be limited to using industry best practices regarding:

- (1) Street and neighborhood connectivity for both motorized and nonmotorized street-users;
- (2) Efficiency of street-routes in terms of distance traveled;
- (3) Reducing block length;
- (4) Enhancing pedestrian circulation and safety;
- (5) Supporting four-way intersections over three-way intersections where appropriate; and
- (6) Superior street alignment that will create best community outcomes.

(e) Pursuant to Section 106-1-8.20, a subtitle and note referencing this provision shall be placed on the final plat.

SECTION 24: **REPEAL** “Sec 106-2-6 Mountain Subdivisions; Special Provisions” of the Weber County County Code is hereby *repealed* as follows:

BEFORE REPEAL

Sec 106-2-6 Mountain Subdivisions; Special Provisions

(a) *Lot owners' association.*

- (1) In order to provide for the adequate maintenance of private streets, private access rights-of-way or other improvements, the subdivider shall form, prior to the final approval by the county, a lot owners' association and shall establish and record articles of incorporation of the non-profit association and by-laws outlining the purpose, organization and operation of the association.
- (2) The articles of incorporation and bylaws, shall provide:
 - a. That membership be mandatory for each lot purchase.
 - b. That maintenance of the private streets, private access rights-of-way or other improvements shall be permanent and not for just a period of years.
 - c. That the association is responsible for liability insurance, taxes and costs of maintenance and that lot owners must assume their fair share of these costs.

- (b) *Conversion to public streets.* It is the policy of the county not to approve the conversion of private streets or private access rights-of-way in mountain subdivisions, subdivisions in isolated areas, in planned residential unit developments or in condominium projects to public streets wherein the county becomes responsible for road maintenance and snow removal, etc., in any application to the county for such conversions, the applicants shall show and the county commission shall determine that it is in the general public interest to accept the street dedication and that the economic and physical advantages, public good and benefits outweigh the additional costs of maintenance or other responsibility that the county will incur. If such conversion is approved by the county commission, the private streets or access rights-of-way must first be improved to county standards for public streets or such improvements guaranteed by and approved financial guarantee.

(Ord. of 1952, title 26, § 2-7; Ord. No. 2014-20, pt. 2, 12-23-2014)

Editor's note—Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014, repealed former § 106-2-6 and renumbered subsequent sections 106-2-7—106-2-10 as 106-2-6—106-2-9. Former § 106-2-6 pertained to cluster subdivisions; special provisions, and derived from Ord. of 1952, title 26, § 2-6.

AFTER REPEAL

~~Sec 106-2-6 Mountain Subdivisions; Special Provisions (Repealed)~~

~~(a) *Lot owners' association.*~~

- ~~(1) In order to provide for the adequate maintenance of private streets, private access rights of way or other improvements, the subdivider shall form, prior to the final approval by the county, a lot owners' association and shall establish and record articles of incorporation of the non-profit association and by laws outlining the purpose, organization and operation of the association.~~

- ~~(2) The articles of incorporation and bylaws, shall provide:~~
- ~~a. That membership be mandatory for each lot purchase.~~
 - ~~b. That maintenance of the private streets, private access rights of way or other improvements shall be permanent and not for just a period of years.~~
 - ~~c. That the association is responsible for liability insurance, taxes and costs of maintenance and that lot owners must assume their fair share of these costs.~~

~~(b) *Conversion to public streets.* It is the policy of the county not to approve the conversion of private streets or private access rights of way in mountain subdivisions, subdivisions in isolated areas, in planned residential unit developments or in condominium projects to public streets wherein the county becomes responsible for road maintenance and snow removal, etc., in any application to the county for such conversions, the applicants shall show and the county commission shall determine that it is in the general public interest to accept the street dedication and that the economic and physical advantages, public good and benefits outweigh the additional costs of maintenance or other responsibility that the county will incur. If such conversion is approved by the county commission, the private streets or access rights of way must first be improved to county standards for public streets or such improvements guaranteed by and approved financial guarantee.~~

~~(Ord. of 1952, title 26, § 2-7; Ord. No. 2014-20, pt. 2, 12-23-2014)~~

~~**Editor's note**—Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014, repealed former § 106-2-6 and renumbered subsequent sections 106-2-7—106-2-10 as 106-2-6—106-2-9. Former § 106-2-6 pertained to cluster subdivisions; special provisions, and derived from Ord. of 1952, title 26, § 2-6.~~

SECTION 25: AMENDMENT “Sec 106-2-7 Identification Of Floodplain”
of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-2-7 Identification Of Floodplain

- (a) The floodplain as used herein shall mean the relatively flat area or lowlands adjoining a river, stream, watercourse, lake or other body of standing water that has or may be covered by floodwater. The boundaries of the floodplain are the boundaries of the base flood (100-year flood) as identified by the federal flood insurance administration in its flood hazard boundary map (FHBM)#490187A, dated May 2, 1978, as amended from time to time.
- (b) In subdivision with floodplain, base flood and ground elevation data shall be provided for each lot by the developer and approved by the County Engineer. Such data shall

appear on the final subdivision linen. If this data is not available, then this area shall be shown on the plat as non-buildable area, and all buildings shall be located out of the non-buildable area. Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such elevations.

- (c) In accordance with guidelines set by the federal flood insurance administration, the elevations of the lowest inhabitable floor for any building or structure shall be equal to or higher than the base flood elevation as determined by the flood hazard boundary map and the County Engineer.

(Ord. of 1952, Title 26, Section 2-8; Ord. No. 2014-20, pt 2, 12-23-2014)

AFTER AMENDMENT

Sec 106-2-7 ~~Identification Of Floodplain~~(Reserved)

- ~~(a) The floodplain as used herein shall mean the relatively flat area or lowlands adjoining a river, stream, watercourse, lake or other body of standing water that has or may be covered by floodwater. The boundaries of the floodplain are the boundaries of the base flood (100-year flood) as identified by the federal flood insurance administration in its flood hazard boundary map (FHB#490187A, dated May 2, 1978, as amended from time to time. In subdivision with floodplain, base flood and ground elevation data shall be provided for each lot by the developer and approved by the County Engineer. Such data shall appear on the final subdivision linen. If this data is not available, then this area shall be shown on the plat as non-buildable area, and all buildings shall be located out of the non-buildable area. Any existing base flood elevation from federal, state, or local sources shall be utilized to determine such elevations. In accordance with guidelines set by the federal flood insurance administration, the elevations of the lowest inhabitable floor for any building or structure shall be equal to or higher than the base flood elevation as determined by the flood hazard boundary map and the County Engineer. (Ord. of 1952, Title 26, Section 2-8; Ord. No. 2014-20, pt 2, 12-23-2014) (Reserved)~~

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SECTION 26: AMENDMENT “Sec 106-2-8 (Reserved)” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-2-8 (Reserved)

Editor's note—Ord. No. 2019-15, Exh. A, adopted Aug. 6, 2019, repealed § 106-2-8, which pertained to general land development and derived from Ord. of 1952, title 26, § 2-9 and Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014.

AFTER AMENDMENT

Sec 106-2-8 ~~(Reserved)~~ Large Scale Excavation

No large scale excavation (more than 5,000 square feet), grading, or regrading shall take place on any land for which a preliminary subdivision plan has been submitted, until the plan has been given preliminary approval by the Land Use Authority and County Engineer.

Editor's note—Ord. No. 2019-15, Exh. A, adopted Aug. 6, 2019, repealed § 106-2-8, which pertained to general land development and derived from Ord. of 1952, title 26, § 2-9 and Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014. Ord. [XXXXXX] moved large scale excavation from § 106-1-5 to this section, and modified the language.

SECTION 27: AMENDMENT “Sec 106-4-1 General Requirements” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-4-1 General Requirements

- (a) The owner of any land to be platted as a subdivision shall, before recording the final plat, either install all improvements required by this chapter or provide a financial guarantee for the completion of the improvements as allowed by section 106-4-3.
- (b) All improvements shall comply with the specifications and standards contained in the county's current "Public Work Standards and Technical Specifications."
- (c) All improvements shall be installed prior to issuance of any land use permit within a newly approved subdivision. The only improvements that may not be required prior to construction of a dwelling are the asphalt, chip and seal, landscaping, street monuments, secondary water (if not in the right-of-way), and curb, gutter, and sidewalk.
- (d) All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road will require a special permit and include requirements for special backfill and asphalt replacement.
- (e) The applicant shall sign a survey monumentation improvement agreement and pay applicable fees associated prior to the county surveyor signing the final subdivision plat Mylar.
- (f) Upon completion of the construction of roads and utility lines, the developer's engineer shall prepare and submit as-built plans for all improvements for the approval of the county engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible Mylars prior to county acceptance for maintenance of roads.
- (g) Whenever the applicant develops a subdivision a phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available to the buyers of the lots. The applicant shall be responsible for

coordinating the installation of utilities, streets, water lines, fire hydrants, and all other required improvements with the buyers of lots.

- (h) New subdivisions with sole access from a substandard street shall not be approved until the substandard street is fully improved to county public work standards and adopted right-of-way width.

(Ord. of 1952, title 26, § 4-1; Ord. No. 3-82, 1-26-1982; Ord. No. 2012-2, § 1(26-4-1), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

Editor's note—Ord. No. 2017-27, Exh. B, adopted July 25, 2017, amended the catchline of § 106-4-1 from "Owner of subdivision responsible for costs" to read as herein set out.

AFTER AMENDMENT

Sec 106-4-1 General Requirements

- (a) Pursuant to Section 106-1-8, with the final subdivision plat submittal, the applicant shall submit a complete set of draft improvement plans. The County Engineer is authorized to approve the improvement plans after determining the plan's compliance with all applicable standards and specifications, and after receiving approval of the improvement plans from the culinary water, secondary water, and sanitary sewer service providers, if applicable. The approvals from those service providers shall include a copy of the version of improvement plans for which they are offering approval. The applicant shall submit a copy of the final approved improvement plans with the final subdivision plat mylar. The final approved improvement plans shall be signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision.
- (b) The applicant may submit improvement plans prior to final plat approval, but not before preliminary plan/plat approval by the Land Use Authority. The County Engineer, in his sole discretion, may approve final improvement plans prior to final plat approval. No subdivision improvements or utilities shall be installed until after approval of the final improvement plans by the County Engineer. The County Engineer's approval of final improvement plans prior to final plat approval, or the County Engineer's authorization to commence construction of the improvements, shall not constitute entitlement or vesting of any particular final plat design. The applicant bears all risk associated with pursuing approval of final improvement plans and commencement of construction of improvements prior to final plat approval.
- (c) All improvements shall comply with the ~~specifications and standards contained in the county's current "Public Work Standards and Technical Specifications."~~ standards and specifications referenced in Section 106-4-5, and the standards and specifications of relevant utility service providers.
- (d) All ~~required subdivision~~ improvements shall be installed ~~and pass inspection, pursuant to Section 106-4-3,~~ prior to issuance of any land use permit ~~in a subdivision, within a newly approved subdivision. The only improvements that may not be required prior to construction of a dwelling are~~ This shall not apply to the asphalt, chip and seal, landscaping, street monuments, ~~secondary water (if not in the right-of-way); and or~~

curb, gutter, and sidewalk as long as a sufficient financial guarantee of improvements exists or is provided as required by Section 106-4-3 for the incomplete improvements. A certificate of occupancy shall not be issued until the missing improvements are installed and pass inspection.

- (e) All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road will require a special permit and include requirements for special backfill and asphalt replacement.
- (f) The applicant shall sign a survey monumentation improvement agreement and pay applicable fees associated prior to the county surveyor signing the final subdivision plat Mylar.
- (g) Upon completion of the construction of roads and utility lines, the developer's engineer shall prepare and submit as-built plans for all improvements for the approval of the ~~e~~County ~~e~~Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible Mylars prior to county acceptance for maintenance of roads.
- (h) Whenever the applicant develops a subdivision a phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available to the buyers of the lots. The applicant shall be responsible for coordinating the installation of utilities, streets, water lines, fire hydrants, and all other required improvements with the buyers of lots.
- ~~(i) New subdivisions with sole access from a substandard street shall not be approved until the substandard street is fully improved to county public work standards and adopted right-of-way width.~~

(Ord. of 1952, title 26, § 4-1; Ord. No. 3-82, 1-26-1982; Ord. No. 2012-2, § 1(26-4-1), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

Editor's note—Ord. No. 2017-27, Exh. B, adopted July 25, 2017, amended the catchline of § 106-4-1 from "Owner of subdivision responsible for costs" to read as herein set out.

SECTION 28: AMENDMENT “Sec 106-4-2.1 Water Supply” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-4-2.1 Water Supply

- (a) *Culinary and secondary water supply and delivery system required.* The applicant is responsible for providing a culinary and secondary water supply and delivery system to or on each lot. The system shall provide sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water. The standard method for accomplishing this, and the default requirement, is for the applicant to connect to an existing public culinary water service provider’s system and to connect

to an existing secondary water service provider's system. However, to benefit applicants in certain circumstances, connection to a new water service provider's system or a private well may be allowed as an alternative, as described in this Section. Water supply and delivery systems shall comply with the following:

(1) ***Water service provider connection.***

a. ***Connection to existing water supply and delivery system, requirement qualifiers.***

1. ***Connection requirements and qualifiers.*** If any lot within the subdivision is located within a distance of 50 feet multiplied by the number of proposed lots from a public culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable County standards, each lot within the subdivision shall be connected to the service provider's water delivery system;
2. ***Multiple local systems.*** If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the County Engineer shall make the final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible.

b. ***Connection to new water supply and delivery system.***

1. ***Creation of and connection to new system.*** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.
2. ***Ownership, operation, and management of new system.*** Unless the new system will be owned, operated, and managed by an existing local water service provider, a new water service provider shall be created pursuant to state law to own, operate, and manage the new system.
3. ***New system in existing water service provider's planned expansion area.*** If any part of the subdivision is situated within the expansion area of an existing culinary or secondary

water service provider's water delivery system, then the following are required unless the existing service provider specifies otherwise in writing:

- i. ***Existing service provider's ownership of new system.*** At the existing service provider's sole option, upon written request, the applicant shall transfer ownership of the new system, including but not limited to, the piping, conveyances, easements, sources, any other infrastructure, and the related water rights, contracts and shares, to the existing service provider at no cost, unless negotiated by the entities otherwise.
- ii. ***New system to conform to existing system.*** The new system shall be constructed pursuant to the requirements and standards of the existing service provider.
- iii. ***New system's future consolidation into existing system.*** The new system shall be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the new and existing systems.
- iv. ***Contract.*** A contract shall be executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider. Unless negotiated by the entities otherwise:
 - (a) The contract shall provide for the conveyance of applicable ownership and operation rights, necessary water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing; and
 - (b) The infrastructure expense required to consolidate systems shall be borne by the existing service provider and any debt obligation incurred by the newer service provider shall remain the responsibility of the users of the system for which the debt was incurred.
- v. ***Service provider maps required.*** An existing service provider intending to use this provision for future expansion shall submit documentation to the County showing its current operating area and adopted future expansion area in an accurate geographically-referenced format.

vi. **Multiple local systems.** If multiple service providers' expansion areas include portions of the subdivision, then the applicant shall furnish written verification to the County of each provider's intent to eventually serve the development. The existing system that will yield the best organization of services and long-term performance of water infrastructure in the area shall be used to satisfy this part, as determined by the County Engineer.

(2) **Private well connection.** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-2.1, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1. The applicant shall simultaneously submit all wells proposed in the subdivision, including all phases if applicable, for well approval to the Utah Division of Water Rights.

(b) **Required water quantity.** Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.

(1) **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.

(2) **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.

a. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this section.

b. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:

1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves

and stations on which vegetation with similar watering needs shall be grouped, if applicable;

2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
3. A note is placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements herein, if applicable; and
4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.

c. **Secondary water exemption.** A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation. Clearing minimal area needed for buildings, driveways, accessory uses, wildfire defensible space, and similar uses is allowed under this exemption as long as it does not result in the need for outdoor watering. The following shall be provided with the final plat:

1. A restricted-landscape covenant is recorded to the lot. The covenant shall restrict the removal or addition of living vegetation from the lot unless the owner acquires the secondary water required by this section; and
2. A note shall be placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants.

(c) **Capacity assessment.** Prior to final plat approval by the planning commission, the applicant shall provide the county with a written capacity assessment for the culinary and secondary water supply and delivery system.

(1) **Water service provider capacity assessment.** For the creation or expansion of a water service provider's water supply and delivery system, the capacity assessment shall include:

- a. Written verification from the water service provider. The assessment shall verify:

1. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary or secondary water needs of each applicable subdivision lot;
 2. For a culinary water provider, that adequate culinary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of culinary water including, but not limited to, applicable secondary water uses and fire suppression appurtenances;
 3. For a secondary water provider, that adequate secondary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of secondary water; and
 4. The specific details regarding the requirements or conditions for the water service of which the county should be aware during the approval or construction process.
- b. For a culinary water supply and delivery system, evidence that a state construct permit has been secured from the Utah Department of Environmental Quality’s Division of Drinking Water.
- (2) ***Private well capacity assessment.*** For a private well’s water supply and delivery system, the capacity assessment shall include:
- a. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
 - b. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
 1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;
 2. Evidence that the annual cost for the District’s allocation is, or will be, attached to the tax notice of each lot; and
 - c. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.
- (d) ***Water supply and delivery system improvements required.***
- (1) ***Improvements required for water service provider.*** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.
 - a. ***Main delivery line extents.*** Culinary and secondary water main delivery lines shall be provided to the furthest extent of the subdivision boundary within a public street right-of-way or a public utility easement, and laterals shall be stubbed to each lot.
 - b. ***Infrastructure capacity.*** Infrastructure shall be designed with sufficient capacity for the system service area as determined by the water service provider, or as may otherwise be required by the County

Engineer.

- c. **Metering.** All culinary and secondary water connections shall be metered.
- d. **Improvements operational before permit.** Water lines and fire hydrants shall be operational before building permits are issued for any structures.
- e. **New source.** If the service provider determines the source is needed to serve the new lots, a new water source shall be provided, with all needed rights or shares, and connected to the service provider's water delivery system in compliance with the provider's requirements and standards.
- f. **Conflicting requirements.** The County Engineer has discretion to waive or modify any of the foregoing requirements in this Subsection (d)(1) if in conflict with the service provider's requirements.
- g. **Prior to County's final acceptance.** The applicant shall submit to the county written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to final acceptance of the subdivision's improvements by the County.
- h. **No obligation to County.** Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.

(2) **Improvements required for private well.**

- a. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
- b. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.

(e) **Culinary water conditioned on secondary water.** If a culinary water service provider has conditioned its service on adequate access to a secondary water service, the following apply:

- (1) **Verification.** A culinary water service provider bears full responsibility for verifying a secondary water system's capability to satisfy the culinary water service provider's conditions and requirements before it will offer culinary water service to the subdivision.
- (2) **Culinary water restrictions.** Unless expressly authorized by the culinary water provider, no culinary water is authorized for watering vegetation using sprinklers or other irrigation methods. A culinary water provider has the

authority to take appropriate action if unauthorized use of culinary water for an outdoor application is found.

- (3) ***Exactions and denials of water service provider.*** A water service provider, whether culinary or secondary, shall not use this section to require an unlawful exaction or an unlawful subdivision denial, pursuant to state law. Requirements for secondary water shall be reasonable and in accordance with industry best practices.

- (f) ***Irrigation water exemption in small subdivisions.*** In the Ogden Valley, a [small subdivision](#), as defined in [Section 101-2-20](#), may use existing irrigation water to meet the secondary water requirements of this Section if irrigation water has been consistently used on the land prior to the subdivision, and is being proposed to be used to irrigate the same general area. Each resulting lot shall be given sufficient water rights, shares, or stock to irrigate the area specified in Subsection (b)(2) of this Section.
- (g) ***Transfer of rights or shares and penalty for removal.*** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. The culinary water service provider, or when the subdivision is located in a secondary water service provider's expansion area, the secondary water service provider, is authorized to require sufficient secondary water rights or shares to be transferred to them to be held in trust until the secondary water service provider's system has been extended to the subdivision. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner's association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all associated enforcement measures being at the County's disposal. The County is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Director or County Engineer.

AFTER AMENDMENT

Sec 106-4-2.1 Water Supply

- (a) ***Culinary and secondary water supply and delivery system required.*** The applicant is responsible for providing a culinary and secondary water supply and delivery system to or on each lot. The system shall provide sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water. The standard method for accomplishing this, and the default requirement, is for the applicant to connect to an existing public culinary water service provider's system and to connect to an existing secondary water service provider's system. However, to benefit applicants in certain circumstances, connection to a new water service provider's system or a private well may be allowed as an alternative, as described in this Section. Water supply and delivery systems shall comply with the following:
- (1) ***Water service provider connection.***

- a. **Connection to existing water supply and delivery system, requirement qualifiers.**
 1. **Connection requirements and qualifiers.** If any lot within the subdivision is located within a distance of 50 feet multiplied by the number of proposed lots from a public culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable County standards, each lot within the subdivision shall be connected to the service provider's water delivery system;
 2. **Multiple local systems.** If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the County Engineer shall make the final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible.
- b. **Connection to new water supply and delivery system.**
 1. **Creation of and connection to new system.** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.
 2. **Ownership, operation, and management of new system.** Unless the new system will be owned, operated, and managed by an existing local water service provider, a new water service provider shall be created pursuant to state law to own, operate, and manage the new system.
 3. **New system in existing water service provider's planned expansion area.** If any part of the subdivision is situated within the expansion area of an existing culinary or secondary water service provider's water delivery system, then the following are required unless the existing service provider specifies otherwise in writing:
 - i. **Existing service provider's ownership of new system.** At the existing service provider's sole option,

upon written request, the applicant shall transfer ownership of the new system, including but not limited to, the piping, conveyances, easements, sources, any other infrastructure, and the related water rights, contracts and shares, to the existing service provider at no cost, unless negotiated by the entities otherwise.

- ii. ***New system to conform to existing system.*** The new system shall be constructed pursuant to the requirements and standards of the existing service provider.
- iii. ***New system's future consolidation into existing system.*** The new system shall be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the new and existing systems.
- iv. ***Contract.*** A contract shall be executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider. Unless negotiated by the entities otherwise:
 - (a) The contract shall provide for the conveyance of applicable ownership and operation rights, necessary water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing; and
 - (b) The infrastructure expense required to consolidate systems shall be borne by the existing service provider and any debt obligation incurred by the newer service provider shall remain the responsibility of the users of the system for which the debt was incurred.
- v. ***Service provider maps required.*** An existing service provider intending to use this provision for future expansion shall submit documentation to the County showing its current operating area and adopted future expansion area in an accurate geographically-referenced format.
- vi. ***Multiple local systems.*** If multiple service providers' expansion areas include portions of the subdivision, then the applicant shall furnish written verification to the County of each provider's intent to eventually serve the development. The existing system that will

yield the best organization of services and long-term performance of water infrastructure in the area shall be used to satisfy this part, as determined by the County Engineer.

- (2) **Private well connection.** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-2.1, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1. The applicant shall simultaneously submit all wells proposed in the subdivision, including all phases if applicable, for well approval to the Utah Division of Water Rights.
- (b) **Required water quantity.** Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.
- (1) **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
- (2) **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
- a. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this section.
- b. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
 2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights,

or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;

3. A note is placed on the final recorded plat ~~that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements herein, if applicable~~ as required in Section 106-1-8.2; and
4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.

c. **Secondary water exemption.** A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation. Clearing minimal area needed for buildings, driveways, accessory uses, wildfire defensible space, and similar uses is allowed under this exemption as long as it does not result in the need for outdoor watering. The following shall be provided with the final plat:

1. A restricted-landscape covenant is recorded to the lot. The covenant shall restrict the removal or addition of living vegetation from the lot unless the owner acquires the secondary water required by this section; and
2. A note shall be placed on the final recorded plat ~~that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants~~ as required in Section 106-1-8.2.

(c) **Capacity assessment.** Prior to final plat approval by the planning commission, the applicant shall provide the county with a written capacity assessment for the culinary and secondary water supply and delivery system.

(1) **Water service provider capacity assessment.** For the creation or expansion of a water service provider's water supply and delivery system, the capacity assessment shall include:

- a. Written verification from the water service provider. The assessment shall verify:
 1. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary or secondary water needs of each applicable subdivision lot;
 2. For a culinary water provider, that adequate culinary water

flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of culinary water including, but not limited to, applicable secondary water uses and fire suppression appurtenances;

3. For a secondary water provider, that adequate secondary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of secondary water; and
4. The specific details regarding the requirements or conditions for the water service of which the county should be aware during the approval or construction process.

b. For a culinary water supply and delivery system, evidence that a state construct permit has been secured from the Utah Department of Environmental Quality's Division of Drinking Water.

(2) **Private well capacity assessment.** For a private well's water supply and delivery system, the capacity assessment shall include:

- a. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
- b. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
 1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;
 2. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax notice of each lot; and
- c. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.

(d) **Water supply and delivery system improvements required.**

(1) **Improvements required for water service provider.** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.

- a. **Main delivery line extents.** Culinary and secondary water main delivery lines shall be provided to the furthest extent of the subdivision boundary within a public street right-of-way or a public utility easement, and laterals shall be stubbed to each lot.
- b. **Infrastructure capacity.** Infrastructure shall be designed with sufficient capacity for the system service area as determined by the water service provider, or as may otherwise be required by the County Engineer.
- c. **Metering.** All culinary and secondary water connections shall be metered.
- d. **Improvements operational before permit.** Water lines and fire hydrants shall be operational before building permits are issued for

any structures.

- e. ***New source.*** If the service provider determines the source is needed to serve the new lots, a new water source shall be provided, with all needed rights or shares, and connected to the service provider's water delivery system in compliance with the provider's requirements and standards.
- f. ***Conflicting requirements.*** The County Engineer has discretion to waive or modify any of the foregoing requirements in this Subsection (d)(1) if in conflict with the service provider's requirements.
- g. ***Prior to County's final acceptance.*** The applicant shall submit to the county written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to final acceptance of the subdivision's improvements by the County.
- h. ***No obligation to County.*** Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.

(2) ***Improvements required for private well.***

- a. ***Private well drilling and testing.*** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
- b. ***Metering.*** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.

(e) ***Culinary water conditioned on secondary water.*** If a culinary water service provider has conditioned its service on adequate access to a secondary water service, the following apply:

- (1) ***Verification.*** A culinary water service provider bears full responsibility for verifying a secondary water system's capability to satisfy the culinary water service provider's conditions and requirements before it will offer culinary water service to the subdivision.
- (2) ***Culinary water restrictions.*** Unless expressly authorized by the culinary water provider, no culinary water is authorized for watering vegetation using sprinklers or other irrigation methods. A culinary water provider has the authority to take appropriate action if unauthorized use of culinary water for an outdoor application is found.
- (3) ***Exactions and denials of water service provider.*** A water service provider, whether culinary or secondary, shall not use this section to require an unlawful

exaction or an unlawful subdivision denial, pursuant to state law.

Requirements for secondary water shall be reasonable and in accordance with industry best practices.

- (f) ***Irrigation water exemption in small subdivisions.*** In the Ogden Valley, a [small subdivision](#), as defined in [Section 101-2-20](#), may use existing irrigation water to meet the secondary water requirements of this Section if irrigation water has been consistently used on the land prior to the subdivision, and is being proposed to be used to irrigate the same general area. Each resulting lot shall be given sufficient water rights, shares, or stock to irrigate the area specified in Subsection (b)(2) of this Section.
- (g) ***Transfer of rights or shares and penalty for removal.*** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. The culinary water service provider, or when the subdivision is located in a secondary water service provider's expansion area, the secondary water service provider, is authorized to require sufficient secondary water rights or shares to be transferred to them to be held in trust until the secondary water service provider's system has been extended to the subdivision. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner's association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all associated enforcement measures being at the County's disposal. The County is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Director or County Engineer.

SECTION 29: AMENDMENT "Sec 106-4-3 Guarantee Of Improvements" of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 106-4-3 Guarantee Of Improvements

- (a) *Financial guarantee for the completion of improvements.* An applicant who desires to record any subdivision plat prior to the completion of improvements shall provide a financial guarantee for the completion of the improvements. The applicant shall furnish and file with the county an escrow agreement or a letter of credit in an amount equal to 110 percent of the future cost of the installation of the improvements at the termination of the two-year improvement completion period, as estimated by the county engineer, to assure the installation of improvements within two years.
- (1) *Escrow agreement.* An escrow agreement, and the associated funds, requires the approval of the county commissioners and county attorney. Escrow funds shall be deposited with the county treasurer at the time the escrow agreement

is executed.

(2) *Letter of credit.* An applicant may only use a letter of credit if the following conditions are met:

- a. The engineer's cost estimate for installation of the improvements exceeds \$1,000,000.00;
- b. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members or shareholders has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance, in completing developments in the State of Utah. The planning director or county engineer may require the applicant to provide a performance history from other jurisdictions;
- c. The applicant's financial institution has a history of positive performance in fulfilling its financial obligations, as determined by the county treasurer and based on typical conventions of the financial industry;
- d. The applicant's financial institution provides the letter of credit on a standard letter of credit form supplied by Weber County or in a form that provides equal or greater financial protection to the county, as determined by the county attorney;
- e. The county attorney, county treasurer, and county commissioners approve the letter of credit, which they shall do if all of the conditions above are met unless they have reasonable, objective indications of a substantial risk that either the applicant or the applicant's financial institution will not fulfill its obligations related to the completion of improvements or the financial guarantee; and
- f. A cash escrow is deposited with the county treasurer at the time the letter of credit is executed equal to the full cost to revegetate any removed vegetation in the event the applicant, his successors or heirs, or his financial institution fails to perform.

(3) *Acceptance of financial guarantee.* A financial guarantee under this section is accepted when the County Engineer signs a standard subdivision improvement agreement and an escrow agreement or letter of credit. After the subdivision improvement agreement is approved and executed, the applicant may record the subdivision, as long as all other recording requirements have been met. The recording of the subdivision will allow the developer to sell the lots, but not allow building and/or land use permits to be issued until all improvements are installed, except as listed in this Title.

(b) *Partial release of financial guarantee.* Unless otherwise specified by the terms of the subdivision improvement agreement, the county is only obligated to offer a partial release of the financial guarantee for an independent improvement system, including but not limited to those specified in section 106-4-2, that is completed to the satisfaction of the county engineer.

(c) *Warranty, and conditional acceptance of improvements.* Upon satisfactory completion

of all improvements, as determined by the county engineer, the improvements shall enter a conditional acceptance period. Ten percent of the approved financial guarantee shall be retained by the county for an improvement warranty period as defined by U.C.A. 1953, § 17-27a-103. At the discretion of the county engineer, the warranty period may restart for any individual improvement needing replacement or repairs prior to the end of the conditional acceptance period.

- (d) *Final acceptance of improvements.* After the warranty period has expired, if the improvements have performed to the county engineer's satisfaction, the county engineer shall release the remainder of the financial guarantee. At this time the county engineer may also offer final acceptance of the improvements. Final acceptance may be withheld if circumstances unforeseen at the time of conditional acceptance become known that expose the county or the public to unreasonable financial or safety risk. The county is not responsible for operations or maintenance of public improvements that have not received final acceptance.

(Ord. of 1952, title 26, § 4-3; Ord. No. 3-85, 4-17-1985; Ord. No. 13-91, 6-26-1991; Ord. No. 2002-11, 6-18-2002; Ord. No. 11-2005, 8-16-2005; Ord. No. 2009-32, 12-22-2009; Ord. No. 2012-2, § 1(26-4-3), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

AFTER AMENDMENT

Sec 106-4-3 Guarantee Of Improvements

- (a) *Financial guarantee for the completion of improvements.* An applicant who desires to record any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee for the completion of the improvements. The applicant shall furnish and file with the county an escrow agreement or a letter of credit in an amount equal to 110 percent of the future cost of the installation of the improvements at the termination of the two-year improvement completion period, as estimated by the county engineer, to assure the installation of improvements within two years.
- (1) *Escrow agreement.* An escrow agreement, and the associated funds, requires the approval of the ~~county commissioners~~ County Engineer and County Attorney. Escrow funds shall be deposited with the ~~eCounty~~ County Treasurer at the time the escrow agreement is executed.
- (2) *Letter of credit.* An applicant may only use a letter of credit if the following conditions are met:
- a. The engineer's cost estimate for installation of the improvements exceeds \$1,000,000.00;
 - b. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members or shareholders has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance, in completing developments in the State of Utah. The ~~p~~ Planning Director or ~~e~~ County Engineer may require the applicant to provide a performance history from other jurisdictions;

- c. The applicant's financial institution has a history of positive performance in fulfilling its financial obligations, as determined by the county treasurer and based on typical conventions of the financial industry;
- d. The applicant's financial institution provides the letter of credit on a standard letter of credit form supplied by Weber County or in a form that provides equal or greater financial protection to the county, as determined by the eCounty aAttorney;
- e. The eCounty aAttorney, eCounty tTreasurer, and eCounty ~~commissioners~~Engineer approve the letter of credit, which they shall do if all of the conditions above are met unless they have reasonable, objective indications of a substantial risk that either the applicant or the applicant's financial institution will not fulfill its obligations related to the completion of improvements or the financial guarantee; and
- f. A cash escrow is deposited with the county treasurer at the time the letter of credit is executed equal to the full cost to revegetate any removed vegetation in the event the applicant, his successors or heirs, or his financial institution fails to perform.

(3) *Acceptance of financial guarantee.* A financial guarantee under this section is accepted when the County Engineer signs a standard subdivision improvement agreement and an escrow agreement or letter of credit. After the subdivision improvement agreement is approved and executed, the applicant may record the subdivision, as long as all other recording requirements have been met. The recording of the subdivision will allow the developer to sell the lots, but not allow building and/or land use permits to be issued until all improvements are installed, except as listed in this Title.

- (b) *Partial release of financial guarantee.* Unless otherwise specified by the terms of the subdivision improvement agreement, the county is only obligated to offer a partial release of the financial guarantee for an independent improvement system, including but not limited to those specified in section 106-4-2, that is completed to the satisfaction of the eCounty eEngineer.
- (c) *Warranty, and conditional acceptance of improvements.* Upon satisfactory completion of all improvements, as determined by the eCounty eEngineer, the improvements shall enter a conditional acceptance period. Ten percent of the approved financial guarantee shall be retained by the county for an improvement warranty period as defined by U.C.A. 1953, § 17-27a-103. At the discretion of the county engineer, the warranty period may restart for any individual improvement needing replacement or repairs prior to the end of the conditional acceptance period.
- (d) *Final acceptance of improvements.* After the warranty period has expired, if the improvements have performed to the eCounty eEngineer's satisfaction, the eCounty eEngineer shall release the remainder of the financial guarantee. At this time the eCounty eEngineer may also offer final acceptance of the improvements. Final acceptance may be withheld if circumstances unforeseen at the time of conditional acceptance become known that expose the county or the public to unreasonable financial or safety risk. The county is not responsible for operations or maintenance of

public improvements that have not received final acceptance.

(Ord. of 1952, title 26, § 4-3; Ord. No. 3-85, 4-17-1985; Ord. No. 13-91, 6-26-1991; Ord. No. 2002-11, 6-18-2002; Ord. No. 11-2005, 8-16-2005; Ord. No. 2009-32, 12-22-2009; Ord. No. 2012-2, § 1(26-4-3), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

SECTION 30: **ADOPTION** “Sec 106-4-5* Public Works Standards And Technical Specifications” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 106-4-5* Public Works Standards And Technical Specifications (Non-existent)

AFTER ADOPTION

Sec 106-4-5* Public Works Standards And Technical Specifications(*Added*)

The County hereby adopts the requirements of the APWA 2012 Manual of Standard Plans and Manual of Standard Specifications, along with the “Public Works Standards and Technical Specifications” prepared in August 1982 by James M. Montgomery Consulting Engineers. The County Engineer shall have the authority to approve alternative designs and standards when there is compelling evidence that an alternative design or standard would be best under the circumstances. From time to time, the County may adopt or replace these documents, in whole or in part, by resolution.

SECTION 31: **AMENDMENT** “Sec 108-14-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-14-1 Purpose And Intent

- (a) It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Land Use Code of Weber County require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive areas, such features as special soil conditions, steep terrain, highly combustible native vegetation, and other conditions may pose serious potential consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty

and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.

- (b) In the administration of the provisions of this chapter, the hillside development review board shall strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging and requiring, where necessary, the following:
- (1) A minimum amount of grading which preserves the natural contours of the land.
 - (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.
 - (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
 - (4) Placement of building sites in such a manner as to permit ample room for adequate defensible area as defined by the fire code, landscaping and drainage between and around the buildings.
 - (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
 - (6) Lot and structure designs and location which will be appropriate in order to reduce grading and natural topographic disturbance.
 - (7) Cluster type development or other new concepts and techniques, where appropriate, in order to eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
 - (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain necessary cut and fill slopes in order to stabilize them with plant roots or other materials, thereby preventing erosion and to conceal the raw soil from view.

(Ord. of 1956, § 36B-1; Ord. No. 2009-20; Ord. No. 2016-17, Exh. A, 11-8-2016)

AFTER AMENDMENT

Sec 108-14-1 Purpose And Intent

- (a) It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Land Use Code of Weber County require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive areas, such features as special soil conditions, steep terrain, highly combustible native vegetation, and other conditions may pose serious potential consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.
- (b) In the administration of the provisions of this chapter, the ~~hillside development review board~~ County shall will strive to achieve the objective of preserving the natural contours

of the hillside areas by encouraging and requiring, where necessary, the following:

- (1) A minimum amount of grading which preserves the natural contours of the land.
- (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.
- (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
- (4) Placement of building sites in such a manner as to permit ample room for adequate defensible area as defined by the fire code, landscaping and drainage between and around the buildings.
- (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
- (6) Lot and structure designs and location which will be appropriate in order to reduce grading and natural topographic disturbance.
- (7) Cluster type development or other new concepts and techniques, where appropriate, in order to eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain necessary cut and fill slopes in order to stabilize them with plant roots or other materials, thereby preventing erosion and to conceal the raw soil from view.

(Ord. of 1956, § 36B-1; Ord. No. 2009-20; Ord. No. 2016-17, Exh. A, 11-8-2016)

SECTION 32: **AMENDMENT** “Sec 108-14-3 Applicability” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-14-3 Applicability

- (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an application request for land use and building permits. Hillside review is required as part of the preliminary subdivision review. This requirement may be waived by the planning director and the county engineer on a case-by-case basis.
- (b) The planning division shall not issue any land use permits, and the building official shall not issue any building permits until detailed plans and engineered drawings have been submitted to, and approved by the hillside development review board. Any condition attached to such approval by said board shall be a condition required with the issuance of land use permit. All parcels, subdivisions, lots, roads and accesses may

come under consideration of the review board if requested by the owner, developer, or review agency. Other circumstances may warrant a review as found in title 108, chapter 22 Natural Hazard Areas.

(Ord. of 1956, § 36B-3; Ord. No. 2009-20; Ord. No. 2016-17, Exh. A, 11-8-2016)

AFTER AMENDMENT

Sec 108-14-3 Applicability

- (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or exceeding 25 percent shall be reviewed ~~by the Hillside Development Review Board~~ as part of an application request for a land use permit and building permits. Hillside review is required as part of ~~the~~ preliminary subdivision review. ~~This requirement may be waived by the planning director and the county engineer on a case-by-case basis.~~
- (b) The planning division shall not issue any land use permits, and the building official shall not issue any building permits until detailed plans and engineered drawings have been ~~submitted to, and approved by the hillside development review board~~ reviewed for compliance with this chapter. Any condition attached to ~~such an~~ approval ~~by said board~~ shall be a condition required with the issuance of land use permit. ~~All parcels, subdivisions, lots, roads and accesses may come under consideration of the review board if requested by the owner, developer, or review agency.~~ Other circumstances may warrant a review as found in title 108, chapter 22 Natural Hazard Areas.

(Ord. of 1956, § 36B-3; Ord. No. 2009-20; Ord. No. 2016-17, Exh. A, 11-8-2016)

SECTION 33: AMENDMENT “Sec 108-14-4 Procedure” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-14-4 Procedure

Application plans and applications of the proposed development and any relevant information regarding building and excavation of the site are to be submitted to the planning division. Information shall include, but not be limited to the following:

- (a) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- (b) Site plan with contours.
- (c) Cross sections of improvements.
- (d) Retaining wall designs with engineers stamp (if applicable).
- (e) Geotechnical report (site-specific for structures) and, if applicable, verification of

- compliance with the requirements of title 108, chapter 22 Natural Hazard Areas.
- (f) Other studies and/or information deemed necessary by the members of the board.
- (g) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution prevention plan (SWPPP) shall be required at the time of application. Erosion control landscaping on cuts, fills and other locations, considered necessary by the review board, shall be provided in order to prevent erosion.
- (h) A landscape plan as per section 108-14-10.

(Ord. of 1956, § 36B-4; Ord. No. 2009-20 Ord. No. 2016-17, Exh. A, 11-8-2016)

AFTER AMENDMENT

Sec 108-14-4 Procedure

~~Application~~ ~~Where this chapter is applicable,~~ plans ~~applications~~ of ~~the a~~ proposed development, and any relevant information regarding building and excavation of the site, are to be submitted ~~with a development application to the planning division~~. Information shall include, but not be limited to the following:

- (a) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- (b) Site plan with two-foot contours or less.
- (c) Cross sections of improvements.
- (d) Retaining wall designs with engineers stamp (if applicable).
- (e) Geotechnical report (site-specific for structures) and, if applicable, verification of compliance with the requirements of title 108, chapter 22 Natural Hazard Areas.
- (f) Other studies and/or information deemed necessary by the members of the board.
- (g) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution prevention plan (SWPPP) shall be required at the time of application. Erosion control landscaping on cuts, fills and other locations, considered necessary by the review board, shall be provided in order to prevent erosion.
- (h) A landscape plan as per section 108-14-10.

(Ord. of 1956, § 36B-4; Ord. No. 2009-20 Ord. No. 2016-17, Exh. A, 11-8-2016)

SECTION 34: AMENDMENT “Sec 108-14-5 Hillside Development Review Board” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-14-5 Hillside Development Review Board

- (a) The review board membership shall consist of the county planning director as the chairperson, the county engineer, the county building official, the fire district fire chief,

and the Weber Morgan health official or their representatives. Representatives from the respective planning area planning commission shall be requested when the review involves a subdivision application and not an individual lot. The duty of the board is to review and regulate development on hillsides in accordance with this chapter. The planning division will coordinate the efforts of this review board.

- (b) The review board shall visit the site as a group when reviewing hillsides on a new subdivision. The review board may go as a group or as an individual member when reviewing any parcel or existing subdivision lot. Upon the board's review, board members shall submit their findings in writing to the planning division within 21 days of an agency review request. Additional members may be appointed to the hillside development review. Additional members may be appointed to the hillside development review board by the planning director when found to be of benefit to the performance of the duties of the review board.
- (c) The review board shall have the power and duty of reviewing and regulating hillside developments in accordance with this chapter within those lots, parcels or portions thereof which are defined as "restricted" and for streets abutting such lots, or those requested by an agency review.
- (d) The review board's recommendations and/or requirements shall be furnished in writing to the applicant prior to any further approvals.

(Ord. of 1956, § 36B-5; Ord. No. 2009-20; Ord. No. 2015-22, Exh. A, 12-22-2015)

AFTER AMENDMENT

Sec 108-14-5 ~~Hillside Development Review Board~~(Reserved)

- ~~(a) The review board membership shall consist of the county planning director as the chairperson, the county engineer, the county building official, the fire district fire chief, and the Weber Morgan health official or their representatives. Representatives from the respective planning area planning commission shall be requested when the review involves a subdivision application and not an individual lot. The duty of the board is to review and regulate development on hillsides in accordance with this chapter. The planning division will coordinate the efforts of this review board. The review board shall visit the site as a group when reviewing hillsides on a new subdivision. The review board may go as a group or as an individual member when reviewing any parcel or existing subdivision lot. Upon the board's review, board members shall submit their findings in writing to the planning division within 21 days of an agency review request. Additional members may be appointed to the hillside development review. Additional members may be appointed to the hillside development review board by the planning director when found to be of benefit to the performance of the duties of the review board. The review board shall have the power and duty of reviewing and regulating hillside developments in accordance with this chapter within those lots, parcels or portions thereof which are defined as "restricted" and for streets abutting such lots, or those requested by an agency review. The review board's recommendations and/or requirements shall be furnished in writing to the applicant prior to any further approvals.~~(Reserved)

(Ord. of 1956, § 36B-5; Ord. No. 2009-20; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 35: AMENDMENT “Sec 108-14-6 Restricted Lot Requirements And Lots Requiring A Buildable Area” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-14-6 Restricted Lot Requirements And Lots Requiring A Buildable Area

Each lot or parcel of land meeting the definition of a "restricted lot" or that requires a buildable area as defined by section 101-1-7 shall have an increased lot area and lot width as the lot or parcel slope percentage increases, as determined from the tables in section 108-14-12. Such lots shall also have sufficient area for the buildings, setbacks, yards, septic tank and drain fields, wells and any necessary cuts and fills, drainage facilities and stabilization areas required by the hillside development review board.

(Ord. of 1956, § 36B-6; Ord. No. 2009-20; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note— Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 108-14-6 from "Restricted lot requirements" to read as herein set out.

AFTER AMENDMENT

Sec 108-14-6 Restricted Lot Requirements And Lots Requiring A Buildable Area

Each lot or parcel of land meeting the definition of a "restricted lot" or that requires a buildable area as defined by ~~section~~ **S**ection 101-1-7 shall have an increased lot area and lot width as the lot or parcel slope percentage increases, as determined from the tables in section 108-14-12. Such lots shall also have sufficient area for the buildings, setbacks, yards, septic tank and drain fields, wells and any necessary cuts and fills, drainage facilities and stabilization areas **required by the hillside development review board.**

(Ord. of 1956, § 36B-6; Ord. No. 2009-20; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note— Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 108-14-6 from "Restricted lot requirements" to read as herein set out.

SECTION 36: AMENDMENT “Sec 108-14-7 Streets And Roads” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-14-7 Streets And Roads

The hillside development review board shall review and approve detailed engineering plans for all streets and roads requiring cut and/or fill, on all lands with slopes of 25 percent or more, prior to preliminary approval of the subdivision.

(Ord. of 1956, § 36B-7; Ord. No. 2009-20)

AFTER AMENDMENT

Sec 108-14-7 Streets And Roads

The ~~hillside development review board~~ County Engineer shall review and approve detailed engineering plans for all streets and roads requiring cut and/or fill, on all lands with slopes of 25 percent or more, prior to preliminary approval of the subdivision.

(Ord. of 1956, § 36B-7; Ord. No. 2009-20)

SECTION 37: AMENDMENT “Sec 108-14-8 Excavation, Grading And Filling” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 108-14-8 Excavation, Grading And Filling

- (a) All excavation shall conform to the county excavation ordinance (title 18 of this Code). No extensive grading shall occur that detracts from the aesthetics and is detrimental to the soils stability and erosion.
- (b) No excavation shall be made with a cut face steeper in slope than 1½ horizontal to one vertical, except under the following conditions through a soils engineering report and grading plan, as approved by the county engineer.
 - (1) That the material making up the slope of the excavation and the underlying earth material being used is capable of standing on a steeper slope; or
 - (2) An engineered retaining wall or other support is provided to support the face of the excavation.
- (c) An excavation, with a cut face flatter in slope than 1½ horizontal to one vertical may be required if the material in which the excavation is made is such that the flatter cut slope is necessary for stability or safety.
- (d) No excavation shall be made close to the property line which may endanger any adjoining public or private property or structures without supporting and protecting such property or structures from settling, cracking or other damage which might result.
- (e) No cut slope shall exceed a height of 15 feet. The review board may modify this requirement if it determines erosion and visual impacts are mitigated as identified in landscaping.

- (f) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except where a retaining wall is provided for support or where the developer shows that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope and that the areas on which the fill is to be placed are suitable to support the fill.
- (g) The review board may recommend and/or require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical if such flatter surface is necessary for stability or safety.
- (h) Fill slopes shall not exceed 20 feet in height, however this may be modified by the review board with findings of extenuating circumstances.
- (i) Toes of fill slopes shall not be made nearer to a lot boundary than one-half the height of the fill, but need not exceed 20 feet.
- (j) The natural ground surface shall be prepared to receive fill by removing organic material noncomplying fill, and top soil, where natural slopes are five horizontal to one vertical or steeper, the natural ground surface shall be prepared to receive fill by benching into sound bedrock or other competent material.
- (k) No organic material shall be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than eight inches shall be buried or placed in fills within two feet of the final grade.
- (l) Building foundations shall be set back from the top of slopes a minimum distance of five feet for all cut slopes steeper than two horizontal to one vertical. No buildings shall be constructed on cut or fill slopes steeper than two horizontal to one vertical.

(Ord. of 1956, § 36B-8; Ord. No. 2009-20)

AFTER AMENDMENT

Sec 108-14-8 Excavation, Grading And Filling

- (a) All excavation shall conform to the county excavation ordinance (title 18 of this Code). No extensive grading shall occur that detracts from the aesthetics and is detrimental to the soils stability and erosion.
- (b) No excavation shall be made with a cut face steeper in slope than 1½ horizontal to one vertical, except under the following conditions through a soils engineering report and grading plan, as approved by the eCounty eEngineer.
 - (1) That the material making up the slope of the excavation and the underlying earth material being used is capable of standing on a steeper slope; or
 - (2) An engineered retaining wall or other support is provided to support the face of the excavation.
- (c) An excavation, with a cut face flatter in slope than 1½ horizontal to one vertical may be required if the material in which the excavation is made is such that the flatter cut slope is necessary for stability or safety.
- (d) No excavation shall be made close to the property line which may endanger any adjoining public or private property or structures without supporting and protecting such property or structures from settling, cracking or other damage which might result.

- (e) No cut slope shall exceed a height of 15 feet. The ~~review board~~ County Engineer may modify this requirement if it determines erosion and visual impacts are mitigated as identified in the landscaping plan, pursuant to Section 108-14-10.
- (f) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except where a retaining wall is provided for support or where the developer shows that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope and that the areas on which the fill is to be placed are suitable to support the fill.
- (g) The ~~review board~~ County Engineer may ~~recommend and/or~~ require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical if such flatter surface is necessary for stability or safety.
- (h) Fill slopes shall not exceed 20 feet in height, however this may be modified by the ~~review board~~ County Engineer with findings of extenuating circumstances.
- (i) Toes of fill slopes shall not be made nearer to a lot boundary than one-half the height of the fill, but need not exceed 20 feet.
- (j) The natural ground surface shall be prepared to receive fill by removing organic material noncomplying fill, and top soil, where natural slopes are five horizontal to one vertical or steeper, the natural ground surface shall be prepared to receive fill by benching into sound bedrock or other competent material.
- (k) No organic material shall be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than eight inches shall be buried or placed in fills within two feet of the final grade.
- (l) Building foundations shall be set back from the top of slopes a minimum distance of five feet for all cut slopes steeper than two horizontal to one vertical. No buildings shall be constructed on cut or fill slopes steeper than two horizontal to one vertical.

(Ord. of 1956, § 36B-8; Ord. No. 2009-20)

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS _____.

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	_____	_____	_____	_____
Jim "H" Harvey	_____	_____	_____	_____
Scott K. Jenkins	_____	_____	_____	_____

Presiding Officer

Attest

James H. Harvey, Board of
Commissioners Chair, Weber County

Ricky D. Hatch, CPA, Clerk/Auditor
Weber County



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss, take comment, and potentially take action on a county-initiated text amendment to various sections of the County's subdivision ordinance to encourage public street connectivity in certain intervals and related amendments regarding the provision of street and lot development standards in the County's subdivision ordinance. The amendments include general administrative and clerical amendments to create a more efficient ordinance.

Agenda Date: Tuesday, June 15, 2021

Report Author: Charlie Ewert
(cewert@webercountyutah.gov)
(801) 399-8763

Applicable Ordinances

- § 101-2 – Definitions
- § 106-1-2 – Variances
- § 106-1-3 – Subdivision Required
- § 106-1-5 – Preliminary Plan/Plat Requirements And Approval Procedure
- § 106-1-6 – Agency Review
- § 106-1-7 – Subdivision Time Limitations
- § 106-1-8 – Final Plat Requirements And Approval Procedure
- § 106-1-9 – Final Plat Approval (being added)
- § 106-2-3 – Blocks
- § 106-2-4 – Lot Standards
- § 106-2-6 – Mountain Subdivisions; Special Provisions
- § 106-2-8 – Large Scale Excavation (being added)

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

This proposal is intended primarily to address street connectivity. After reviewing other sections of code for conflicts, staff discovered a number of sections that should be amended to reduce redundancies and conflicting language. In doing so, staff are also proposed a few procedural shifts intended to help streamline the development review process for the applicant. The attached proposal has staff-annotations in the margins to help explain the purpose of the changes. Below is a summary of what they are.

Street connectivity – The proposal clarifies the street-block provisions to be responsive to lot size and density. The smaller the allowed lot size, the smaller the street-block should be. This will help provide general consistency in the number of lots accessing a street block regardless of the zone. The proposal also provides a graphic depiction of a street block and the methods of measuring it.

The proposal also adds a provision intended to incentivize superior street connectivity over what a developer might have otherwise proposed. The incentive allows the developer to credit the area consumed by streets toward additional lots. This will allow the developer to realize a financial benefit when configuring streets in a manner that considers the overall community, and not just the specific property's ability for return on investment.

Streamlining – One way to help streamline the development review timeline is to reduce the number of bodies that

are required to approval a subdivision. This proposal helps clarify the rules of subdivision approval, and after doing so appoints the planning commission, not the county commission, as the final decision authority for large subdivisions, and the planning director for small subdivisions. It clarifies that a small subdivision is not subject to the two-step preliminary then final review by the land use authority by allowed both preliminary and final plats to be reviewed simultaneously. The proposal also allows the county engineer to make decisions regarding financial guarantees, which saves a special approval by the county commission.

Reducing redundancies and conflicts – By reducing redundancies and conflicts, the code can be better and more efficiently administered, with less probability for time-consuming litigation.

Noticing Compliance

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

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

Staff Recommendation

Staff recommends that the Planning Commission offers a positive recommendation to the County Commission for file ZTA2021-04, a proposal to incentivize street connectivity in a subdivision, streamline the subdivision process, and reduce redundancies and conflicts in the code. The recommendation is supportable with the following findings:

1. The proposal will protect future transportation opportunities, and enhance transportation safety of new streets.
2. The proposal will help streamline the subdivision review process.
3. The proposal will help eliminate redundancies and conflicts in the code.
4. The proposal is in the best interest of the health, safety, and welfare of the general public.

Exhibits

- A. Proposed Ordinance

SECTION 1: AMENDMENT "Sec 101-2-3 B1 Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-3 B1 Definitions

Block. See "street block." ~~The term "block" means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.~~

Moving definition and adding reference for ease of use.

SECTION 2: AMENDMENT "Sec 101-2-20 St Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-20 St Definitions

Stable. The term "stable" means an accessory or main building for the keeping of horses, cattle and other farm animals.

Stable, private horse. The term "private horse stable" means a horse stable which is accessory to a residential dwelling unit or other main building, for the use of the owner/occupant, his friends and guests, not for the purpose of remuneration, hire or sale or any other commercial use nor use by an ad hoc informal association or group.

Stable, public horse. The term "public horse stable" means a stable where the general public may rent, lease, purchase, sale or board horses.

Stockyard. The term "stockyard" means a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens.

Story. The term "story" means the space within a building included between the surface of any floor and the surface of the ceiling next above.

Stream. The term "stream" means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Stream watercourses where the definition may apply are those that appear on the U.S. Geological Survey Quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt, but others would be exempt.

Stream corridor. The term "stream corridor" means the water's passageway defined by the stream's ordinary high water mark.

Street block. The term "street block," also referred to as "block," means land bounded on all sides by a street or lane that is open to use by the general public, or land which is designated as a block or street block on any recorded subdivision plat.

Modifies definition to better facilitate administration.

Street, collector. The term "collector street" means a street existing or proposed of considerable continuity which is the main means of access to the major street system.

Street major. The term "major street," means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, marginal access. The term "marginal access street," means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Street, private. The term "private street" means a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the developer or other private agency.

Street, public. The term "public street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than 26 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

Street, standard residential. The term "standard residential street," means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

Structural alterations. The term "structural alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

Structure, height of. The phrase "height of structure," or any of its variations, shall have the same meaning as "height of building" as defined in this section.

SECTION 3: AMENDMENT "Sec 106-1-2 Variances" of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-2 ~~Variances~~ (Reserved)

~~The county commission is the appeal board for the subdivision ordinance. The county commission may vary the standards in cases where unusual topographical or other exceptional conditions exist. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The planning commission shall make a recommendation to the county commission prior to the consideration of any variances. Subdivision time extensions are not variances and are addressed in section 106-1-7, "Subdivision time limitations." Illegal division of land does not constitute an exceptional condition.~~

(Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 4: AMENDMENT "Sec 106-1-3 Subdivision Required" of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-3 ~~Subdivision Required~~ Applicability

- (a) No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created in accordance with the provisions of this Land Use Code. ~~This title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.~~
- (b) No lot within an approved and recorded subdivision ~~approved by the planning commission and county commissioner and recorded in the county recorder's office in accordance with the provisions of this chapter~~ shall be further divided, ~~rearranged, added to or reduced in area~~ nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the land use authority.

(Ord. of 1952, title 26, § 1-2; Ord. No. 2015-22, Exh. A, 12-22-2015)

Best practice suggests that this should be the responsibility of the Board of Adjustments, not the legislative body, for the following reasons:

1. An elected legislative body that is acclimated to the wide discretion of legislative authority can struggle with the strict rules of variances.
2. The pressure of the political process can occasionally encourage resolution of constituents concerns over a landowner's rights.
3. State code does not allow a body to hear an appeal of a decision that the body made. The commission has decision making authority in this code that disqualifies them from being able to hear an appeal to that decision.

Deleting this will default appeals and variance to the BOA, as provided in Title 102.

Modifies section name to better facilitate code formatting consistency.

This appears to say that any lot created prior to 1952 can be subdivided without complying with subdivision regulations. State code says otherwise.

Removing unnecessary text.

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, renumbered and amended former § 106-1-2, "Scope," as § 106-1-3, "Subdivision required."

SECTION 5: AMENDMENT “Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure

- (a) ***Preliminary plan/plat requirements.*** The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and shall show:
- (1) A subdivision name, approved by the county recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - (2) A north arrow, scale, and date.
 - (3) The individual or company names and addresses of the applicant, engineer and land surveyor of the subdivision.
 - (4) The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners.
 - (5) Contour map with, unless specified otherwise by the county engineer, two-foot contour intervals.
 - (6) The existing location, widths and other dimensions of all existing or platted streets and other important features such as, but not limited to, railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.
 - (7) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
 - (8) Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
 - (9) Lots classified as "restricted" as defined in section 101-1-7 by placing the letter "R" immediately to the right of the lot number.
 - (10) The location of percolation test holes on each lot.
 - (11) Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of

proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the county engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.

- (12) Open space and common area improvements, including but not limited to landscaping, structures, signs, parking, and other amenities.
- (13) A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be no older than dated within 30 calendar days prior to the submittal of the application. If the County Recorder's Office is backlogged more than 30 calendar days, then the preliminary title report(s) shall be no older than their current backlog date plus one day. ~~and The preliminary title report~~ shall include a search of recorded documents back to patent that identifies, at a minimum, the following items:
 - a. All reference easements;
 - b. Reference (the entry number and/or book and page number) to all deeds in chain of title;
 - c. All boundary line agreements;
 - d. All rights-of-way, whether the parcel is subject to or has reserve rights;
 - e. All current owners;
 - f. All outstanding liens, taxes, etc.

Occasionally the County Recorder's Office cannot keep pace with demand for recording, and are extended beyond 30 days.

(b) **Preliminary plan/plat approval procedure.**

- (1) **Subdivision approval.** ~~With the exception of small subdivisions, the~~ After the applicable staff and agency reviews, the preliminary plan/plat, including the phasing plan, shall be presented to the ~~Land Use Authority, who, for the purposes of this section, shall be the planning commission, for their review and decision~~ The Land Use Authority shall review the preliminary plan/plat to verify compliance with applicable ordinances. ~~The planning commission's decision may be appealed to the county commission by filing an appeal within 15 days of the planning commission's recommendation. If the planning commission's decision is not appealed to the county commission, the planning commission's recommendation shall stand as the county's decision on preliminary approval.~~ After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval, the Land Use Authority shall approve the preliminary plan/plat. When considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 106-4-4 of this Land Use Code, and the conditional use standards found in 106-4-5. Decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (2) **Small subdivision approval.** Preliminary plan/plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is not required. The preliminary plan/plat required in this section shall be reviewed simultaneous with the final plat.

Removing unnecessary language and references to appeals.

Clarifying the decision-making process and explicitly stating that conditions of approval can be applied to a subdivision without it constituting a conditional use.

Small subdivisions are already reviewed and approved this way. Adding it in the code will reduce risk of violating due process.

(3) Land Use Authority designated. The Land Use Authority for preliminary plan/plat of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the Weber County Planning Division Director. The Land Use Authority for preliminary plan/plat of a subdivision other than a small subdivision is the Planning Commission.

Adding clarifying language that identifies who the land use authority is for a subdivision.

~~(e) Grading limitation. No large scale excavation (more than 5,000 square feet), grading or regrading shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the planning commission and then only in accordance with the excavation ordinance of this Land Use Code.~~

This does not appear to belong in this section. Removing it and placing it in Section 106-2-8 below.

(Ord. of 1952, title 26, § 1-5; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 106-1-5 from "Preliminary plan requirements and approval procedure" to read as herein set out.

SECTION 6: AMENDMENT “Sec 106-1-6 Agency Review” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-6 Agency Review

~~(a) Distribution of preliminary plan.~~ The planning division shall distribute ~~a copy of the preliminary plan to each of the following for their information and recommendations: county engineer, county fire district, county health officer, county school board, county surveyor, county treasurer, and company furnishing telephone, electric, water, sanitary sewer, and/or gas service.~~ The planning division may distribute copies of the preliminary plan to other county divisions or departments, or other non-county agencies and/or organizations it deems necessary to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any applicable information and recommendations to the planning division. ~~Public notice.~~ ~~Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commission's public meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property.~~ ~~Notice for an amendment or vacating a subdivision.~~ ~~For an amendment to a subdivision, the planning division shall provide notice of the date, time, and place of a least one public meeting at least ten calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.~~ ~~Notice challenge.~~ ~~If the notice is not challenged within 30 calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.~~

This unnecessarily specific and overburdening. All of these entities do not need to be involved. Technology has enabled better coordination for all reviewers that should consistently be involved.

Notice is not required or advisable. Decision on a subdivision application is administrative and by-right. Giving notice to folks who have no control over the outcome creates an unnecessary amount of turmoil for all involved.

(Ord. of 1952, title 26, § 1-6; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2017-15, Exh. A, 5-9-2017)

SECTION 7: AMENDMENT “Sec 106-1-7 Subdivision Time Limitations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-7 Subdivision Time Limitations

- (a) *Time limitation for preliminary approval.* Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval ~~by the planning commission~~ to receive a recommendation for final approval of the subdivision or the first phase. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal laws current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted. ~~The planning director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.~~
- (b) *Time limitation for final approval.* ~~A final~~ A subdivision plat ~~or phase of a subdivision that receives a recommendation for final approval from the planning commission~~ shall be ~~offered to the county commission for final approval and~~ recorded within the Office of the County Recorder within one year of final approval by the Land Use Authority. ~~from the date of the planning commission's recommendation for final approval.~~ After ~~one year from that date,~~ the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The planning director may grant a onetime extension for final subdivision approval for a maximum of one year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a county caused delay.
- (c) *Nonconforming.* Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

Planning commission is not the only land use authority.

This is redundant.

Removing unnecessary text.

(Ord. of 1952, title 26, § 1-7; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 8: AMENDMENT “Sec 106-1-8 Final Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-8 Final Plat Requirements And Approval Procedure

- (a) **Preliminary approval required.** Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.
- (b) **Final plat required.**
- (1) After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.
 - (2) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting.
- (c) **Final plat requirements.** The following are requirements for final plat consideration:
- (1) Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information:
 - a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - b. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."
 - c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)
 - d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than

street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, titl. 57, ch. 10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

- e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.
- f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.
- g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the county recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:
 1. Description of land included in subdivision;
 2. Private licensed land surveyor's "certificate of survey";

3. Owner's dedication certificate;
 4. Notary public's acknowledgment;
 5. County Land Use Authority's certificate of approval, to be signed by the planning director or designee;
 6. County Engineer's certificate of approval;
 7. County Attorney's certificate of approval;
 8. Board of County Commissioners' certificate of acceptance;
 9. County Clerk's certificate of attest;
 10. County Surveyor's certificate of approval;
 11. Local health department certificate of approval, if required by the local health department.
 12. Culinary water authority certificate of approval, if not the local health department; and
 13. Sanitary sewer authority certificate of approval, if not the local health department.
- i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.
 - j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
 - k. Map narrative. The map shall contain a written narrative which complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances.
 - l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.
 - m. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders.
 - n. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
 1. All easements.
 2. Reference (the entry number and or book and page number) to all deeds in chain of title.
 3. All boundary line agreements.
 4. All rights of way whether the parcel is subject to or has reserve rights.
 5. All current owners.
 6. All outstanding liens, taxes, etc.
- (2) A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.

- (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.
- (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-2, the following shall be required on the final plat:
 - a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.
 - b. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification: "Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."
 - c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.
- (5) Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."
- (6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and, when available, the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention

Ordinance.

- (7) On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.
- (8) The plat shall contain all notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Title 106.
- (9) In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposal for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed.
- (d) **Final improvement plans.** The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All utility and street construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services to the subdivision, including the level of service, from applicable utility entities including but not limited to the water service provider, sewer service provider, electricity provider, natural gas provider, and telecommunications provider.
- (e) ~~**Approval of final plat. Final plat approval; small subdivisions.** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. **Additional provisions.** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected. **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid. **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat. After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under~~

Removing this text and placing into the next section below, with amendments to remove several redundancies and conflicts.

~~\$25,000.00. Financial guarantees can be granted a time extension by the county engineer and/or the planning director if the change in the financial guarantee is less than \$25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant. No street improvements or utilities shall be installed until after approval of the improvement plans by the county engineer. No lots shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.~~(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-2017)

SECTION 9: ADOPTION “Sec 106-1-9 Final Plat Approval Procedures” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 106-1-9 Final Plat Approval Procedures(*Added*)

(a) Final plat approval procedure.

- (1) Final subdivision approval.** After the applicable staff and agency reviews, the final plat, shall be presented to the Land Use Authority. The Land Use Authority shall review the final plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval, the Land Use Authority shall approve the final plat. If applicable, when considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 106-4-4 of this Land Use Code, and the conditional use standards found in 106-4-5. A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (2) Land Use Authority designated.** The Land Use Authority for final plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the Weber County Planning Division Director. The Land Use Authority for final plat approval of a subdivision other than a small subdivision is the Planning Commission. However, in the event a final plat includes a public street that poses a financial burden on the county that the County Engineer or County Planning Division Director has determined does not provide a commensurate public benefit, the County Commission shall be the Land Use Authority.
- (3) Submittal of final plat and final improvement plans.** After approval of the final plat, the applicant shall submit a final plat printed on a 24-inch by 36-inch mylar sheet that includes the required signatures of all non-county employees. With the mylar, the applicant shall submit final improvement plans to the County Engineer for final approval, if applicable. After the County

Placed text removed from previous section to here.

Clarifying land use authority.

Appointing the planning commission as the land use authority for final subdivision streamlines the process by removing the county commission.

Engineer has approved the final improvement plans. After the final plat mylar has all required official approval signatures, and after the final improvement plans have received final approval by the County Engineer, the final plat may be recorded in the Office of the County Recorder, at the expense of the applicant.

(4) **Approval of improvement plans prior to final plat.** The applicant may submit final improvement plans prior to final plat approval, but not before preliminary plat/plan approval by the Land Use Authority. The County Engineer, in his sole discretion, may approve final improvement plans prior to final plat approval. No subdivision improvements or utilities shall be installed until after approval of the final improvement plans by the County Engineer. The County Engineer's approval of final improvements plans prior to final plat approval, or the County Engineer's authorization to commence construction of the improvements, shall not constitute an entitlement or vesting of any particular final plat design. The applicant bears all risk associated with pursuing final improvement plans approval and commencement of construction of improvements prior to final plat approval.

Gives flexibility to developer. This will help shorten the overall timeline.

- (b) **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (c) **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

SECTION 10: REPEAL “Sec 106-2-3 Blocks” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~See 106-2-3 Blocks (Repealed)~~

- ~~(a) The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.~~
- ~~(b) The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the planning commission because of design, terrain, or other unusual conditions.~~
- ~~(c) Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.~~

This section is re-written for ease of administration in the next paragraph.

~~(Ord. of 1952, title 26, § 2-3)~~

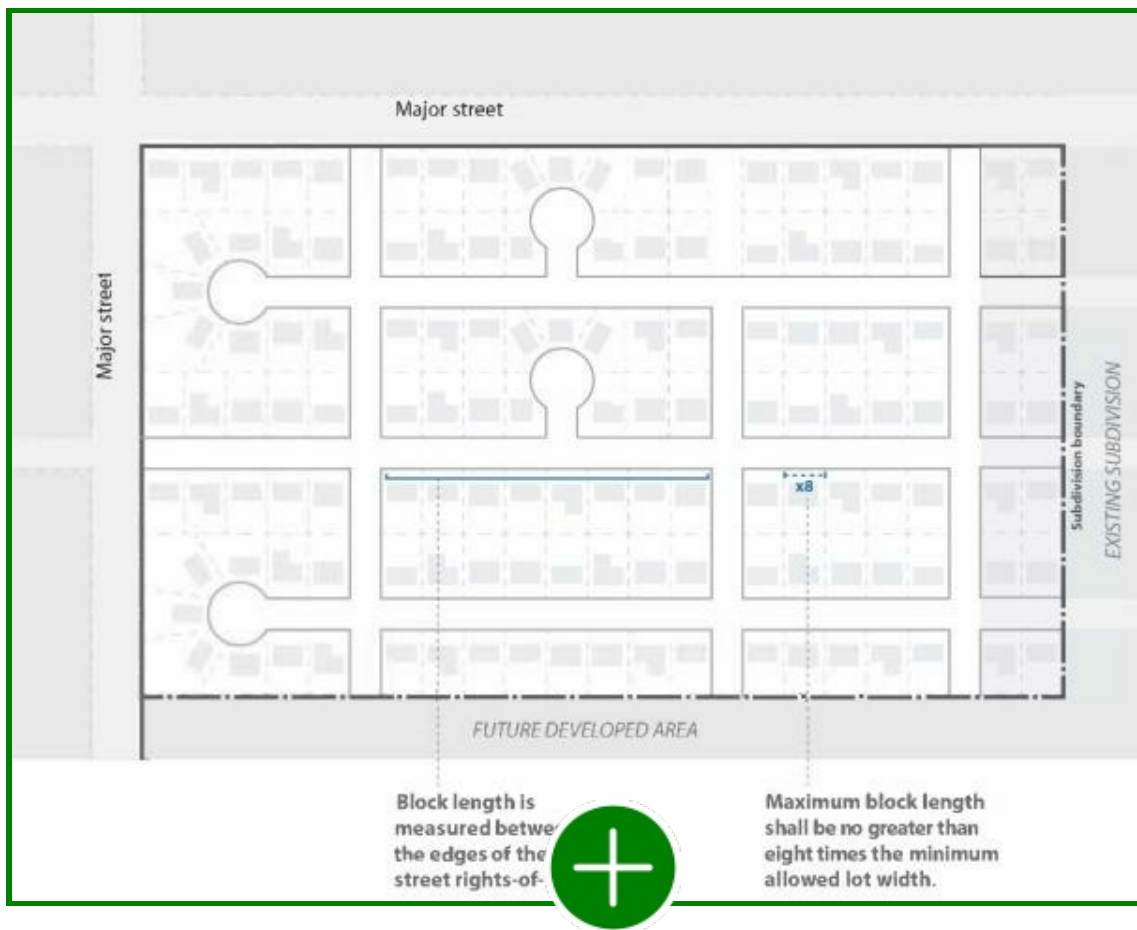
SECTION 11: ADOPTION “Sec 106-2-3 Street Block Standards” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 106-2-3 Street Block Standards(*Added*)

This section is re-written from section repealed above. It shortens street block requirements for zones that allow smaller lots.

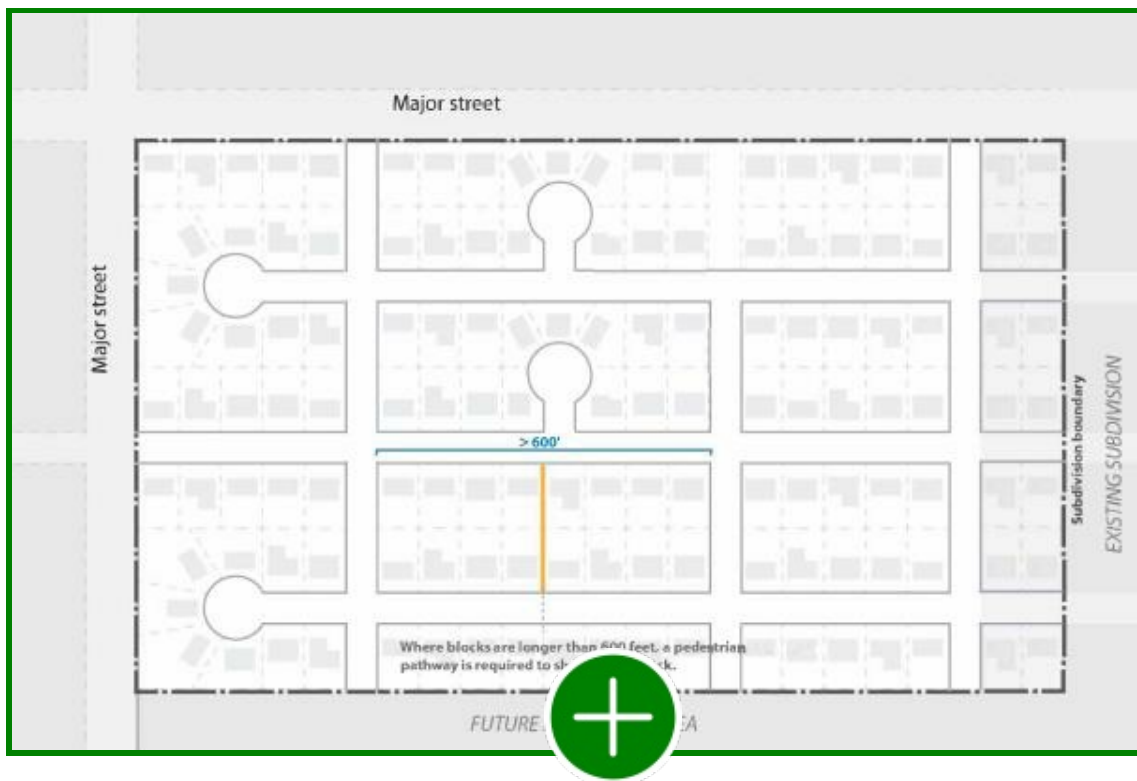
(a) ***Length of street block.*** The maximum length of a street block is eight times the minimum allowed lot width. However, at no time shall a block length exceed 1320 feet, nor shall a block length maximum of less than 400 feet be imposed. These lengths shall be measured from the edge of the street right-of-way to the edge of the street right-of-way on the opposite side of the block. If either street is an existing street with a substandard street right of way, these lengths shall be measured from where the standard street right-of-way edge would be. The following image is an example of block length:



(b) ***Mid-block pedestrian connection.*** A street block greater than 600 feet shall require a pedestrian pathway at approximately half the length of the block. The pathway shall be designed within a 12-foot wide easement, and have a 10-foot wide asphalt or concrete surface. It shall start at the

This section clarifies standards for mid-block pedestrian accessibility.

approximate mid-block between two intersections and run through the approximate middle of the block to the street on the opposite side of the block. If the street on the opposite side of the block will not be completed with the installation of the proposed subdivision, the pathway shall either run in the direction most likely to provide a future mid-block pathway, given other streets in the area, topography, and property boundary configuration, or run generally parallel to the street that intersects with the street whereon the pathway starts, provided, however, that it shall stub into adjacent land in a location that will reasonably enable future pathway development on the adjacent land to connect to the stub. At the sole discretion of the Land Use Authority, an alternative pathway configuration or surfacing requirements may be approved if topographic or other environmental circumstances would otherwise make the pathway impractical. The Land Use Authority may require the pathway to be placed in another location to offer optimal compensation for the lack of the connection. The following image is an example of a mid-block pedestrian connection:



(c) **Width of street block.** The width of a street block shall be sufficient to allow two tiers of lots, back-to-back. At the sole discretion of the Land Use Authority, street block's width may be approved otherwise if topographic or other environmental circumstances would otherwise make two tiers impractical, or for a lot that will have double frontage, where explicitly allowed by this Land Use Code.

(d) **Business or industrial street blocks.** A street block intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

SECTION 12: AMENDMENT “Sec 106-2-4 Lots” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-4 ~~Lots~~ Lot Standards

- (a) The lot arrangement and design shall ~~be such that lots will~~ provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions.
- (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, except:

Unnecessary text.

- (1) **Variance.** When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code;
- (2) **Cluster subdivision or PRUD master planned development.** When in accordance with the cluster subdivision or ~~PRUD master planned development~~ provisions of ~~the~~is Land Use Code;
- (3) **Septic system and wellhead protection.** As required by the county health officer as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements;
- (4) **Restricted lots and lots with designated building area.** For "restricted lots" and lots with a designated "building area", the minimum area and width requirements shall be increased in accordance with the slope density tables contained in the Land Use Code;
- (5) **Lot-averaged subdivision.** In the A-1, A-2, A-3, and AV-3 zones, a lot's area and width standards may be reduced in a lot-averaged subdivision below the standard minimum lot area or minimum lot width as specified in the applicable zone or zones found in Title 104. A lot-averaged subdivision shall comply with the following:

Missed amendment with previous MPDOZ adoption.

- a. *The averaged area and width of all lots to comply with zone standards.* The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.
- b. *Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

- c. *Subdivision plat table.* A table shall be provided with the subdivision

application and on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision boundary. If platted in phases, the “overall subdivision boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.

- d. A subtitle shall be displayed on the final subdivision plat that reads "A Lot-Averaged Subdivision."
- e. A note shall be placed on the final subdivision plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. A subdivision amendment ~~to~~ within any part of ~~this~~ the overall subdivision boundary shall comply with Section 106-2-4(b) of the Weber County Code."

Unnecessary text.

Clarifying text.

(6) Lot size flexibility for voluntary street alignment and connectivity. When an applicant voluntarily designs a subdivision's public street layout in accordance with the preferred layout of the County Planning Division Director or County Engineer, the applicant may use the base density calculation, as defined in Chapter 101-2, to determine the number of lots allowed in the subdivision. Additionally, the area proposed to be encumbered by a public street right-of-way is not required to be omitted from the net developable acreage in the base density calculation. At no time shall the lot area and lot width of any lot be less than fifty-percent of the area and width requirements of the applicable zone. In determining the preferred public street layout, the County Planning Division Director and County Engineer shall focus on enhancing the overall public good. This may include, but need not be limited to, using industry best practices regarding street and neighborhood connectivity for both motorized and nonmotorized street-users, efficiency of street-routes in terms of distance traveled, reducing block length, enhancing pedestrian circulation and safety, supporting four-way intersections over three-way intersections where appropriate, and superior street alignment that will create best community outcomes.

New street connectivity incentives. A developer will configure the development in a manner that gets the most lots or enhances the overall value of the lots. If the developer is allowed to be credited the area within street toward an additional lot, there will be greater motivation to provide optimal street layout. Both developer and public benefit.

- (c) Each lot shall have frontage ~~abut on a public street, private street access right-of-way dedicated by the subdivision plat or an existing publicly — dedicated street, or on a street which has become public by right of use and is more than 26 feet wide, that meets County standards, except as~~ unless specifically provided otherwise in subsection (d) of this section. ~~Interior lots having~~ A lot having double frontage on two streets shall be ~~is prohibited except where unusual conditions make other design undesirable.~~ unless the back of the lot is fronting on a collector or arterial street, or on a street planned to become a collector or arterial street, or extreme topography makes other design inappropriate, as determined by the County Engineer. ~~Lot right-of-way or fee title access strip (flag lots). Where approved by the board of adjustment, lots not having frontage on a street as required by the Land Use Code for the zone in which the subdivision is located but upon a right-of-way or fee title access strip may be included within a subdivision provided the requirements in the Land Use Code are met.~~ Corner lots shall have extra width sufficient for maintenance of required building lines on both sides.

Clarifying that all lots must have street frontage.

Clarifying when double frontage is allowed.

This is more specifically provided in a different section of code and does not require a decision of the BOA.

Insufficient specificity to administer for corner lots.

- (d) Side lines of lots shall be approximately at right angles, or radial to the street line.
- (e) Remnant parcels that are five contiguous acres or larger can be left as a remaining agricultural parcel not approved for development. ~~Remnant parcel containing 5.25 contiguous acres (or more) and a home can be left as a remaining agricultural parcels not approved for additional single-family dwelling. Any construction of additional single-family dwelling or dwellings will require a subdivision approval.~~
- (f) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more proposed lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners.
- (g) Natural drainage and other easements. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission. ~~Lots meeting the criteria established for a "restricted lot" shall be designated on the preliminary and final plat by the letter "R" and shall be subject to the provisions of the Land Use Code prior to any construction or building being undertaken upon such lot. A lot with an average slope of 25 percent or more over a major portion of its area, but with a "building area" as defined herein, within a buildable portion of the lot, may be classified as an unrestricted lot provided that the "building area" is approved by the planning commission as a suitable site for building and designated on the final plat as prescribed in section 106-5-1 and further provided that no building or construction or major cutting or filling of the natural terrain shall be made outside of such designated "building area".~~
- (h) Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.

This does not comply with state statutes governing subdivision of land. A parcel with development on it must be included.

The redundancy and challenges posed with administering for restricted lots is not commensurate with the benefits of them. This text adds a level of detail that is unnecessarily complicated. The processes of hillside review and geologic review are better suited to govern this issue.

(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)

SECTION 13: REPEAL “Sec 106-2-6 Mountain Subdivisions; Special Provisions” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~See 106-2-6 Mountain Subdivisions; Special Provisions (Repealed)~~

~~(a) Lot owners' association.~~

- ~~(1) In order to provide for the adequate maintenance of private streets, private access rights of way or other improvements, the subdivider shall form, prior the final approval by the county, a lot owners' association and shall establish and record articles of incorporation of the non-profit association and by laws outlining the purpose, organization and operation of the association.~~
- ~~(2) The articles of incorporation and bylaws, shall provide:

 - a. That membership be mandatory for each lot purchase.~~

A "mountain subdivision" is a thing of the past. Advancements in transportation, utilities, and tech are making many of the subdivisions that are mountainous accessible for year-around single family dwellings.

In addition, this text does not carry sufficient context of it's purpose, and is better provided for in the newly adopted private street ordinance.

- ~~b. That maintenance of the private streets, private access rights of way or other improvements shall be permanent and not for just a period of years.~~
- ~~e. That the association is responsible for liability insurance, taxes and costs of maintenance and that lot owners must assume their fair share of these costs.~~

~~(b) Conversion to public streets. It is the policy of the county not to approve the conversion of private streets or private access rights of way in mountain subdivisions, subdivisions in isolated areas, in planned residential unit developments or in condominium projects to public streets wherein the county becomes responsible for road maintenance and snow removal, etc., in any application to the county for such conversions, the applicants shall show and the county commission shall determine that it is in the general public interest to accept the street dedication and that the economic and physical advantages, public good and benefits outweigh the additional costs of maintenance or other responsibility that the county will incur. If such conversion is approved by the county commission, the private streets or access rights of way must first be improved to county standards for public streets or such improvements guaranteed by and approved financial guarantee.~~

~~(Ord. of 1952, title 26, § 2-7; Ord. No. 2014-20, pt. 2, 12-23-2014)~~

~~**Editor's note**—Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014, repealed former § 106-2-6 and renumbered subsequent sections 106-2-7—106-2-10 as 106-2-6—106-2-9. Former § 106-2-6 pertained to cluster subdivisions; special provisions, and derived from Ord. of 1952, title 26, § 2-6.~~

SECTION 14: AMENDMENT “Sec 106-2-8 (Reserved)” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-2-8 ~~(Reserved)~~ Large Scale Excavation

This section has been removed from the procedural requirements and placed here.

No large scale excavation (more than 5,000 square feet), grading, or regrading shall take place on any land for which a preliminary subdivision plan has been submitted, until the plan has been given preliminary approval by the Land Use Authority and County Engineer.

Editor's note—Ord. No. 2019-15, Exh. A, adopted Aug. 6, 2019, repealed § 106-2-8, which pertained to general land development and derived from Ord. of 1952, title 26, § 2-9 and Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014. Ord. [XXXXXX] moved large scale excavation from § 106-1-5 to this section, and modified the language.