

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:

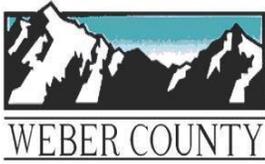
- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information 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.



WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

February 9, 2021

5:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/87265584828>

Meeting ID: 87265584828

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

1. Petitions, Applications, and Public Hearings:
2. Approval of the January 12, 2021 meeting minutes

Administrative items:

3. Discussion/Decision on a proposal to amend the subdivision code to allow flexibility regarding development along a substandard single-access street. *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.

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Minutes for Western Weber Planning Commission meeting of January 12, 2021, held in the Weber County Commissioner Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm Via Zoom Video Conferencing

Members present: Bren Edwards – Chair
Greg Bell – Vice Chair
Andrew Favero
Wayne Andreotti
Sarah Wichern
Jed McCormick
Bruce Nilson

Staff Present: Rick Grover, Planning Director; Steve Burton, Principle Planner; Scott Perkes, Planner III; Tammy Aydelotte Planner II; Matt Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

Chair Edwards states that he has a conflict of interest to declare. He sits on the Special Services Park District Board. He notes that he has discussed this with Matt Wilson. He stated that this is just an apparent conflict of interest because there is no financial gain it is not a direct conflict of interest. He asks Mr. Wilson if he needs to recuse himself from the item or if can call for a vote on whether he can participate. Mr. Wilson states that he can call for a vote.

MOTION: Commissioner Favero moves to allow Commissioner Edwards to participate during item 3.1 CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel. Commissioner McCormick seconds. Motion carries (7-0).

Chair Edwards asks if there are any other conflicts of interest or ex parte communications to declare. There are none.

1. Minutes: December 8, 2020 minutes: Commissioner Nilson moves to approve the minutes for December 8, 2020. Motion carries (7-0). The minutes for December 8, 2020, were approved as presented.

2. Public comments for items not on the agenda: There was none.

3.1 CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel.

Tammy Aydelotte states that this a request that includes 54 lots and the open space is a little over 16 acres. It is in the A-1 zone and it is a little over 40 acres. 16.2 acres of that is proposed to be dedicated as open space which is 46 percent of the gross adjustable acreage. In the PRUD code, it states that up to 50 percent bonus density may be granted, no more than the percentage of open space may be granted. The developer is looking to dedicate 46 percent of the gross adjustable acreage of open space he cannot qualify for more than 46 percent bonus density. The applicant has indicated that their plan to keep the pasture green is to lease and work with the locals to keep the pasture green. They need to condition the soil and bring in water. The applicant has made every attempt to meet the 42 percent bonus density and to meet the requirements, but it is up to the Planning Commission whether it should be granted. Staff recommends approval for this PRUD consisting of 54 residential units and two open space parcels that total a little over 16 acres with conditions stated in the staff report based on the findings that it does conform to the Western Weber General Plan and seems to meet the PRUD code.

Commissioner Bell asks what the emergency road is made out of. Ms. Aydelotte states that it does not state on the landscaping plan, but she will let the applicant address the question. Commissioner Bell states that his main concern is keeping that clean, and available for use during the winter months. Chair Edwards states that in the letter that was provided from January 11th it states that it will be a gravel road. Commissioner Bell asks how they will make sure that the gravel road will be accessible during the winter. Chair Edwards states that this is a good point, if the public will be allowed to use it to access the parking stalls. he has some concerns with the trail comingling with a roadway. Commissioner Bell asks why they can't open it up to be a through road. He adds that it would be more effective to pave it.

Commissioner Wichern states that she has concerns with the gravel road being placed on the PRUD, and who would be in charge of maintaining the road and not keeping the snow off but making sure that it stays dense and can hold the vehicles.

Commissioner Andreotti states that he is more interested in what the Fire District people have to say. He would like to hear from the developer.

Wade Rumsey 7550 S 35 W Idaho Falls, states that concerning the emergency road, he was encouraged to get in touch with David Reed from the Fire District who reviews and approves this. He adds that they reviewed the designs with him early on. He gave specifications that the road would need to hold a 75,000-pound fire truck. This has been confirmed with the engineering firm that they are working with. In terms of making sure that it is clear, this is something that David Reed has mentioned. There has to be a way to make sure that it stays clear. This would be maintained through the HOA for the area. They would make sure that the road is maintained. The HOA funds would cover the park maintenance and some of the trees. They would make sure that the gravel is not rutted out and that it stays in good order. This is a part of the maintenance plan that would be a part of the emergency road. According to the code you have to have secondary access. There are other access points within the subdivision there are no neighboring subdivisions that connect, this is why this consideration was put forward like it is.

Commissioner Wichern asks if the specification were given for the weight of the road and the load capacity for the road, not the maintenance or the snow. Mr. Rumsey states that the Fire Marshall stated that it needs to be clear and make sure that there is nothing that blocks that. In the wintertime, there will need to be snow removal if it builds up with snow. He notes that David Reed was more concerned about the fire hydrants, and this is being addressed.

Commissioner Bell states that based on that discussion there is a weight requirement and a requirement to clear the road. He notes that gravel roads don't plow well. He asks how they propose to keep the road clean. Mr. Rumsey states that it would be plowed and they would need to establish a base of snow or ice. He notes that sometimes that can't be done because there is drifting, a lot of times when there is just snow and if it is packed. This road would not be used much at all in the wintertime. It is an emergency road and some of it will be used primarily in the summertime primarily. He does not see a lot of wintertime access. He adds that there is a cost involved with either chip sealing or putting asphalt down.

Commissioner Wichern states that from her perspective it seems quite essential to put asphalt down. If it is an emergency road it needs to be accessible for emergencies. She adds that an ice-packed road for a fire truck concerns her. Mr. Rumsey states that it is possible. He states that he will get with David Reed ask if that is what they require. If it is something that required they can do that.

Commissioner Bell states that he appreciates their willingness to consider this and that they put emergency access considering the neighboring parcels it may be aa significant amount of time before there are any connecting roads and on the West, there is an agricultural preservation lot and on the South, there is a horse area and that owner has made it clear that he does not plan to develop at all.

Mr. Rumsey states that at the last meeting it was recommended to meet with the Parks District and he was able to attend the meeting. He notes that they offered the donation and not just the element with the walking path, but the entire part, but it looked like the cost would be prohibitive in terms of the discussion of infrastructure because of this they decided to move forward with the element of the PRUD and development code and providing the amenities with the trails and the park. Concerning the trees, concerning letter A in that section the street lighting and the trees along the roadway. There is also a preservation plan for the pasture area. He states that these are the elements that they are offering to obtain the bonus density.

Commissioner Bell states that he did have a concern about the basements. He asks if engineering has weighed in on this. Based on the notes it seems that they do not want basements, but they do allow for split levels. He asks how far they are allowed to go into the ground for split levels. Mr. Rumsey states that they are not allowing the basement and he is not sure about the building code but they are indicating that basements are not allowed. It will be a slab on grade type of a building because of the water table.

Commissioner Bell states that the reason he is concerned because of the ground is that he lived nearby and he is constantly pumping water from the basement. He notes that they will want to have Engineering and Building Inspection approval before they allow any basements in that area. He notes that it might not be a big issue because Mr. Rumsey is not allowing them. He asks if this will be in the CCNR's. Mr. Rumsey states that they are. He notes that they have been communicating with a few builders and they were very clear that none of that would happen. He has looked at other homes in the area and they want to be consistent with what is already there. He states that with the soil report it is very clear that they should not have basements.

Commissioner Favero states that he has a bit of a concern about the agriculture area and that is the fencing in the area where the housing is going to be and where it meets the community area. There was some discussion on the standardizing of fences and he is not sure if that was completed. If there is a standard he would like to know what that standard is. He would like to see this addressed.

Ms. Aydelotte states that the applicant has indicated in their open space plan that this agriculture use has been established involving any type of life stock. Fencing will be added and maintained in an agreement with the leasee of the land. Mr. Rumsey states that his understanding was that they have a dedicated rancher to use it and improve it and currently there is barbed wire that surrounds the whole 40 acres and this will need to change. If there are any fencing standards they are going to follow them particularly around the housing. If there is an ordinance or a code they would be glad to follow that.

Director Grover states that they did talk to the County Commissioners about the fence and they wanted to wait until the PRUD ordinance is revised. He states that they discussed no climb wire and having a solid fence in those areas. They want to wait until there is a complete overhaul.

Chair Edwards states no matter what type of agricultural use is next to any residential unit some sort of fencing needs to be established. If it is a hayfield or anything that is going to be farmed there. There needs to be some sort of a barrier regardless of if there are animals or not. Director Grover states that they could include this as a part of the motion. He notes that at this point those specificities are not in the ordinance.

Commissioner McCormick states that if they are going to put wood fencing on the housing it will not work with the livestock, they will rub it down.

Chair Edwards opens the meeting to the public comment.

Roger Heslop from the Western Weber Parks Board, states that he would like the Planning Commissioners to be aware that the applicant did approach them. The applicant went to talk to his partners and when they came back, there had been certain bonus densities had been granted. The applicant asked the parks board to put in all of the amenities that they had been granted bonus density for. He notes that they countered with a counter proposal and they have not heard back from the applicant. He adds that they wanted the Planning Commissioner to know that they are not opposed to working with developers, and they would be glad to work with them, but when bonus density has been granted and they want the Parks District to put the amenities to be put in, the Parks District did not feel that this was their place nor was it an appropriate use of bonus density for this project.

Chair Edwards closes the public comment.

Commissioner Bell states that he would like more clarification on what Mr. Heslop stated. Chair Edwards states that the Parks District was approached with the proposal, the Parks District offered to build a parking lot and some amenities to make it more open to the public, from there the Parks District would take over the maintenance. The Parks District felt that when the developer asked for the improvement of the section of road along 1800 S and put in several of the other amenities that were in the landscaping plan, it was not within the scope of what the Parks Districts should be putting in. Commissioner Bell asks if they develop the land as they have planned and the open space is given to the Parks District, How is it cost-prohibitive? He states that he does not want to put an undue burden on the developer but it doesn't sound like there is any burden that has been placed upon them. Mr. Rumsey states

that when they approached the Parks District they were just looking at the walking trail and it was suggested that they do the other 16 acres and they were not prepared to answer because there were other people involved in the development, it was put forward. What they wanted to do was donate the land as long as they were okay with the infrastructure. He notes that they do not know the specific plan, but it comes down to if it was too much in terms of the infrastructure then they would be okay to continue to move forward with the initial plan. He states that they wanted to make an effort. There is another PRUD code which states that "if the PRUD donates or permanently preserves a site determined to be desirable or necessary to a local park district or other county approved entity, for perpetual location and operation of a public park, cultural, or another recreation facility; up to a 20 percent bonus may be granted." This is what they were exploring since they did not know who was going to pay for the infrastructure. They felt that if they donated land and put the infrastructure in they might as well do D. " If a PRUD provides a common area that offers easily assessable amenities such as trails, parks, or community gardens, that are open for use by the general public, up to 15 percent may be granted. " He states that this is what they are trying to pursue and follow.

Chair Edwards asks if there will be a restricted covenant put on the open space ground and this means that it needs to remain open space. He asks if this is correct. Director Grover states that at the subdivision level they would be required to record some type of public easement upon that land and it would be used for public purposes. Chair Edwards asks if the HOA would maintain the space and the people in the 54 lots will pay double because they will be paying a tax to the Parks District and they will pay to maintain the area. He asks if this is correct. Mr. Rumsey states that they will pay an HOA fee that will help maintain the area. He states that they will still own the property and it will be permanently preserved. Commissioner Bell asks if the open space will be owned by the HOA or the developer. Director Grover states that the only way that he is aware that it is open to the general public is to record a public easement at the subdivision level. This is a requirement that is part of D the HOA staying their ownership. The developer would be the HOA until a certain number of the lots are sold. He is responsible for maintaining the open space and once a certain number of homes have been sold, the developer is responsible for approving a Board. The HOA would be privately owned, and the land would be owned by the HOA and the members within the subdivision. Mr. Wilson states that depending on the size of the parcel it can be owned by an individual as well. It would still have a restrictive covenant or a public easement.

Commissioner Wichern states that she likes a well run PRUD. There is a place for these types of developments. She notes that ongoing maintenance is difficult. The homes will not have a basement and with a high HOA would be hard for any development. She states that she is concerned that they might not provide care for the extra common space. She asks if the agricultural area is sold would the money go to the HOA funds that they can use ongoing rather than to the developer. Mr. Rumsey states that they have done some preliminary numbers for the HOA fee and they would like to keep the fee down. He states that they want to make sure that there will be enough funds and that the area is properly maintained. The goal is with 54 lots they are looking at what is a reasonable cost for the maintenance and move forward on that. If the agriculture area is sold he is not sure where the money would go. He states that they have not asked themselves that question. They want to keep that open and preserve the area. They do not have the answer to this question yet. Director Grover states that as a PRUD there is not a provision for that to be sold separately it would have to stand with the HOA. It would have to stay as part of the PRUD development because they were awarded the overall bonus density. He is not aware that there is a mechanism in the code that would allow that. Commissioner Bell asks if it would have to be deeded to the HOA to grant the open space for D. If they chose to do something different they would not qualify for the 15 percent. Mr. Wilson states that under the code it states that it could be owned individually, it does not have to be owned by the HOA, this is under 108-5-6 (2). He notes that this is dependent on the size of the parcel. He does not know the size of the parcel. It doesn't necessarily need to be owned by the HOA for the open space. Commissioner Wichern states that a big reason for not wanting to donate all the open space is to have the agricultural space plus the community garden, as it stands now they can sell the agricultural and the way it is stated and regain money and the developer would get the money. The agricultural area could be sold but it would have to stay agricultural. Mr. Rumsey states that they have no plan to do that, but he understands now that it is a possible scenario. Commissioner Wichern states that if it were to be leased out for agricultural purposes the developer would be paid the leasing fee, it would not go to the HOA. She asks if this is correct. Mr. Rumsey states that he does not have an answer to this question. Mr. Wilson states that he would like to clarify that the only open space that could be owned individually would be agriculture which is not dedicated as a common area. Director Grover states that concerning the financial aspects concerning the PRUD the Planning Commission is not able to look at those things they are to look at the ordinance and how the PRUD meets the code. Commissioner Wichern asks if they can look at the impact of the residents in the community. Can the PRUD subsist in providing the maintenance required for the common space? Mr. Wilson states that the Planning Commission does not look at what the HOA should be able to ensure that the common areas are taken care of. This something that the Planning Commission may not

consider. This is why the CCNR's are so important because this is how they can establish the board and the board will set the fees as they see fit. Commissioner Wichern states that the state regulates the fees to a certain degree as well. She adds that she just wants it to be sustainable.

Commissioner Bell states that his concern is whether they still qualify for the bonus density. Regardless of who owns it or maintains it as long as it remains permanently in the agricultural preservation they still qualify for the 15 percent bonus density.

Commissioner Favero states that he feels that they have gone beyond the vetting that the Planning Commission should do in this situation. The applicant has met with the Parks Board, comments were made in these regards. An agreement could not be reached, from that point on the need to get back to the business of the Planning Commission which is to see if this matched the intent of the code and they need to move forward. All of the discussion is great but it is beyond the charter of the Planning Commission. He feels that they have given enough information to the applicant if they want to pursue something further, at this point, it is beyond the Planning Commissions realm. He states that they need to look at whether it meets the code or not.

Chair Edwards states that they can add recommendations such as having the emergency access be paved, concerning the maintenance of the trees. He asks the applicant how they plan to keep the open space green. He asks if there will be a secondary water connection there. He asks what the type of grasses are in that landscape plan. He asks will that be spelled out in the landscape plan. He states that he has some concerns about the type of trees that will be planted. Mr. Rumsey states that they currently do not have a plan for the secondary water for the pasture area. He states that they are working with the rancher to develop something, in terms of the trees in speaking to the landscape person they were familiar with the soils in that area. Topsoil will need to be brought in, there is the consideration for when those lots are sold, and the yards will be put in that is when the trees will be put in. the secondary water will be going through the subdivision for the watering of those trees.

Commissioner McCormick asks if they need secondary water in the area. Ms. Aydelotte states that this is not a requirement in the ordinance at this time. Commissioner McCormick states that there will probably not be any water.

Commissioner Wichern states she would like to see the fence, basement, and the road are the conditions that she would like to see in the motion.

MOTION: Commissioner Wichern moves to approve CUP 2020-18: Consideration and action for a conditional use request for Winston Park, a Planned Residential Unit Development consisting of 57 residential units, and a 17.693-acre open space parcel. This recommendation is based on the following conditions: The following setback standard shall be added to the final subdivision plats for review and approval: Front – 20', side – 6', rear – 20', corner lot with a side facing a street – 15'. 2. Street light design shall be approved by Planning Department prior to issuance of a conditional use permit. 3. Sidewalk, curb, and gutter will be installed along the applicant's frontage of 1800 South as well as along the roads within the subdivision and is based on the following findings: 1. the proposed PRUD conforms to the West Central Weber County General Plan. 2. The PRUD is intended to allow for more flexibility of residential building sites. 3. The building uses, locations, lot area, width, yard, height, and coverage regulations proposed are acceptable as shown on the conceptual drawings. With the added recommendation of an asphalt emergency road, fencing will be required when adjacent to residential lots, and that the CCNR's include a restriction against basements. Commissioner McCormick seconds. Motion carries (7-0)

3.2 ZTA 2020-05: Discussion and action on a recommendation to the Weber County Commission regarding potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals.

Director Grover states in the last meeting the Planning Commissioners asked staff to look at amended language for the short term rentals. He notes that they have held a public hearing on this item, but the Planning Commissioners may choose to take public comments.

Scott Perkes states that staff was asked to look into alternative scenarios for potentially allowing short term rentals in the Western Weber area in a way that it would not step on the toes of the ADU ordinance that was recently adopted in December. He notes that as they went back to research what other communities were doing, affordability and availability of housing units has been a topic of discussion in each of these communities they have employed some tactics to address affordability and the availability of housing stock. The biggest ones where as follows the capping of the number of licenses and this has been discussed and has been named the

Open/Limited Scenario, STRs would be allowed in more areas but there would be a cap on the number of licenses issued, they would be limited to the geographic areas or the number of licenses in a particular geographic area. This is a strategy that communities have used to try and address the availability of short term rentals and their ability to overrun housing stock options. The second is one is the owner-occupied short term rentals. As an overview of a short term rental that is owner-occupied looks like as far as availability of affordable housing and not stepping on ADUs, it ensures that there are no vacant housing units within the housing stock. The owner is occupying it as a primary residence and they are not soaking up housing stock with second homes and investment homes where they could be used by full-time residents. It disincentives the second homes because they do have to live in it to qualify for a short term rental. It prevents enterprises and commercial businesses from coming up and buying the housing stock or developing a bunch of vacant lots with the intent of converting them into short-term rentals units. It also has been proven to increase the mitigation of potential negative impacts of short term rentals. If there is an owner on-site they are more likely to keep an eye on it at a closer level. The biggest thing from an affordability perspective is that the owner would be present and on-site. They are using it as a primary dwelling and they are not living in a second dwelling somewhere else and having an investment property. Owner-occupied is an option for allowing short term rentals but attempting to keep them from creating vacant units.

Mr. Perkes states that a lot of communities to address affordability have enacted policies that would aim to reinvest any income made with short-term rentals taxes tax income and fees they are then reinvested into the community for community development it could be used to develop moderate to low income housing. A lot of communities have prioritized their budget to put back into the community for affordable housing, this is something that the Commission can look into and how to utilize the funds once there is an idea of what the potential income could be.

Commissioner Bell asks if this would encourage the use of ADUs. It seems that the ADUs would be a highly sought after property because they could use them as STRs while they are living in the main dwelling. He asks if this is part of the purpose of this. Mr. Perkes states that and ADU is a long term rental and can be a detached dwelling unit any tenant would need to sign a long term lease. If they were to license the property as a short term rental, they would have to be present and onsite. They would not be able to have an ADU. Owner occupancy is the biggest consideration where the owner is present and there are no additional dwellings built in the back yard for the purpose of the short term rentals. The only way they can have a second dwelling is either detached or in the back yard if it is going to be licensed as a long term accessory dwelling unit.

Mr. Perkes states that short term rentals will always vie for affordability if short term rentals are present in the community, they are not artificially inflating the units that are required to house the same population. Every property would be occupied by a resident, rather than a resident buying a second property to rent out short term and live full term in the other.

Director Grover asks Mr. Perkes to explain how the building code has different requirements for ADUs vs. STRs. The STRs pick up more of a commercial regulation that has different requirements. Mr. Perkes states that they have been talking to the Building Official for the last couple of weeks as they have been ramping up to accept applications for accessory dwelling units. There is different code requirements between a short term rental and a long term rental. The short term rentals have transient tenants there is more stringent building code requirements that would have to be adhered to. There is quite a bit of cost associated with converting a portion of the home into a short term rental as opposed to an accessory dwelling unit. There is a requirement that if they are going to go through the licensing for either and ADU or an STR that they need to get the approval of the building official. There is fire separation standards and other building code requirements boost the cost of STRs as opposed ADUs. There is a bit of an incentive to go with an STR versus an ADU. He notes that there are still going through what the Building Official will be reviewing. Under each licensing requirement whether it's an ADU or STR they need to get the Building Officials signature to move forward with either type of license. During last month's meeting Commissioner Wichern wanted to see something with a regulation scenario that would not close the door entirely too short term rentals out West and leave open availability but there was concern with ADUs and other Commissioners had voiced their concerns as well. He asks if the Open/Owner-Occupied scenario encompasses what they were looking for. Commissioner Wichern states that she likes this it is a great option. She asks if what has already been permitted in Ogden Valley would remain the way it is. Mr. Perkes states that there has been two Planning Commissions weighing in on the topic and the Ogden Valley has made it very clear on what they would like to see from a regulation scenario. This does not mean that Western Weber has to follow the same scenario and make it across the entire County. There can be different scenarios for out West. This is something that the Commissioner may want to see up in the Valley, having owner occupancy. This is an option, but this scenario has been created for Western Weber. If they comfortable making a recommendation this for Western Weber. Staff would

be happy to present that as to the County Commission as what Western Weber wants versus what Ogden Valley wants. Commissioner Wichern states that she really likes it.

Mr. Perkes asks if there are any more questions. He notes that they have met on this topic a few times and would like to get a recommendation if they are ready to do so.

Chair Edwards asks if there are any more comments from the Planning Commission. There are none.

Commissioner Bell asks if they are going to take public comment. Chair Edwards states that they took public comment at the meeting in December. It is not a requirement for this meeting. He adds that if the other Planning Commissioners would like to take public comment they can. Commissioner Bell states that he is fine with not taking public comment he just wanted to make sure that base was covered. Commissioner Favero agrees and states that he does not see a need for public comment.

MOTION: Commissioner Bell states that he would like to forward a positive recommendation for the Open/ Owner- Occupied Scenario in Western Weber County. Commissioner Andreotti seconds. Motion carries (7-0)

WS1: Mel Peterson subdivision

Chair Edwards states that they agreed during to move the work session item up so that Mr. Peterson would not have to wait through the rest of the items on the agenda.

MOTION: Commissioner Bell moves to amend the agenda to move item WS1: Mel Peterson subdivision after item 3.2. Commissioner Wichern Seconds. Motion Carries (7-0)

Mel Peterson states that this is a piece of property owned by Val Sanders. They would like to build some townhouses. After discussing it they agreed on a PRUD and want to add enough units on the front to justify giving the portion in the back to the Parks District. He asks if this is something the Planning Commission might consider. He has taken it to the Parks District. He states that he hasn't heard from them but he hasn't made an official request. He wants to let them think about first before he approaches them.

Director Grover states the Planning Commission is looking at this to see if they feel good about it. He notes that this is not something that is getting a recommendation at this point. They are welcome to make any comments, nothing is being vested. Once they submit a formal application then it will be vested.

Commissioner Edwards states that he likes the idea and the proposal that is coming. He notes that the concern that he has is the public access. He adds that there needs to be a parking lot where it is open to the public so that they can get in there and use the area. They would need a parking area and an access because it is a large area.

Commissioner Favero states that he likes that the idea. There needs to be more accessibility. He is surprised that the owners who are proposing this want to do this in Unincorporated Weber County rather than in West Haven.

Commissioner Nilson asks where the access to the canal would be. Mr. Peterson states that there is an easement that goes all the way through to the West. The easement has been there forever. On the North side is another park that has been dedicated already by West Haven it is in a triangle and it is supposed to be fully developed. The idea with this lot is to add some units and he has asked Val Sanders to donate the remainder for the park. There is not enough units to justify improving the park. It is 13.45 acres, there is really good grass. On the Southwest corner it is a little wet. The grass is full. He has known this piece of land for a long time. It would be a good place for a park. He notes that it would have to be developed a he does not have enough units to justify developing the piece of ground. He states that they want to get a deed for the ground and allow this type of development on the front. The roads are already in. It is in a good location if there is a sentiment that they do want to put in West Haven. This could be a problem because there is an ordinance that if it has more than 16 units they need to ask West Haven if they want it or not. It is right against their park. He adds that he is not sure how that will work out. Val Sanders will not do it if it goes in to West Haven. Commissioner Favero states that it is a swap and there is no improvement to the property. The Parks District would get the property without any improvements. Mr. Peterson states that this is correct. He notes that he could cut the units back put it in the cluster ordinance and retain the piece of land, and put an agricultural easement over the land, but he feels that that the first step for the communities is to

get a park. Some of the good ground is never going to be donated. Commissioner Nilson asks if the County would need to develop and maintain it. He asks if this is something the County has the money and the interest for. Chair Edwards states that it would not be the County it would be the Parks District. He notes that the Mel Peterson did bring the proposal to the Parks District and there is interest on the part of the Parks District. The concern is that if he is getting density but no improvements are going to be made, there is some concern with that.

Commissioner Wichern states that she is not familiar with the area, is there a road that separates the two parks. Mr. Peterson states that there will be. Commissioner Wichern asks if it is possible to create parking along the north end of the park without having to cross the canal. Mr. Peterson states there is parking along the top, there is an easement, he is not sure how wide it is but it would go all the way through to the West. It has been planned that way forever. That road has been fenced out for as long as he can remember. On the north side of the fence is the new park that West Haven is putting in. It is being put in back Castle Creek, they have a lot of lots. Looking at this piece they are getting enough extra units that justifies giving the ground up. Once they start developing **Mr. Sander would not proceed with it.**

Commissioner Bell states that number 1-14 on the Southern side of the development lot. He asks if they are parking stalls. Mr. Peterson states that those are storage sheds for the tenants. He states that he will go back to the Park District and he can put together a plan. He was against incorporation and he wanted to stay in the County. He adds that it seem that the people want to have their own city someday. There needs to be more roofs and a park.

Commissioner McCormick asks if they didn't get many extra units. Mr. Peterson states that it is four extra units. He notes that there might be some city objection to that many units unless they can offer the land, but they would have to develop it.

Commissioner Bell states he would like more information the requirement to the offer the parcel to West Haven. It would be very appetizing for West Haven, they already have a development on the other side. Mr. Burton states that State code talks about urban development. Whenever urban development exists within a cities annexation area the County has to notify the City, the City can object in writing or they can approve of it in writing. There isn't a requirement for them to ask, but the City needs to be notified. He states that 30 lots can be Urban Development. If it is a commercial project whose cost projection exceed 750,000 dollars. He notes that this is close and they will want a letter from them either way to see if it has been discussed. Commissioner Bell states that he appreciates Mel Peterson's comments and him wanting to put a park in Taylor. They have not had a lot of options for parks. He also understands the Parks District need more incentive than just the land. They have been paying into a Parks District without a park and hopefully there are enough funds to justify developing a park for the residents in the area. The elementary is in the southeast, residents will have a hard time with putting townhouses in that area but maybe if they are given an incentive they could be open to it. There will need to be parking. He adds that he hopes that there will be a park in Taylor.

Mel Peterson states that he will go speak to the Parks District. Mr. Burton notes that if they decide to do a PRUD and if they move forward with the proposal as an application, they would want some correspondence from the Parks District. Mr. Peterson asks how they feel about the proposal. Commissioner Favero states that he likes what has been proposed. It hinges on if the Parks Districts decision. Mr. Peterson states that there is a lot for him to do. He asks if there are any more questions.

Commissioner Bell states that he would like to understand the safety surrounding the canal if it is going to be piped it changes. He ask if it would be fencing. He wants make sure it clear, because it is a safety concern. Mr. Peterson states that it would be fenced. If Hooper Irrigation insists that piping go in there and it might kill the project.

4. Elections: Chair and Vice-Chair for 2021:

Chair Edwards nominates Commissioner Favero for chair for 2021. Commissioner Wichern nominates Commissioner Bell for chair for 2021.

Commissioner Andreotti votes for Commissioner Favero. Commissioner Wichern votes for Commissioner Bell. Commissioner Nilson votes for Commissioner Favero. Commissioner McCormick votes for Commissioner Favero. Chair Edwards votes for Commissioner Favero.

There one votes for Commissioner Bell and four for Commissioner Favero.

Commissioner Favero is elected Chair.

Commissioner Favero moves to nominate Commissioner Edwards for Vice Chair for 2021. Commissioner Bell moves to nominate Commissioner Wichern for Vice Chair. He notes that with the General Plan update there will also be an update for the Uintah Highlands, it would be good to have her on board. Commissioner Wichern states she appreciates Commissioner Bell's nomination but she would like to have more experience. She states that Commissioner Edwards has done a great job and feel that he will continue to do a great job, and she feels that she would like more experience before she Chairs or Vice Chairs a meeting. Chair Edwards states that the voice will be heard if the public in each area are willing to attend the meetings. There will be a lot of opportunities to represent for each area. Commissioner Wichern asks to have her name removed from consideration.

MOTION: Commissioner McCormick moves to nominate Bren Edwards for vice chair. Commissioner Andreotti seconds. Motion carries (6-1). Commissioner Bell votes nay.

5. Meeting Schedule: Approval of the 2021 Meeting Schedule: Chair Edwards asks if there has been any changes to the meeting schedule. Director Grover states that they will continue meeting the 2nd Tuesday of every month but there will be a lot more meetings because of the updates with the General Plan.

Chair Edwards asks if there are any comments or questions on the meeting schedule. There are none.

MOTION: Commissioner Andreotti moves to approve the 2021 Schedule. Commissioner Favero seconds. Motion carries (7-0).

6. Approval of the 2021 Planning Commission Rules of Order

Chair Edwards if there any question or concerns. There are none.

MOTION: Commissioner Nilson moves to approve the 2021 Planning Commission Rules of Order. Commissioner Favero seconds. Motion carries (7-0).

7. Training: Open and Public Meetings Act - Matt Wilson

Mr. Wilson reviews the Open and Public Meetings Act with Planning Commissioners. Mr. Wilson asks if there any questions. There are none. He notes that the one change to the Open and public meetings act was that Governor Herbert suspended a lot of the requirements initially when dealing with the pandemic, the legislature has addressed this and added an exception if there is a public meeting there has to be an anchor location. If they decide not have an anchor location the chair would have to make specific findings in the meeting. He adds that there has been more participation via Zoom, it is nice to have that option.

8. Remarks from Planning Commissioners: There was none.

9. Planning Director Report: Director Grover states that he would like to give the Planning Commissioners an update on the status of the General Plan. The RFPs have been submitted and they are being reviewed. They have reached out to them, in one instance the applicant is coming in with some revisions because the price was a bit high. There are some things that have already been done towards the General Plan with some outreach meetings. Staff will also be participating to help out. There might be some bids that come back within a good price range. If not they may have to put out another RFP. Hopefully they will be able to select a consultant and present to the County Commission and get it progressing.

10. Remarks from Legal Counsel: there was none.

Chair Edwards states the he appreciates Commissioner Bell he served as vice chair for 2020 and he did a great job.

MOTION: Commissioner Wichern moved to adjourn the meeting. Commissioner McCormick seconds. Motion carries (7-0)

Adjournment: 7:33 PM

Respectfully Submitted,

Marta Borchert

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: February 3, 2021
Subject: Text Amendment for Substandard Streets/Roads

In the July 14, 2020 Western Weber Planning Commission meeting, you held a public hearing for a text amendment regarding development along a single-access substandard street. In that meeting you tabled the proposed language pending further refinement of the language.

In the November 10, 2020 Western Weber Planning Commission meeting, the item was discussed again, and you tabled it further in order to discuss it in a combined work session with the County Commission.

On January 5, 2021, a combined work session between the Western Weber Planning Commission, Ogden Valley Planning Commission, and Weber County Board of Commissioners was held and this item was discussed. The discussion resolved in the following three policy options for the Planning Commission to consider:

1. Keep the policy that prohibits subdivision development along a single-access substandard street.
2. Change the policy to allow the development to occur as long as a traffic study verifies safety and the proportionate cost for improvements are born by the future lot owners in that subdivision.
3. Change the policy to allow the development to occur as long as the developer fronts a share of the cost for street improvements proportionate to the impact the new lots will have on the single-access substandard street.

In the attached proposal, the language is crafted in a manner that will allow the planning commission to forward a recommendation for either of the above three. Even if the planning commission's desire is to forward a favorable recommendation for option one, staff still suggests that the language of the existing code be revised to be clearer on the subject. The new proposed language of Section 106-4-1(h) is designed to be clearer, and should be implemented regardless.

The proposed new language of Section 106-4-2(p) paragraph (1) and (2)(a) support option two. And the proposed addition of Section 106-4-2(p) paragraph (2)(b) supports option three.

Planning Commissioners may notice the different section location when compared to previous proposals. This is for ease of administration, as the new proposed text fits better in Section 106-4-2.

Feel free to reach out to me if you have any questions.

WEBER COUNTY
ORDINANCE 2020-TEMP-SUBSTANDARD TERMINAL STREETS

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 106-4-1 General Requirements” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

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~~ A new subdivision located along a street route that is at any point the single means of access from the subdivision to the greater interconnected public street network shall not be approved unless the entirety of the single-access street route is constructed to the County's public work standards and has the appropriate right-of-way width. ~~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 2: AMENDMENT “Sec 106-4-2 Improvements Required” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 106-4-2 Improvements Required

(a) *Water supply.*

(1) Public system.

- a. Where an approved public water supply is reasonably accessible or procurable, the applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. Water lines and fire hydrants shall be operational before building permits are issued for any structures.
- b. Capacity assessment letter is required prior to final approval from the planning commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.

(2) New system. Where an approved public water supply or system is not reasonably accessible nor procurable, the applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department.

(3) Wells. If individual well permits are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:

- a. That a well permit must be obtained;
- b. The time it may take to obtain the permit;
- c. The well must be drilled;
- d. Water quality to be satisfactory; and
- e. Water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained.

If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.

(b) Sewage disposal.

(1) Where any part of a building situated within the unincorporated areas of the county is within 300 feet of any street, alley, court, passageway or area in which a public sewer or sewer owned or operated by any special improvement sanitary sewer district is in existence and use, or where the building is close enough in the determination of the county health officer to require a connection, the applicant shall connect sanitary sewer and provide adequate lateral lines to the property line of each lot. Sewer systems shall be approved by the county health official, and connections shall comply with the public work standards of the county. Where the construction of a sewer trunk line is required to serve the subdivision, the applicant shall be required to construct the trunk line in accordance with plans and specifications approved by the county and sewer improvement district. The new trunk line shall be designed with sufficient capacity for the service area as determined by the county engineer. The applicant may be entitled to reimbursement for the oversized costs through impact fee or development agreement within the service area for a period of ten years from the date of acceptance by the county.

(2) Where a public sanitary sewer is not accessible, the applicant shall obtain approval from the county health officer for individual sewage disposal for each of the lots. Written approval from the county health officer shall be submitted to the planning division at the time the subdivision application is submitted. Septic tanks shall be installed according to the specifications and under the inspection of the county health officer. Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality Division of Water Quality, a letter of feasibility is required for preliminary approval and a construct permit from the state is required before final approval can be granted by the planning commission.

(c) Stormwater.

(1) The county engineer shall require the applicant to dispose of stormwater, if such provision is deemed necessary, and provide drainage structures so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the applicant to acquire such easements.

(2) When drainage structures such as storm water detention and/or retention facilities are required by the county engineer, the county, at its option, may

require the facility to be dedicated or otherwise transferred to Weber County or its designee. Weber County may also require the developer of the subdivision which the detention and/or retention facility serves, to form a homeowners association of all homes in the subdivision with articles of incorporation and by-laws filed with the department of commerce. Provision shall be made in said association for the contracting with the county engineer to do periodic inspections and maintain the drainage facilities. The purpose of the association shall be to own and maintain the detention and/or retention facility in satisfactory condition as specified by the county engineer. In such cases, the county shall be granted an easement over the detention/retention facilities to guarantee such facilities will remain and be used as intended for stormwater detention purposes.

- (d) *Street grading and surfacing.* All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the public work standards.
- (e) *Curbs and gutters.* Curbs and gutters shall be installed on existing and proposed streets by the applicant. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the applicant in subdivisions along abutting Utah State Highways, if required by Utah State Department of Transportation.
- (f) *Sidewalks.* Sidewalks shall be required by the planning commission for reasons of safety and public welfare, and where the proposed subdivision is located within the walking distance established by the local school district. Deferrals for sidewalk will be required for lots in Ogden Valley. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the county commission. Approved walking paths may be substituted for sidewalks.
- (g) *Street monuments.* Permanent street monuments shall be accurately set at points necessary to establish all lines of the street. Street monuments shall be of a type specified by the county surveyor.
- (h) *Street trees.* Street trees shall be planted by the applicant when so required by the planning commission and of a variety and location as approved by the planning commission.
- (i) *Street signs.* Street signs shall be installed by the applicant at locations designated by the county engineer. Signs shall be a type and material prescribed by the county engineer. The county commissioners shall have the option to install signs and charge the costs to the applicant.
- (j) *Fencing or piping of canals, etc.* A solid board, chain link, or other non-climbable fence not less than five feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision, except where the planning commission determines that park areas including streams or bodies of water shall remain unfenced. Fencing or piping of canals, etc., shall not be required on subdivisions of four or fewer lots, or where canals are located 600 feet from the homes.
- (k) *Staking subdivision corners.* Survey markers shall be placed at all subdivision corners

and lot corners to completely identify the boundaries on the ground. This shall be performed and confirmed by the surveyor's office before the subdivision is recorded.

(1) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24 inches in length and visibly marked or tagged with the registered business name or the letters P.L.S. (Professional Land Surveyor) followed by the registration number of the surveyor in charge. Where ground conditions do not permit such monumentation, substitute monuments 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.

(2) If the monument is set by a public officer, it shall be marked with the official title of the office.

- (l) *Peripheral fencing.* The planning commission may require fencing along the periphery of a subdivision in an agricultural zone to provide protection to adjacent farming lands from the adverse effects of residential living and vice versa.
- (m) *Secondary water.* The term "secondary water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the planning commission shall, as part of the approval of the subdivision, require the applicant to furnish adequate secondary water and install a secondary water delivery system to the lots in the subdivision sufficient to conform to the public works standards, if such water district or company files or has filed a written statement with the Weber County Planning Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the applicant. A certified copy of the minutes of the board of trustees of such water district or company showing the enactment of such policy must be furnished to the planning commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the applicant shall install a secondary water system in accordance with the provider's requirements or standards.
- (n) *Transfer of irrigation water rights.* Where the county, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the planning commission.
- (1) The applicant shall form a lot owners association as a non-profit corporation for owning the irrigation water rights or stock for the lots in the subdivision. The applicant shall transfer to the association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The articles of incorporation of the association shall provide, in addition to the association owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically

be a member of the association, is entitled to a pro rata share of irrigation water, is subject to a water distribution schedule and procedure established by the association, and is responsible for his share of the costs of ditch and system maintenance and assessments as made by the association from time to time; or

- (2) The applicant shall provide the county with evidence that sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, the developer/property owner shall record a covenant to run with the land that these rights or shares will not be disposed of except to the lots in the subdivision and with the sale of each lot, a transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.

(o) *Fire protection.*

- (1) A letter from the Weber Fire District approving the fire protection method shall be provided prior to final approval of the subdivision by the planning commission. Before a land use permit is issued, the fire protection method shall be operational, and a letter to that effect will be required from the Weber Fire District.
- (2) Subdivisions located in the Forest and Forest Valley Zones shall have requirements in the Subdivision Covenants, Conditions, and Restrictions on Wildfire Mitigation as outlined by the Weber County Fire District.

(p) Substandard single-access street or street route. The requirement of Section 106-4-1(h), and other requirements to the contrary in this section, may be waived if:

- (1) A traffic study, conducted by a qualified professional and funded by the applicant, demonstrates that the existing single-access street route is adequate and safe, or can be made adequate and safe with improvements volunteered by the applicant, for the increased traffic demand of the new subdivision; and The Planning Director and County Engineer can mutually make the following findings:
- a. That due to topographic or other environmental characteristics of the area, it is unlikely that a another street route will be established that provides a second connection from the new subdivision to the greater interconnected public street network within the next 10 years; and
 - b. That not providing the new subdivision with a single-access street route that complies with currently adopted standards, or that not providing the new subdivision with a second street route access to the greater interconnected public street network, does not conflict with an applicable general plan, small area plan, master streets plan, or similar adopted planning document.
- (2) Either of the following occur:
- a. Owners having interest in the new subdivision execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the county. At a minimum, it shall:

1. Explain that the new subdivision has only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the minimum design and safety standards;
 2. Require a deferral agreement that specifies that the owner or successors and heirs are responsible at a time the governing authority deems it necessary for their roughly proportionate share of improving the parts of the single-access street route that do not conform to County standards;
 3. Cause for the governing authority, at their option, to withhold any written protest filed by the owner or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided that the revenue generated by the mechanism is:
 - i. limited to the actual estimated value, adjusted for market changes over time, of improving the substandard public street to the standards applicable at the time of the agreement's execution; and
 - only applied to:
 - (a) improving the substandard street to the standards applicable at the time of the agreement's execution;
 - (b) the larger cost of improving the street to an updated or better standard; or
 - (c) creating a second street route from the subdivision to the greater interconnected public street network; and
 4. Be recorded to the property at the time of subdivision recordation or sooner.
- b. The applicant funds certain street improvements and, if applicable, street right-of-way acquisition, along the the single-access street route. The improvements required shall be as designated by the County Engineer, and have an estimated cost that is roughly proportionate to the impact of the applicant's new lots on the street system. This cost shall be determine by estimating the full cost to improve the single-access street route to current county standards, dividing the cost by the future buildout along the street, then multiplying that number by the applicant's number of lots. The County Engineer may require engineered drawings of the street in order to substantiate the cost. The County Engineer has the discretion to either require this cost to be deposited with the County for the County to do the work, or require the applicant to do the work. The following provides additional criteria for this cost calculation:

1. The length of the single-access street route shall be measured from the point it becomes a single-access street route to the furthest extent of the applicant's subdivision. The parts of the street that comply with adopted standards, if any, shall then be subtracted.
2. The cost to improve this length shall be estimated using up-to-date costs for construction material, labor, and any other expense necessary to bring the street to county standards. The added expense of an intersection or other street component that is not related to providing a standard street to the applicant's subdivision shall be excluded from the calculation.
3. Future buildout along the street shall be determined by dividing the length of the street by the minimum lot width of the zone, then adding the applicant's lots that were not already included, if applicable. Alternative lot widths or flag lots, as may be allowed by this Land Use Code, shall not be used for this calculation.
4. A subdivision improvement that is required by this Land Use Code regardless of the condition of the single-access street shall not be included in this calculation.

(Ord. of 1952, title 26, § 4-2; Ord. No. 6-73, 4-17-1973; Ord. No. 3-82, 1-26-1982; Ord. No. 4-86, 3-10-1986; Ord. No. 22-87 12-14-1987; Ord. No. 19-90, 10-24-1990; Ord. No. 17-91, 8-27-1991; Ord. No. 2002-11, 6-18-02; Ord. No. 11-2005, 8-16-05; Ord. No. 2012-2, § 1(26-4-2), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

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