



OGDEN VALLEY & WESTERN WEBER PLANNING COMMISSION

JOINT WORKSESSION

March 2, 2021

4:30 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/83242137851>

Meeting ID: 832 4213 7851

One tap mobile

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- *Pledge of Allegiance*
- *Roll Call:*

WS1: Discussion regarding culinary and secondary water infrastructure requirements.

Staff presenter: Charlie Ewert

WS2: Discussion regarding a transferable development right program and ordinance.

Staff presenter: Charlie Ewert

4. Public Comment for Items not on the Agenda:

5. Remarks from Planning Commissioners:

6. Planning Director Report:

7. Remarks from Legal Counsel:

Adjourn

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor,
2380 Washington Blvd., Ogden, Utah.*

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Via Zoom Video Conferencing at the link listed above.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the
Weber County Planning Commission at 801-399-8761***

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

SECTION 1: AMENDMENT “Sec 101-2-24 W Definitions” of the Weber County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 101-2-24 W Definitions

Water, secondary. The term “secondary water” means water typically used for crop or landscape irrigation and not usually treated for culinary drinking water purpose.

Weeds. The term "weed" means any undesirable plant that the Utah Commissioner of Agriculture designates as noxious, and also including all green debris, such as, but not limited to, poison ivy, thistles, sticker plants, dyers woad, medus-ahead rye, leafy spurge, purple loosestrife and other vegetation commonly considered weeds. It also includes ungroomed grasses, but does not include crops grown as a source of food, income, or feed for livestock.

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

A M E N D M E N T

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 preparing 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, and neighborhood circulation plan.
- (b) ***Subdivision application submittal.*** Subdivision applications shall be submitted to the planning division, ~~by appointment, and shall include:~~ 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 completely ~~filled out~~ subdivision application form, signed by the property owners.
 - (2) ***Preliminary plan.*** ~~Five full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one reduced size 8½ by 11 copy of a~~ preliminary plan meeting the requirements listed in this title. This includes ~~two 24 by 36 copies of the~~ phasing plan if phasing is proposed. ~~Once all preliminary requirements have been met, two 24 by 36 copies and a one digital copy shall be submitted to the planning division.~~ All preliminary plan ~~This~~ requirements shall be met prior to

the submittal for final plat approval.

- (3) **Electronic documents.** All documents submitted ~~in~~ for the subdivision application shall be ~~accompanied by a~~ in a PDF file ~~format of the respective document.~~ All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be ~~accompanied by a full scale set of~~ in a PDF files ~~format of the respective plans.~~
- (4) **Statement of culinary water feasibility.** A written statement of feasibility ~~from the county or state health department which states the recommendation of the health department regarding;~~ also known as a "will-serve letter," specifying culinary water provisions for each lot.
- a. The statement shall come from the culinary water authority, pursuant to UCA Sec. 17-27a-603, as follows:~~Sanitary sewage disposal; Culinary water availability; and A project notification form from the Utah State Department of Environmental Quality, Division of Drinking Water.~~
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 manager 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 from the culinary water authority shall provide:
1. An acknowledgement of the number of lots proposed to be served;
 2. An acknowledgement of all intended uses of the culinary water, including, but not limited to, fire suppression appurtenances or secondary water uses, if applicable and as provided for in Section 106-4-2;
 3. The method of culinary water delivery to each applicable proposed lot;
 4. The proposed source of the water rights or shares necessary to serve the lots; and
 5. 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~~The~~ payment of ~~a partial~~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.

(Ord. of 1952, title 26, § 1-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 3:AMENDMENT “Sec 106-1-8 Final Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

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

- (a) ~~f~~**Preliminary approval required.** ~~f~~ 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.***

- (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 planning commission's certificate of approval, to be signed by the planning director for the chair;
 - 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. ~~Weber-Morgan~~LocalHealth 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 101-1-7, 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.
- (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 such utility and road 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, including the level of service, from applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.

(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)

SECTION 4: **ADOPTION** “Sec 106-4-2(a) Water Supply” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 106-4-2(a) Water Supply(*Added*)

(a) **Culinary water supply.** The applicant shall provide a culinary water source for and culinary water infrastructure to each lot. The applicant shall also secure the rights or shares necessary to serve the quantity of culinary water required by the applicable agency, culinary water service provider, and County. A culinary water infrastructure connection shall be provided to or on each lot. The infrastructure connection shall be by stubbing into the lot from an existing culinary water service provider’s system, stubbing into the lot from a newly created culinary water service provider’s system, or by connecting to a private well on the lot, in compliance with the following.

(1) **Required culinary water quantity.** Each developable lot shall be provided with sufficient culinary water source capacity, water flow, and rights or shares to comply with this part.

a. **Quantity.** The quantity of culinary water shall meet the minimum standards required by the applicable agency or culinary water service provider.

b. **Transfer of rights or shares and penalty for removal.** If required by the culinary water service provider, all necessary culinary water rights or shares required for each lot shall be transferred to the culinary water service provider. Otherwise, the rights or shares required shall be recorded to the lot 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.

(2) **Public culinary water service provider.**

a. **Existing public culinary water service provider.**

1. A connection to an existing culinary water system is required if:

i. Any part of the subdivision is located within 300 feet multiplied by the number of lots in the subdivision, as expressed by this formula: $(300\text{ft} \times N_{\text{lots}})$, of a currently operating supply line of a culinary water service provider’s system; and

- ii. The service provider is willing and able to serve the subdivision.
- 2. If multiple existing culinary water systems are available, connection to the system that will yield the best organization of culinary water infrastructure in the area is required. If conflict arises in making such a determination, the County Engineer shall make the final determination. Overlapping culinary water infrastructure should be avoided whenever possible.
- b. **New public culinary water service provider.** Where outside the connection distance of an existing culinary water service provider and where a private well will not be proposed or cannot be approved as provided in this section, a new culinary water service provider may be created, pursuant to state law, to serve the needs of the subdivision.
- c. **Capacity assessment.** Prior to final plat approval, the applicant shall provide the county with written capacity assessment for the culinary water service to the subdivision. Capacity assessment shall include:
 - 1. Written verification from the public culinary water service provider. The assessment shall verify:
 - i. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary water needs of each applicable subdivision lot;
 - ii. That adequate culinary water flow and culinary water 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; and
 - iii. The specific details regarding the requirements or conditions for the culinary service of which the county should be aware during the approval or construction process.
 - 2. Evidence that a state construct permit has been secured from the Utah Department of Environmental Quality's Division of Drinking Water.
- d. **Culinary water improvements required.**
 - 1. The applicant shall submit to the county written approval and acceptance of new culinary water infrastructure from the public culinary water service provider prior to final acceptance of the subdivision's improvements by the county.
 - 2. Culinary water infrastructure 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.
 - 3. Unless authorized by the county engineer, culinary water

system infrastructure shall be located outside of the asphalt area of a public street.

4. Culinary water infrastructure shall be designed with sufficient capacity for the system service area as determined by the culinary water service provider, or as may otherwise be required by the County Engineer.
5. Water lines and fire hydrants shall be operational before building permits are issued for any structures.
6. Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.

(3) ***Private well.*** Unless required otherwise by part two (2) of this subsection 106-4-2(a), culinary water may be provided by private well.

a. ***Private well capacity assessment.*** The applicant shall provide the following capacity assessment verification prior to final plat approval.

1. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
2. Written verification from Weber Basin Water Conservancy District that adequate shares have been secured for each proposed well, or proof of sufficient culinary water rights for each proposed well. Adequate shares or rights shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.

b. ***Private well drilling and testing.*** Prior to final plat recording, each well shall be dug and pump-tested and 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 exists to serve all intended uses of the well. An inadequate pump-test shall result in that plat's approval being void unless another lawfully approved culinary water source can be provided.

(4) ***Transfer of rights and penalty for removal.*** All necessary culinary water rights or shares required for each lot shall be transferred to the culinary water service provider, if required by the culinary water service provider. Otherwise, the rights or shares required shall be assigned to the lot or a governing homeowner's association 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.

SECTION 5: **ADOPTION** “Sec 106-4-2(m) Secondary Water” of the Weber County Code is hereby *added* as follows:

ADOPTION

Sec 106-4-2(m) Secondary Water(*Added*)

(a) **Secondary water.** The applicant shall provide a secondary water source for, and secondary water infrastructure to, each lot and shall secure the rights or shares necessary to serve the quantity of secondary water required herein. A secondary water infrastructure connection shall be provided to or on each lot. The infrastructure connection shall be by stubbing into the lot from an existing secondary water service provider’s system, stubbing into the lot from a newly created secondary water service provider’s system, or by connecting to a private well on the lot. If approved by the culinary water service provider, secondary water source may be by means of a culinary water service provider; provided, however, that the applicant shall furnish the written approval from the culinary water service provider with verification that the provider possesses adequate rights or shares and capacity to serve the quantity of water required herein.

(1) **Required secondary water quantity.** Each developable subdivision lot shall be provided with sufficient secondary water source capacity, water flow, and rights or shares to comply with this part.

a. **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, in the Ogden Valley Planning Area, three acre-feet per irrigated acre is required, and in the Western Weber Planning Area, four acre-feet per irrigated acre is required.

1. 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.

2. If secondary water will be provided by a private well, then the applicant shall ensure the following:

i. Secondary water shall be provided to or on each lot to assume that at least 60 percent of the lot will be watered. If a restricted-landscape easement is drawn on the final recorded plat that illustrates an area on a lot that must be xeriscaped or maintained with vegetation native to the immediate area, then the 60 percent requirement may be reduced to include only the area of the lot not encumbered by the landscape restriction.

ii. A covenant shall be recorded to the property that restricts the amount of acreage that can be watered on each lot.

- iii. A note shall be placed on the final recorded plat that generally explains the watering restrictions per lot, and references the recorded covenant.
 - iv. The approved Exchange Permit from the Utah Division of Water Rights shall be submitted for each well, and shall demonstrate the total acre-feet approved for each well.
 - v. If secondary water is provided by shares from Weber Basin Water Conservancy District, the applicant shall demonstrate that the annual cost for the shares is or will be attached to the tax notice of each lot.
- b. ***Transfer of rights and penalty for removal.*** If required by the secondary water service provider, all necessary secondary or irrigation water rights or shares required for each lot shall be transferred to the secondary water service provider. Otherwise, the rights or shares required shall be recorded to the lot, or a governing homeowner's association, 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.
- (2) ***Existing currently operating secondary water service provider.*** A connection to an existing secondary water system is required where any part of a subdivision is situated within 300 feet of any part of a currently operating secondary water service provider's system, and the service provider is willing and able to serve the subdivision in accordance with Part (1) of this Subsection (m). If multiple systems are available, connection to the system that will yield the best organization and long-term performance of secondary water infrastructure in the area is required, as determined by the county engineer.
- (3) ***New secondary water service provider.*** Where outside the mandatory connection distance of an existing secondary water service provider, as described in Part (2) of the this Subsection 106-4-2(m), a new secondary water service provider shall be created to serve the needs of a subdivision of five lots or greater in accordance with the following:
- a. ***System conformance.*** If any part of the subdivision is situated within 300 feet multiplied by the number of lots in the subdivision, as expressed by this formula: $(300\text{ft} \times N_{\text{lots}})$, of currently operating supply lines of an existing secondary water service provider's system, then the existing service provider may require the new service provider's system to be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the systems. The existing service provider shall not require more than would be reasonably necessary if the new system was being created as a part of the existing

system.

b. ***Multiple local systems.*** If multiple existing systems are in the area described in Part (3)a. of this Subsection 106-4-2(m):

1. The applicant shall furnish written verification to the County of each provider's intent to eventually serve the development; and
2. The existing system that will yield the best organization of services and long-term performance of secondary water infrastructure in the area shall be used to satisfy this part. This shall be determined by the county engineer.

c. ***Future system consolidation.*** A deed covenant shall run with the land, executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider, together with any applicable ownership and operation rights, water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing. Unless negotiated by the entities otherwise, 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.

d. ***Service provider maps required.*** A local existing service provider intending to use this provision for future expansion shall submit to the County a current operating area and adopted future expansion area in an accurate geographically-referenced format.

(4) ***Private well.*** Unless required otherwise by Part (2) or Part (3) of this Subsection 106-4-2(m), secondary water may be provided by private well. Prior to final plat recording, each well shall be dug and pump-tested and a copy of pump-test results shall be submitted to the County. The pump test results shall demonstrate that adequate flow exists to serve all intended uses of the well. An inadequate pump-test shall result in the plat's approval being void and withheld from recordation unless another lawfully approved secondary water source can be provided.

(5) ***Secondary water improvements required.*** Prior to the County's final acceptance of the subdivision improvements, the applicant shall submit to the County written approval and acceptance of installed secondary water infrastructure from the secondary water service provider. If culinary service was conditioned on access to secondary water, the applicant shall submit to the County written verification of satisfactory completion for the secondary water infrastructure from the culinary water service provider. If the provisions of Part (3) of this Subsection (m) apply, the applicant shall submit to the County written verification of satisfactory completion of secondary water infrastructure from the applicable local existing secondary water service provider. The improvements shall comply with the following:

- a. Secondary water infrastructure 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. Unless authorized by the county engineer, secondary water system infrastructure shall be located outside of the asphalt area of a public street.
 - c. Infrastructure shall be designed with sufficient capacity for the system service area as determined by the secondary water service provider, or as may otherwise be required by the county engineer.
 - d. Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.
- (6) *Verification of capability to serve.*** The culinary water service provider that has conditioned its service on adequate access to a secondary water service 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.
- a. Final plat approval by the culinary water authority indicates satisfaction of the proposal for secondary water services.
 - b. The culinary water provider is encouraged to secure any financial guarantees necessary to ensure satisfactory performance from a secondary water provider. At the county engineer's discretion and when the culinary water provider declines, the county may require secondary water infrastructure to be a part of the county's financial guarantee for the subdivision, pursuant to Section 106-4-3.
 - c. As a basis to establish capability to serve, a culinary water service provider that has conditioned its service on adequate access to a secondary water service is responsible for determining the adequacy of a secondary water system's source, storage, pumping, distribution, rights or shares, and administration. If that culinary water service provider fails to do so, the county may do so at the discretion of the County Engineer.
 1. Source considerations may include diversion structures, source flow measurement, screening of the water, and adequate shares or rights deeded to the system provider or the county.
 2. Storage considerations may include adequate volume for daily demands (which may be a week of storage depending upon water turns), chemical treatment capability for algae and mussels, accounting for evaporation, basin capable to accommodate groundwater table fluctuations, barrier to minimize infiltration or exfiltration, fencing for security, and maintenance of water quality including separation from storm water.
 3. Pumping considerations may include adequate power, pump capacity and variability for minimum flows to peak

instantaneous flows of the future system, aboveground shelter, wet well, and ventilation.

4. Distribution considerations may include consistent pipe materials, locating wires, sizing adequate for future peak day flows, service laterals including meters, draining and filling appurtenances, valves and installation of pipes only within public rights-of-way for accessibility.

5. Water right or share considerations may include proof of water rights or shares, written verification from Weber Basin Conservancy District, written verification from a trusted existing secondary service provider, or by any other reasonable means as may be deemed necessary to verify legal access to the secondary water source.

6. Administration considerations may include ability to provide billing to users, enforcement of any watering restriction, maintenance ability, contingency funding for emergency repairs, annual reporting ability to the State Division of Water Rights, and management of Bluestakes.

(7) ***Exactions and denials.*** A water service provider, whether culinary or secondary, shall not use this part 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.