



Staff Report to the County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to add a height limit for weeds and turf grasses.

Agenda Date: Tuesday, December 15, 2020

Staff Report Date: Tuesday, December 10, 2020

Applicant: Weber County

File Number: ZTA 2020-07

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§ 108-7-6 Garbage, Junk, and Weeds Unlawful

Legislative Decisions

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

Summary and Background

The County Commission has request consideration of amended language to the weed ordinance to regulate the height of weeds and non-ornamental turf grasses. The attached proposal is intended to satisfy this concern. Both the Ogden Valley and Western Weber Planning Commissions have recommended approval.

In working with concerned members of the public since the Planning Commissions' recommendation, staff are offering several very minor modifications to the proposal in order to better align it with the intentions discussed by the planning commission in their deliberation. Those proposed changes can be reviewed in the following section of this report.

Policy Analysis

In 2019, the County adopted an administrative code enforcement ordinance that enables a more efficient method of enforcement of the land use code. Part of that new ordinance includes provisions for weeds and unkempt yards (§ 108-7-6 of the Weber County Code). The ordinance did not specify a height limit at which the County would consider weeds or grasses "unkempt," but rather left this to interpretive measures. The proposed ordinance specifies the height, thereby removing the interpretive guess-work when enforcing against violators.

Staff has made minor modifications to the version of the ordinance recommended for approval by the Planning Commissions. Those changes are shown in underline and strikeout as follows:

Landowners are responsible for clearing all weeds from their property, including their property's perimeter and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portions of public rights-of-way. A yard, and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portion of public rights-of-way that are visible from a public right-of-way shall be maintained so that the property's appearance does not detract from the appearance of the neighborhood. Weeds, except noxious or invasive weeds which shall be removed promptly, and turf grasses shall be maintained at a height of not more than ~~six~~eight inches at any time, and the cuttings shall be

promptly disposed of in an organized manner or mulched in place. Native vegetation ~~and wildflowers~~, including grasses, wildflowers, and shrubs, maintained in a natural state are exempt from the ~~six~~eight-inch regulation. Where a street has curbing, or where a deferral agreement for curbing was required, it is the responsibility of the property owner, not the County, to maintain, cut, or remove any vegetation that is between the edge of the travel surface within the public right-of-way and the edge of the public right-of-way adjoining the owner's property ~~in a healthy and attractive manner~~.

As can be seen above, based on concerns from the community, staff is suggesting that the six-inch height requirement be changed to eight inches and that the language offer more substance to the allowance for leaving the land in a native/natural state.

Noticing Compliance

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

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

Planning Commission Recommendation

The Planning Commission offered a positive recommendation to the County Commission for file ZTA 2020-07, the addition of a weed height regulation, based on the following standards:

1. Both the West Central Weber General Plan and the Ogden Valley General Plan support a community that is aesthetically pleasant.
2. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinance.
3. That the proposal is not detrimental to the health, safety, and welfare of the public.

Additional Staff Consideration

In addition to the Planning Commission's recommendation, staff further suggest additional language clarification, which is included in the attached proposed ordinance (Attachment A), to address concerns expressed by the public. Staff feel these suggested changes are supported by the considerations in both planning commission's deliberations on this item.

Exhibits

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

**WEBER COUNTY
ORDINANCE 2020-[TEMP] WEED HEIGHT**

**AN AMENDMENT TO THE COUNTY'S WEEDS AND UNKEMPT YARD
ORDINANCE TO LIMIT THE HEIGHT OF CERTAIN VEGETATION**

**AN ORDINANCE MODIFYING THE WEBER COUNTY LAND USE CODE TO
PROVIDE LIMITS ON THE HEIGHT OF WEEDS AND CERTAIN GRASSES AND
TO CLARIFY LANDOWNER MAINTENANCE RESPONSIBILITIES IN PUBLIC
RIGHTS-OF-WAY**

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

WHEREAS, the Board of Commissioners of Weber County has hereby determined that these regulations lack specific weed and turf grass height limitations; and

WHEREAS, the Board of Commissioners of Weber County has hereby determined that these regulations also lack clarity in specifying that the adjoining landowner is responsible for vegetation maintenance within an adjoining public right-of-way; and

WHEREAS, After a public hearing in their regularly scheduled meeting on November 10, 2020, the Western Weber Planning Commission recommended approval of the land use regulation modifications provided herein; and

WHEREAS, After a public hearing in their regularly scheduled meeting on November 17, 2020, the Ogden Valley Planning Commission recommended approval of the land use regulation modifications provided herein; and

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

SECTION 1: **AMENDMENT** “Sec 108-7-6 Garbage, Junk, And Weeds Unlawful” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-7-6 Garbage, Junk, And Weeds Unlawful

- (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain on or about the premises whenever it is unsightly and in public view, or whenever it is dangerous to the health, safety, and welfare of the people of the county. Every owner or occupant of land is hereby required to remove, or provide for

the removal of, such garbage, inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous, or a nuisance.

- (b) *Weeds and unkempt yards.* Landowners are responsible for clearing ~~All weeds shall be cleared from residential, commercial, manufacturing, and institutional~~ their property ~~ies,~~ including their property's perimeters and any adjacent sidewalk, trail or pathway, parkwaysstrip, or unimproved portions of public rights-of-way. A yard, and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portion of public rights-of-way that are ~~The yard portions of the property~~ visible from ~~the~~ a public right-of-way shall be maintained so that the property's appearance does not detract from the appearance of the neighborhood. Weeds, except noxious or invasive weeds which shall be removed promptly, and turf grasses shall be maintained at a height of not more than eight inches at any time, and the cuttings shall be promptly disposed of in an organized manner or mulched in place. Native vegetation, including grasses, wildflowers, and shrubs, maintained in a natural state are exempt from the eight-inch regulation. Where a street has curbing, or where a deferral agreement for curbing was required, it is the responsibility of the property owner, not the County, to maintain, cut, or remove any vegetation that is between the edge of the travel surface within the public right-of-way and the edge of the public right-of-way adjoining the owner's property.
- (c) *Exemptions.* This section shall not apply to items which are clearly accessory and incidental to any agricultural use permitted in the zone, or to items completely and lawfully enclosed within a building or enclosure where it is not visible from a public or private way or other public or private property and which does not constitute a nuisance, endanger or adversely affect the health or welfare of the community, or the keeping of which does not violate any other law or ordinance.
- (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation of this section shall make proper arrangements for the correction of the violation.
- (e) *Public streets and other public property.*
- (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way, or other public property in unincorporated areas of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare of the people of the county.
 - (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.
 - (3) In addition to the requirements of section 32-8-2, owners or occupants of a platted building lot, or a lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure continual removal of snow from the pathway.

(Ord. No. 2019-14, Exh. A, 7-30-2019)

SECTION 2:**AMENDMENT** “Sec 108-7-3 Fencing Requirements” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-7-3 Fencing Requirements

- (a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height may be located anywhere on an interior lot except within the area comprising the required front yard setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a corner lot except within the areas comprising the required front yard setback and the required side yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the requirements of section 108-7-7.
- (b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project. In addition, a permanent means of landscaping and maintaining the parking strip between the fence and the street curb shall be provided.
- (c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, provided that in any event a protective fence or wall not more than four feet in height may be erected at the top of the retaining wall. These provisions shall comply with the requirements of section 108-7-7.
- (d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence meets all of the required setbacks for an accessory building in the zone in which it is located and a land use and building permit are obtained.
- (e) The provisions of this section shall not apply to fences required by state law to surround and enclose public utility subdivisions and public schools.
- (f) In the Ogden Canyon, a fence that is greater than four feet in height shall not be located within 50 feet of the centerline of Highway 39.

(Ord. of 1956, § 23-3; Ord. No. 18-90; Ord. No. 2009-14)

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

Gage Froerer, Board of
Commissioners Chair, Weber County

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



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to add a height limit for weeds and turf grasses.

Agenda Date: Tuesday, October 27, 2020 and November 10, 2020

Staff Report Date: Tuesday, October 22, 2020

Applicant: Weber County

File Number: ZTA 2020-07

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§ 108-7-6 Garbage, Junk, and Weeds Unlawful

Legislative Decisions

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Summary and Background

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Policy Analysis

In 2019, the County adopted an administrative code enforcement ordinance that enabled a more efficient method of enforcement of the land use code. Part of that new ordinance included provisions for weeds and unkempt yards (§ 108-7-6 of the Weber County Code). The ordinance did not specify a height limit at which the County would consider weeds or grasses "unkempt," but rather left this to interpretive measures. The proposed ordinance specifies the height, thereby removing the interpretive guess-work when enforcing against violators.

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Staff Recommendation

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2020-07, the addition of a weed height regulation, based on the following standards:

1. Both the West Central Weber General Plan and the Ogden Valley General Plan support a community that is aesthetically pleasant.
2. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinance.
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Exhibits

- A. Proposed Ordinance Changes

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Sec 108-7-6 Garbage, Junk, And Weeds Unlawful

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(Ord. No. 2019-14, Exh. A, 7-30-2019)