WEBER COUNTY

WESTERN WEBER PLANNING COMMISSION MEETING

AGENDA

June 15, 2021

4:30 p.m.

Join Zoom Meeting

https://us02web.zoom.us/j/81904661107

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

Petitions, Applications, and Public Hearings:

Administrative items:

1. DR 2021-07: Request for approval on a design review application for hard-surface trailer parking for Kimberly-Clark Corporation. Staff Presenter Tammy Aydelotte

2. LVR051321 - Consideration and action on preliminary approval of the Riverbend Cluster Subdivision (98 lots) located at 800 South 3600 West. Staff Presenter Felix Lleverino

Legislative items:

3. A public hearing to consider and take action on a proposed general plan amendment and rezone of property located at approximately 4000 N. Highway 89. The proposal is to rezone approximately 40 acres from the agricultural (A-1) zone to the Gravel (G) zone. *Staff presenter: Charlie Ewert. Applicant: Westside Investments. Applicant agent: Craig Jackson*

4. A public hearing to consider and take action on a proposed rezone of approximately 122 acres of property located at approximately 1290 S. 1700 W. from the agricultural (A-3) zone to the agricultural (A-2) zone. *Staff presenter: Charlie Ewert. Applicant: Lync Construction/Flagship Homes. Applicant agent: Pat Burns/Nathan Meikle*

5. A public hearing to consider and take action on a proposed rezone of approximately 87 acres located at approximately 2650 W 1200 S from the agricultural (A-2) zone to the commercial (C-2) zone with a master planned development (MPD) overlay zone. *Staff presenter: Charlie Ewert. Applicant: Lync Construction Applicant agent: Patrick Burns/David Laloli*

6. A public hearing to consider and take action on a county-initiated text amendment to various sections of the County's subdivision ordinance to encourage public street connectivity in certain intervals and related amendments regarding the provision of street and lot development standards in the County's subdivision ordinance. The amendments include general administrative and clerical amendments to create a more efficient ordinance. *Staff presenter: Charlie Ewert.*

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

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.

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Request for approval on a design review application for hard-surface trailer parking for Kimberly-Clark Corporation.
Agenda Date:	Tuesday, June 15, 2021
Applicant:	Kimberly Clark, Owner
File Number:	DR 2021-07

Property Information

Approximate Address:	2010 N. Rulon White Blvd., Ogden, UT 84404
Project Area:	6.868 acres
Zoning:	Manufacturing Zone (M-1)
Existing Land Use:	Commercial/Manufacturing
Proposed Land Use:	Commercial/Manufacturing
Parcel ID:	19-041-0076
Township, Range, Section:	T7N, R2W/T6N R2W Section 36/01 Quarter Section SE/NE

Adjacent Land Use

North:	Commercial	**South:**	Residential
East:	Union Pacific Railroad	**West:**	Rulon White Blvd.

Staff Information

Report Presenter:	**Tammy Aydelotte** taydelotte@co.weber.ut.us 801-399-8794
Report Reviewer:	SB

Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 22 (M-1 Zone)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)
- Weber County Land Use Code Title 108 Chapter 7 (Parking Lot Design and Maintenance)

Summary and Background

The applicant is requesting approval of a design review for Kimberly-Clark Corporation, to improve 6.868 acres to accommodate trailer parking as an accessory use to the existing manufacturing and distribution services on-site. Applicant is proposing three phases of development. Phase 1 would include the west and south trailer parking areas, as indicated on the submitted plans, as well as a storm drain area located in the southwest corner of the site area. Phase 2 includes improvement of the east trailer parking area, along 1975 West Street. Phase three will include the roadside trailer parking lot, as indicated on the site plan (see **Exhibit B**).

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: The proposal conforms to the Weber County Land Use Code, as warehousing is a permitted use in the M-1 zone.

Zoning: The subject property is located within the Manufacturing (M-1) Zone. Parking is a permitted use in the M-1 zone. The parking of trailers can be considered an accessory to the main use of this parcel. The purpose of the M-1 Zone can be further described in LUC §104-22-1 as follows:

The purpose of the light manufacturing zone is to provide suitable areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.

(c) The applicable standards are as follows:

- Minimum front yard setback: 30 feet
- Minimum side yard setback: None, except 20 feet where a building is adjacent to a residential zone, or for a side yard on a corner lot.
- Minimum rear yard setback: None, except 20 feet where a building rears on a residential zone.
- Maximum building height: None
- Maximum lot coverage: 80% of lot area by buildings

This proposal meets the zoning requirements for setbacks, as the proposed parking will be located more than 30' from Rulon White Blvd.

Design Review: The M-1 zone and the proposed use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion: The proposal includes a site plan that identifies three phases of parking improvements, as well as a drainage basin. As this proposal will not affect traffic flow, other than to create more organization, staff does not anticipate and issues with traffic safety and congestion.

Access to the proposed addition area will not change from the current access off of Rulon White Blvd (see exhibit B). Staff feels that the existing parking is adequate for the proposed expansion.

Considerations relating to landscaping. After reviewing the proposed site plans, it has been determined that the existing landscaping meets/exceeds the minimum requirements as outlined in LUC §108-2. Applicant shows approximately 23% of the 133.48 acre parcel has existing landscaping.

Considerations relating to buildings and site layout. The proposal meets site development standards of the M-1 Zone. The applicant has proposed improvement of parking areas for the purposes of parking trailers, as an accessory to the existing manufacturing and distribution uses. Improvements will take place in three phases, and include curb and gutter, fencing and berms. Phase one will include of designation of a storm drain area, as well as installation of asphalt to accommodate 138 parking stalls. Phase 2 will include installation of asphalt to accommodate 74 parking stalls. Phase 3 includes installation of asphalt to accommodate 23 parking stalls. Standard catch curb and gutter will be installed throughout each phase, as well as installation of new 80' high mast lighting (7) and relocation of two existing light poles, to accommodate proposed improvements.

Considerations relating to utility easements, drainage, and other engineering questions. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to recommendations regarding retention ponds and a SWPP. There is a proposed drainage area to the west of phase one.

Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: To date, the design review has been approved by the Weber Fire District. Weber County Engineering has reviewed, but not yet approved this project. All review agency requirements must be addressed and completed prior to the written approval of the design review being issued.

Tax Clearance: 2020 property taxes are paid in full. 2021 property taxes are due in full November 30, 2021.

Staff Recommendation

Staff recommends approval of the Kimberly Clark Design Review Application. This recommendation is conditioned upon all review agency requirements, and the following conditions:

1. Written approval of the design shall not be issued until the all review agency requirements have been met (Engineering).
2. Any additions/changes to existing signage, or additions/changes to existing exterior lighting must be approved by the Planning Department.
3. HOA approval must be granted prior to building permit.

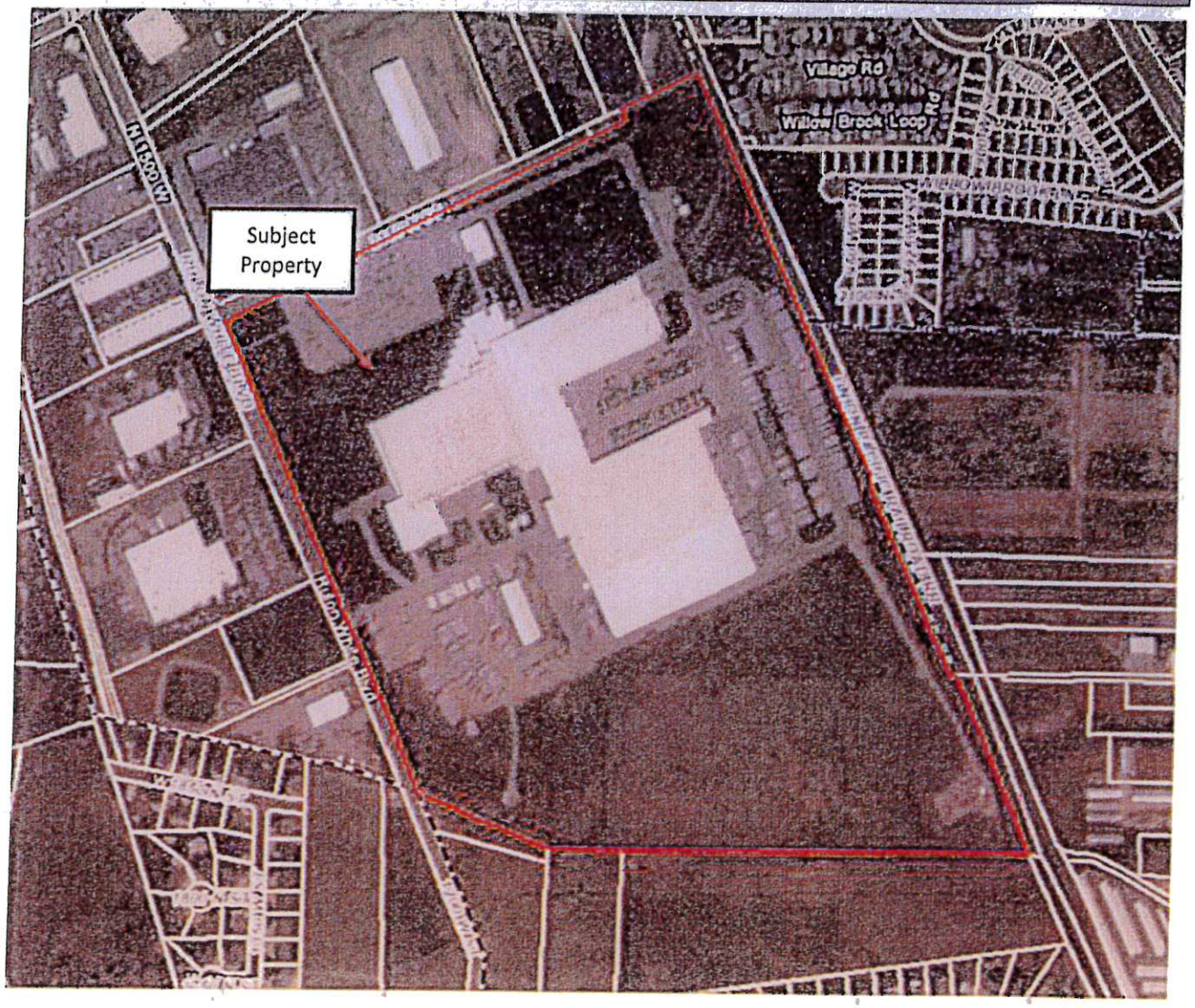
This recommendation is based on the following findings:

1. Parking of trailers is allowed as an accessory to the main use within the M-1 zone.
2. The applicant has demonstrated compliance with the applicable land use codes.

Exhibits

A. Application & Narrative
B. Site Plan, Phasing, Lighting Plan

Map 1



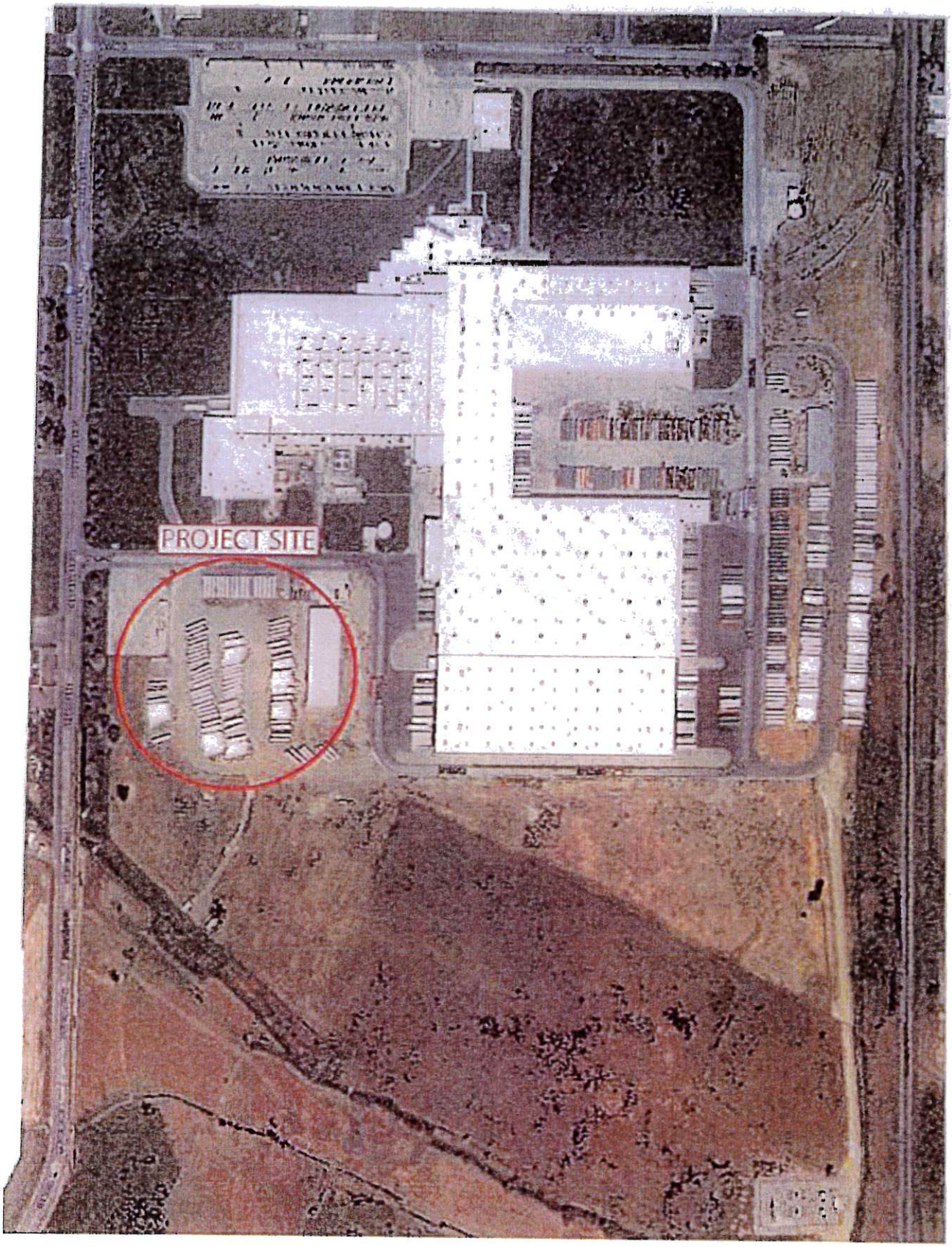

PROJECT SITE

Exhibit A – Application & Narrative

Application

Add Building | Add Parcel | Add a Contractor | Edit Application | Print

Project Description	Project consists of semi truck trailer parking lot improvements from a thin road base setting to a complete structurally sound asphalt condition per geotechnical study recommendations.
Property Address	2010 North Rulon White Blvd Ogden, UT, 84404
Property Owner	C/o Nick Engebos Kimberly-Clark 801-786-2101 Nick.Engebos@kcc.com
Representative	Kevin Thompson 801-786-2435 kthompsn@kcc.com
Accessory Dwelling Unit	False
Current Zoning	M-1
Subdivision Name	Weber Industrial Park
Number of Lots	
Lot Number	19-041-0078
Lot Size	78.4 acres
Frontage	2018.49'
Culinary Water Authority	Bona Vista Water Improvement District
Secondary Water Provider	Pineview Water
Sanitary Sewer Authority	Central Weber Sewer
Nearest Hydrant Address	2010 North Rulon White Blvd
Signed By	Representative, Kevin B Thompson

Parcel Number

Parcel 19041 0078 - County Map

Weber County Planning

RE: Kimberly-Clark Ogden Diaper Plant
2010 North Rulon White Blvd
Ogden, Utah

Project: Trailer Parking Improvement

Kimberly-Clark seeks to improve an existing trailer parking area located near the southwest corner of their property. The trailers currently are parked on a thin road base area. The 6.8 acre project scope includes grading, road base and asphalt paving improvements per the site-specific geotechnical report. Storm drain piping and inlets will be installed that will conduct flows to a proposed on-site detention pond. Kimberly-Clark has an existing large, sodded, well-maintained master drainage pond to the north with a grated control structure box that has been gradually elevated over the years to accompany new impervious surfaces that have been added. For this project, drainage is towards the existing on-site 'street' that borders the north side of the trailer parking area (termed 1975 North Street) which has inlets that capture flows and conduct them westward to the piped municipal storm drain system in Rulon White Boulevard. The new improved parking area will utilize an approximate 3-inch orifice that will meter pre-project flows into an existing curb inlet on the south side of 1975 North Street. Drainage patterns will basically remain the same, but flows will be captured and better managed into/through a detention pond - the net effect is arguably a decreased impact storm drainage-wise. Note that this is an off-street parking facility on private property - 1975 North is actually an on-site roadway/driveway behind a gated entry - accordingly, there will no new driveway access to Rulon White Boulevard - the site will continue to utilize the on-site 1975 North 'Street.' Further, the project does not involve any new buildings and does not induce any additional traffic impacts.

The new improved parking lot will have a substantial structural section which is shown in the profile views of the 17-page set of plans. Additionally, 8-inch concrete landing gear support areas will be installed. The plans show three phases - the first two phases will be initially constructed which will provide approximately 212 improved trailer parking stalls. Existing condition photos have been included in the County submittal - one can readily perceive the erosion-eliminating nature of the proposed improvements.

Drainage calculations for the 295,741 SF (6.79 acres) parking areas utilizing 100-year rainfall data with a metered outflow at 0.1 cfs/acre (.679 cfs) yields a storage requirement of 38,616 cubic feet - the four-foot deep pond to be provided will hold 38,843 below the high water surface elevation (which affords 1-foot of freeboard). Orifice calculations reveal a 3-5/8-inch circular orifice hole.

High mast lighting will be installed throughout the proposed parking area to allow for 24-hour usage. As mentioned, there are no proposed modifications to the existing buildings - this project only pertains to trailer parking improvements.

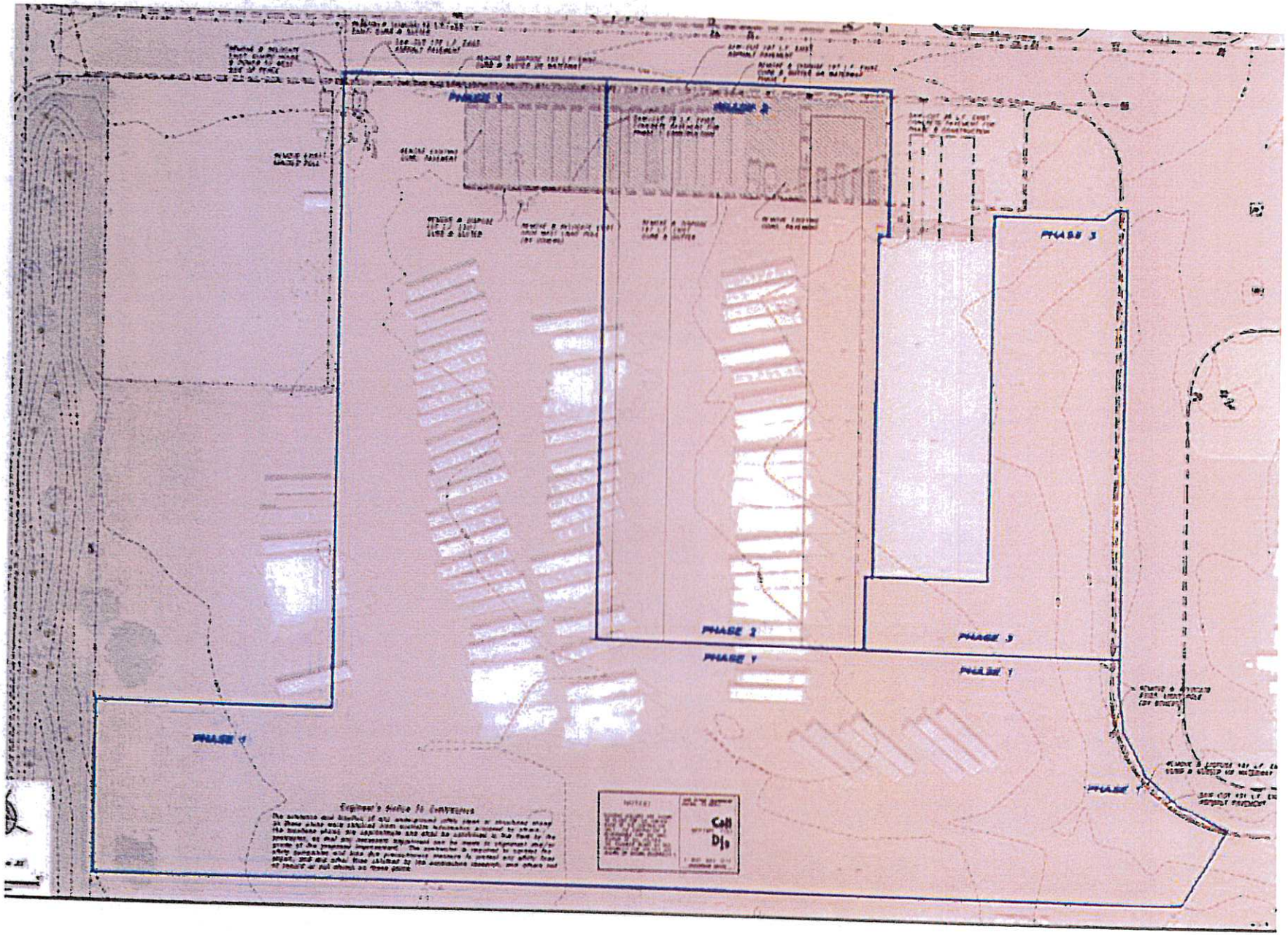
No new exterior signage is proposed as part of this project.

A SWPPP plan is included in the project plan set - the awarded contractor will implement the NOI and associated documents.

The existing mature, bermed landscaping between the site and Rulon White Boulevard consists of evergreen trees and grass - such will remain as is. The new on-site pond will consist of rocks cape.

In summary, Kimberly-Clark is making a very substantial investment in an on-site parking area that will eliminate erosion possibilities. The project is responsibly handling the increased runoff due to increased impervious development. Project improvements are soundly based on geotechnical study stipulations.

Exhibit B – Site Plan, Phasing, Lighting Plan


PHASE 1
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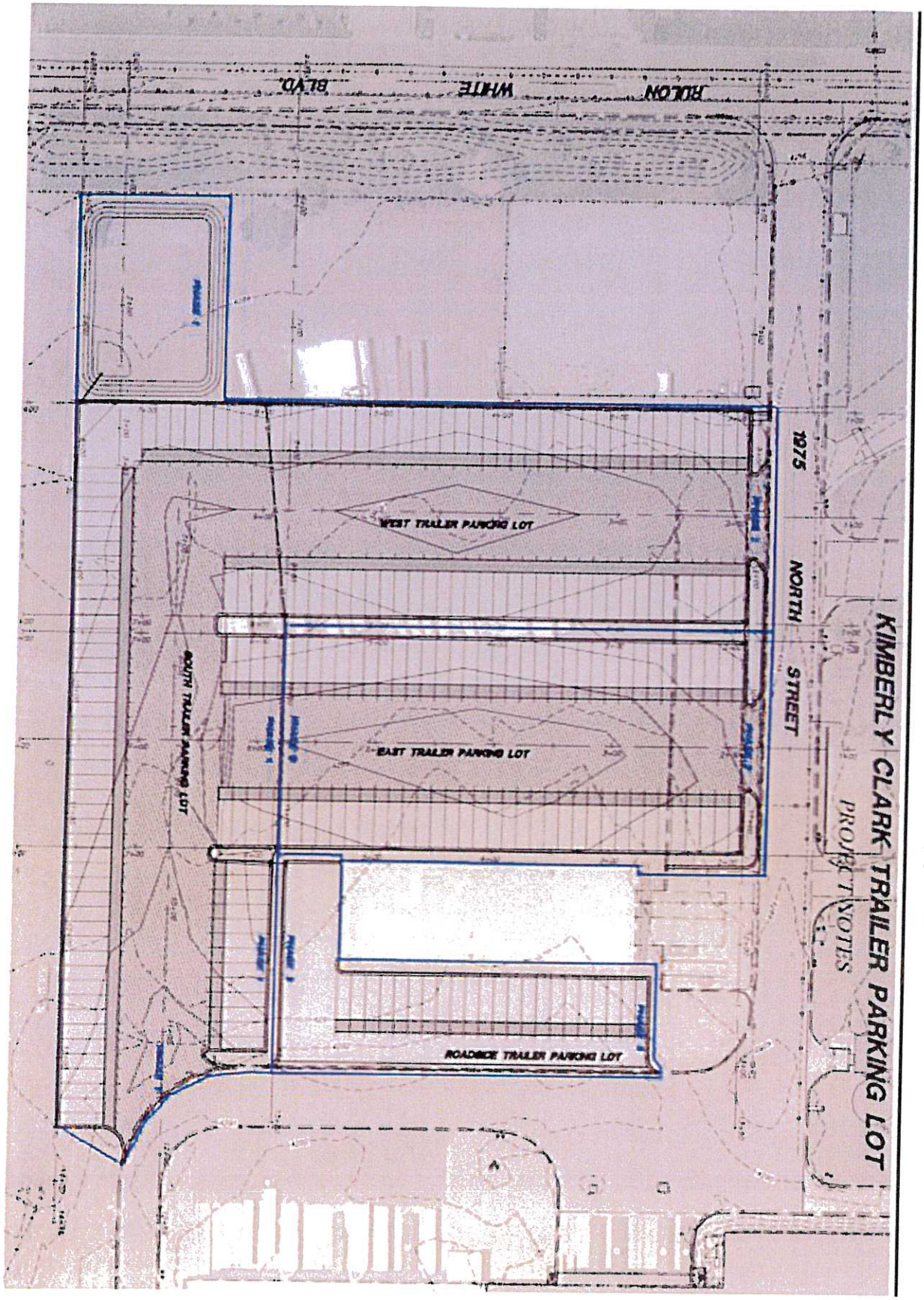
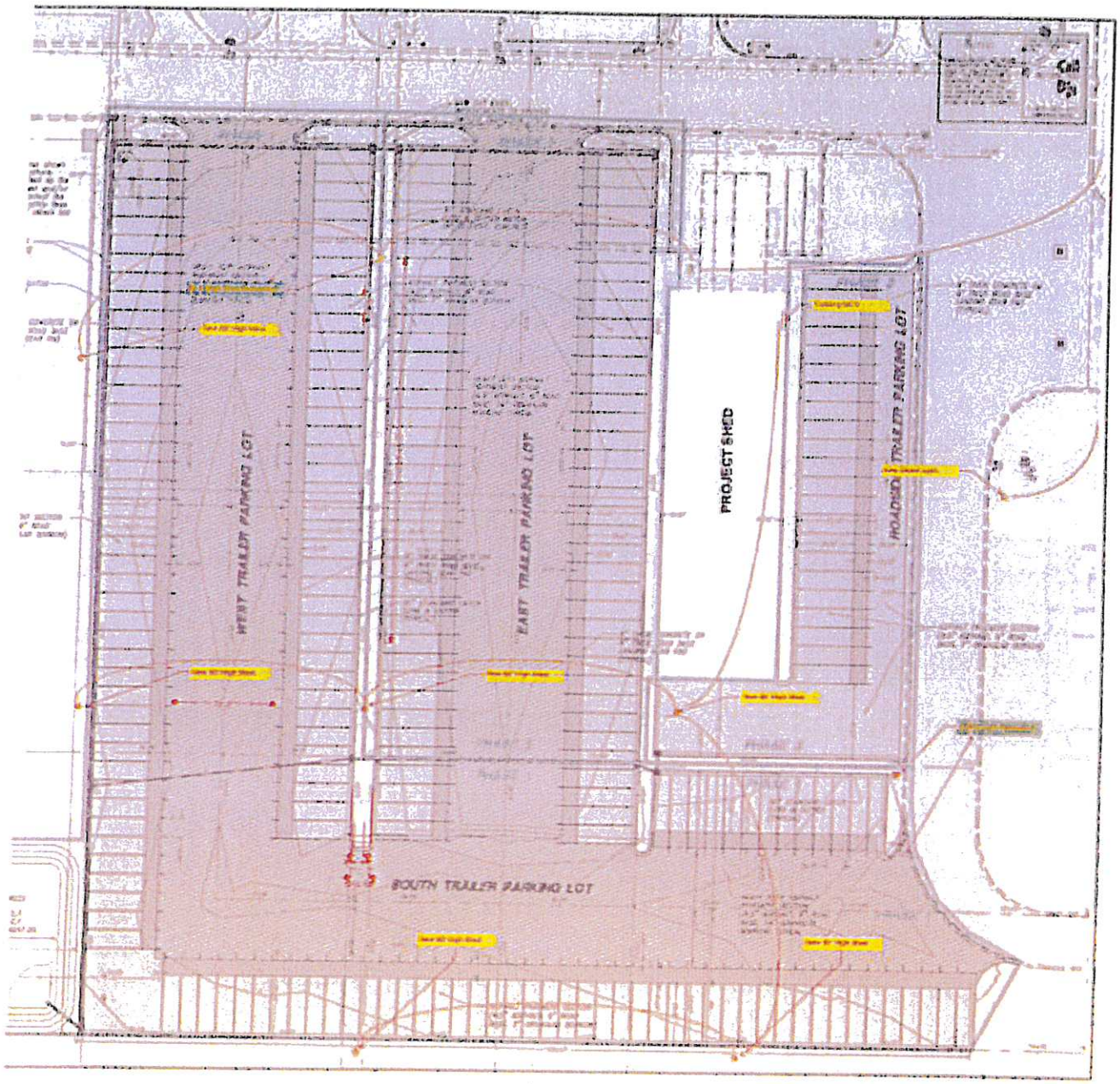

KIMBERLY CLARK TRAILER PARKING LOT
PROJECT NOTES
NORTH STREET
1075
RULON WHITE BLVD.
WEST TRAILER PARKING LOT
EAST TRAILER PARKING LOT
SOUTH TRAILER PARKING LOT
ROADRICE TRAILER PARKING LOT


WEST TRAILER PARKING LOT
EAST TRAILER PARKING LOT
PROJECT SHED
LOADING TRAILER PARKING LOT
SOUTH TRAILER PARKING LOT

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on preliminary approval of the Riverbend Cluster Subdivision (98 lots) located at 4300 W 1400 S.
Agenda Date:	Tuesday, June 15, 2021
Applicant:	Ed Grampp
File Number:	LVR051321

Property Information

Approximate Address:	800 South 3600 West
Project Area:	72.2 acres
Zoning:	A-1 and A-2
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel ID:	150430061, 150430062, 150430034, 150430033, 150450006, 150450070, 150450061, 150450042, 150450015
Township, Range, Section:	6N 2W Sec 15 and 16

Adjacent Land use

North:	Agricultural	**South:**	Agricultural/ Residential
East:	Agricultural	**West:**	Agricultural/ Residential

Staff Information

Report Presenter:	Felix Lleverino flleverino@co.weber.ut.us 801-399-8767
Report Reviewer:	SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7 Definitions
- Title 104, (Zones) Chapter 2 Agricultural Zones
- Title 106, Subdivisions

Summary

The applicant is requesting preliminary approval of Riverbend Cluster Subdivision (98 lots) including a request for a 50% bonus density. This development will preserve six open space parcels. Open space parcels A and B and J are preserved for continued crop production. Open space parcels C, E, and F are preserved as common areas with turf grass and plantings. Street trees will be placed every 50 feet and all the street lighting and residential home lighting will be dark sky compliant, under LUC 108-3-8.

Analysis

General Plan: This proposal conforms to page 5.1 of the Western Weber General Plan by utilizing cluster development to preserve agricultural land and open space.

Zoning: The property is located within the A-1 and A-2 Zones. The purpose of these zones is stated in the LUC §104-2.

1. *The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:*
    1. *Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
    2. *Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and*
    3. *Direct orderly low-density residential development in a continuing rural environment.*

2. *The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.*

Site Development Standards: The minimum lot size for lots within a cluster subdivision in the A-1 and A-2 Zones is 60 wide and 9000 sq. ft. in area. All lots within this development meet or exceed the minimum requirement.

Bonus Density: The following table provides area calculations for the cluster development:

Gross Acreage	Area deducted for roads and floodway	Net developable	Base Density (units)
72.224	10.803	61.421	66.88

The developer is requesting a 50% bonus density, which would allow for an additional 33 lots on top of the base density of 66 lots. Under the cluster ordinance, subdivisions with a gross acreage of ten acres or more are allowed to receive bonus density, up to an amount no greater than the gross acreage. The developer qualifies for 50 % for providing the following:

1. Provide a minimum 50 percent open space of the net developable acreage, as defined in section 101-1-7.
2. Provide one street tree of at least two-inch caliper, from a species list as determined by county policy, every 50 feet on both sides of each street within the subdivision boundaries. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to the 50-foot spacing as otherwise reasonably possible, provided compliance with the clear view triangle as defined in section 108-7-7.
3. Comply with all provisions of title 108, chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is incorporated by reference herein as applicable to a cluster subdivision in the Western Weber Planning Area that receives bonus density. A note shall be place on the final subdivision plat indicating this requirement.

The developer's plans show that 34.828 acres (56 percent) of the net developable acreage as agricultural open space. The applicant will be required, as part of the final subdivision submittal, to submit a street tree landscaping plan so that a financial guarantee can be provided for those improvements.

Open Space preservation plan: The developer's open space preservation plan is as follows: Open space parcels A, B, and J will be leased to a farmer who will continue to use them for crop production. All other open space parcels that cannot be farmed, due to their size, will be common area owned and maintained by the Home Owner's Association. A covenant explaining the ownership and use of the land is required to be reviewed by the Planning Commission as part of the final subdivision review. The covenant shall be recorded with the subdivision plat.

The cluster subdivision ordinance states that "open space parcels shall be organized into one contiguous open space area, except contiguity may be interrupted if preservation or conservation of those characteristics is best accomplished by allowing the interruption." Agricultural open spaces A and B are not one contiguous parcel. However, upon reviewing the latest aerial imagery, parcels A and B, and appear to be the land best suited for agricultural preservation as they appear to have been farmed recently. The land that does not appear to have been farmed is proposed for single-family dwelling lots.

The following language is required to be included on the final subdivision plat before review by the Planning Commission for final approval:

> *... and additionally dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan; ...*

Flood Zone: This parcel is within an area of minimal flood hazard and determined to be outside the 500-year flood level.

Culinary Water: This subdivision was submitted and reviewed before the recent ordinance changes that require secondary water plans as part of preliminary approval. Taylor West Weber Water District has provided a preliminary will-serve letter stating that the District can serve culinary water for 98 lots. Final approval will not be given until all of the requirements of the District are satisfied. The preliminary will-serve letter expires on October 22, 2021.

Public Street Connectivity: The developer is showing a public street connection to adjacent property at the north-east side of the development. It is recommended that the developer provide an additional connection to the north, between lots 150 and 219, to formulate a true street block.

The developer is required to provide curb, gutter, and sidewalk throughout the development. The developer has shown a pathway running between several blocks, to meet the cluster requirement of ingress and egress in at least three generally opposing directions for pedestrians.

Irrigation Water: The developer intends to create a secondary water storage pond that will serve the secondary water needs of Riverbend via a pressurized system. Plans for this secondary water plan will need to be submitted and approved by the County before receiving final approval from the Planning Commission.

Sewer Services: Central Weber Sewer District has provided a will-serve letter stating that the District can serve this development. The District will need to approve the connection plans and inspect the connection. The entire parcel of property to be served needs to be annexed into the District.

Review Agencies: The Weber County Planning, Engineering, and Surveying have submitted comments that will be addressed by a revised subdivision plat and a written response to a series of questions. The Weber Fire District has posted a requirement to install a fire hydrant near lots 53 and 54 if a home within the development will exceed 3600 sq. ft.

Public Notice: Noticing was provided to all property owners of record within 500 feet of the subject property.

Staff Recommendations

Staff recommends preliminary approval of Riverbend Cluster Subdivision. This recommendation is based on all review agency requirements and upon the following conditions:

1. Taylor Wester Weber Water District will need to approve the plat, and issue a final approval letter before the subdivision can be forwarded to the Planning Commission for final approval.
2. The applicant will be required, as part of the final subdivision submittal, to submit a street tree landscaping plan so that a financial guarantee can be provided for those improvements.
3. A covenant explaining the ownership and use of the agricultural land and common area is required to be reviewed by the Planning Commission as part of the final subdivision review. The covenant shall be recorded with the subdivision plat.
4. HOA documents including CC&Rs will need to be submitted as part of the final subdivision review. The HOA documents will need to specify how the common areas are to be maintained.
5. The following language is required to be included on the final subdivision plat before review by the Planning Commission for final approval: *... and additionally dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan; ...*

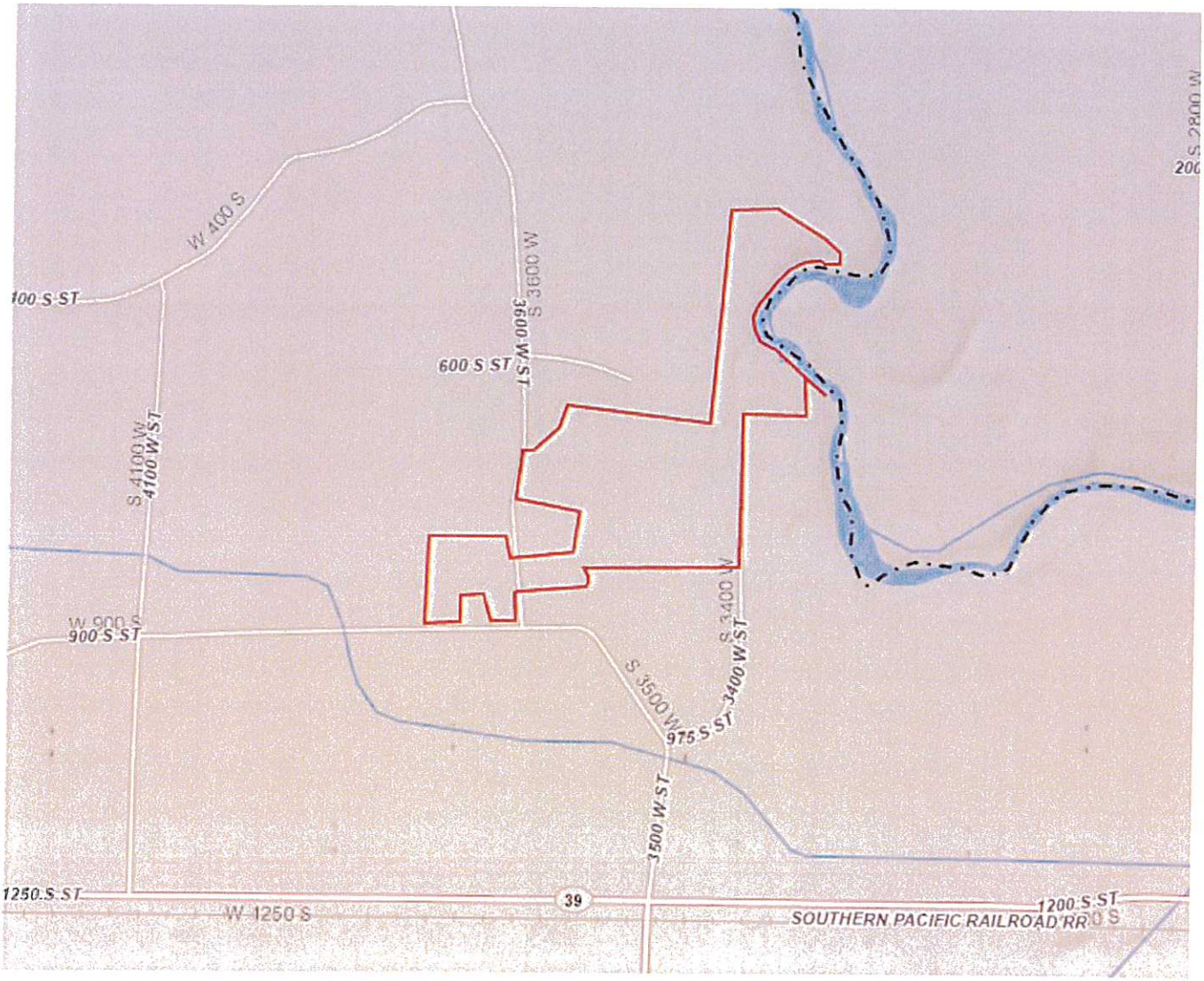
This recommendation is based on the following findings:

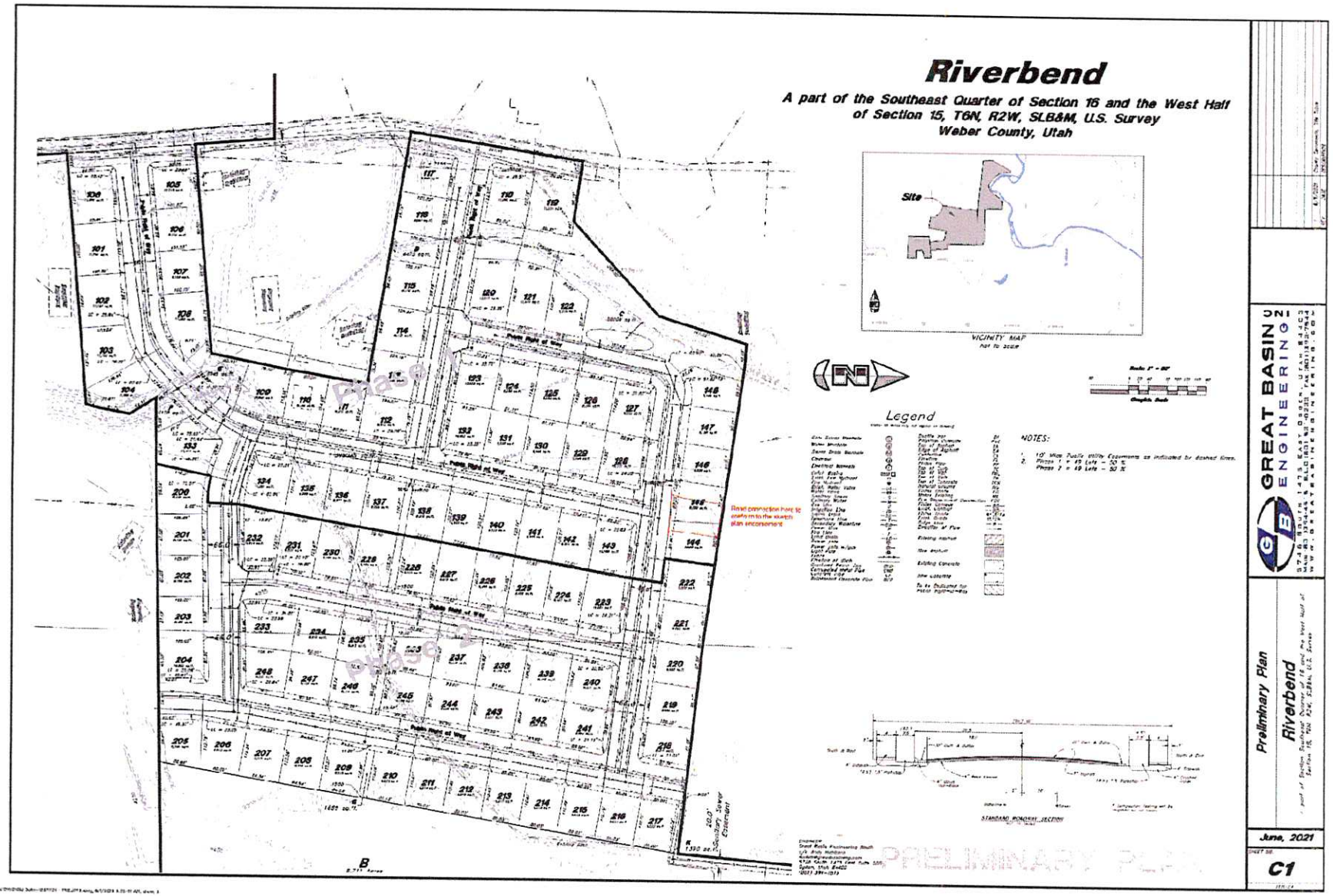
1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision complies with the applicable County codes.
3. The subdivision conforms to zoning and subdivision ordinances.

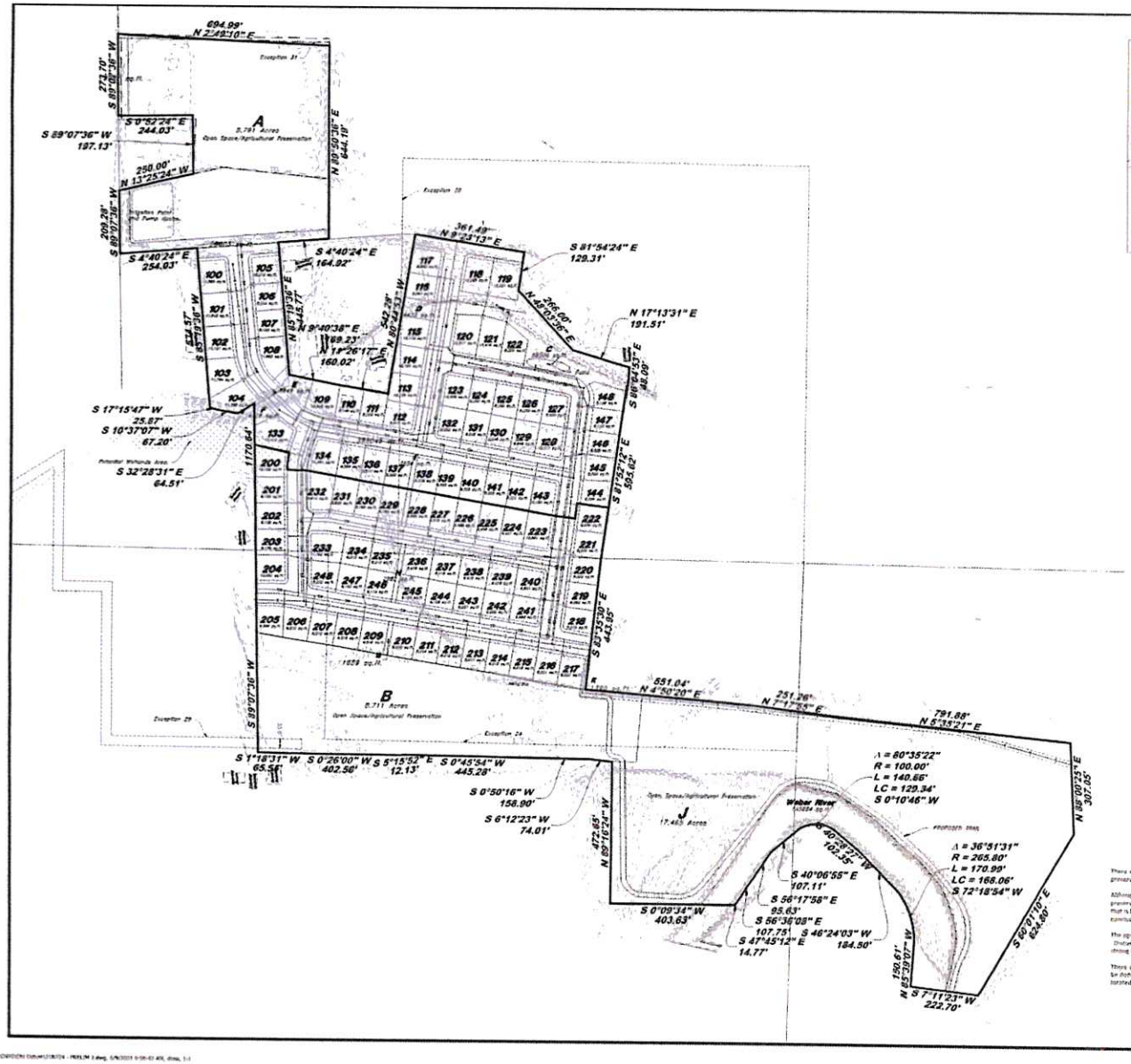
Exhibits

A. Riverbend Cluster Subdivision plat
B. Phasing plan
C. Open Space preservation plan
D. Will serve Culinary
E. Will serve sewer

Area Map




Riverbend
A part of the Southeast Quarter of Section 16 and the West Half of Section 15, T6N, R2W, SLB&M, U.S. Survey
Weber County, Utah
Site
VICINITY MAP
Legend
NOTES:
Preliminary Plan
Riverbend
June, 2021
C1
GREAT BASIN ENGINEERING



NOTES:
1. Phase 1 = 1,565,966 Sq Ft – 35.949 Acres
2. Phase 2 = 1,457,872 Sq Ft – 36.275 Acres
3. Parcels C, D, E, F, I, H, and G are to be designated as Common Area.
   3.1. Common Area is to be owned and maintained by Home Owners Association.
4. Parcels A, B, and J is to be dedicated a Open Space for Agricultural Preservation.
   4.1. Open Space is to be owned by a private entity (entities) and is to be used for Agricultural/Open Space Proposes.
5. Weber River is to be dedicated as Sensitive Lands and is to be used for Open Space Proposes.

SITE TABLE

Overall Area	72.224 Acres
Agricultural Open Space Required	31.146 Acres
Agricultural Protection Area	34.828 Acres
Area In Weber River	3.484 Acres
Common Area	1.715 Acres
Net Open Space Area	40.027 Acres
Area in Roads	9.932 Acres
Developable Area (100%)	58.947 Acres
Allowable lots	64.193
Developable Area (25%)	3.545 Acres
Allowable Lots	0.911
Total Allowable Lots	65.104
50% Bonus Density	32.552
Total Lots	97.656 (98)
Additional Common Area	1.715 Acres

RIVERBEND OPEN SPACE PRESERVATION PLAN NOTES

There are approximately 36 acres of agricultural open space in the Riverbend subdivision that will be preserved for agricultural use.

Although open space parcels are preferably to be organized into one contiguous area, in this case the preservation of agricultural open space is best accomplished by creating two separate areas. This allows land that is best suited for agricultural purposes to be preserved. A memorandum of findings that supports this conclusion has been submitted to Weber County.

The agricultural open space will be made available to farmers for lease to be used for the agricultural purposes. Discussions with local farmers who are knowledgeable and experienced in agricultural uses has shown there is strong interest in farming the land to produce crops.

There are also approximately 1.7 acres of open space that are not part of the agricultural open space that will be dedicated to the homeowners association. The drainage ditch that runs from the south to the north will be located on this open space property.

GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST, SUITE 200
OGDEN, UTAH 84403
801.479.9411 FAX 801.479.9412
WWW.GREATBASINENGINEERING.COM

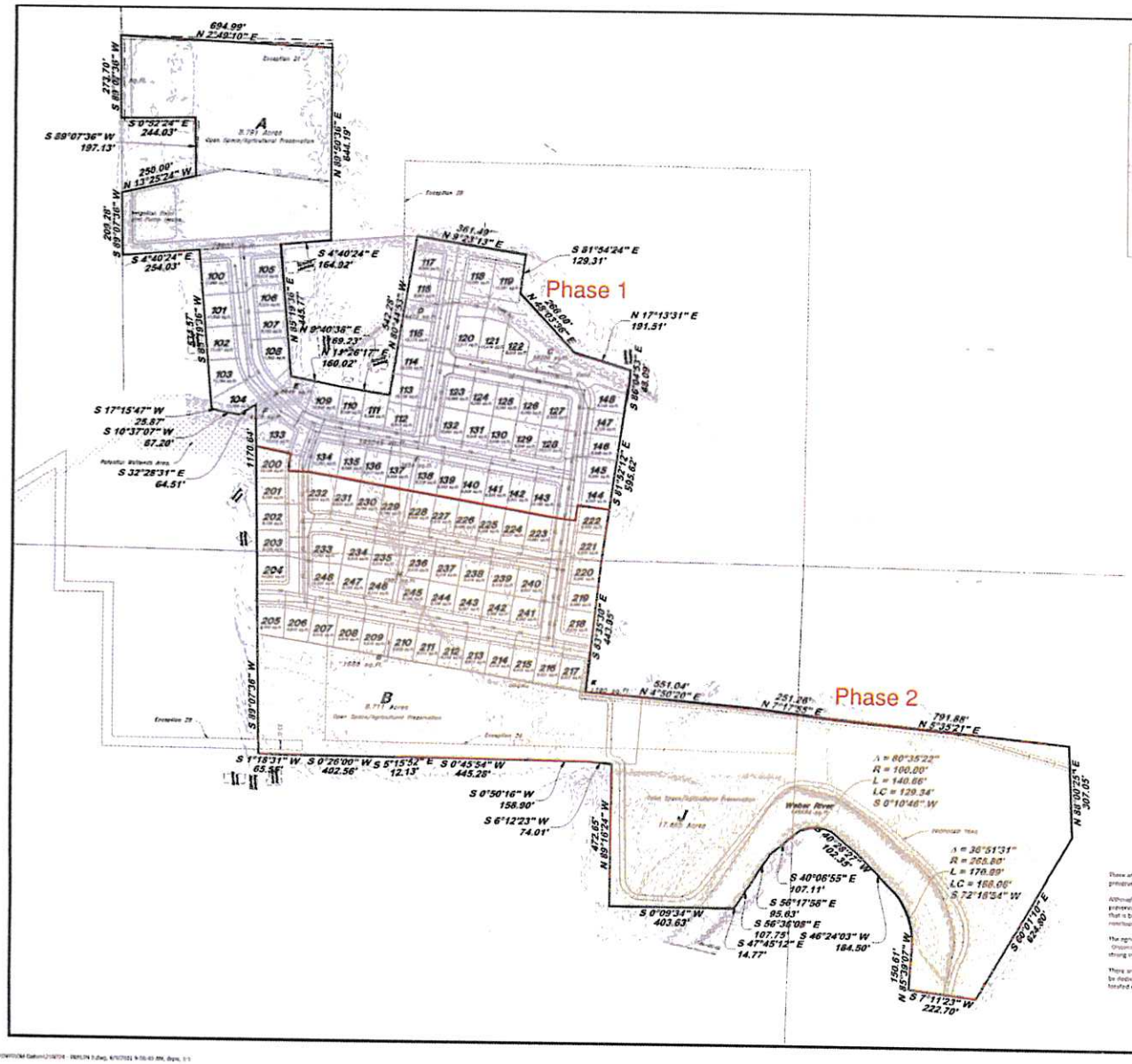
Open Space Preservation Plan

Riverbend

A part of Section Southeast Quarter of 18 and the West Half of Section 19, T6N, R2W, SLB&M, U.S. Survey

June, 2021

SHEET NO.
C1



NOTES:
1. Phase 1 = 1,565,966 Sq Ft – 35.949 Acres
2. Phase 2 = 1,457,872 Sq Ft – 36.275 Acres
3. Parcels C, D, E, F, I, H, and G are to be designated as Common Area.
   3.1. Common Area is to be owned and maintained by Home Owners Association.
4. Parcels A, B, and J is to be dedicated a Open Space for Agricultural Preservation.
   4.1. Open Space is to be owned by a private entity (entities) and is to be used for Agricultural/Open Space Proposes.
5. Weber River is to be dedicated as Sensitive Lands and is to be used for Open Space Proposes.

SITE TABLE

Overall Area	72.224 Acres
Agricultural Open Space Required	31.146 Acres
Agricultural Protection Area	34.828 Acres
Area in Weber River	3.484 Acres
Common Area	1.715 Acres
Net Open Space Area	40.027 Acres
Area in Roads	9.932 Acres
Developable Area (100%)	58.947 Acres
Allowable lots	64.193
Developable Area (25%)	3.345 Acres
Allowable Lots	0.911
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Total Lots	97.656 (98)
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RIVERBEND OPEN SPACE PRESERVATION PLAN NOTES

There are approximately 40 acres of agricultural open space in the Riverbend subdivision that will be preserved for agricultural use.

Although open space parcels are geometrically to be preserved into one contiguous area, on this site the preservation of agricultural open space is best accomplished by creating two separate areas. This allows land that is best suited for agricultural purposes to be preserved. A memorandum of findings that supports this conclusion has been submitted to Weber County.

The agricultural open space will be made available to farmers for lease to be used for this agricultural purposes. Discussions with local farmers who are knowledgeable and experienced in agricultural practices shows there is strong interest in farming the land to produce crops.

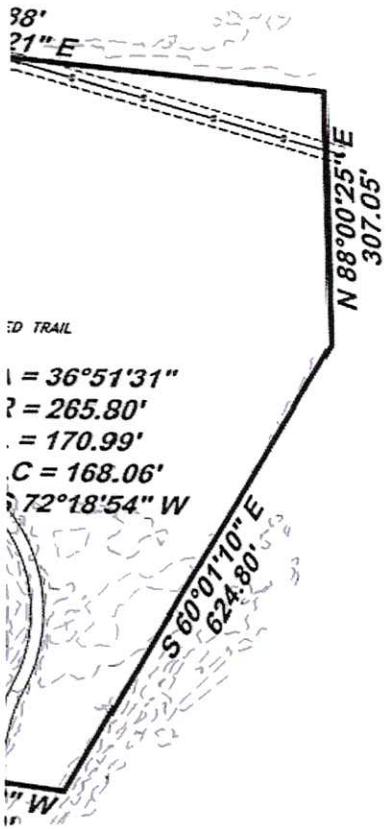
There are also approximately 1.7 acres of open space that are not part of the agricultural open space that will be dedicated to the homeowners association. The drainage ditch that runs from the south to the north will be located on this open space property.

GREAT BASIN ENGINEERING
5744 S. 1900 W. • Roy, UT 84067
801-394-4515 • FAX 801-394-9405
WWW.GREATBASINENGINEERING.COM

Open Space Preservation Plan
Riverbend
A Part of Section 36 and Quarter of 18 and the West Half of Section 19, T6N, R2W, SLB&M, U.S. Survey

June, 2021

C1



SITE TABLE

Overall Area	*72.224 Acres*
Agricultural Open Space	
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Allowable Lots	*0.911*
Total Allowable Lots	*65.104*
50% Bonus Density	*32.552*
Total Lots	*97.656 (98)*
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5 7 4 6 SOUTH 1
MAIN (801)394-4515
W W W . G R E A T

Open Space Preservation Plan

Riverbend

A part of Section Southeast Quarter of 16 and the West Half of Section 15, T6N. R2W, SLB&M, U.S. Survey

June, 2021

SHEET NO.

C1

TAYLOR WEST WEBER WATER DISTRICT
2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668

4/22/2021

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***PRELIMINARY*** approval has been given and the District has the capacity to provide only culinary water for 100 lots for the River Bend Subdivision by means of a 14" water main at the approximate address 900 S. 3600 W. West Weber, Utah. The developer must submit plans that detail Taylor West Weber Water specifications and details.

Requirements:

- Plan review fee= $100 per lot. ($10,000.00 Total)
- Water rights fee = $4,363.00 per lot or current costs when paid. ($436,300.00 Total)
- Secondary Water = Must connect to the best available and feasible pressurized system. If a pressurized secondary water system is not available, a model should be conducted and the necessary water shares must be appropriated to the property. For final approval Taylor West Weber Water may require a contract detailing out the requirements for the pressurized secondary water.
- Impact Fees = $5,228.00 per lot or current costs when paid.
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

FINAL APPROVAL SHOULD NOT BE ISSUED UNTIL FINAL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER. Final approval is subject to meeting all of the requirements of the District and all fees being paid and received. This letter expires six months from the date it is issued.

Sincerely,

Expires 10/22/2021

Ryan Rogers – Manager
Taylor West Weber Water Improvement District

Central Weber Sewer Improvement District

May 10, 2021

Steve Burton
Weber County Planning Commission
2380 Washington Blvd #240, Ogden, UT 84401

SUBJECT: Riverbend Subdivision
Sanitary Sewer Service
Will Serve Letter

Steve:

At the request of Ed Grampp, we have reviewed a subdivision plan for Riverbend Subdivision with 100 proposed residences located at approximate address. 800 S 3600 W West Weber. We offer the following comments regarding Central Weber providing sanitary sewer service.

1. Central Weber has the capacity to treat the sanitary sewer flow from this subdivision.

2. The connection is made directly into Central Weber's line the connection must be inspected by Central Weber while the work is being done. A minimum of 48-hour notice for inspection shall be given to Central Weber prior to any work associated with the connection.

3. Central Weber will not take ownership or responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.

4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

   Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.

5. The entire parcel of property to be served will need to be annexed into the District prior to any connection to the District's line. This annexation must be complete before the sale of any lots in the subdivision.

6. Impact fees will need to be paid to Central Weber Sewer Improvement District no later than the issuance of any building permits.

If you have any further questions or need additional information, please let us know.

Sincerely,

Clay Marriott

Digitally signed by Clay Marriott
DN: C=US,
E=ClayM@centralweber.com,
O="Central Weber Sewer",
CN="Clay Marriott"
Reason: I am the author of this document
Date: 2021.05.10 08:40:33-06'00'

Clay Marriott

Construction Manager

CC: Chad Meyerhoffer, Weber County
Kevin Hall, Central Weber Sewer
Ed Grampp

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

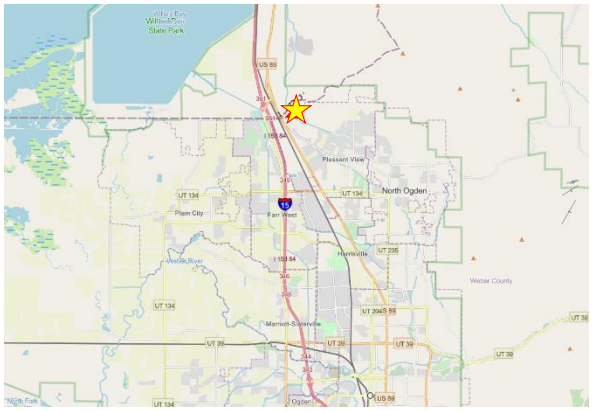
Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 40 acres from the Agricultural A-1 Zone to the Gravel G Zone at approximately 4000 N. Highway 89.

Agenda Date: Tuesday, June 15, 2021

Applicant: Westside Investments. Agent: Craig Jackson

File Number: ZMA 2021-03



Property Information

Approximate Address: 4000 N. Highway 89, Unincorporated Weber County

Zoning: The area is currently zoned A-1

Existing Land Use: Excavation/vacant

Proposed Land Use: Gravel Extraction

Adjacent Land Use

North: Gravel Extraction

South: Vacant

East: Vacant

West: Gravel Extraction

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures
§104-4: Gravel Zone

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This report is a review of an applicant-driven request to rezone approximately 40 acre from the A-1 zone to the G zone at approximately 4000 N. Highway 89. **Figure 1**[1] displays a proximity map. The rezone is for the intention of conduction a gravel extraction operations on the site. There does not appear to currently be a general plan document that provides policy guidance for a rezone in this area. Consequently, in order to make a positive

[1] See also Exhibit B

recommendation to the County Commission on this rezone, the Planning Commission will need to also make a positive recommendation on an amendment to the West Central Weber County General Plan to provide the needed policy guidance. The applicant has submitted an application to amend both the general plan and the zone, but the two items are being consolidated into one staff report and planning commission agenda item for efficiency purposes.

The applicant's overall intention for the gravel extraction is to cut the land down to the same level of the proposed Skyline Drive extension. Skyline Drive is proposed to extend from its current dead-end in Pleasant View intersect with Highway 89 at the same location Pleasant View Drive currently intersects. The proposed street will require significant cuts in the current topography to create an acceptable street-slope. The applicant's intention to level the land to the same elevation and as slope proposed street will more easily enable development adjacent to the proposed new street. The applicants proposed lay of the land, and limits of disturbance can be reviewed in the applicants grading plan, attached as an exhibit to this report.

The proposed Skyline Drive, and a parcel that the applicant owns directly to the south of the subject parcel, are located within Pleasant View City, as is the applicant's access to the site from Highway 89. Approval of the rezone, and a development agreement that will run with the rezone, will not grant the applicant's any rights in Pleasant View City, and the applicant will need to work with the city for any applicable rights therein.

To ensure the gravel operation ceases to continue at the time the property is graded in accordance with the grading plan, the rezone and development agreement should be given time limitations and triggers to prompt the completion of grading. There should also be a site reclamation, slope stability, and revegetation plan for all land disturbances.

Staff are also recommending that the applicant be required by the agreement to annex into Pleasant View City at any time of the City's choosing.

If the Planning Commission can find that the general plan amendment and rezone, with associated limitations and conditions listed herein, are acceptable, then the Planning Commission should forward a positive recommendation for this item to the County Commission for their review and final decision.

Figure 1: Proximity Map

Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning. The current zone of the subject parcel is A-1. **Figure 2**[2] displays current zoning and the subject parcel. The A-1 zone is intended for agriculture and low density residential uses, with a minimum lot size of 40,000 square feet. The purpose of the A-1 zone is to:

> *Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern; set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and direct orderly low-density residential development in a continuing rural environment.*[3]

The proposed zone for the subject parcel is the G zone. The purpose of the G zone is primarily to allow sand and gravel excavation and crushing.[4]

The proposed rezone map can be viewed in **Figure 3**[5]. The gravel zone has a minimum parcel area requirement of 40,000 square feet.

Figure 3: Current Zoning Map and the Subject Parcel(s).

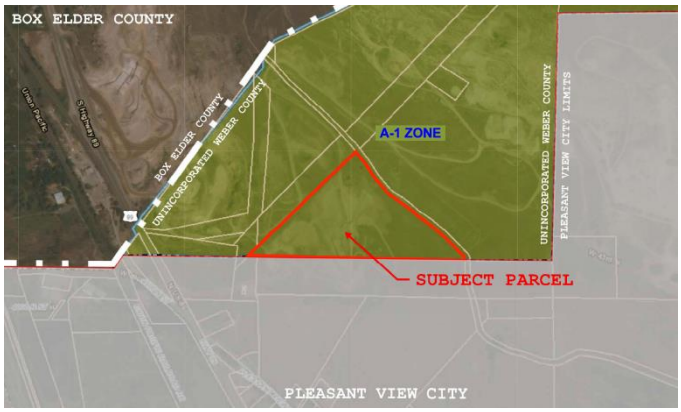
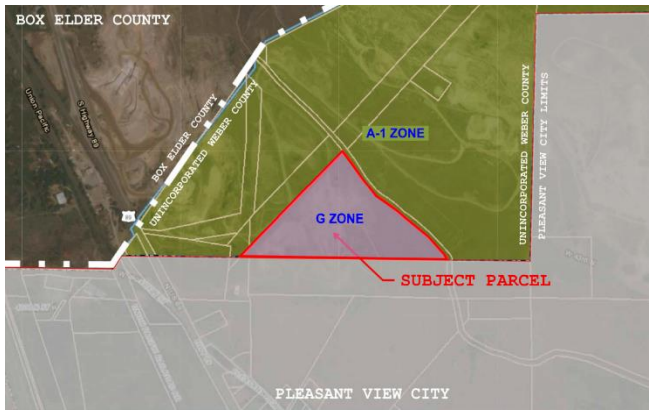


Figure 3: Proposed Zoning Map and the Subject Parcel



General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but suggests pursuing opportunities to implement the plan.

If a general plan exists for this unincorporated area, then extensive research may be needed to find it. This area is, however, a part of the General Plan area that is currently being created for the Western Weber Planning Area. Considering this, if the Planning Commission is desirous to forward a positive recommendation to County Commission regarding this rezone, then staff recommends simply appending a future land use map for this area to the currently existing West Central Weber County General Plan for the time being. It will then be grafted into the new general plan as the process proceeds. **Figure 4**[6] shows the proposed future land use map for the area, which also considers other gravel extraction operations in the area. If this map is adopted as part of the general plan, the requested rezone will comply with the general plan.

---

[2] See also Exhibit C.

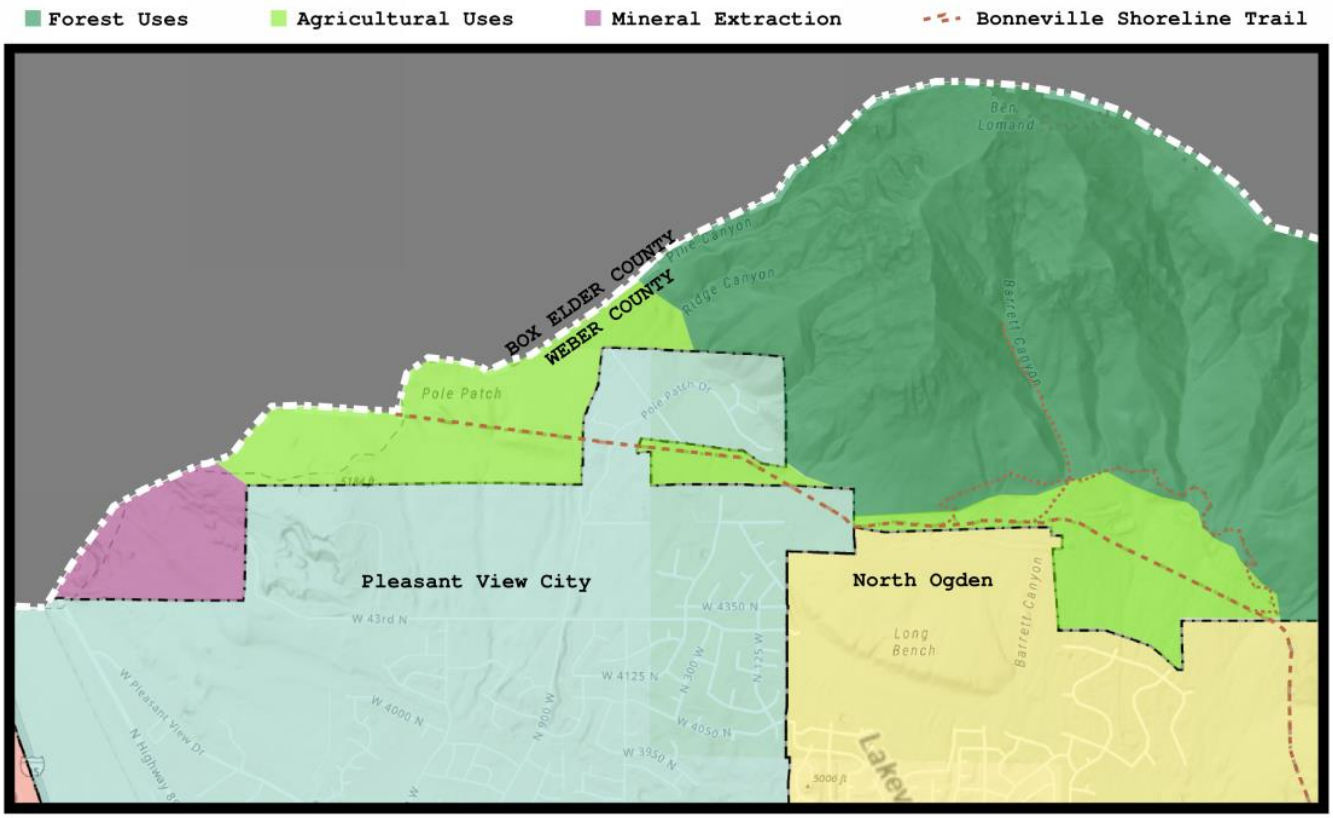
[3] See Weber County Land Use Code Section 104-2-1: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-2_Agricultural_Zones.

[4] See Weber County Land Use Code Section 104-4: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-4_Gravel_Zone_G.

[5] See also Exhibit D.

[6] See also Exhibit E.

Figure 4: Proposed Future Land Use Map of Area

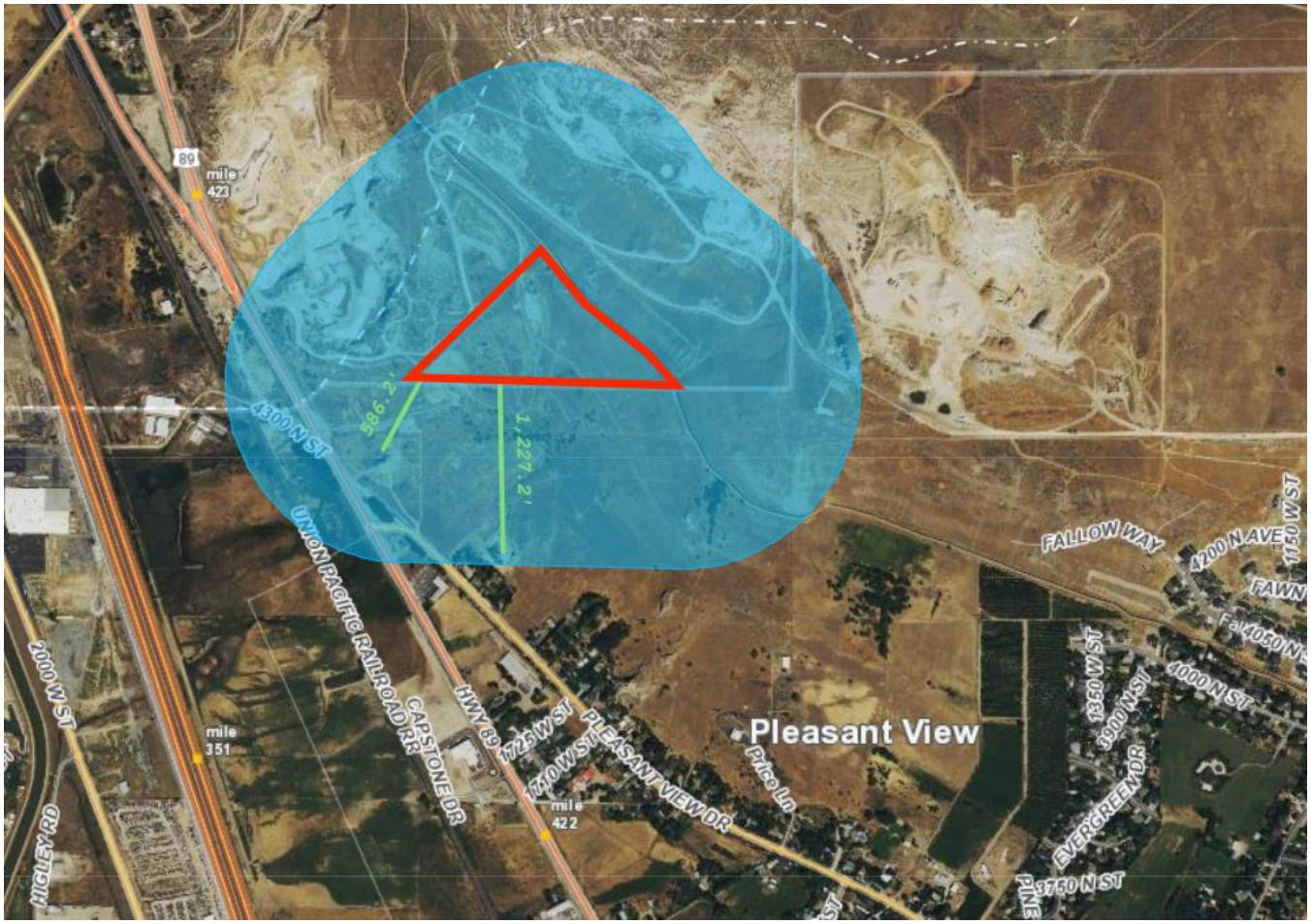


General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important.

A review of the uses and existing development in the area suggests that the gravel operation might be relatively low impact. The surrounding properties area all either vacant or earth extraction operations. This generally suggests the zone's compatibility with the area. There is concern that the use could be impactful to future residential expansion in Pleasant View City to the south. However, if the applicant follows the plan to excavate only to the level of the future proposed Skyline Drive, it is reasonable to anticipate that by the time residential uses expand to the new Skyline Drive, this use will be wrapping up, and the land will then be converted to residential uses, pending future approvals for residential uses.

As can be seen in **Figure 5**, the nearest residence to the property fronts on Highway 89 and is approximately 565 feet from the subject property. The drive approach from Highway 89, however, passes within 150 feet of this residence. The drive approach should be constructed in a manner that minimizes impact on this residence. The next nearest residential use is approximately 1,200 ft from the subject property. There are five residences within one-quarter mile of the subject property. The proposed use is uphill from these properties and on the other side of a slightly flatter area, giving very little if any line of sight from the excavation and crushing operation to these residences.

Figure 5: Quarter-Mile Buffer of Subject Property



Rezoning. Weber County Code § 102-5-6 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority.

The code states:

> *A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:*
>
> 1. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
> 2. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*
> 3. *The extent to which the proposed amendment may adversely affect adjacent property.*
> 4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
> 5. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
> 6. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*[7]

Access and traffic circulation. The property will be accessed from Highway 89. Even though the access and drive approach to the property is not in the unincorporated area, to protect other land owners in Pleasant View City, the Planning Commission should consider the rezone's impact related to the driveway.

[7] See Section 102-5-6: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_102-5_Rezoning_Procedures.

First, when a new use is established on a property the Utah Department of Transportation typically requires a new or update right-of-way access permit when accessing a state highway. The applicant should submit a new permit prior to commencement of excavation. The direct approach to Highway 89 is ideal, and will keep heavy trucks from running through primarily residential areas.

Second, due to the slope of the driveway, the County Engineer may want a small runaway truck arrestor. The applicant should be required to work with the County Engineer regarding this concern.

Third, at the time of staff's site visit, mud and dirt was observed on the highway coming from the driveway from soiled trucks and truck tires. The mud dissipated after a couple of hundred feet. The applicant should be required to pave the driveway to the satisfaction of the County Engineer from the highway to at least the first turn before the driveway's switchback. Alternatively, the driveway could be paved from the street half that distance, and be given a high-pressure truck cleanoff station before the highway, with a requirement that all vehicles leaving the site are to be cleaned off before entering the highway.

Dust mitigation. Dust management can be a challenge for a gravel operation. The installation of a water sprinkler system will help keep dust from becoming airborne and traveling to adjacent areas.

Reclamation. The areas of disturbance will need to be reclaimed once the operation is complete or terminated. Reclamation for a use like this is ensuring the removal of excess debris and unused stockpiles, as well as the restoration of native vegetation. To ensure the applicant has sufficient motivation to do site reclamation after completing or abandoning the use, an escrowed performance bond should be required prior to commencement of excavation.

Engineering. The Weber County Engineering Division had the following comments for the use:

- Approval would be contingent upon all other agency reviews.
- All items under Title 18 – Excavations will need to be followed, mostly Chapter 4 & 5.
- We will need a reclamation plan and a guarantee bond.
- With the project being so close to Pleasant View, it should be annexed into the city.
- Applicant if they haven't already, will need to work with UDOT on the access.
- The access will need to be paved.
- The applicant will need to work with geotech engineer on excavation proximity to property lines.
- Project will need to follow all state rules and regulations.

Staff Recommendation

If the planning Commission can make the findings listed below, and any other the Planning Commission determined is appropriate, staff recommends forwarding a positive recommendation to the County Commission regarding File #ZMA 2021-03, a proposal to rezone approximately 40 acres from the A-1 zone to the G zone and to amend the West Central Weber County General Plan to support the rezone.

Conditions:

1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property, and that the development agreement accommodate all conditions below.
2. That the development agreement include a provision for zone reversion when the excavation reaches the proposed limits of disturbance
3. That the applicant provide the County with a geotechnical report regarding the proposed finished grade of the significantly cut slopes showing that the finished grade has been construction to protect against destabilization.
4. That the applicant work with the owners/operators of the adjacent canal to resolve any engineering needs to protect the canal from breaching due to the newly cut slopes prior to any excavation occurring near the canal. If desired by the canal entity, that canal shall be piped for the span of the subject property.
5. That the applicant agree to not protest at the time Pleasant View City is ready to annex the property.
6. That the applicant submit verification from UDOT regarding the proposed access to Highway 89.
7. If required by the County Engineer, that the applicant install a runaway truck arrestor to the satisfaction of the County Engineer.
8. That the driveway be asphalted from the highway to at least the first turn before the driveway's switchback.
9. That dust is managed by a sprinkler system that is configured to dampen all areas of disturbance sufficient to avoid fugitive airborne dust particles. Any other environmentally friendly method of dust management may be employed as long as it offers the same or better dust mitigation.

10. That a complete reclamation plan is provided prior to the commencement of construction showing how the site will be cleaned and restored with vegetation native to the area. The plan shall include the cost-estimate for reclamation, multiplied by inflation over the applicants estimated duration of the operation.
11. That a cash escrow of 110 percent of the cost to reclaim, adjusted for inflation over the duration of the proposed operation, is submitted to ensure completion of reclamation.
12. That the development agreement has an expiration not to exceed the duration of the proposed operation.

Findings:

1. With the proposed modification of the general, the rezone will comply with the general plan.
2. The site is surrounded by other gravel uses and/or vacant land, leading to limited conflicts with adjacent uses.
3. That the site has direct access to Highway 89, alleviating truck traffic challenges on local streets.
4. That with the conditions herein the use will not be detrimental to the health, safety, and general welfare of the public.

Exhibits

Exhibit A: Application.
Exhibit B: Proximity Map
Exhibit C: Current Zone Map.
Exhibit D: Proposed Zone Map.
Exhibit E: Proposed Future Land Use Map for West Central Weber General Plan.
Exhibit F: Grading Plan.

Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted	*Received By (Office Use)*	*Added to Map (Office Use)*

Property Owner Contact Information

Name of Property Owner(s)		Mailing Address of Property Owner(s)
Westside Investments, LC		5238 W 2150 N Ogden, Utah 84404
Phone: 801-458-0320	Fax:	
Email Address: craigj2010@gmail.com		Preferred Method of Written Correspondence: ☒ Email ☐ Fax ☐ Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person
Craig Jackson		5238 W 2150 N Ogden, Utah 84404
Phone: 801-458-0320	Fax:	
Email Address: craigj2010@gmail.com		Preferred Method of Written Correspondence: ☒ Email ☐ Fax ☐ Mail

Property Information

Project Name	Current Zoning	Proposed Zoning
Cragun Parcel Rezone	A-1	Gravel

Approximate Address	Land Serial Number(s)
Approx 1,200 feet East of 4000 N Highway 89.	19-001-0005

Total Acreage	Current Use	Proposed Use
39.59	Gravel	Gravel

Project Narrative

Describing the project vision.

Please see Attached.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

Please see attached

Why should the present zoning be changed to allow this proposal?

Please see Attached

Project Narrative (continued...)

How is the change in the public interest?

Please see Attached

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

Please see attached

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Please see attached

Property Owner Affidavit

I (We), Randy Marriott, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Randy Marriott
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 9th day of April, 20 21.

Amy Roskelley
(Notary)

AMY ROSKELLEY
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO 704573
COMM EXP 02-11-2023

Authorized Representative Affidavit

I (We), Randy Marriott, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Craig Jackson, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Randy Marriott
(Property Owner)

(Property Owner)

Dated this 9th day of April, 2021, personally appeared before me Randy Marriott, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Amy Roskelley
(Notary)

AMY ROSKELLEY
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO 704573
COMM EXP 02-11-2023

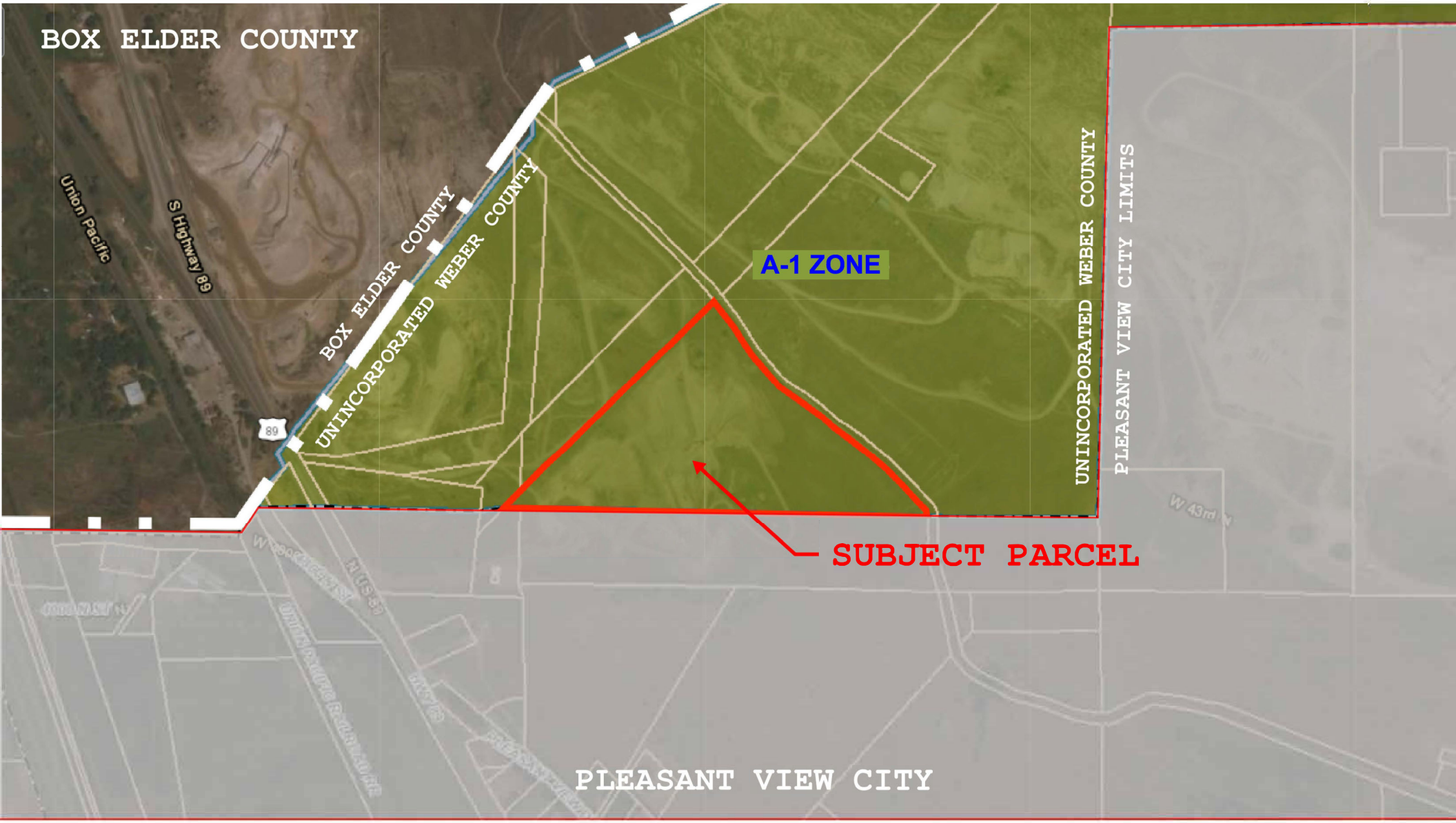
ATTACHMENT FOR APPLICATION TO WEBER COUNTY

1. Describe the project vision.
    a. Pleasant View City is constructing Skyline Drive through the property adjacent to and south of this parcel proposed for zoning change (the "Westside Parcel") and requires massive earthwork to be completed. As a result the property impacted by Skyline Drive will also require large amounts of earthwork to meet the grade of Skyline Drive and be developed for residential use. The Westside Parcel will require earthwork to meet these grades as these parcels will most likely be developed together. Therefore, we want to excavate the material out of the Westside Parcel so it can be developed in the future and be the proper elevation to tie into Skyline Drive and the surrounding property.
2. How is the change in compliance with the General Plan?
    a. There is not a General Plan for this area. However, all of the unincorporated Weber County property surrounding this area is zoned A-1 and has aggregate operations currently operating on them. Allowing this use would be in compliance with the surrounding property.
3. Why should the present zoning be changed to allow this proposal?
    a. Allowing extraction to continue on this property will allow its use to be the same as the multiple gravel operations surrounding it.
    b. It will also benefit the County with tax revenue and jobs generated from aggregate products produced on and sold from Weber County property. It will also provide fair competition in the aggregate industry for the area.
    c. This area has a tremendous natural resource for aggregate products. This is a great asset for the Weber County area as it is able to provide products to the area without the added expense and pollution from long truck hauls.
    d. Allowing extraction of material from this property will allow the property to be graded to match Skyline Drive and be used for future development.
    e. Lastly, this area is located in a great location for material processing, as it is far from any residential developments and has direct ingress and egress to State Road Highway 89.
4. How is the change in the public interest?
    a. Please see answer to #3 above.
5. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
    a. Please see answer to #2 above.
    b. This area has had aggregate operations processing continually for over the last 75 years.
6. How does this proposal promote the health, safety, and welfare of the inhabitants of Weber County?
    a. This proposal will create tax revenue and jobs for Weber County inhabitants in a location far from residential and business locations. The trucks and equipment

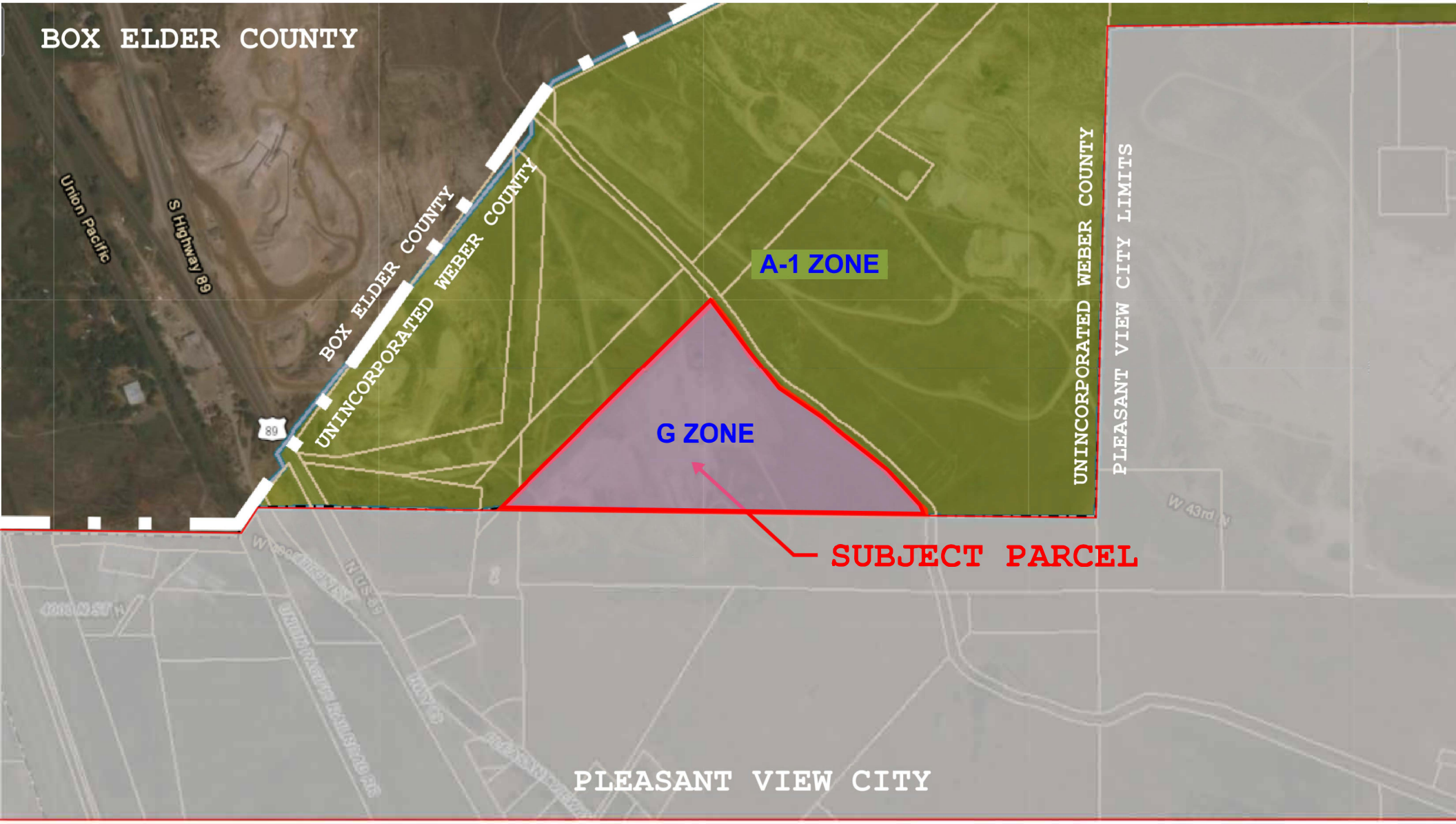
accessing this property will not travel on city roads as its ingress and egress tie directly into State Road Highway 89. It is able to provide products to the area without the added expense and pollution from long truck hauls.

Proximity Map

Current Zone Map

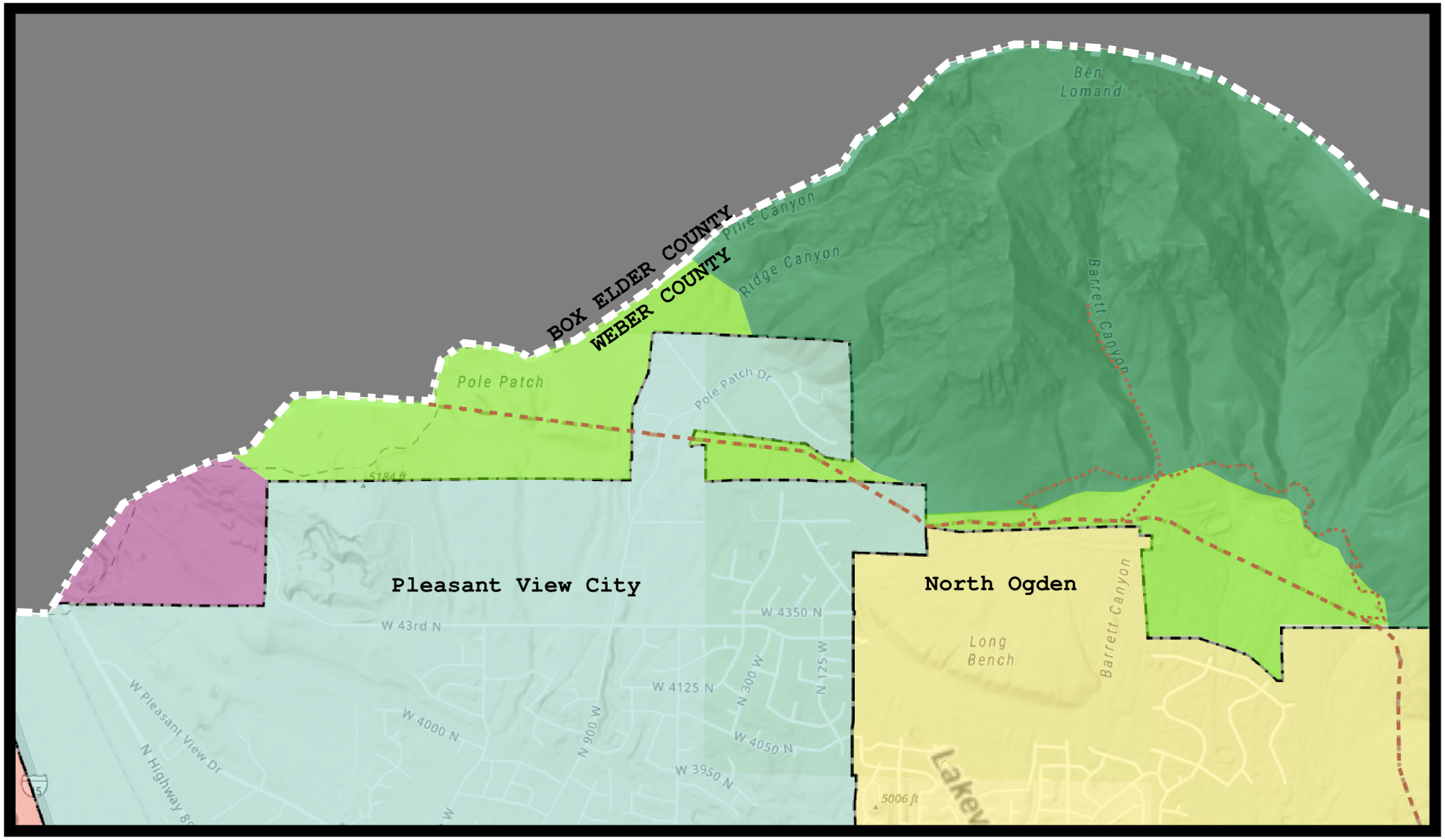


Proposed Zone Map

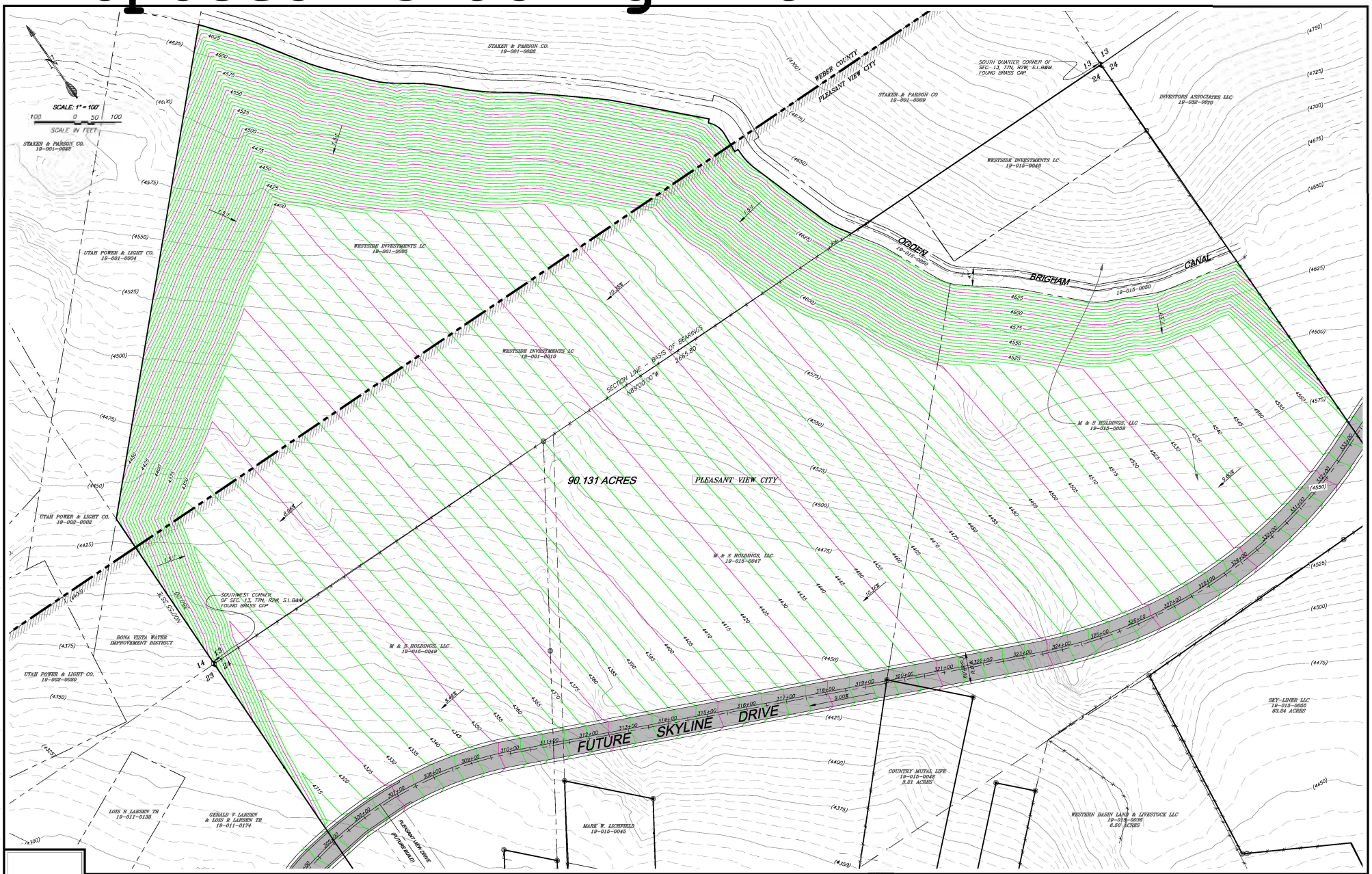


Proposed Future Land Use Map

Forest Uses | Agricultural Uses | Mineral Extraction | Bonneville Shoreline Trail



Proposed Grading Plan



PROJECT ENGINEER STAMP

WASATCH CIVIL
Consulting Engineering
1150 SOUTH DEPOT DRIVE, SUITE 225
OGDEN, UTAH 84401 (801) 775-9191

REV.	DATE	APPR.

DESIGNED M.M. DATE APR. 15, 2021
DRAWN B.R.B. SCALE 1"=100'
CHECKED M.T.M.

VALEO MANAGEMENT
1080 South Depot Drive
Ogden, Utah 84404

PLEASANT VIEW / WEBER COUNTY PROPERTY
GRADING PLAN

SHEET: 1 OF 1 SHEETS

G:\WCE-CAD - DOCUMENTS\05-MISC\VALEO-PRUD\WEBER-CO-RE-ZONE\SKYLINE DR PVLDWG 4/15/2021 3:53:21 PM

Aerial with Grading Plan

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	To consider and take action on a proposed rezone of approximately 122 acres of property located at approximately 1290 S. 7500 W. from the agricultural (A-3) zone to the agricultural (A-2) zone.
Agenda Date:	Tuesday, June 15, 2021
Applicant:	Flagship Homes and Lync Construction Agent: Nathan Meikle and Pat Burns
File Number:	ZMA 2021-04

Property Information

Approximate Address:	1290 S. 7500 W., Reese Area, Unincorporated Weber County
Zoning:	The area is currently zoned A-3
Existing Land Use:	Excavation/vacant
Proposed Land Use:	Gravel Extraction

Adjacent Land Use

North:	Railway	**South:**	Vacant
East:	Vacant	**West:**	Residential

Staff Information

Report Presenter:	Charlie Ewert cewert@webercountyutah.gov 801-399-8763
Report Reviewer:	RG

Applicable Ordinances

§102-5: Rezoning Procedures
§104-2: Agricultural Zones

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This report is a review of a request to rezone approximately 122 acres from the A-3 zone to the A-2 zone. The purpose for the rezone is to allow the 40,000 square-foot lot size minimum of the A-2 zone, instead of the 2-acre lot size minimum of the A-3 zone. The applicant desires to develop the land.

The rezone is keeping with the West Central Weber County General Plan, which suggests that lots anywhere from one to five acres should be allowed in the area. Properties on the west side of 7500 West are already zoned A-2.

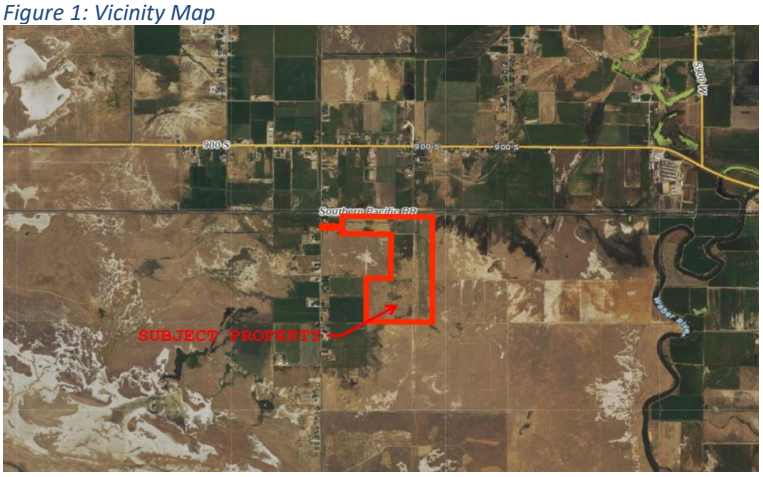
The biggest consideration for this application is street connectivity and emergency egress. 7500 West is currently a dead-end road that crosses the railroad. Occasionally, trains that use this section of rail are reportedly in excess of two miles long. In the event of an emergency, if 7500 West is blocked, there is currently no method of egress from the area south of the rail line. Emergency egress/access roads should be required before anymore development occurs south of the railroad on 7500 West. The applicant is amenable to finding a solution to this challenge by working with other landowners to either the east or the west to create a fire access road to the only other two railroad crossings that exist west of the Weber River.

Staff are recommending approval of the rezone, provided the applicant is willing to enter into a development agreement

Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices. **Figure 1**[1] displays the vicinity map for the property.

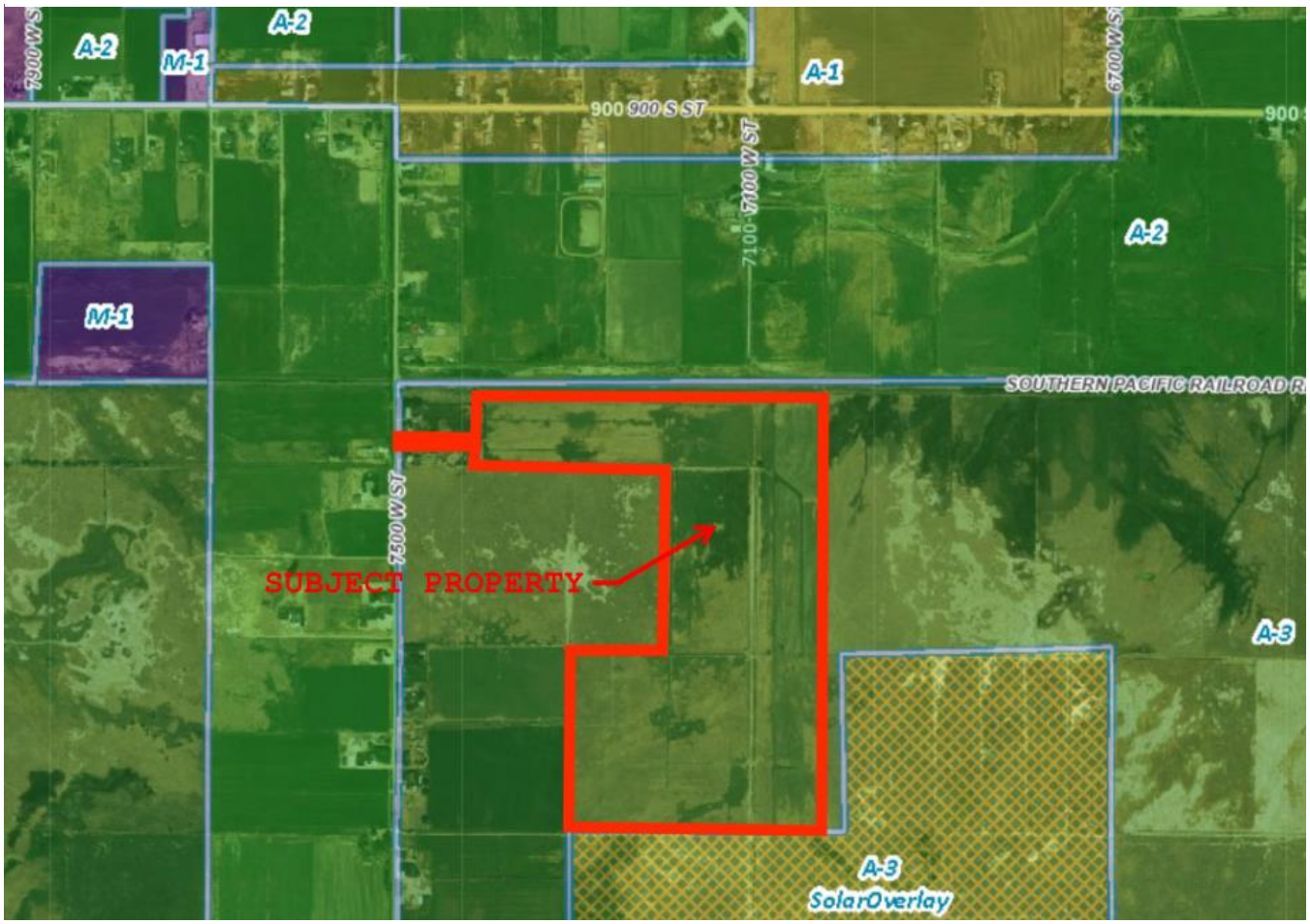
Figure 1: Vicinity Map



Zoning. The current zone of the subject parcel is A-3. The A-3 zone allows residential lots at a minimum 2 acres per lot. **Figure 2**[2] displays current zoning of the area and the subject parcel. Weber County Code Section 104-2-1 says the purpose of the A-3 zone is as follows:

> *"The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained."*

Figure 2: Existing Zoning Map



[1] See also Exhibit B.

[2] See also Exhibit C.

Figure 3: Proposed Zoning Map

The proposed zone is the A-2 zone. The A-2 zone allows residential lots at a minimum lot size of 40,000 square feet. **Figure 3**[3] displays desired zoning of the area and the subject parcel. Weber County Code Section 104-2-1 says the purpose of the A-2 zone is as follows:

> *"The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible."*

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if I complies with the plan, but suggests pursuing opportunities to implement the plan.

The applicable general plan for this area is the West Central Weber County General Plan.[4] The general plan calls for one acre and five acre lots throughout most of the area. Rezoning the property to the A-2 zone generally complies, as the 40,000 square foot lot size is what is referred as the one-acre zone. **Figure 4**[5] shows the general plan's Future Land Use Map. The red star indicates the area of the subject property.

General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important.

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[3] See also Exhibit D.

[4] The plan can be found here: https://www.webercountyutah.gov/planning/documents/2003%20West%20Central%20Weber%20County%20General%20Plan%2011-19-19.pdf.

[5] See also Exhibit E

Figure 4: Future Land Use Map

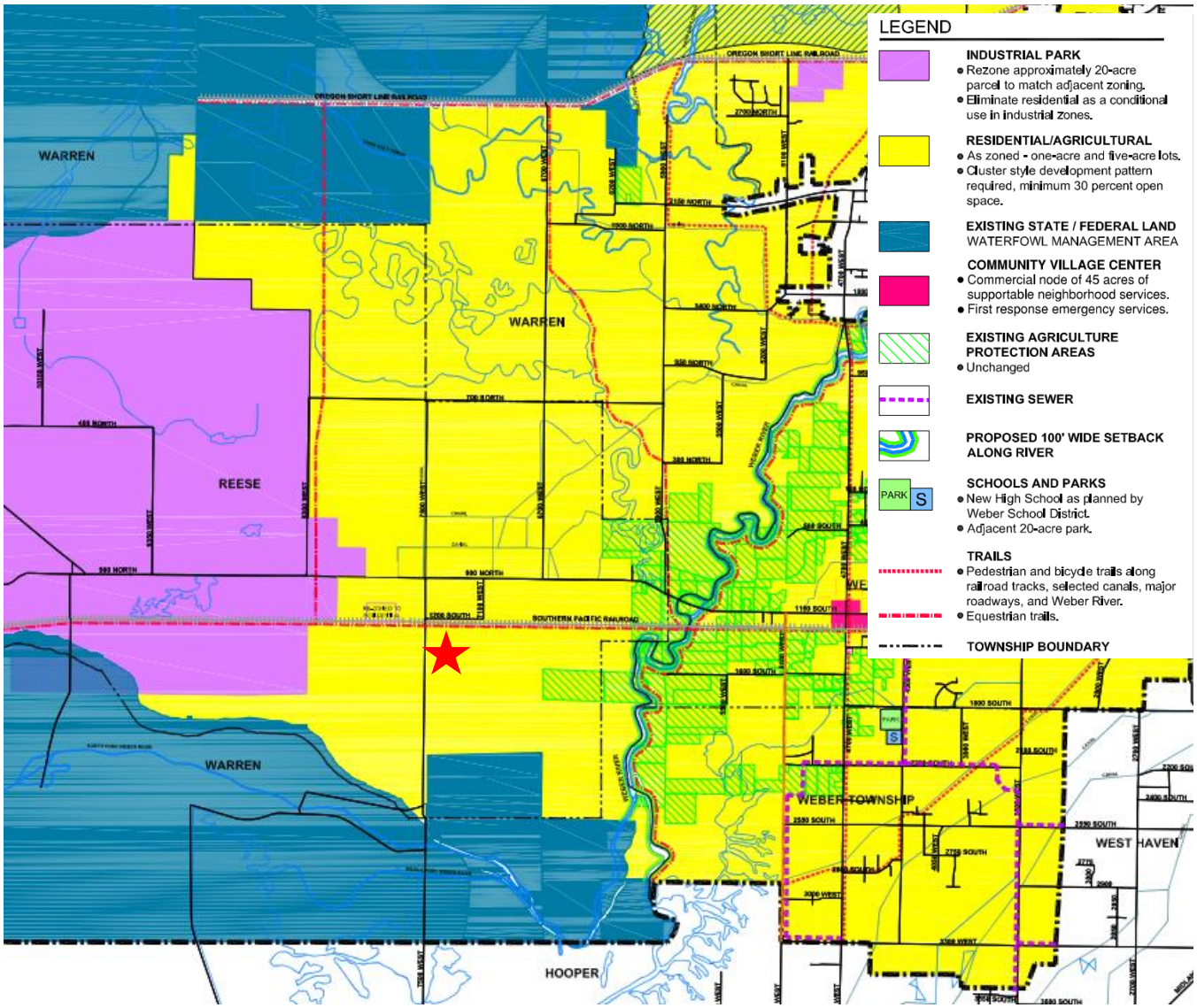


Figure 5: Lot Development Standards

Lot area:

	AV-3	A-1	A-2	A-3
Minimum for single-family dwelling:	3 acres	40,000 square feet	40,000 square feet	2 acres
Minimum for other use:			2 acres	
Minimum for 2-acre use [see Section 104-2-4]:		2 acres		
Minimum for 5-acre use [see Section 104-2-4]:	5 acres	5 acres	5 acres	5 acres

Lot width:

	AV-3	A-1	A-2	A-3
Minimum lot width:	150 feet	150 feet	150 feet	150 feet
Minimum for 2 and 5-acre use [see Section 104-2-4]:	300 feet	300 feet	300 feet	300 feet

A review of the uses and existing development along 7500 West suggests that one acre lots may be acceptable for the area. Several lots exist on the west side of 7500 West that are approximately one acre. The generally vacant area of most parcels surrounding the subject property also lends to a general compatibility of one-acre lot sizes.

Concept development plan. A concept development plan has been provided for the property[6]. This displays the development potential of the land if rezoned to the A-2 zone. This concept was developed utilizing lot averaging, in which the applicant may be flexible with the lot sizes as long as the average of all equals the minimum lot development standards. Staff suggests reviewing the concept plan for illustrative purposes only. Staff's recommendations will require the plan be revised.

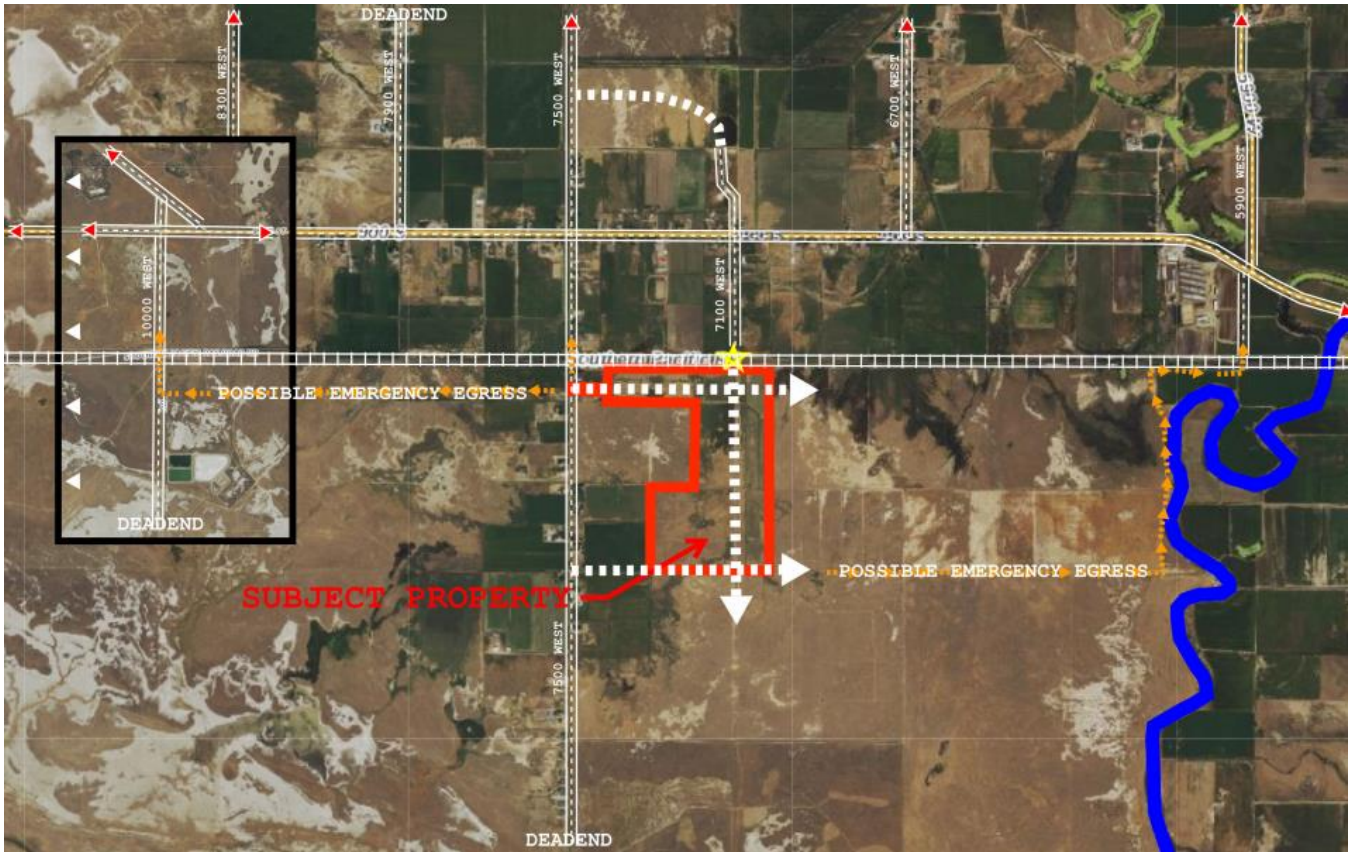
Water. It is anticipated that, when developed, the land will be served by the Warren West Warren Water Improvement District for culinary water. No formal commitment for water is required at this time, but will be part of the subdivision process. Development on the land will also require the creation of a secondary water system to serve the lots.

Sanitary Sewer. It is anticipated that, when developed, the land will be served by the Little Mountain Sewer Improvement District. The applicant is working with the district to prepare to extend lines to the subject property.

Access and traffic circulation. Access and traffic circulation will likely be the biggest challenge of developing the subject property. **Figure 6**[7] shows these challenges. It is proposed to access the public street network by accessing 7500 West. 7500 West is a deadend road that extends southward from 900 South. It crosses the Union Pacific Rail Line just before accessing the subject property. There are no other public streets south of the Union Pacific Rail Line to which a development on the subject property can connect, except 10000 West, which is approximately three miles to the west of 7500 West. Among other logistical concerns, in the event of an emergency, the existing single access poses a safety risk for existing development on 7500 West. Adding to it exacerbates the concern.

The overcome this challenge, the applicant has volunteered to do two things. First, the applicant is willing to commit to providing an emergency access road to either 10000 West, or to a private railroad crossing at 5900 West. The applicant will be required to meet any of the local fire authority's requirements for the emergency access road.

Figure 6: Transportation and Egress Challenges



[6] See also Exhibit F.

[7] See also Exhibit G.

Second, the applicant will construct public street infrastructure to a new potential crossing at 7100 West. 7100 West is the former location of the Reese train station. The applicant will diligently work with the railroad to secure a crossing at 7100 West. 7100 West is a section line road and should be used for future north/south connections to other streets.

A traffic study will be required when the applicant submits a subdivision application.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-04, a proposal to rezone approximately 122 acres from the A-3 zone to the A-2 zone. This recommendation comes with the following conditions and findings:

Conditions:

1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property that provides for the conditions below.
2. That 1400 South is constructed from 7500 West to the eastern boundary of the subject property, for the future extension eastward.
3. That at least a half-width street is dedicated and, in part, constructed, along the southern boundary of the subject property for the future creation and extension of 1800 South eastward and westward back to 7500 West.
4. That 7100 West is constructed from the northern boundary of the subject property to the southern boundary, stubbing into the railroad right-of-way to the north, and stubbing to the property to the south.
5. That an all-weather, 20-foot-wide fire access road is extended from another railroad crossing to the subject property prior to the issuance of the first building permit.
6. That the applicant diligently work with Union Pacific Railroad to construct a crossing at 7100 West, and connect to other improvements on 7100 West north of the railroad.
7. That in the event a railroad crossing cannot be secured at 7100 West before the 30th building permit is issued, the applicant builds a pedestrian bridge over the railroad to connect the north and south extensions of 7100 West.
8. That a 10-foot wide asphalt pathway is constructed on one side of all public streets, with a five-foot wide sidewalk on the other.

Findings:

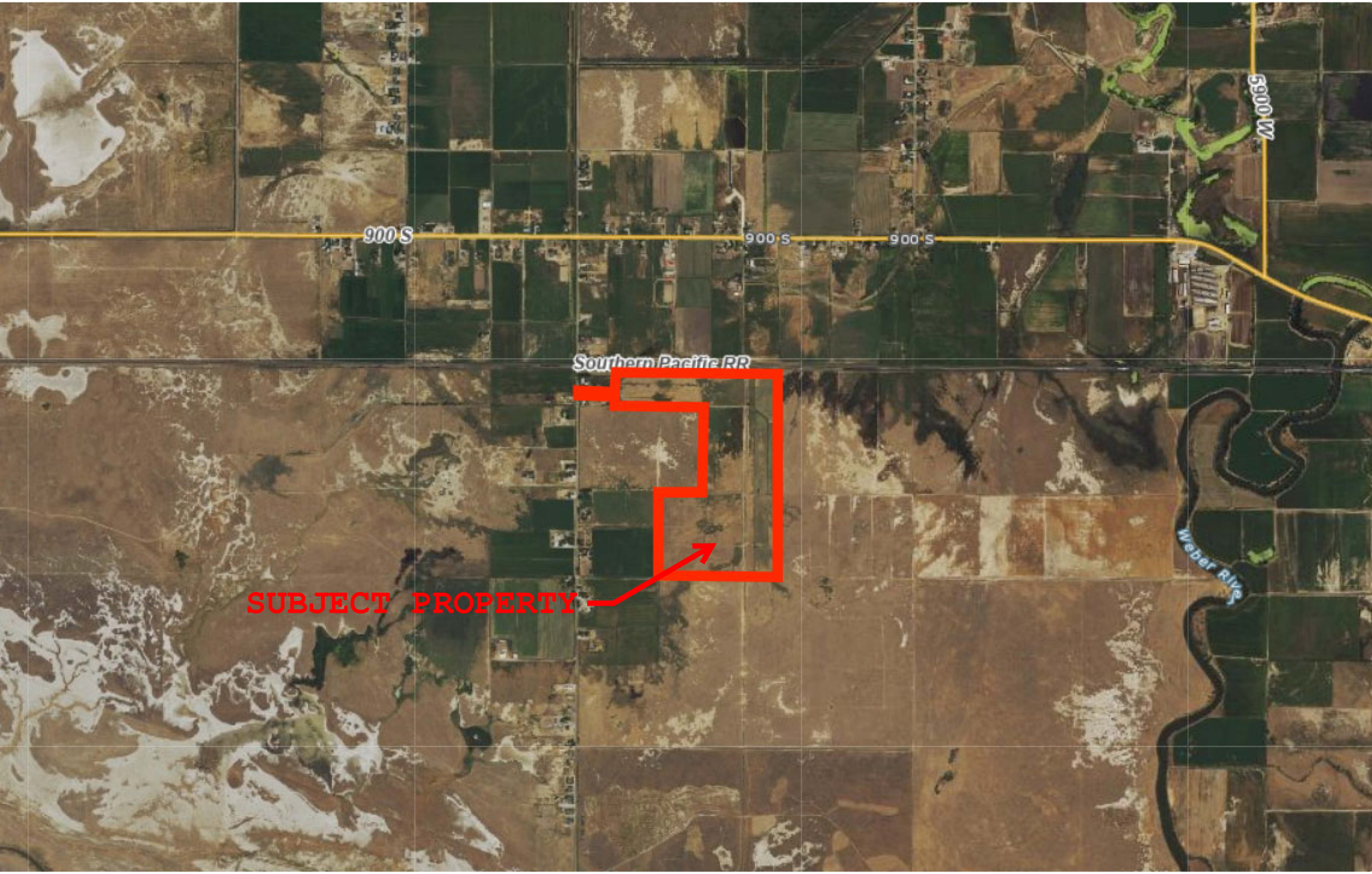
9. The proposal complies with the general plan for the area.
10. The surrounding land uses do not pose a conflict with the proposed rezone, and the new uses of the proposed rezone are anticipated to fit into the area harmoniously.
11. Ensuring adequate street connectivity and emergency egress as the area grows is in the interest of the community's health, safety, and welfare.

Exhibits

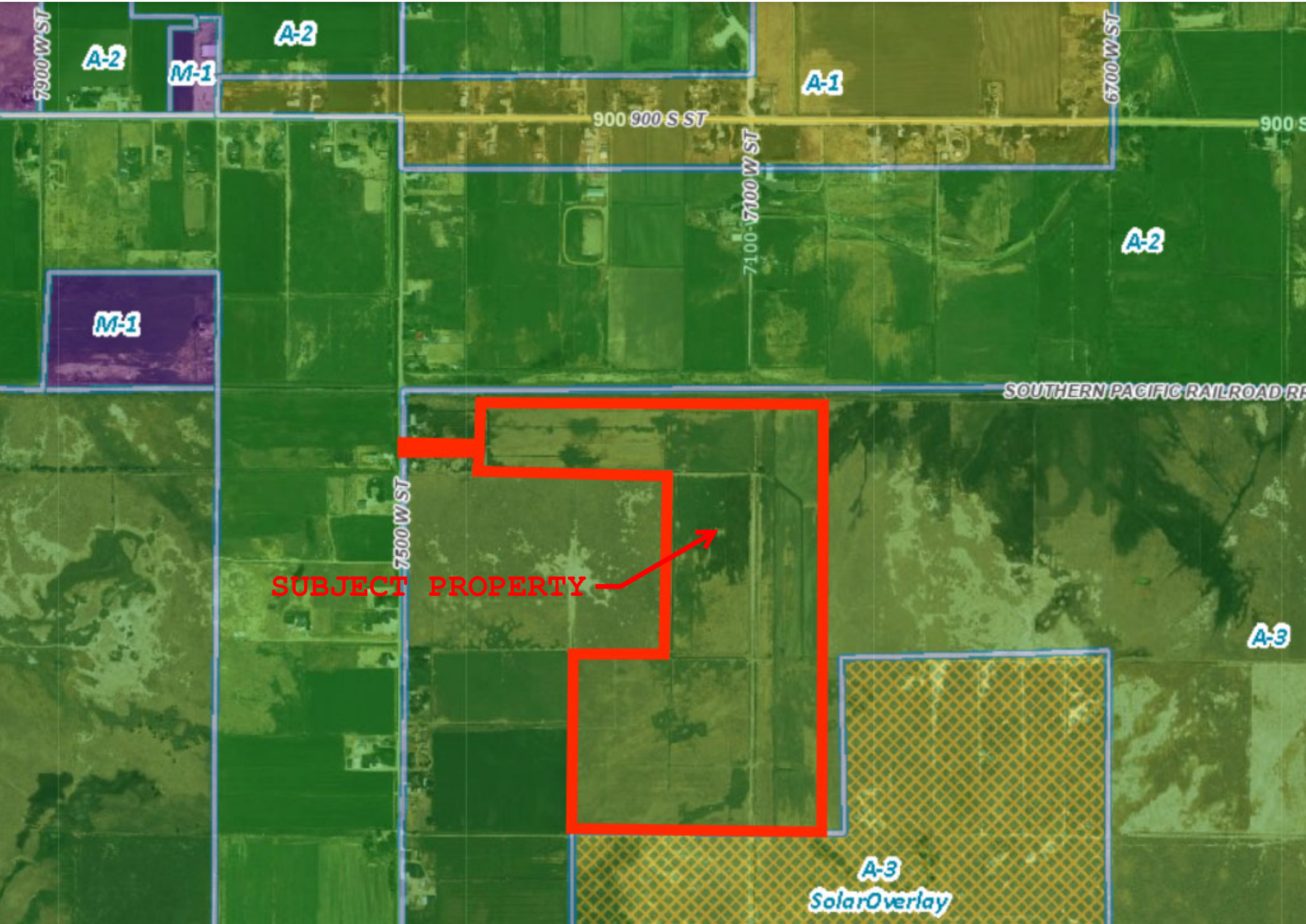
Exhibit A: Application.
Exhibit B: Vicinity Map
Exhibit C: Current Zone Map.
Exhibit D: Proposed Zone Map.
Exhibit E: Future Land Use Map.
Exhibit F: Concept Development Plan.
Exhibit G: Transportation Challenges

1. How is this change in compliance with the General Plan?
    a. The General Plan contemplates 5 acre lots (on average) on our proposed site. However, given the rapid, unprecedented growth of the Wasatch Front generally, and Weber County specifically, and ongoing deliberations regarding the development of a new General Plan, we propose to change the zoning to one acre lots to allow for the additional growth that is coming to Weber County while still maintaining the rural aspects that make it such a desirable location. As a result, we are seeking a change from A3 to A2 zoning. Furthermore, adjacent land to the west is currently zoned A2, so we will not be creating an island.
2. Why should the present zoning be changed to allow this proposal?
    a. We understand that the General Plan is in the process of being updated to reflect the rapid growth that is taking place all across the Wasatch Front. We believe our amendment addresses the realities of the market, while still balancing the desire of the residents in West Warren to be a wonderful, rural community. Furthermore, the proposed site has access to S 7500 West, which allows for efficient ingress and egress to our development, making the site a desirable location for single family homes. Furthermore, 12th South was recently improved, enhancing traffic flow to and from the development.
3. How is the change in the public interest?
    a. There is significant demand for one acre lots in this area (as evidenced by the recent sales of 1 acre lots in this area over the last several years). By amending the plan to allow for one acre lots, we will be able to provide lots for the significant number of people who want to build homes in West Warren. Furthermore, this development would increase the tax base in Weber County.
4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
    a. The rapid growth in Utah, the increasing costs of land, and the improved roads in West Warren are the primary drivers of this amendment request.
5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?
    a. Longtime residents of Weber are being priced out of the market due to insufficient supply of lots. By amending the zone, we will allow approximately 100 households to enjoy the wonderful life afforded them in Weber County, while still maintaining the rural elements of Weber that make it so desirable.
6. A narrative describing the project vision.
    a. We plan to develop the land into one acre lots that will allow for the construction of single family homes. By building infrastructure (e.g., road and power) we will increase the value of the land. And by adding homes, we will increase the taxes that Weber County will collect. Furthermore, we will provide opportunities for residents to enjoy the rural aspects of West Warren that make it such a desirable place to live.

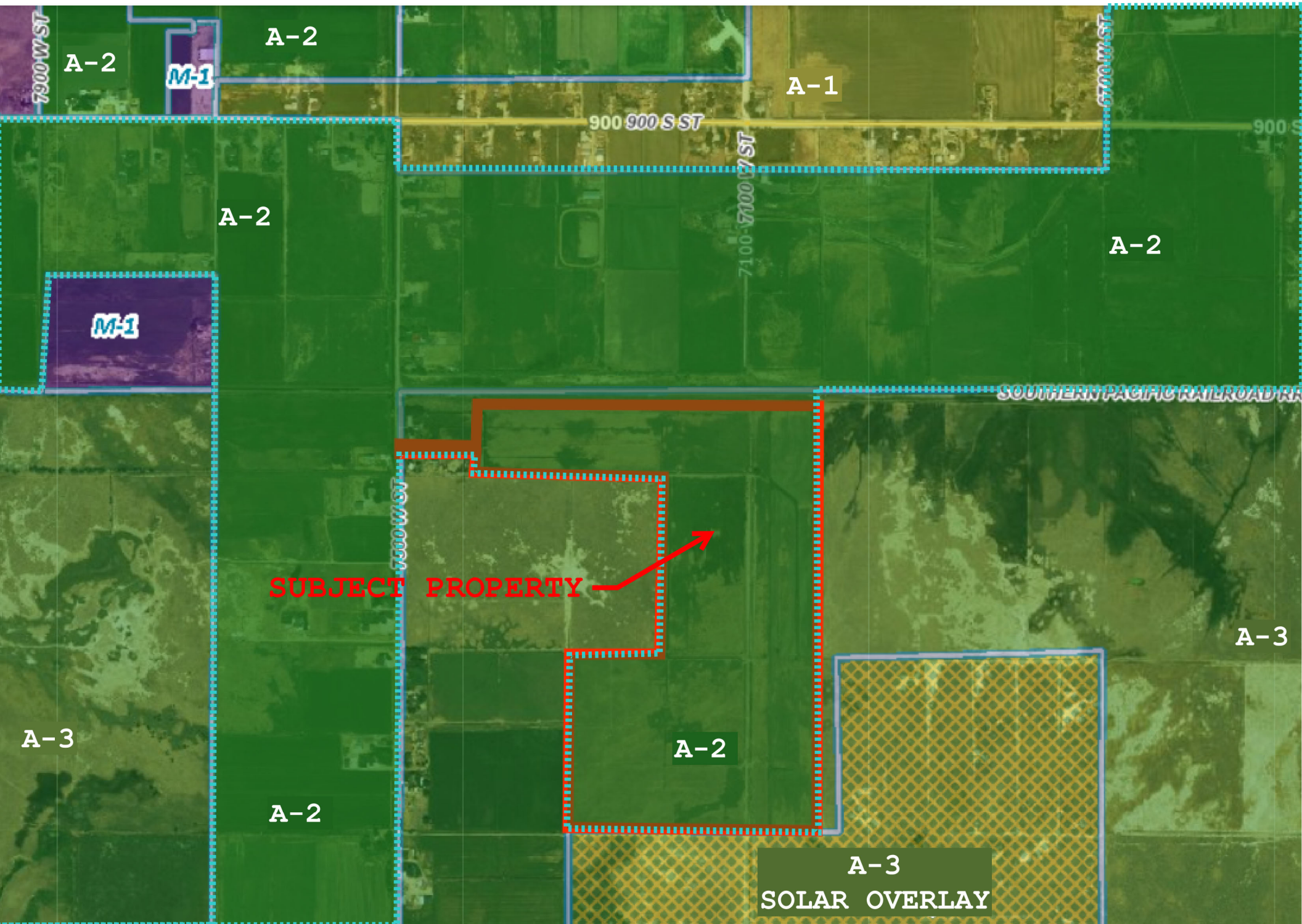
VICINITY MAP



EXITING ZONING MAP

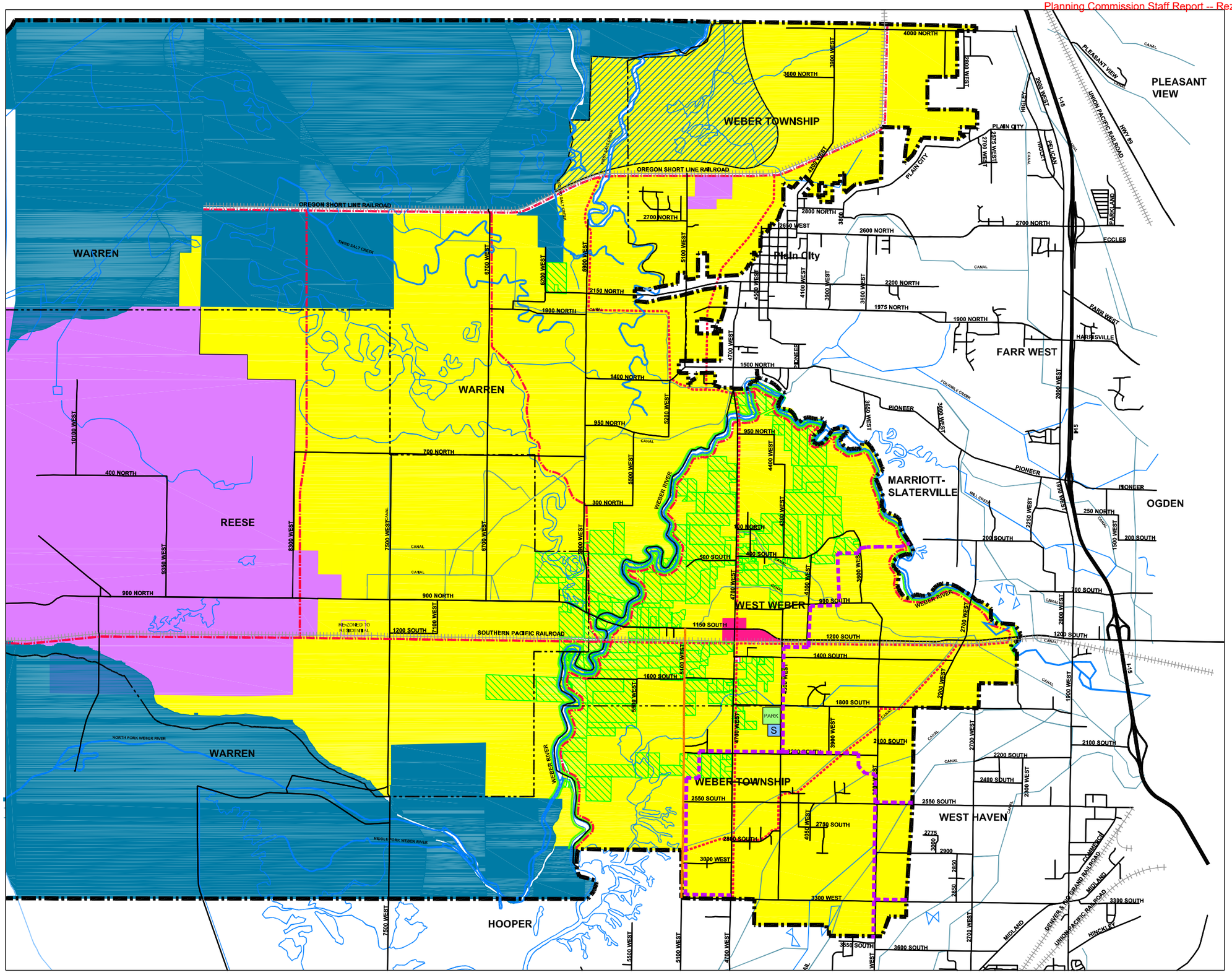


PROPOSED ZONING MAP



WEST CENTRAL WEBER COUNTY GENERAL PLAN

PROPOSED LAND USE MAP 2-4



LEGEND

INDUSTRIAL PARK
- Rezone approximately 20-acre parcel to match adjacent zoning.
- Eliminate residential as a conditional use in industrial zones.

RESIDENTIAL/AGRICULTURAL
- As zoned - one-acre and five-acre lots.
- Cluster style development pattern required, minimum 30 percent open space.

EXISTING STATE / FEDERAL LAND
WATERFOWL MANAGEMENT AREA

COMMUNITY VILLAGE CENTER
- Commercial node of 45 acres of supportable neighborhood services.
- First response emergency services.

EXISTING AGRICULTURE PROTECTION AREAS
- Unchanged

EXISTING SEWER

PROPOSED 100' WIDE SETBACK ALONG RIVER

SCHOOLS AND PARKS
- New High School as planned by Weber School District.
- Adjacent 20-acre park.

TRAILS
- Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
- Equestrian trails.

TOWNSHIP BOUNDARY

0' 2500' "1" = 5000'

Adopted September 23, 2003
Page Amended September 11, 2018
Page Amended October 2, 2018
Page Amended December 4, 2018
Page Amended June 11, 2019

REESE MEADOWS

A1.1

Date prepared: 11-06-2020
Job Number: 20N758

SKETCH PLAN COMPILED USING LOT AVERAGING

lot 1	33245
lot 2	42245
lot 3	36765
lot 4	33745
lot 5	33744
lot 6	33744
lot 7	33744
lot 8	33744
lot 9	33744
lot 10	33744
lot 11	33744
lot 12	33744
lot 13	33744
lot 14	34063
lot 15	34246
lot 16	66828
lot 17	66143
lot 18	37327
lot 19	37376
lot 20	37327
lot 21	57596
lot 22	56651
lot 23	37327
lot 24	37376
lot 25	37327
lot 26	55713
lot 27	54768
lot 28	37327
lot 29	37376
lot 30	37328
lot 31	53831
lot 32	64455
lot 33	43565
lot 34	43609
lot 35	43565
lot 36	57022
lot 37	40708
lot 38	33585
lot 39	53413
lot 40	65616
lot 41	34137
lot 42	34137
lot 43	66443
lot 44	66135
lot 45	65827
lot 46	65522
lot 47	62404
lot 48	62122
lot 49	119728
lot 50	50976
lot 51	37494
lot 52	37949
lot 53	37949
lot 54	37446
lot 55	37469
lot 56	37525
lot 57	37545
lot 58	37551
lot 59	50569
lot 60	67899
lot 61	67559
lot 62	66934
lot 63	47551
lot 64	47590
lot 65	35101
lot 66	34848
lot 67	34594
lot 68	34341
lot 69	34087
lot 70	33834
lot 71	33580
lot 72	33327
lot 73	41213
lot 74	33743
lot 75	33743
lot 76	33745
lot 77	33746
lot 78	33748
lot 79	33750
lot 80	32697
lot 81	32670
lot 82	32670
lot 83	35075
lot 84	35075
lot 85	35075
lot 86	35075
lot 87	35075
lot 88	35075
lot 89	35075
lot 90	35075
lot 91	35075
lot 92	35075
lot 93	35075
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lot 96	35075
lot 97	35075
lot 98	35075
lot 99	35075
lot 100	35075
lot 101	35075
lot 102	35075
lot 103	35075
lot 104	35075
lot 105	35075
lot 106	35075
lot 107	35075
lot 108	35075

total sq.ft. = 5297034 sqft 121.60 acres
Road sq.ft. = 779411 sqft 17.89 acres
Remainder Acreage = 4517623 sqft

Number of lots available = 112.94
lots provided = 108

Avg. Lot= 45474.5 sqft 1.04 acres

Scale: 1" = 150'

Graphic Scale

SKETCH PLAN COMPILED USING LOT AVERAGING

REV	DATE	DESCRIPTION

GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
801-394-4515 SLC 801-292-2594 FAX 801-394-9754
WWW.GREATBASINENGINEERING.COM

Prelim

Reese Meadows
APPROX. 1290 South 7500 West
West Warren, Weber County, Utah
A part of Section 23, T6N, R2W, SLB&M, U.S. Survey

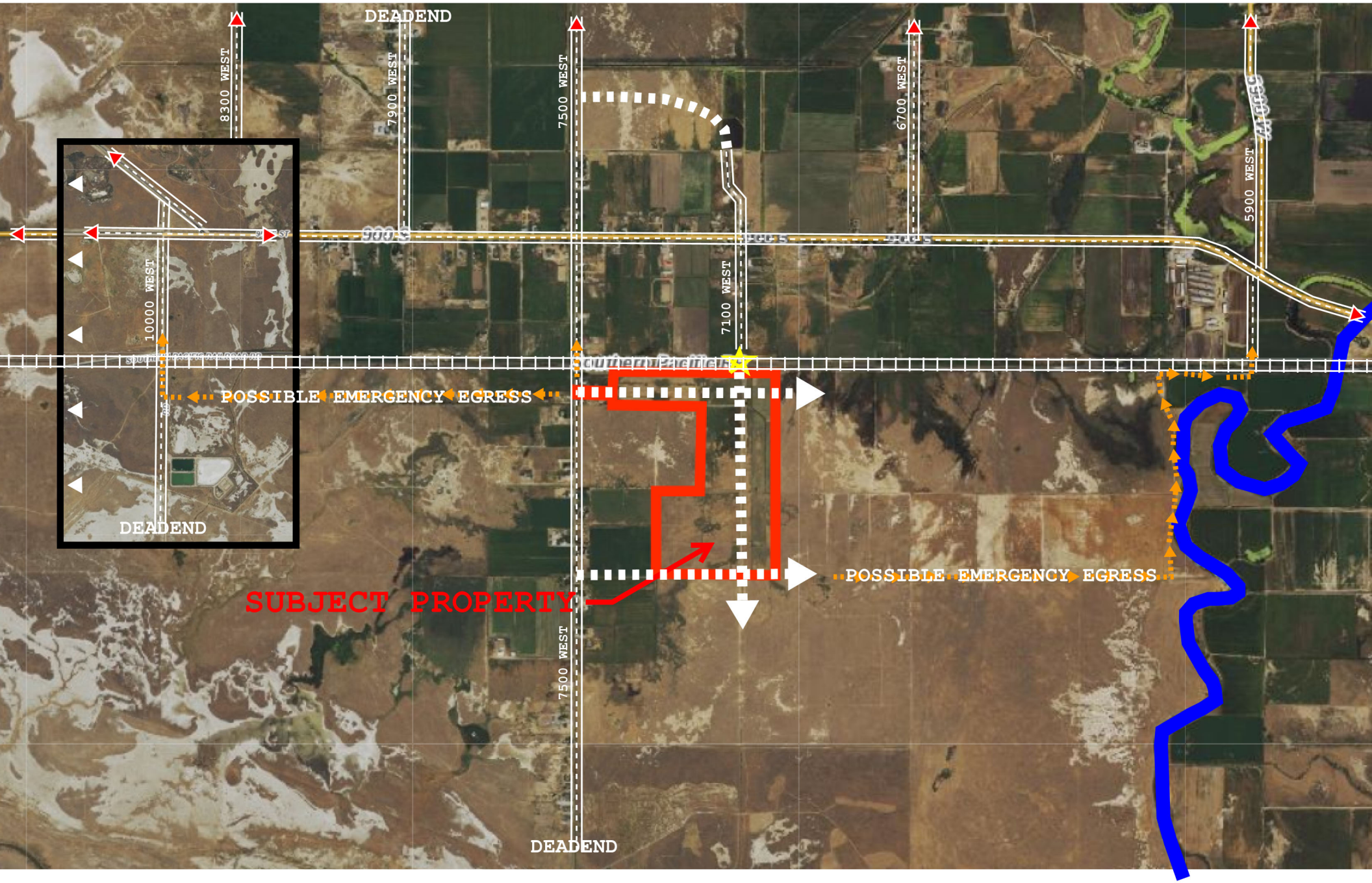
OCT. 2020

SHEET NO. A1.1

20N758

W:\20N758 - Reese Meadows\DWG\20N758 - Layout C1.dwg, 4/22/2021 3:18:41 PM, JamesR, 1:1

TRANSPORTATION AND EGRESS CHALLENGES



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	To hold a public hearing, and consider and take action on ZMA 2021-05 a request to amend the zone map to rezone approximately 87 acres from the A-2 (medium agriculture) zone to the C-2 (medium commerial) zone and varying residential zones at approximately 2650 West 1200 South, and a request to amend the general plan's future land use map to enable the rezone.
Agenda Date:	Tuesday, June 15, 2021
Applicant:	Lync Construction. Agent: Pat Burns and David Laloli
File Number:	ZMA 2021-05

Property Information

Approximate Address:	2650 West 1200 South
Zoning:	The area is currently Agricultural (A-2)
Existing Land Use:	Agricultural
Proposed Land Use:	Commercial and Residential
Township, Range, Section:	T6N, R2W, Sections 14 and 23

Adjacent Land Use

North:	Agricultural	**South:**	Railroad
East:	Agricultural	**West:**	Residential/Agricultural

Staff Information

Report Presenter:	Charles Ewert cewert@webercountyutah.gov 801-399-8767
Report Reviewer:	RG

Applicable Ordinances

§102-5: Rezoning Procedures

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Summary

This application is for a rezone and associated general plan amendment to change approximately 87 acres from the A-2 zone to the C-2 zone with a master planned development overlay zone (MPDOZ). The purpose of the rezone is to develop the site for commercial uses along 12th street, and residential uses behind the commercial uses and along the Weber River.

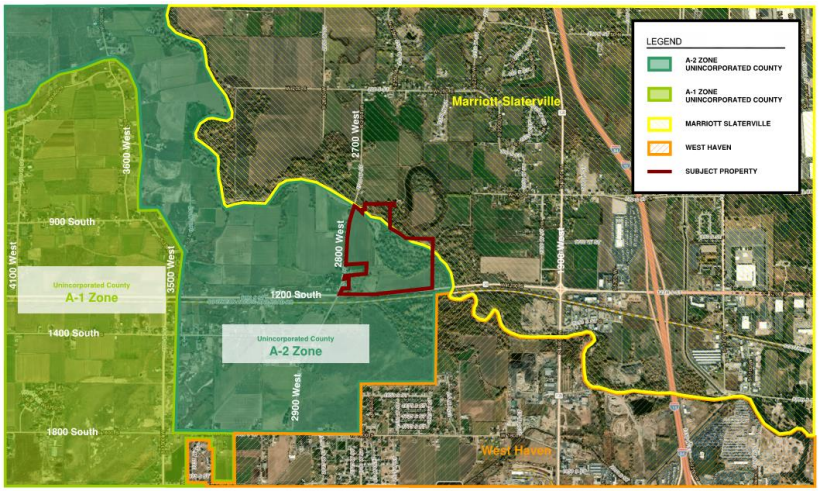
Staff is suggesting instead of rezoning the entire property to C-2, to rezone the area proposed for commercial and mixed use residential, along 12th street, to the C-2 zone, then rezone the rest of the property to the Residential Estates zones (RE-15 and RE-20). Application of the MPDOZ could then be used to allow multifamily uses to be located in the C-2 zone area as part of the mixture of uses.

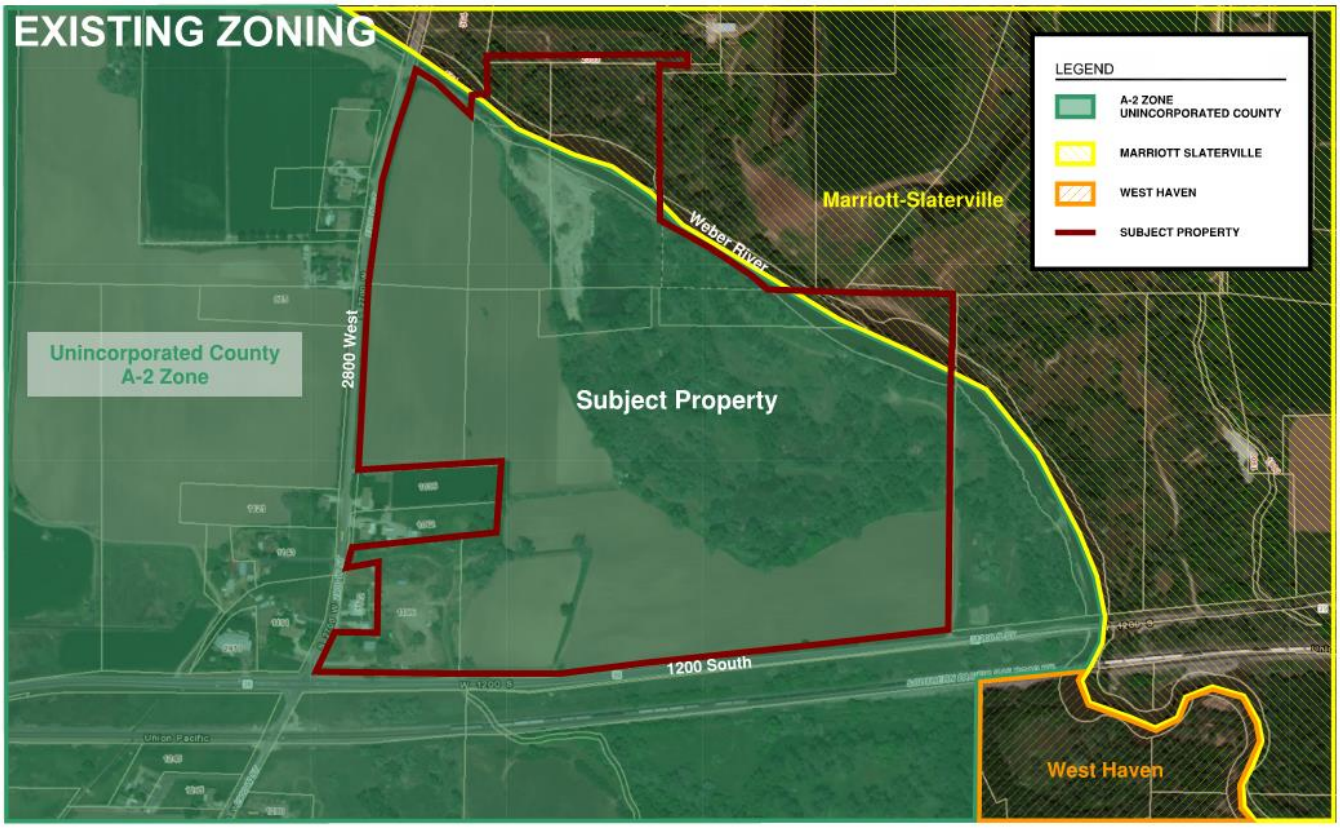
Policy Analysis

A change to zoning has the potential to change the character of an area. Careful analysis of the change should be considered in order to assure the protection of the overall health, safety, and general welfare of the community. Rezones may not always be optimally beneficial to everyone affected. The rezone process is a time in which the county should try to anticipate whether the detriments to some are appropriately and reasonably mitigated and balanced with the overall desired community outcomes.

Zoning. The current zone of the subject parcel is A-2. The A-2 zone is typically reserved for moderately intense agricultural operations, but there are some uses allowed in this zone that are less intense. **Figure 1**[1] displays current zoning and the parcels affected by the potential rezone.

Figure 1: Current Zoning Map and the Subject Parcel(s).

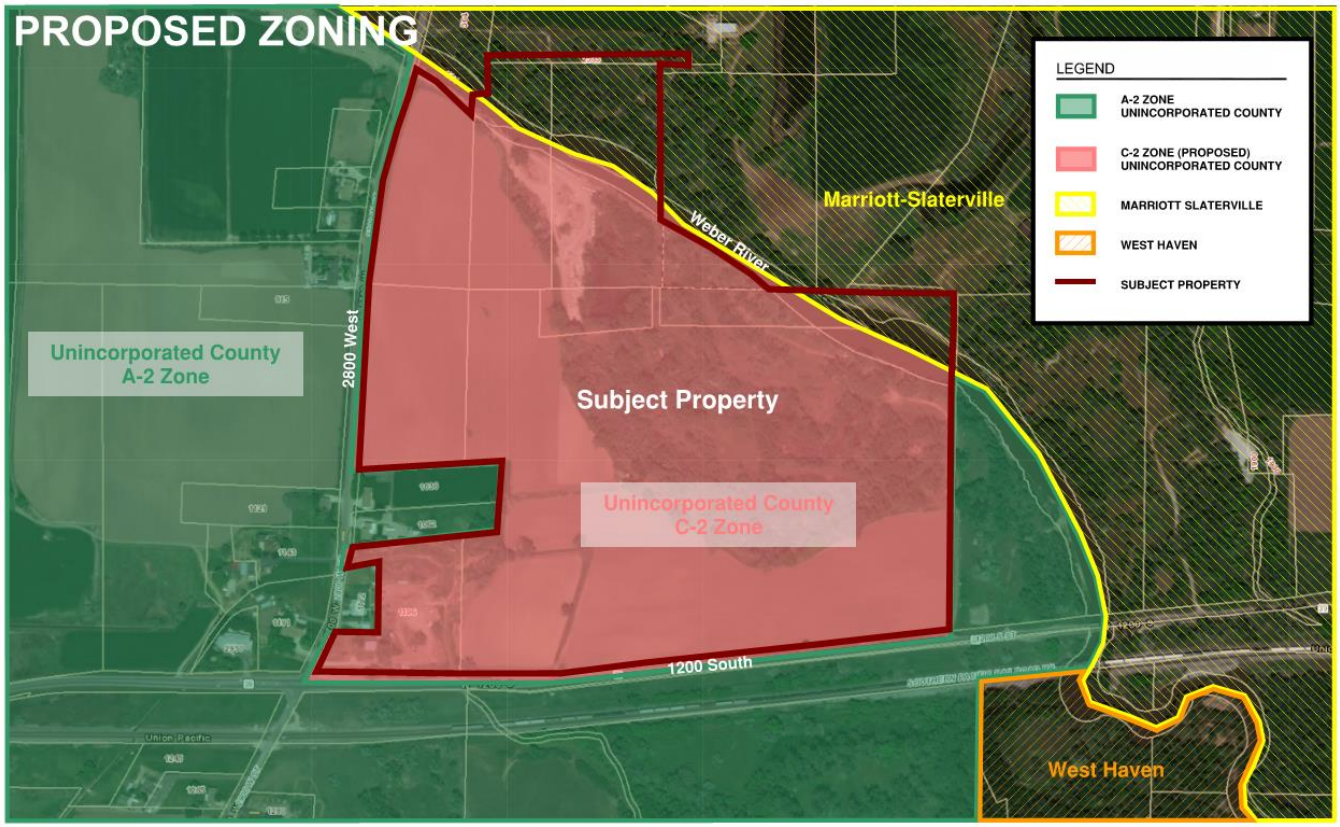




[1] See also Exhibit D.

The requested zone for the subject parcel is the C-2 zone. As can be seen in **Figure 2**[2], this will create new commercial property in an area without any current commercial zoning.

Figure 2: Proposed Zoning Map and the Subject Parcel(s).



Changing a zone from A-2 to C-2 comes with a few things to consider. The Planning Commission should review the uses that are different in each zone and the differences in lot development standards[3]. As can be expected, the differences between the zones are substantial.

Changing zoning. The Weber County Land Use Code has a chapter that governs application-driven rezones. The following are excerpts and/or staff's commentary on how it applies to this application.

§ 102-5-2: Specifies that rezoning should comply with the general plan. At current, the request does not. The current general plan does not anticipate commercial uses in this area. For that reason, the applicant is also requesting an amendment to the general plan to designate it for future commercial. If favorable, **Figures 4**[4] **and 5** show a proposed amendment to the West Central Weber County's "Future Land Use Map" that would enable this rezone. Specific plan amendment outcomes should be considered before offering the rezone, as detailed later in this report.

§ 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

> *(a) To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
>
> *(b) The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The*

[2] See also Exhibit E.

[3] See Attachment F and G.

[4] See also Attachment B and C.

county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

Concept development plan. A concept development plan has been provided for the property[5]. The plan is a general bubble diagram for where uses may generally be located on the property.

A benefit of a bubble-diagram concept plan is that the developer is afforded flexibility in the implementation of the project, allowing general ebbs and flows of design based on unknown site characteristics, varying market trends, etc., without continually engaging the governmental process to amend the plan. A possible detriment of this method is that it, alone, might not create the anticipated outcomes that were the basis of the rezone decision. To combat this potential detriment, the applicant and staff have negotiated development standards and expectations for each "bubble," and will pursue memorializing these details in a development agreement. Using this method, the county can regulate and minimize the foreseeable detrimental effects regardless of the actual final site layout. This is not unlike regular zoning elsewhere, just on a smaller scale.

The applicant is prepared to commit to keeping all buildings 200 feet away from existing residences in the area. Commercial uses will be buffered from the road by berms, trees, and parking areas.

Buildings along 1200 South will be closer to the street. The applicant is prepared to commit to buildings no greater than 45 feet tall within 100 feet of 1200 South. By comparison, this is 10 feet taller than what is allowed in the adjacent A-2 zone. No buildings are expected across 1200 South, as the railroad track is immediately adjacent, and creates a buffer from land uses southward.

Water, wastewater, fire, and other utilities. The applicant has indicated it is currently in positive negotiations with Bona Vista Water and Central Weber Sewer for service. Despite any rezone approvals, no development can occur onsite without completed agreement with these entities. The applicant has proposed power to come from Rocky Mountain Power. There is currently power lines that run across the property. The applicant is currently in negotiation with Rocky Mountain Power to underground existing lines onsite.

Access and traffic circulation. The property will get access from 12th Street and 2800/2700 West Street. UDOT access permit is required for each access on 12th Street.

It is likely that traffic to and from the property will merit improvements to 2800 West for turning lanes. A formal traffic study has not been conducted to verify this. Based on nearby plats/ surveys, it appears that the right-of-way of 2800 West is 66 feet. If that is true for the entire street frontage, then no additional right-of-way width is expected to be necessary. It is expected that 2800 West will be improved on the development side for storm water runoff. Formal street design is premature at this time.

Buffering adjacent uses. As mentioned, the buildings will be located greater than 200 feet away from existing residences. Along 2800 West, a four-foot tall berm will be installed with trees lining the top and a pathway running atop or parallel. The trees will be of a species and separation such that the tree canopy will cover 75% of the linear frontage.

The four-foot berm, trees, and pathway will also line the three existing residences on the east side of 2800 West.

Landscaping. Other than lining the exterior boundary with shade trees, it is expected that internal landscaping will comply with the adopted architecture, landscape, and screening standards of existing ordinances.

Trails and pathways. The circumference of the property will be lined with a 10-foot wide pathway. This includes development of the Weber River Parkway trail along the river.

Lighting. The applicant is proposing that the permanent lighting fixtures across the project will be dark-sky compliant. This means lighting will be downward directed and fully shielded in a manner that there will be no direct light source visible from off-property. The surface parking lots will have an additional level of light reduction by limiting the light level to dark-sky standards.

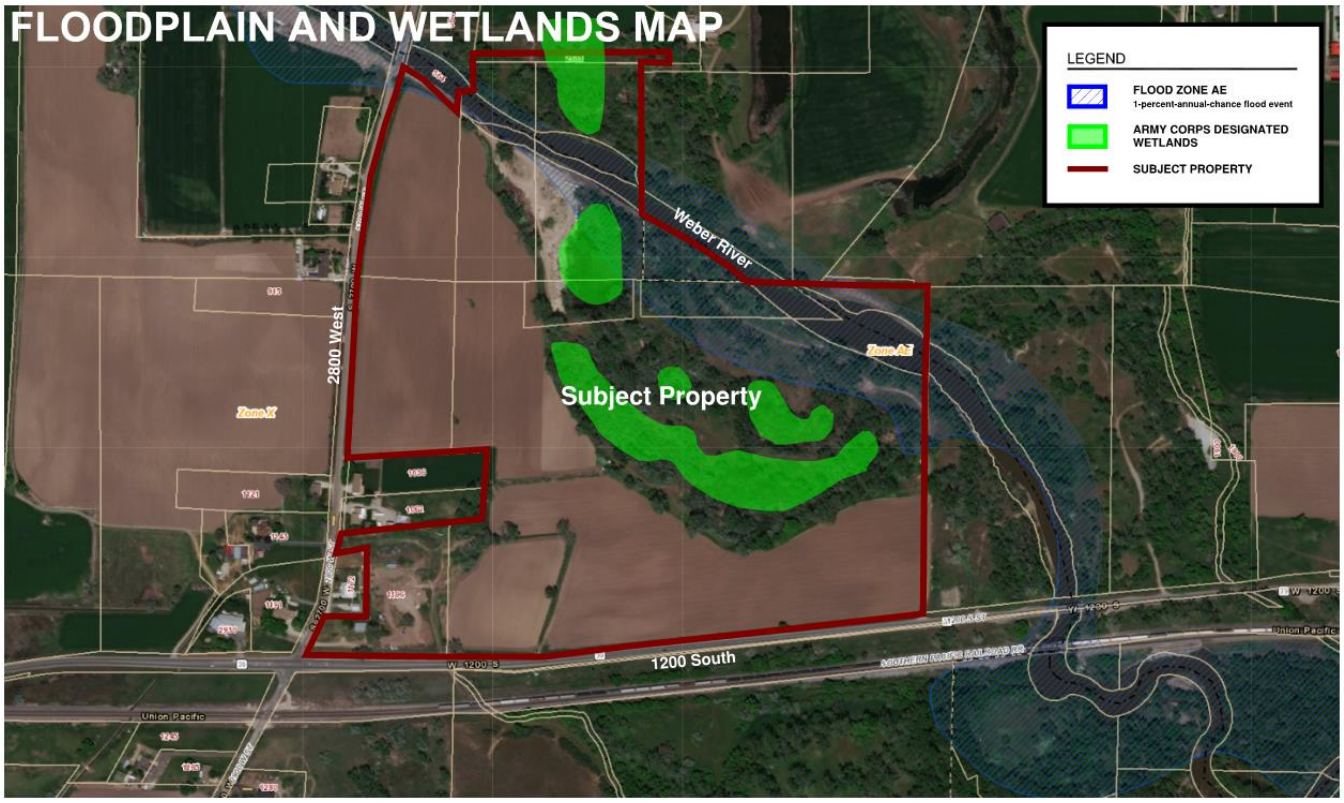
Phasing. While the applicant is not anticipating the need for a specific phasing plan, it is likely the project will be built in phases.

Wetlands and floodplain. There is known floodplain on the property. Currently, the flood zone is designated AE along the Weber River, which means that the base-flood-elevation is known for this area, and there is one percent per year chance of flooding. Also onsite are areas designated by the Army Corps of Engineers as wetlands. The applicant is proposing wetland mitigation when needed for acreage, and wetland preservation where possible.

[5] See Exhibit H

Wetland mitigation typically means that wetlands will be built elsewhere in the area in exchange for eliminating wetlands onsite. **Figure 3**[6] displays the flood zones and wetland areas.

Figure 3, Floodplain and Wetlands.



General plan. In order to recommend approval of the rezone, the West Central Weber County General Plan should be amended to enable the new zone in the area. **Figures 4 and 5**[7] show the proposed amendment to the "Future Land Use Map" of that plan.

[6] See Exhibit J

[7] See Exhibit B

Figure 4: 2018 Future Land Use Map and the Subject Property.

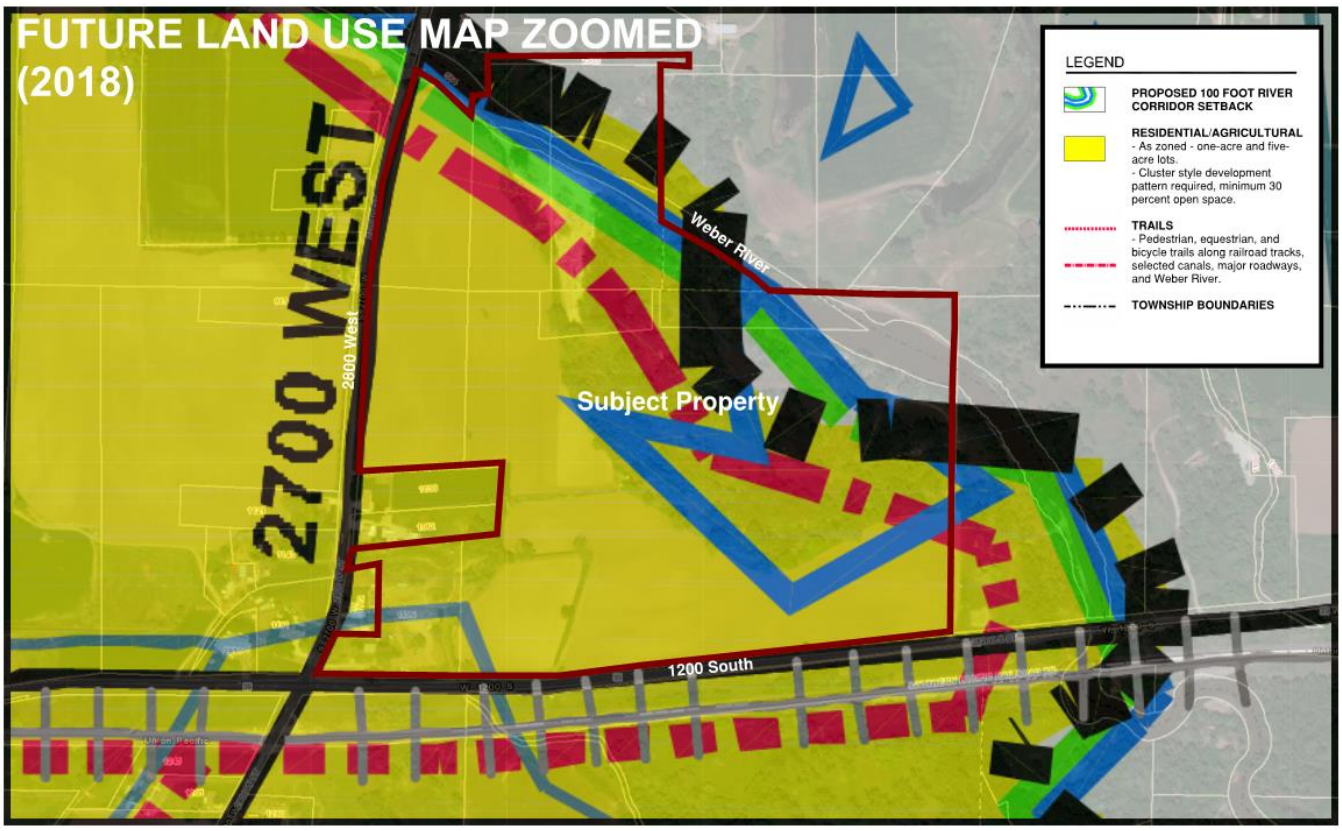
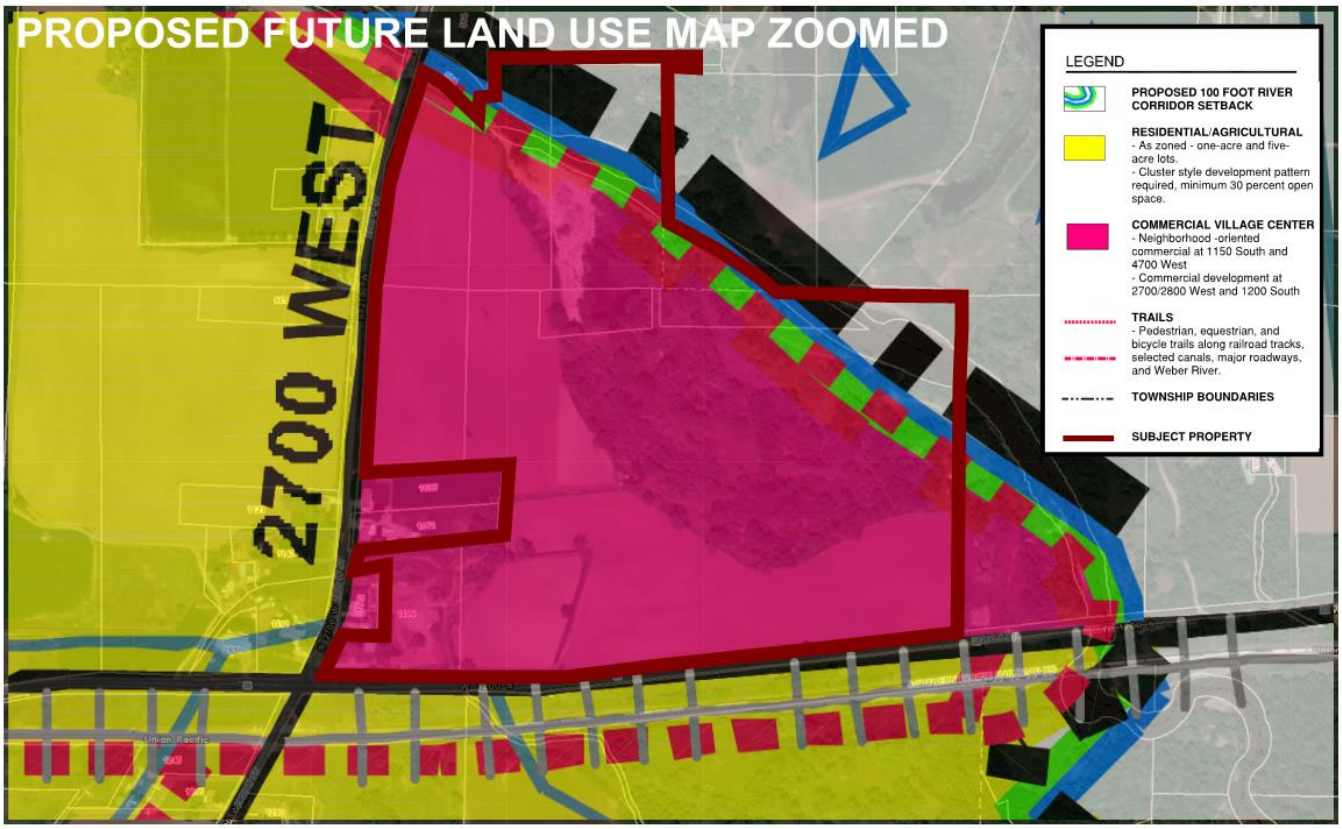


Figure 5: Proposed Future Land Use Map and the Subject Property.



A review of the existing general plan text offers the general dialogue and interests regarding a number of aspects of this proposal.

Commercial uses

> "Limited commercial uses currently exist, and many people are very comfortable with the status quo. Others would like to see more commercial, particularly if it is concentrated with other services such as fire stations and schools, and if it is well-located and well-planned. Major intersections and corridors might be appropriate locations. Commercial uses can have a positive effect on tax base and services provided."[8]

> "Develop commercial design standards to help commercial development better fit with the character of the area."[9]

This master planned development will be located along the 1200 South transportation corridor, one of the major corridors in the area. It will create jobs, retail tax-base, and increase taxable value of the subject property, giving the area a positive tax effect.

Parks and trails

> "Many people expressed a desire for developed public parks (with playing fields, pavilions, playgrounds, tennis courts), a variety of trails including pedestrian, bicycle and equestrian trails, recreation facilities such as a recreation center and other developed facilities, and a library. Some suggested that utility easements are good locations for trails and bike paths; others felt that canals are too dangerous for use as trails. The concept of a "river walk" was mentioned, but those with property directly on the river were opposed to trails development along the river. It was suggested that the river flood plain should be purchased and held in public ownership."[10]

The applicant has proposed a public multi-use asphalt trail along the Weber River, and a loop trail that encircles the development.

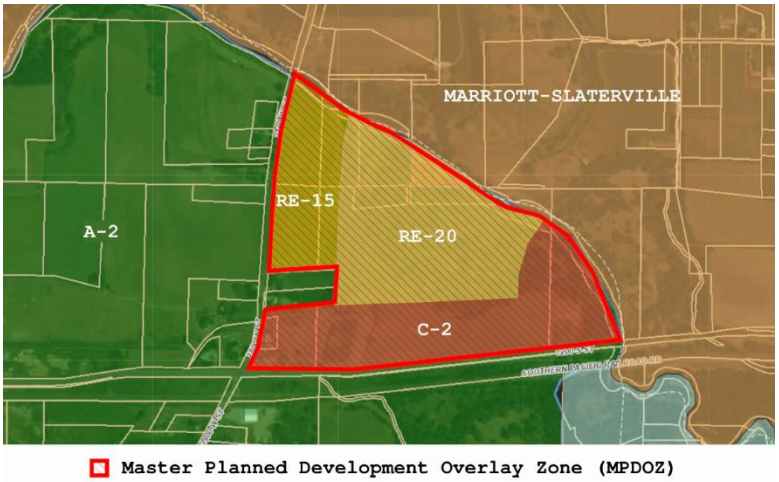
Night sky

> "Some felt that … new ordinances need to be developed to protect the night sky…"[11]

The applicant has proposed that this development be night sky friendly. They have volunteered all permanent light fixtures to be downward directed and fully shielded so as not to create light trespass on adjacent landowners. It cannot be guaranteed that outdoor filming will always be able to follow this standard; however, the applicant has committed to providing vegetation and/or building buffers that will block this temporary lighting from existing adjacent properties. The applicant has also volunteered all surface parking areas to be low-light levels.

Instead of rezoning the entire property to C-2 with the MPD overlay, staff recommends the following zone map:

Figure 6: Staff Recommended Rezone Alternative



[8] See Page 1-5 of the West Central Weber County General Plan.
[9] See Page 2-15 of the West Central Weber County General Plan.
[10] See Page 1-5 of the West Central Weber County General Plan.
[11] See Page 1-6 of the West Central Weber County General Plan.

Staff Recommendation

If the Planning Commission supports the proposed general plan amendment, then staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the general plan amendment and rezone with the following requirements to be executed by means of a development agreement:

1. The property should be rezoned to a mix of residential estate and commercial, with the C-2 zone located along 12th Street.
2. The commercial development should be setback from the public right-of-way no more than 20 feet to hold the street corridor visually. Likewise, the corner of 2800 and 12th Street should have a building that holds the corner visually. If that corner will be occupied by a gas station, then the gas pumps shall be located in the rear of the building away from the public right of way. To encourage buildings along the street-front, parking lots should be located no closer to 12th street or 2800 West than 100 feet.
3. Four foot berms should be created along 2800 West to shield the development/parking lots from view of adjacent residences.
4. Four foot berms should be created around the north and west sides of existing residential parcels on the east side of 2800 West. The same berms will be provided on the south side in the event of the parcels in the event non-agrarian uses are established in view of the residences.
5. A pathway should encircle the outer perimeter of the project, lined on the project's south and west boundaries with shade trees of a species and spacing that are expected to create 75 percent linear canopy coverage within 15 years of planting.
6. All onsite permanent lighting fixtures should be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety and should be downward directed and fully shielded to not cause glare or direct illumination onto adjacent properties or streets. Additionally, the lighting of surface parking lots should not exceed 0.4-foot-candles and have a light distribution uniformity ratio no greater than 4:1.
7. The height of buildings along 1200 South and, if applicable, 2800 West, should be no greater than 45 feet for a distance from the street right-of-way of 100 feet. Maximum building height otherwise should be 65 feet.
8. The buildings with fronts visible from 1200 South or 2800 West should be treated with agrarian architectural features. The development agreement should contain architectural standards for all buildings along 12th Street
9. That all berms, trees, pathways, and associated vegetation should be installed prior to certificate of occupancy for the first building.
10. That all other agency concerns should be accounted for as may be necessary in the development agreement.

This recommendation may come with the following findings:

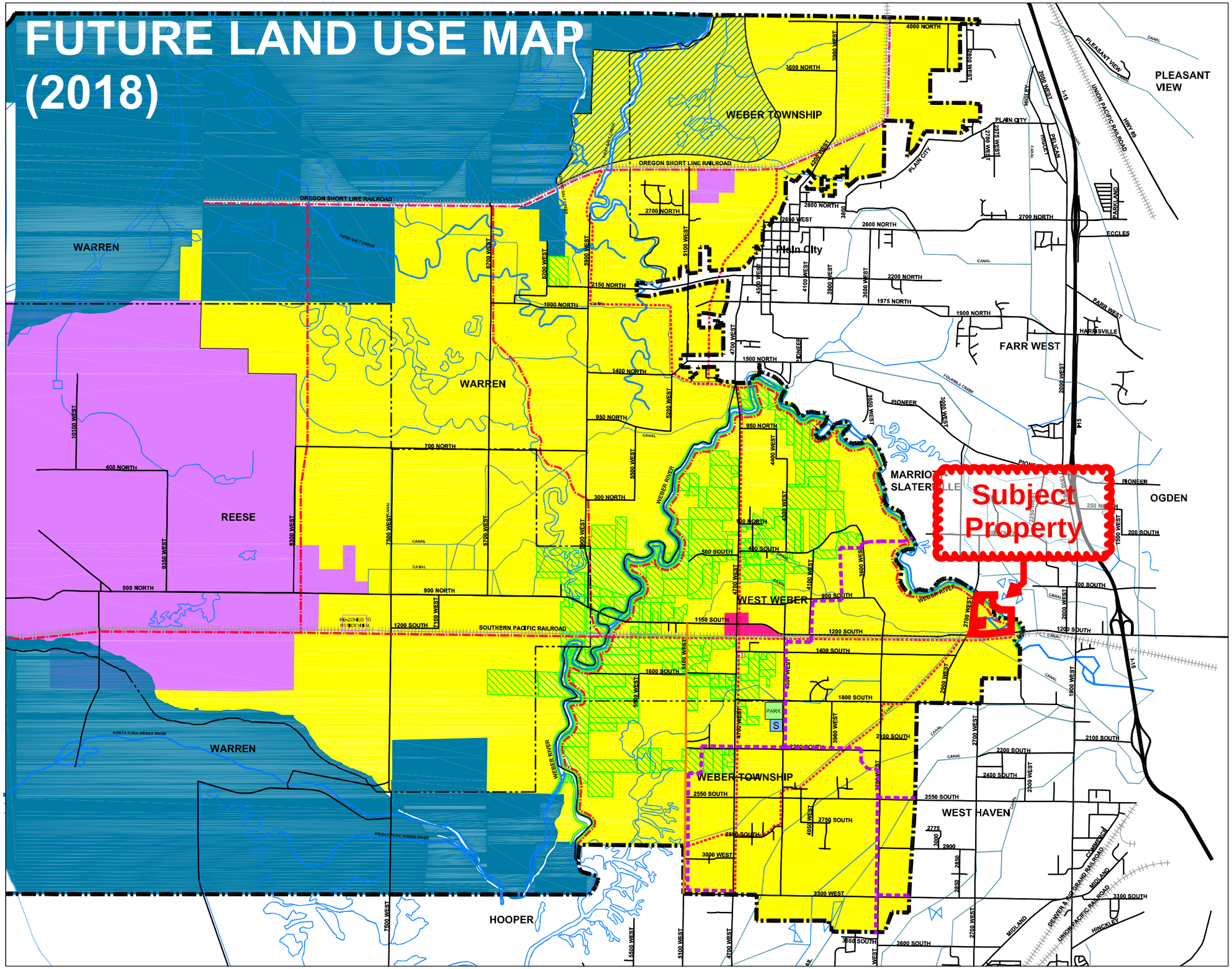
1. With the proposed amendment to the West Central Weber County General Plan, the proposed rezone complies with the general plan.
2. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities.
3. The proposal offers public recreation, shopping, jobs, and will offer moderate-income housing, all cornerstones of sustainable community planning principles.
4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by use of natural and built buffers.
5. The development will enhance the overall health, safety, and welfare of the community.

Exhibits

Exhibit A: Omitted
Exhibit B: Existing "Future Land Use Map" of West Central Weber County General Plan.
Exhibit C: Omitted
Exhibit D: Existing Zone Map
Exhibit E: Proposed Zone Map
Exhibit F: A review of uses allowed and site development standards in the A-2 zone.
Exhibit G: A review of uses allowed and proposed, and site development standards in the C-2 zone.

Exhibit H: Concept Development Plan.
Exhibit I: Omitted
Exhibit J: Floodplain and Wetlands.

FUTURE LAND USE MAP (2018)



WEST CE[illegible] Exhibit B
WEBER COUNTY GENERAL PLAN

PROPOSED LAND USE MAP 2-4

LEGEND

INDUSTRIAL PARK
- Rezone approximately 20-acre parcel to match adjacent zoning.
- Eliminate residential as a conditional use in industrial zones.

RESIDENTIAL/AGRICULTURAL
- As zoned - one-acre and five-acre lots.
- Cluster style development pattern required, minimum 30 percent open space.

EXISTING STATE / FEDERAL LAND
WATERFOWL MANAGEMENT AREA

COMMUNITY VILLAGE CENTER
- Commercial node of 45 acres of supportable neighborhood services.
- First response emergency services.

EXISTING AGRICULTURE PROTECTION AREAS
- Unchanged

EXISTING SEWER

PROPOSED 100' WIDE SETBACK ALONG RIVER

SCHOOLS AND PARKS
- New High School as planned by Weber School District.
- Adjacent 20-acre park.

TRAILS
- Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
- Equestrian trails.

TOWNSHIP BOUNDARY

WEBER COUNTY

ENVISION UTAH

Adopted September 23, 2003
Page Amended September 11, 2018
Page Amended October 2, 2018
Page Amended December 4, 2018

PROPOSED "FUTURE LAND USE MAP" (2018)

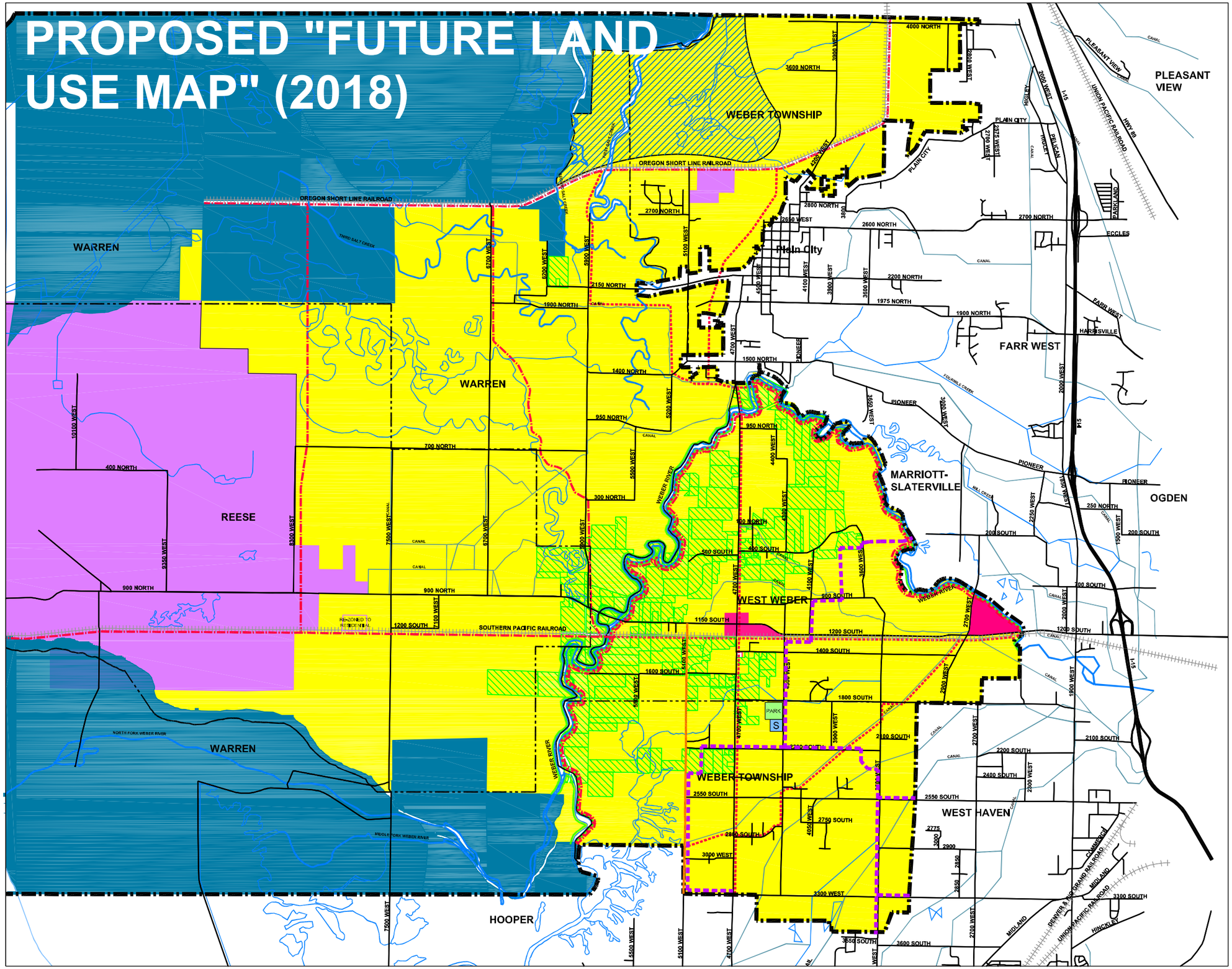


Exhibit C

WEST CEI WEBER COUNTY GENERAL PLAN

PROPOSED LAND USE MAP 2-4

LEGEND

INDUSTRIAL PARK
- Rezone approximately 20-acre parcel to match adjacent zoning.
- Eliminate residential as a conditional use in industrial zones.

RESIDENTIAL/AGRICULTURAL
- As zoned - one-acre and five-acre lots.
- Cluster style development pattern required, minimum 30 percent open space.

EXISTING STATE / FEDERAL LAND
WATERFOWL MANAGEMENT AREA

COMMERCIAL VILLAGE CENTER
- Neighborhood -oriented commercial at 1150 South and 4700 West
- Master planned development at 2700/2800 West and 1200 South

EXISTING AGRICULTURE PROTECTION AREAS
- Unchanged

EXISTING SEWER

PROPOSED 100' WIDE SETBACK ALONG RIVER

SCHOOLS AND PARKS
- New High School as planned by Weber School District.
- Adjacent 20-acre park.

TRAILS
- Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
- Equestrian trails.

TOWNSHIP BOUNDARY

Adopted September 23, 2003
Page Amended September 11, 2018
Page Amended October 2, 2018
Page Amended December 4, 2018

Exhibit D

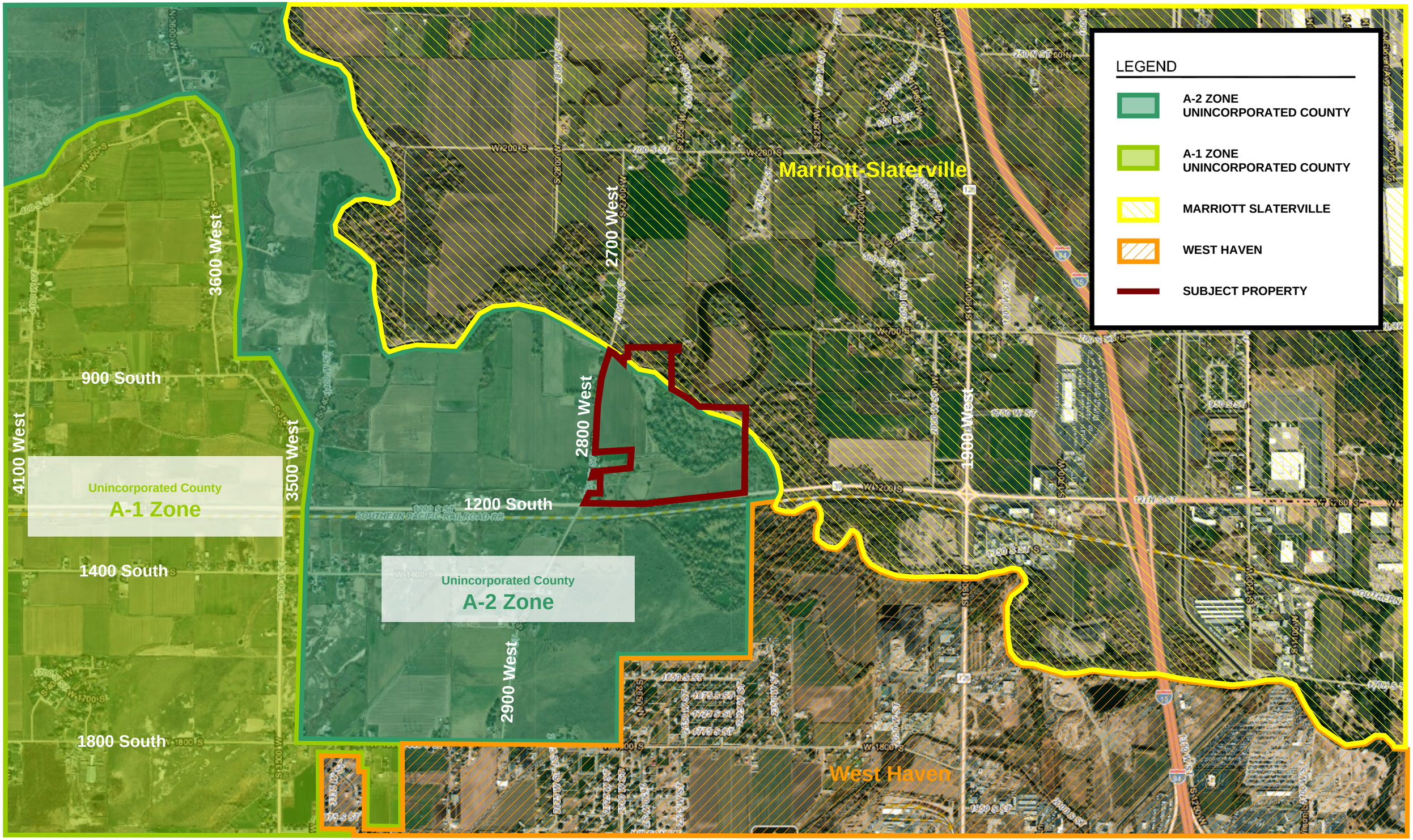
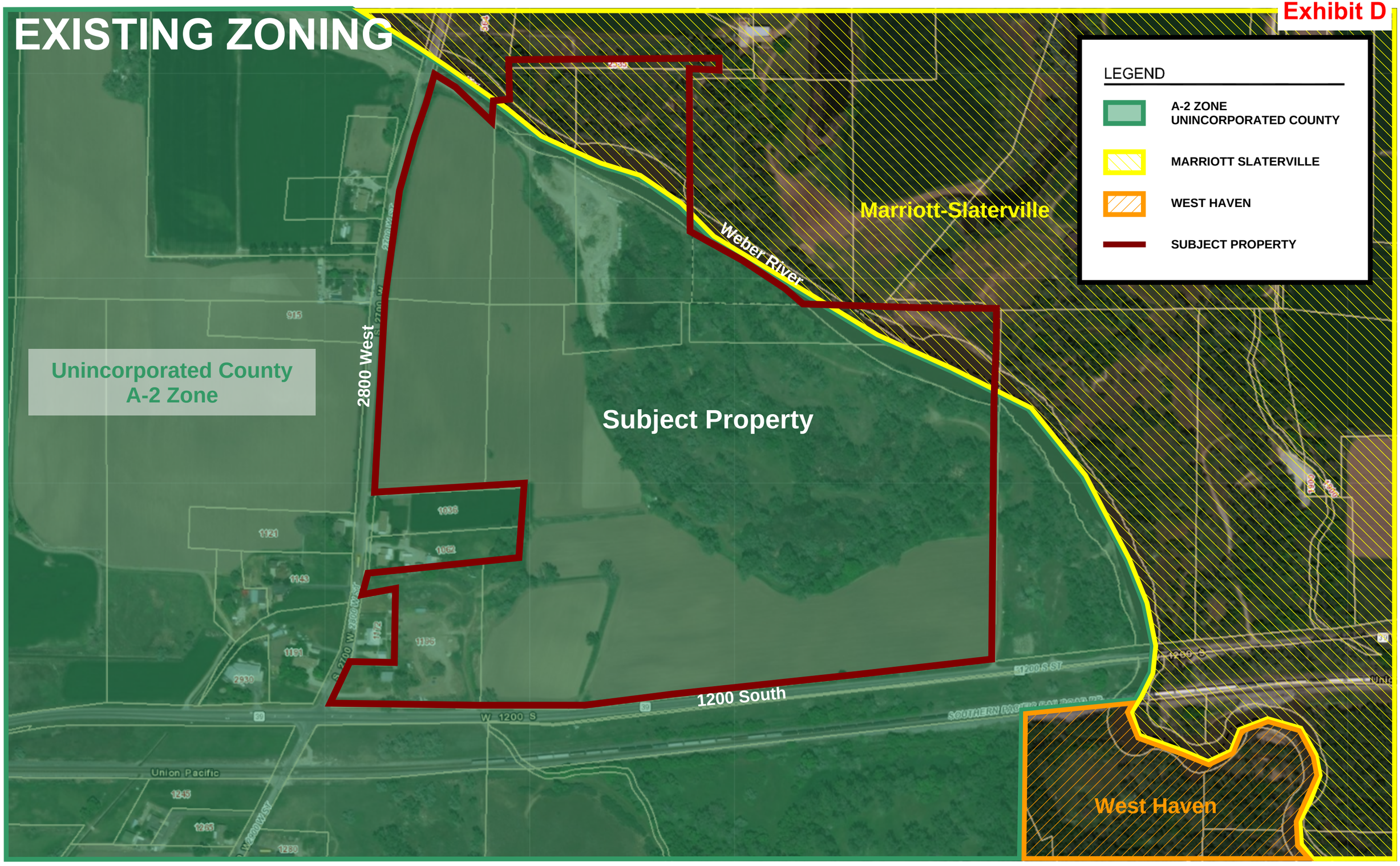

LEGEND
A-2 ZONE
UNINCORPORATED COUNTY
A-1 ZONE
UNINCORPORATED COUNTY
MARRIOTT SLATERVILLE
WEST HAVEN
SUBJECT PROPERTY
Marriott-Slaterville
West Haven
Unincorporated County
A-1 Zone
Unincorporated County
A-2 Zone
900 South
1200 South
1400 South
1800 South
4100 West
3600 West
3500 West
2900 West
2800 West
2700 West
1900 West
W 200 S
W 400 S
W 1200 S
W 1400 S
W 1800 S
SOUTHERN PACIFIC RAILROAD RR

Exhibit D

EXISTING ZONING



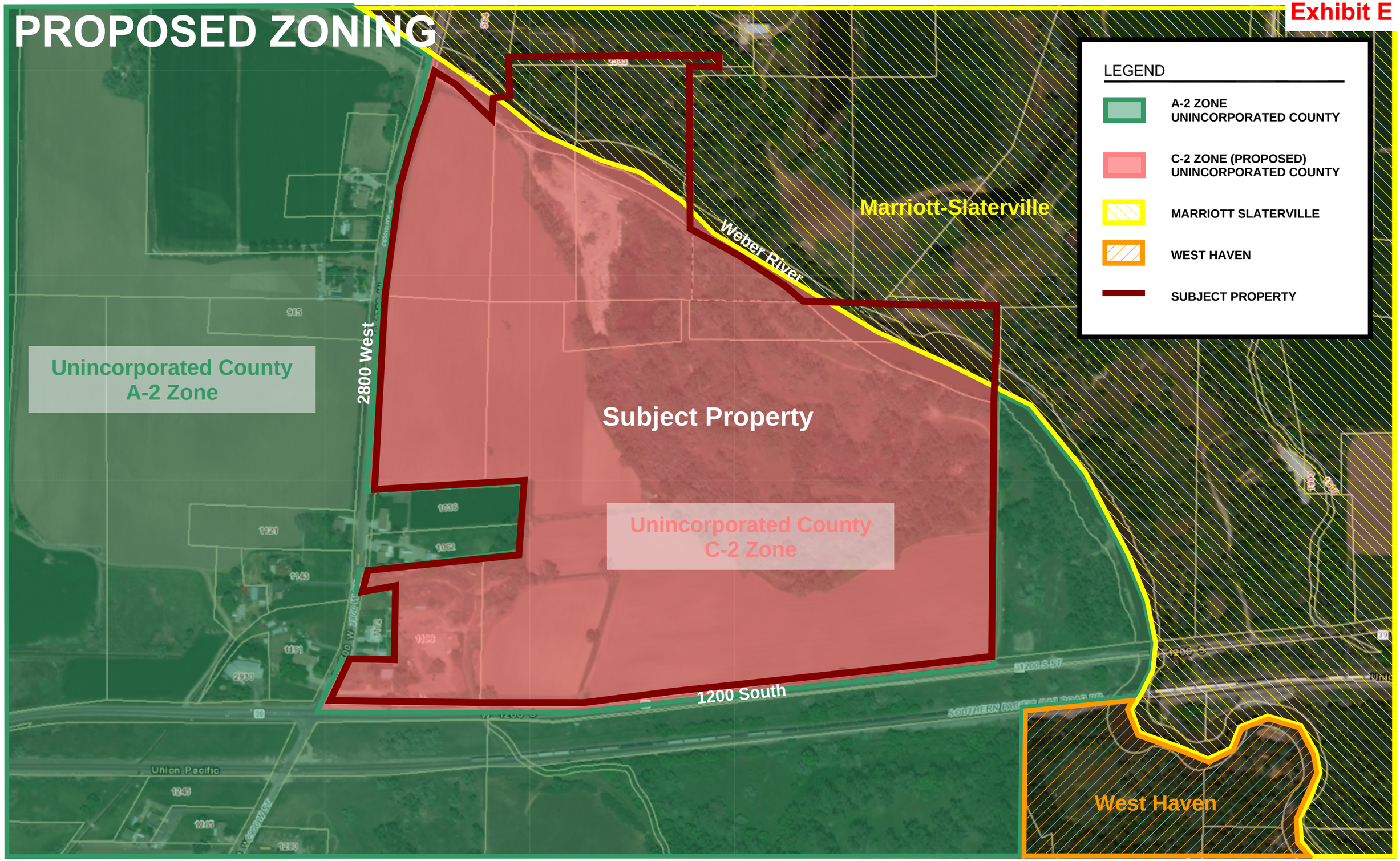


Exhibit E
PROPOSED ZONING
LEGEND
A-2 ZONE
UNINCORPORATED COUNTY
C-2 ZONE (PROPOSED)
UNINCORPORATED COUNTY
MARRIOTT SLATERVILLE
WEST HAVEN
SUBJECT PROPERTY
Marriott-Slaterville
Weber River
Unincorporated County
A-2 Zone
2800 West
Subject Property
Unincorporated County
C-2 Zone
1200 South
West Haven
Union Pacific

Chapter 104-2 Agricultural Zones
Sec 104-2-1 Purpose And Intent
Sec 104-2-2 Preferred Use
Sec 104-2-3 Land Use Table
Sec 104-2-5 Site Development Standards
Sec 104-2-4 Special Regulations

HISTORY
Amended by Ord. 2021-6 on 3/23/2021

Sec 104-2-1 Purpose And Intent

(a) The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:

(1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;

(2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and

(3) Direct orderly low-density residential development in a continuing rural environment.

(b) The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.

(c) The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

HISTORY
Adopted by Ord. 2021-6 on 3/23/2021

Sec 104-2-2 Preferred Use

Agriculture is the preferred use in all agricultural zones. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

HISTORY
Adopted by Ord. 2021-6 on 3/23/2021

Sec 104-2-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

(a) ***Accessory uses.*** An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

	AV-3	A-1	A-2	A-3	Special Provisions
Accessory building, accessory and incidental to the use of a main building.	P	P	P	P	
Accessory dwelling unit.	P	P	P	P	See Chapter 108-19.
Accessory use, accessory and incidental to the main use.	P	P	P	P	
Custom exempt meat cutting, accessory to a residential use.	C	N	N	N	See Section 104-2-4. 5-acre use.
Family food production, accessory to a residential use.	P	P	P	P	See Section 104-2-4.
Home occupation, accessory to a residential use.	P	P	P	P	See Chapter 108-13.
Household pets, accessory to a residential use.	P	P	P	P	
Main building, designed or used to accommodate the main use.	P	P	P	P	
Parking lot, accessory to a main use allowed in the zone.	P	P	P	P	
Parking of large vehicle, accessory to residential use.	C	C	C	C	See Section 104-2-4. 5-acre use.
Parking of construction vehicle.	C	C	C	C	See Section 104-2-4. 5-acre use.
Sugar beet loading or collection station.	C	N	P	P	
Sugar beet dump site.	N	N	P	P	
Temporary building or use, accessory and incidental to onsite construction work.	P	P	P	P	

(b) ***Agricultural uses, non-animal.***

	AV-3	A-1	A-2	A-3	Special Provisions
Agriculture.	P	P	P	P	
Agricultural experiment station.	P	P	P	P	
Aquaculture.	P	P	P	P	
Fruit or vegetable stand, for produce grown on the premises only.	P	P	P	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.	P	P	N	N	5-acre use.
Grain storage elevator.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	P	P	
Laboratory facility, for agricultural products and soils testing.	C	C	C	C	

Manure spreading, drying and sales.	N	N	N	C	

(c) ***Animal-related noncommercial uses.*** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
Apiary.	P	P	P	P	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	See Section 104-2-4.
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	C	C	C	N	See Section 104-2-4. 2-acre use.
Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.	P	P	P	P	5-acre use.
Farm for the raising and grazing of horses, cattle, sheep or goats.	P	P	P	P	See Section 104-2-4. 5-acre use.
Fur farm.	N	N	N	P	5-acre use.
Hog farm, small.	P	P	P	P	See Section 104-2-4. 5-acre use.
Hog farm, large.	N	N	N	C	See Section 104-2-4. 5-acre use.
Livestock feed or sales yard.	N	N	N	C	
Stable, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	
Slaughterhouse.	N	N	N	C	
Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.	C	C	C	C	5-acre use.
Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	C	C	C	C	

(d) ***Commercial uses.*** The following are uses that typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
Agri-tourism.	C	C	C	C	See Chapter 108-21.
Airport.	N	N	C	C	
Animal hospital or clinic.	C	C	C	N	
Campground and picnic area.	N	N	C	C	See Chapter 108-20.
Cannabis production establishment, as defined by state code.	N	N	P	C	See Section 108-7-34.
Child day care.	C	C	C	C	
Circus or transient amusement.	C	C	C	C	
Equestrian training and stable facilities. No more than ten horses per acre of land used for horses.	C	C	C	P	5-acre use.
Golf course, except miniature golf course.	P	P	P	P	
Golf driving range.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care, and the growing and sale of sod.	C	C	C	P	
Gun club.	N	N	C	C	5-acre use.
Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.	N	N	C	C	
Outdoor recreation club activities, for horse riding, bow and arrow shooting, snowmobiling, etc.	N	N	C	C	
Stables.	N	N	N	P	5-acre use.
Skeet shooting range.	N	N	C	C	5-acre use.
Turf horse jumping course.	N	N	N	C	

(e) ***Institutional uses.***

	AV-3	A-1	A-2	A-3	Special Provisions
Dog pound.	N	N	N	P	5-acre use.
Cemetery.	P	P	P	P	
Convalescent or rest home.	P	P	P	P	
Correctional institution.	N	N	C	C	
Church, synagogue or similar building used for regular religious worship.	P	P	P	P	
Educational/institutional identification	C	C	C	C	

sign.					
Hospital.	N	N	N	P	5-acre use.
Public building.	P	P	P	P	
Public park, recreation grounds and associated buildings.	P	P	P	P	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	
Public storage facilities developed by a public agency.	C	C	C	C	See Chapter 108-10.
Sanitarium.	N	N	C	P	
School bus-parking, provided the vehicle is parked at least 30 feet from a public street.	C	C	C	C	

(f) ***Residential uses.***

	AV-3	A-1	A-2	A-3	Special Provisions
Residential facility for elderly persons.	P	P	P	P	See Section 108-7-15.
Residential facility for handicapped persons.	P	P	P	P	See Section 108-7-13.
Residential facility for troubled youth.	C	C	C	C	See Section 108-7-14.
Single-family dwelling.	P	P	P	P	
Two-family dwelling.	N	P	N	N	2-acre use.

(g) ***Recreational noncommercial uses.*** The following are recreational uses that are typically owned or operated by a nonprofit or governmental entity.

	AV-3	A-1	A-2	A-3	Special Provisions
Campground and picnic area.	N	N	C	C	See Chapter 108-20.
Equestrian training and stable facilities, noncommercial. No more than five horses per acre.	C	C	N	N	5-acre use.
Private park, playground or recreation area. No privately owned commercial amusement business.	P	P	P	P	

(h) ***Utility uses.***

	AV-3	A-1	A-2	A-3	Special Provisions
Public utility substations.	C	C	C	C	
Radio or television station or tower.	C	C	C	C	
Wastewater treatment or disposal	C	C	C	C	

facilities.					
Small wind energy system.	C	C	C	C	

(i) ***Other uses.***

	AV-3	A-1	A-2	A-3	Special Regulations
Mines, quarries, gravel pits, when in compliance with the Weber County Excavation and Clean Fill Ordinance.	N	N	C	C	

(j) ***Development types.***

	AV-3	A-1	A-2	A-3	Special Regulations
Cluster subdivision.	P	P	P	P	See Chapter 108-3.

HISTORY
Adopted by Ord. 2021-6 on 3/23/2021

Sec 104-2-5 Site Development Standards

The following site development standards apply to a lot or parcel in the agricultural zones, unless specified otherwise in this Land Use Code.

(a) Lot area:

	AV-3	A-1	A-2	A-3
Minimum for single-family dwelling:	3 acres	40,000 square feet	40,000 square feet	2 acres
Minimum for other use:			2 acres	
Minimum for 2-acre use [see Section 104-2-4]:		2 acres		
Minimum for 5-acre use [see Section 104-2-4]:	5 acres	5 acres	5 acres	5 acres

(b) Lot width:

	AV-3	A-1	A-2	A-3
Minimum lot width:	150 feet	150 feet	150 feet	150 feet
Minimum for 2 and 5-acre use [see Section 104-2-4]:	300 feet	300 feet	300 feet	300 feet

(c) Yard setback:

(1) Front yard setback:

	AV-3	A-1	A-2	A-3
Minimum front yard setback:	30 feet	30 feet	30 feet	30 feet

(2) Side yard setback:

	AV-3	A-1	A-2	A-3
Minimum for dwelling:	10 feet with total width of 2 side yards not less than 24 feet			
Minimum for other main building:	20 feet			
Minimum for side facing street on corner lot:	20 feet			
Minimum for accessory building:	10 feet except 1 foot if located at least 6 feet in rear of main building			
Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials: See Section 108-7-16.				

(3) Rear yard setback:

	AV-3	A-1	A-2	A-3
Main building:	30 feet			
Accessory building:	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot			

(d) Building height:

	AV-3	A-1	A-2	A-3
Minimum main building height:	1 story			
Maximum main building height:	35 feet			
Maximum accessory building height:	25 feet unless meeting requirements of Section 108-7-16, Large accessory buildings			

HISTORY
Amended by Ord. 2021-6 on 3/23/2021

Sec 104-2-4 Special Regulations

The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due to the nature of the use, each shall be further regulated as follows:

(a) ***Corral, stable or building for keeping animals or fowl.*** This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.

(b) ***Custom exempt meat cutting.*** This use shall be limited to animals that are part of one or more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, completely enclosed within a building with no outdoor storage, and located on and with access directly from a collector or arterial street.

(c) ***Dog breeding, dog kennels, or dog training school.*** This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be

located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.

(d) ***Family food production.***

(1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.

(2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.

(3) No more than six combined Group A animals and sets of Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined Group A and and sets of Group B animals or fowl may be kept per each additional acre greater than two.

(e) ***Hog farm.***

(1) ***Hog farm, small.*** This use is limited to not more than ten hogs, more than 16 weeks old. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises.

(2) ***Hog farm, large.*** It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises. All pens and housing for hogs shall be concrete and maintained in a sanitary manner. Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.

(f) ***Raising and grazing of horses, cattle, sheep or goats.*** This use shall not include the supplementary or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or slaughterhouse except when in compliance with the following:

(1) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;

(2) It may only be carried on during the period of September 15 through April 15;

(3) It shall not closer than 300 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and

(4) It shall not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.

(g) ***Parking of construction vehicle.*** The off-site for-profit nonagricultural use of the construction vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the same lot or parcel on which it is parked, or the owner or operator's employee. This use shall:

(1) Be accessory to an actively-operating agricultural use on the lot or parcel;

(2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural use;

(3) Include no more than one three-axle truck, and no pups.

(h) ***Parking of large vehicle.*** This use shall be restricted to one vehicle, no greater than 24,000 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt from these restrictions.

(i) ***Temporary building or use.*** The building or use shall be removed upon completion or

abandonment of the construction work.

HISTORY
Adopted by Ord. 2021-6 on 3/23/2021

Chapter 104-20 Commercial Zones C-1, Cv-1, C-2, Cv-2, And C-3

Sec 104-20-1 Purpose And Intent
Sec 104-20-2 (Reserved)
Sec 104-20-3 Land Use Table
Sec 104-20-4 Special Regulations
Sec 104-20-5 Site Development Standards
Sec 104-20-6 Sign Regulations

HISTORY
Amended by Ord. 2020-24 on 12/15/2020

Sec 104-20-1 Purpose And Intent

(a) The purpose of the commercial zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of unincorporated Weber County. It is also to separate into three zones uses, based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.

(b) The C-1 Zone (Western Weber Planning Area Neighborhood Commercial Zone) and the CV-1 Zone (Ogden Valley Planning Area Neighborhood Commercial Zone) is established for the purpose of providing shopping facilities and services within neighborhoods that are more likely to be primarily patronized by those in the surrounding neighborhood. Commercial uses that are primarily patronized by those outside the surrounding neighborhood are less suitable for this zone.

(c) The C-2 Zone (Western Weber Planning Area Community Commercial Zone) and the CV-2 Zone (Ogden Valley Planning Area Community Commercial Zone) is established for the purpose of providing a broad range of commercial services and goods to serve a larger community area. These areas are intended to be clustered around traditional town or village centers and not strung out along the highways.

(d) The C-3 Zone (Regional Commercial Zone) is established for the purpose of providing commercial goods and services that are more likely to be patronized by those in the surrounding region.

(Ord. of 1956, § 18-1)

HISTORY
Amended by Ord. 2020-24 on 12/15/2020

Sec 104-20-2 (Reserved)

Sec 104-20-3 Land Use Table

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

	C-1	CV-1	C-2	CV-2	C-3
Academies/studios for dance, art, sports, etc.	C	C	P	P	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the	P	P	P	P	P

premises are devoted; and accessory uses customarily incidental to a main use					
Air conditioning, sales and service	N	N	N	C	P
Ambulance base stations	N	N	C	C	P
Amusement enterprises	N	N	N	N	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	N	N	C	C
Antique, import or souvenir shop	N	N	P	P	P
Archery shop and range, provided it is conducted within completely enclosed building	N	N	P	P	P
Art and artists supply store	N	P	P	P	P
Athletic, recreational equipment, and sporting goods sales or rentals, excluding sale or repair of motor vehicles, motor boats or motors	N	N	P	P	P
Athletic and sporting goods store including sale or repair of motor vehicles, motor boats or motors	N	N	N	N	P
Auction establishment	N	N	N	C	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building	N	N	N	C	P
Automobile, new or used sales and service	N	N	N	C	P
Awning sales and service	N	N	P	C	P
Baby formula service	P	N	P	N	P
Bakery, limited to goods retailed on premises	P	C	P	P	P
Bakery goods manufacturing	N	N	N	N	P
Bank or financial institution, not including payday loan services	P	P	P	P	P
Barbershop	P	P	P	P	P
Bath and massage establishment	N	N	P	N	P
Beauty culture school	N	N	N	N	P
Beauty parlor for cats and dogs	N	N	P	P	P
Beauty shop	P	P	P	P	P
Bed and breakfast dwelling	P	P	P	P	P
Bed and breakfast inn	N	N	P	P	P
Bed and breakfast hotel	N	N	C	C	P
Beer parlor, sale of draft beer	N	N	N	C	C
Bicycle sales and service	P	P	P	P	P
Billiard parlor	N	N	N	C	P
Boat sales and service, including water craft rentals as an accessory to boat sales and service	N	N	C	C	P
Bookbinding	N	N	N	N	P
Bookstore, retail	P	P	P	P	P
Bottling and distribution plant	N	N	N	N	P

Bowling alley	N	N	C	C	P
Boxing arena	N	N	N	N	P
Brewery, micro; in conjunction with a restaurant	N	N	P	P	P
Building materials sales or yard	N	N	N	N	P
Bus terminal	N	N	P	P	P
Butcher shop, excluding slaughtering	C	C	P	P	P
Cabaret	N	N	N	N	C
Cafe or cafeteria	P	P	P	P	P
Camera store	P	P	P	P	P
Candy manufacture	N	N	N	N	P
Candy store, confectionery	P	P	P	P	P
Carbonated water sales	N	N	P	P	P
Carpenter and cabinet shop	N	N	N	N	P
Carpet and rug cleaning	N	N	N	N	P
Carpet, rug and linoleum service	N	N	P	N	P
Car rental agency	N	N	P	P	P
Car wash, automatic	N	N	C	C	P
Car wash, manual spray	C	C	P	P	P
Cash register sales and service	N	N	P	N	P
Catering establishment	N	C	P	P	P
China, crystal and silver shop	C	C	P	P	P
Christmas tree sales	P	N	P	N	P
Church	P	P	P	P	P
Circus, carnival or other transient amusement	N	N	N	N	C
Cleaning and dyeing establishment	N	N	P	N	P
Clinics, medical or dental	P	P	P	P	P
Clothing and accessory store	N	N	P	P	P
Coal and fuel sales office	N	N	N	N	P
Communication equipment building	N	N	P	P	P
Contractor shop, provided work is conducted within a completely enclosed building	N	N	N	N	P
Convenience store	C	C	P	P	P
Costume rental	N	N	P	P	P
Dairy products store	P	P	P	P	P
Dance hall	N	N	N	N	C
Data processing service and supplies	N	N	P	P	P
Day care center	C	C	P	P	N
Delicatessen	P	P	P	P	P
Department store	N	N	P	P	P

Detective agency	P	N	P	N	P
Diaper service, including cleaning	N	N	P	P	P
Drapery and curtain store	N	N	P	P	P
Drive it yourself agency or business	N	N	P	N	P
Drug store	P	P	P	P	P
Dry cleaning	N	N	P	P	P
Dwelling unit in compliance with Section 104-20-4	N	N	N	P	N
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that 3,000 sq. ft. of green area is provided for the family	C	P	C	P	N
Educational institution	N	N	P	P	P
Educational/institutional identification sign	C	C	C	C	C
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	P	P	P	P
Electrical and heating appliances and fixtures sales and service	N	N	P	P	P
Electronic equipment sales and service	N	N	P	P	P
Employment agency	N	N	P	P	P
Express and transfer service	N	N	N	N	C
Fabric and textile store	P	C	P	P	P
Farm implement sales	N	N	N	C	P
Film exchange establishment	P	N	P	N	P
Fitness, athletic, health, or recreation center, or gymnasium	N	N	P	P	P
Flooring sales and service, carpet, rug, and linoleum	N	N	P	P	P
Florist shop	P	C	P	P	P
Frozen food lockers, incidental to a grocery store or food business	P	P	P	P	P
Fruit or vegetable store or stand	P	P	P	P	P
Furniture sales and repair	N	N	P	P	P
Fur apparel sales, storage or repair	N	N	P	P	P
Garden supplies and plant materials sales	P	C	P	P	P
Gift store	P	P	P	P	P
Glass sales and service	N	N	P	P	P
Government office buildings	C	N	P	P	P
Greenhouse and nursery	N	N	P	P	P
Grocery store	P	C	P	P	P
Gunsmith	N	P	P	P	P
Gymnasium	N	N	P	P	P
Hardware store	N	N	P	P	P
Health food store	P	P	P	P	P
Heliport	N	N	C	N	C

Hobby and crafts store	P	P	P	P	P
Hospital supplies	N	N	P	N	P
Hotel	N	N	C	C	P
House cleaning and repair	N	N	P	P	P
House equipment display	N	N	P	N	P
Household appliance sales and incidental service	N	N	C	C	P
Household pets, dwelling units only	P	P	P	P	P
Ice cream manufacture	N	N	N	N	P
Ice cream parlor	P	P	P	P	P
Ice manufacture and storage	N	N	N	N	P
Ice store or vending station	P	P	P	P	P
Insulation sales	N	N	P	P	P
Insurance agency	N	N	P	P	P
Interior decorator and designing establishment	N	P	P	P	P
Janitor service and supply	N	N	P	N	P
Jewelry store sales and service	P	P	P	P	P
Knitting mills	N	N	N	N	C
Laboratory, dental or medical	N	N	P	P	P
Laundromat	P	P	P	P	P
Lawn mower sales and service	N	N	P	P	P
Leather goods, sales and service	N	N	P	P	P
Legal office	N	N	P	P	P
Library	P	P	P	P	P
Linen store	N	N	P	P	P
Linen supply service	N	N	N	N	P
Liquor store	N	N	C	C	C
Locksmith	P	P	P	P	P
Lodge or social hall	N	N	P	P	P
Lodging house	N	N	C	C	P
Lounge	N	N	N	N	C
Luggage store	N	N	P	N	P
Lumber yard	N	N	N	N	C
Machine shop operations incidental to any use permitted in C-3 district	N	N	N	N	P
Manufacture of goods retailed on premises	N	N	C	N	C
Meat custom cutting and wrapping, excluding slaughtering	N	N	C	C	C
Meat, fish and seafood store	P	P	P	P	P
Medical office	P	P	P	P	P
Medical supplies	N	N	P	P	P
Millinery	N	N	P	N	P

Miniature golf	N	N	N	C	C
Mobile home sales	N	N	C	N	P
Mobile home service	N	N	N	N	P
Monument works and sales	N	N	P	P	P
Mortuary	N	N	C	C	P
Motel	N	N	C	C	P
Motorboat sales and service	N	N	C	N	P
Motorcycle and motor scooters sales and service	N	N	C	C	P
Museum	C	C	P	P	P
Music store	N	C	P	P	P
Needlework, embroidery or knitting store	P	N	P	N	P
Newsstand	P	P	P	P	P
Nightclub or social club	N	N	N	N	C
Notion store	P	N	P	N	P
Novelty store	N	N	P	N	P
Nursery school	C	N	P	N	P
Office in which goods or merchandise are not commercially created, exchanged or sold	N	N	P	N	P
Office supply	N	N	P	P	P
Office machines sales and service	N	N	P	N	P
Oil burner shop	N	N	N	N	C
Optometrist, optician or oculist	P	P	P	P	P
Ornamental iron sales or repair	N	N	C	C	P
Outdoor storage, except where expressly permitted otherwise in the zone	N	N	N	N	N
Paint or wallpaper store	N	N	P	P	P
Paperhanger shop	N	N	P	N	P
Park and playground	P	P	P	P	P
Parking lot or parking structure for passenger vehicles as a main use	C	N	C	C	C
Pawnshop	N	N	N	N	P
Penny arcade	N	N	N	N	C
Pest control and extermination	N	N	P	P	P
Pet and pet supply store	N	N	P	P	P
Pharmacy	P	P	P	P	P
Photographic supplies	P	P	P	P	P
Photo studio	P	P	P	P	P
Physician or surgeon	P	P	P	P	P
Pie manufacture	N	N	P	P	P
Plumbing shop	N	N	C	P	P
Pony ring, without stables	N	N	N	N	C

Pool hall	N	N	N	N	P
Popcorn or nut shop	P	P	P	P	P
Post office	C	C	P	P	P
Pottery, sales and manufacture of crafts and tile	N	N	P	P	P
Printing or copying sales and services	N	N	C	P	P
Private liquor club	N	N	N	C	C
Professional office	N	N	P	P	P
Public utilities substation	C	C	C	C	C
Public building	P	P	P	P	P
Radio and television sales and service	C	C	P	P	P
Radio or television broadcasting station	N	N	P	P	P
Real estate agency	N	C	P	P	P
Reception center or wedding chapel	N	N	C	C	P
Recreation center	N	N	C	N	P
Recreational vehicle and boat storage, indoor only	C	N	C	C	P
Rental agency for home and garden equipment	N	N	P	P	P
Restaurant	P	C	P	P	P
Restaurant, drive-in	N	N	P	C	P
Restaurant, drive-through	N	N	C	C	P
Roller skating rink	N	N	C	N	P
Roofing sales or shop	N	N	P	N	P
Secondhand store	N	N	P	P	P
Seed and feed store, retail	N	N	P	P	P
Self-storage: indoor units for personal and household items, in compliance with the requirements of Section 104-20-4.	N	N	C	C	C
Service station, automobile excluding painting, body and fender and upholstery work	P	P	P	P	P
Service station, automobile, with one-bay car wash as accessory use	P	C	P	P	P
Sewing machine sale and service	N	N	P	P	P
Sheet metal shop and retinning, provided all operations are conducted within completely enclosed bldg.	N	N	N	N	C
Shoe repair or shoe shine shop	P	P	P	P	P
Shoe store	N	N	P	P	P
Shooting gallery	N	N	N	N	P
Sign manufacture or sign painting	N	*	N	*	P
Sign, animated; only the time and temperature may be animated in the C-1 zone	P	*	P	*	P
Sign, business	P	*	P	*	P
Sign, flat	P	*	P	*	P
Sign, construction project	P	*	P	*	P

Sign, directional	P	*	P	*	P
Sign, freestanding	P	*	P	*	P
Sign, identification and information	P	*	P	*	P
Sign, marquee	P	*	P	*	P
Sign, nameplate	P	*	P	*	P
Sign, off premises	N	*	P	*	P
Sign, projecting	P	*	P	*	P
Sign, roof	N	*	P	*	P
Sign, temporary	P	*	P	*	P
Sign, wall	P	*	P	*	P
Snow plow and removal service	N	N	C	C	P
Snowmobile and ATV sales and repair	N	N	C	C	C
Soil and lawn service	N	N	P	P	P
Spa	N	N	P	P	P
Supermarket	P	N	P	N	P
Tailor shop	P	P	P	P	P
Tavern, beer pub	N	N	N	C	C
Taxicab stand	P	N	P	N	P
Taxidermist	N	N	P	P	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	P	P	P	P
Theater, indoor	N	N	P	P	P
Theater, outdoor	N	N	N	N	C
Tire recapping or retreading sales and service	N	N	N	N	C
Tobacco shop	P	N	P	P	P
Tool design (precision) repair and manufacture	N	N	N	N	C
Toy store, retail	P	N	P	P	P
Trade or industrial school	N	N	C	C	P
Trailer sales and service	N	N	N	N	P
Travel agency	P	C	P	P	P
Truck terminal	N	N	N	N	P
Upholstery shop	C	C	P	P	P
Used car lot	N	N	N	N	C
Variety store	P	N	P	N	P
Vendor, short term, in compliance with the requirements of Section 108-13-3	P	P	P	P	P
Ventilating equipment sales and service	N	N	C	C	P
Video sales and rental	P	P	P	P	P
Warehouse storage	N	N	N	N	P

Weather stripping shop	N	N	P	N	P
Welding shop	N	N	N	N	C
Wholesale business	N	N	N	N	P
Window washing establishment	N	N	P	P	P

* See Section 110-2 for sign types allowed in the CV-1 and CV-2 zones.

(Ord. of 1956, § 18-5; Ord. No. 10-83; Ord. No. 2-85; Ord. No. 16-89; Ord. No. 95-19; Ord. No. 96-42; Ord. No. 97-20; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 2015-7, Exh. A, 5-5-2015)

HISTORY
Amended by Ord. 2020-24 on 12/15/2020

Sec 104-20-4 Special Regulations

(a) ***Manufacturing uses.*** All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.

(b) ***Car wash.*** A car wash shall be permitted subject to the following restrictions:

(1) In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m.

(2) In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash.

(3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.

(4) The off-street vehicle spaces or queues required shall be as follows:

a. One bay car wash, four spaces in the approach lane;

b. Two bay car wash, three spaces in the approach lane for each wash bay;

c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

(c) ***Complete street.***

(1) A complete street, as defined in Chapter 101-2, shall be installed to span the street-frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the lot's entire street-frontage in the commercial zone.

a. Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements.

b. For portions of a lot's frontage in the commercial zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer.

(2) A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The

complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer.

(d) ***Dwelling unit.*** A dwelling unit is allowed, as part of a mixed use building, only if allowed in Section 104-20-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:

(1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;

(2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street; and

(3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2.

(e) ***Perpetual building maintenance agreement.*** When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall:

(1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;

(2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;

(3) require allowances of access to the property for repairs and maintenance purposes;

(4) be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and
be recorded on the title of both properties.

(f) ***Cross-access and cross-access easement.*** Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable.

(1) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.

(2) The Planning Director may require the cross-access to be located in a manner that optimizes traffic circulation on the properties or in the area.

(3) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.

(4) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.

(5) If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

(g) ***Storage Unit.*** When allowed by Section 104-20-5, and unless exempted herein, storage units are allowed if located on the same lot or parcel with street-facing commercial space. The use shall comply with the following:

(1) Storage units shall be located behind or above building area that provides or reserves first-story street-facing commercial space. The building providing street-facing commercial space shall be designed by an architect and shall:

a. Provide street-facing commercial space that is at the street level and extends the entire length of the building's street-facing facade;

b. Be setback from the front property line, or side-facing street property line if on a corner lot, no greater than 20 feet;

c. Have one or more main entrance(s) accessible from the street right-of-way on the building's street-facing facade;

d. Have at least 50 percent fenestration for the part of a building's facade(s) that provide(s) first-story street-facing commercial space;

e. Have at least 30 percent fenestration for the part of a building's facade(s) that do(es) not provide first-story street-facing commercial space;

f. Appear from the exterior as if office or residential space is offered in the area housing the storage units; and

g. Comply with the architectural design theme specified in the respective general plan.

(2) If located in a separate onsite building than the building providing first-story street-facing commercial space specified in Subsection (g)(1) herein, the separate building shall be located behind the building with first-story street-level commercial space, and shall be no wider than the building providing first-story street-level commercial space. The building shall be designed by a licensed architect to have similar architectural features as the building providing first-story street-level commercial space.

(3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property line, and shall be completely obscured from view from any public right-of-way; except a bay or garage door may face a public right-of-way if the door is constructed of 80 percent window area and designed to appear as fenestration for first-story street-facing commercial space.

(4) The lot's street frontage shall be developed as a complete street, as specified in Section 104-21-4(c).

(5) Exemption: The requirements of this Subsection (g) shall be waived if:

a. The lot or parcel has no street frontage;

b. No street is planned that would give the lot or parcel frontage, as shown on any street plan or similar document adopted by the County; and

c. The parcel is surrounded on all sides by a zone that allows first-story street-facing commercial space, or is shown on a general plan, area plan, or other similar document adopted by the County to become surrounded on all sides by a zone that allows first-story street-facing commercial space.

(Ord. of 1956, § 18-4)

HISTORY
Amended by Ord. 2020-24 on 12/15/2020

Sec 104-20-5 Site Development Standards

The following site development standards shall apply to the Commercial Zones:

(a) Lot area:

	C-1	CV-1	C-2	CV-2	C-3
Minimum lot area:	None	None	None	None	None

(b) Lot width:

	C-1	CV-1	C-2	CV-2	C-3
Minimum lot width:	None	None	None	None	None

(c) Yard Setbacks:

(1) Front yard setbacks:

	C-1	CV-1	C-2	CV-2	C-3
Minimum front yard setback:	None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street.				

(2) Side yard setback:

	C-1	CV-1	C-2	CV-2	C-3
Minimum side yard setba	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-20-4(e); or the building will abut a building on the adjoining lot or parcel.				

ck:	
Minimum sideyard facing street on corner lot:	None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street. Clear view of intersecting streets shall be maintained, as provided in Section 108-7-7 or as otherwise prescribed by the County Engineer.

(3) Rear yard setback:

	C-1	CV-1	C-2	CV-2	C-3
Minimum	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(e); or the building will abut a building on the adjoining lot or parcel.				

rearyard setback:	

(d) Building height:

	C-1	CV-1	C-2	CV-2	C-3
Minimum building height:	1 story				
Maximum	35 feet	35 feet	None	35 feet	None

building height:					

(e) Lot coverage:

	C-1	CV-1	C-2	CV-2	C-3
Maximum lot coverage by buildings:	60 percent				None

(Ord. of 1956, § 18-2; Ord. No. 2-89)

HISTORY
Amended by Ord. 2020-24 on 12/15/2020

Sec 104-20-6 Sign Regulations

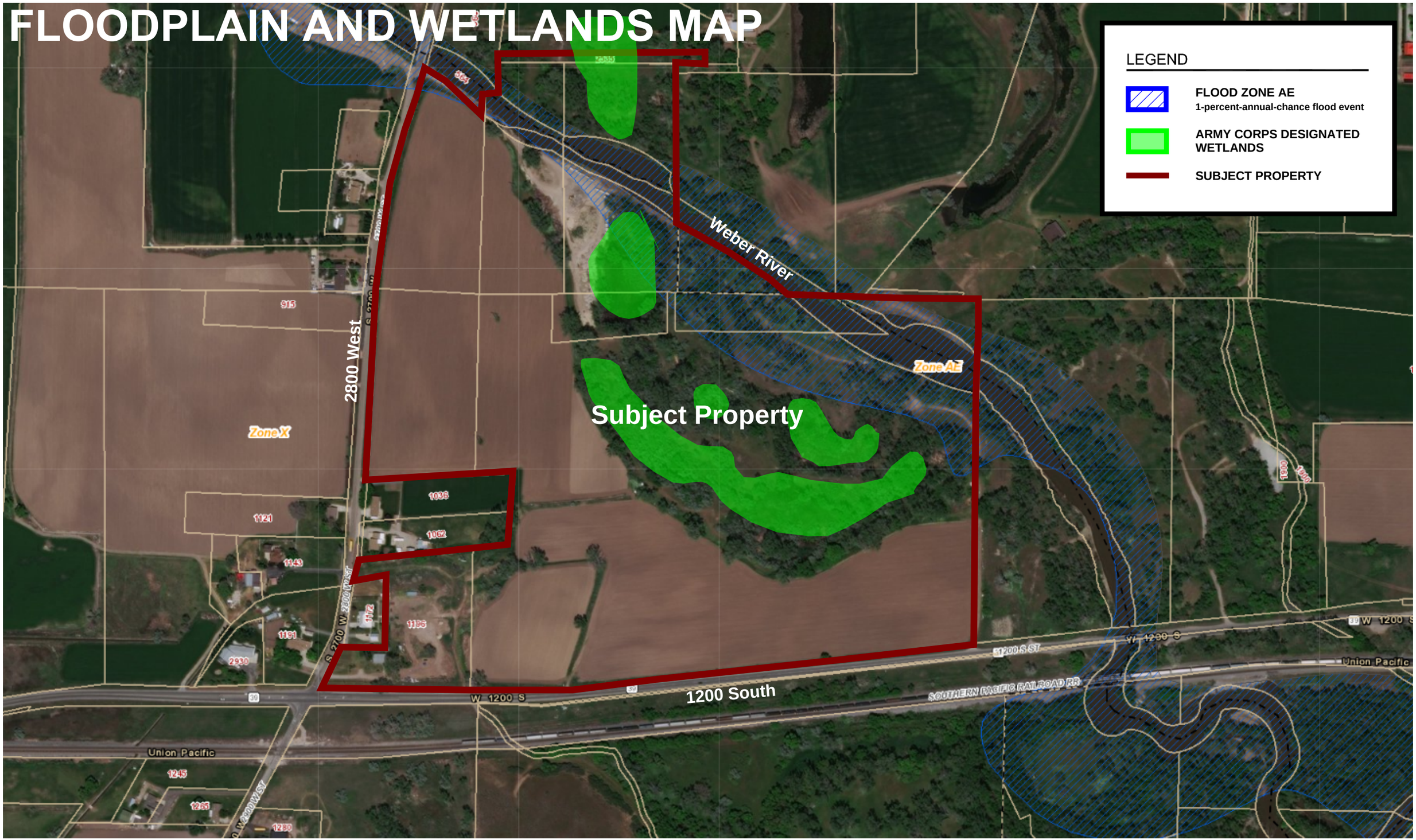
The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in Title 110 of this Land Use Code.

(Ord. of 1956, § 18-3)

HISTORY
Amended by Ord. 2020-24 on 12/15/2020

Exhibit J

FLOODPLAIN AND WETLANDS MAP



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss, take comment, and potentially take action on a county-initiated text amendment to various sections of the County's subdivision ordinance to encourage public street connectivity in certain intervals and related amendments regarding the provision of street and lot development standards in the County's subdivision ordinance. The amendments include general administrative and clerical amendments to create a more efficient ordinance.
Agenda Date:	Tuesday, June 15, 2021
Report Author:	Charlie Ewert (cewert@webercountyutah.gov) (801) 399-8763

Applicable Ordinances

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

Legislative Decisions

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

Summary and Background

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

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

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

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

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

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

Noticing Compliance

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

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

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

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

Exhibits

A. Proposed Ordinance

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

AMENDMENT

Sec 101-2-3 Bl Definitions

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

Moving definition and adding reference for ease of use.

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

AMENDMENT

Sec 101-2-20 St Definitions

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

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

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

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

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

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

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

Modifies definition to better facilitate administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT

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

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

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

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

AMENDMENT

Modifies section name to better facilitate code formatting consistency.

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

(a) No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created in accordance with the provisions of this Land Use Code. ~~This title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.~~

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

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

Removing unnecessary text.

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

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

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

AMENDMENT

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

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

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

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

(12) Open space and common area improvements, including but not limited to landscaping, structures, signs, parking, and other amenities.

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

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

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

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

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

Removing unnecessary language and references to appeals.

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

(2) ***Small subdivision approval.*** Preliminary plan/plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is not required. The preliminary plan/plat required in this section shall be reviewed simultaneous with the final plat.

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

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

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

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

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

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

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

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

AMENDMENT

Sec 106-1-6 Agency Review

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

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

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

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

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

AMENDMENT

Sec 106-1-7 Subdivision Time Limitations

(a) *Time limitation for preliminary approval.* Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval ~~by the planning commission~~ to receive a recommendation for final approval of the subdivision or the first phase. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal laws current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted. ~~The planning director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.~~

Planning commission is not the only land use authority.

This is redundant.

(b) *Time limitation for final approval.* ~~A final~~A subdivision plat ~~or phase of a subdivision that receives a recommendation for final approval from the planning commission~~ shall be ~~offered to the county commission for final approval and~~ record~~ing~~ed ~~with~~in the Office of the County Recorder within one year of final approval by the Land Use Authority. ~~from the date of the planning commission's recommendation for final approval.~~ After ~~one year from~~ that ~~date~~, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The planning director may grant a onetime extension for final subdivision approval for a maximum of one year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a county caused delay.

Removing unnecessary text.

(c) *Nonconforming.* Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

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

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

AMENDMENT

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

(a) ***Preliminary approval required.*** Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.

(b) ***Final plat required.***

(1) After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.

(2) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting.

(c) ***Final plat requirements.*** The following are requirements for final plat consideration:

(1) Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information:

a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.

b. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."

c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)

d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than

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

e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.

f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.

g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the county recorder.

h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:
    1. Description of land included in subdivision;
    2. Private licensed land surveyor's "certificate of survey";

3. Owner's dedication certificate;
4. Notary public's acknowledgment;
5. County Land Use Authority's certificate of approval, to be signed by the planning director or designee;
6. County Engineer's certificate of approval;
7. County Attorney's certificate of approval;
8. Board of County Commissioners' certificate of acceptance;
9. County Clerk's certificate of attest;
10. County Surveyor's certificate of approval;
11. Local health department certificate of approval, if required by the local health department.
12. Culinary water authority certificate of approval, if not the local health department; and
13. Sanitary sewer authority certificate of approval, if not the local health department.

i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.

j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.

k. Map narrative. The map shall contain a written narrative which complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances.

l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.

m. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders.

n. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:

1. All easements.
2. Reference (the entry number and or book and page number) to all deeds in chain of title.
3. All boundary line agreements.
4. All rights of way whether the parcel is subject to or has reserve rights.
5. All current owners.
6. All outstanding liens, taxes, etc.

(2) A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.

(3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.

(4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-2, the following shall be required on the final plat:

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.

b. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification: "Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

(5) Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."

(6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and, when available, the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention

Ordinance.

(7) On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.

(8) The plat shall contain all notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Title 106.

(9) In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposal for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed.

(d) ***Final improvement plans.*** The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All utility and street construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services to the subdivision, including the level of service, from applicable utility entities including but not limited to the water service provider, sewer service provider, electricity provider, natural gas provider, and telecommunications provider.

~~(e) ***Approval of final plat.Final plat approval; small subdivisions.*** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land.***Additional provisions.*** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected.***Tax clearance.*** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.***Record of survey.*** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under~~

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

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

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

ADOPTION

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

(a) ***Final plat approval procedure.***

(1) ***Final subdivision approval.*** After the applicable staff and agency reviews, th final plat, shall be presented to the Land Use Authority. The Land Use Authority shall review the final plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval, the Land Use Authority shall approve the final plat. If applicable, when considering conditions of approval, the Land Use Authority shall follow the decision requirements found in Section 106-4-4 of this Land Use Code, and the conditional use standards found in 106-4-5. A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.

Placed text removed from previous section to here.

(2) ***Land Use Authority designated.*** The Land Use Authority for final plat approval of a small subdivision, as defined in Section 101-2-20 of this Land Use Code, is the Weber County Planning Division Director. The Land Use Authority for final plat approval of a subdivision other than a small subdivision is the Planning Commission. However, in the event a final plat includes a public street that poses a financial burden on the county that the County Engineer or County Planning Division Director has determined does not provide a commensurate public benefit, the County Commission shall be the Land Use Authority.

Clarifying land use authority.

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

(3) ***Submittal of final plat and final improvement plans.*** After approval of the final plat, the applicant shall submit a final plat printed on a 24-inch by 36-inch mylar sheet that includes the required signatures of all non-county employees. With the mylar, the applicant shall submit final improvement plans to the County Engineer for final approval, if applicable. After the County

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

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

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

(b) ***Tax clearance.*** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.

(c) ***Record of survey.*** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

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

REPEAL

~~Sec 106-2-3 Blocks~~ *(Repealed)*

~~(a) The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the discretion of th planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.~~

~~(b) The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the planning commission because of design, terrain, or other unusual conditions.~~

~~(c) Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.~~

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

~~(Ord. of 1952, title 26, § 2-3)~~

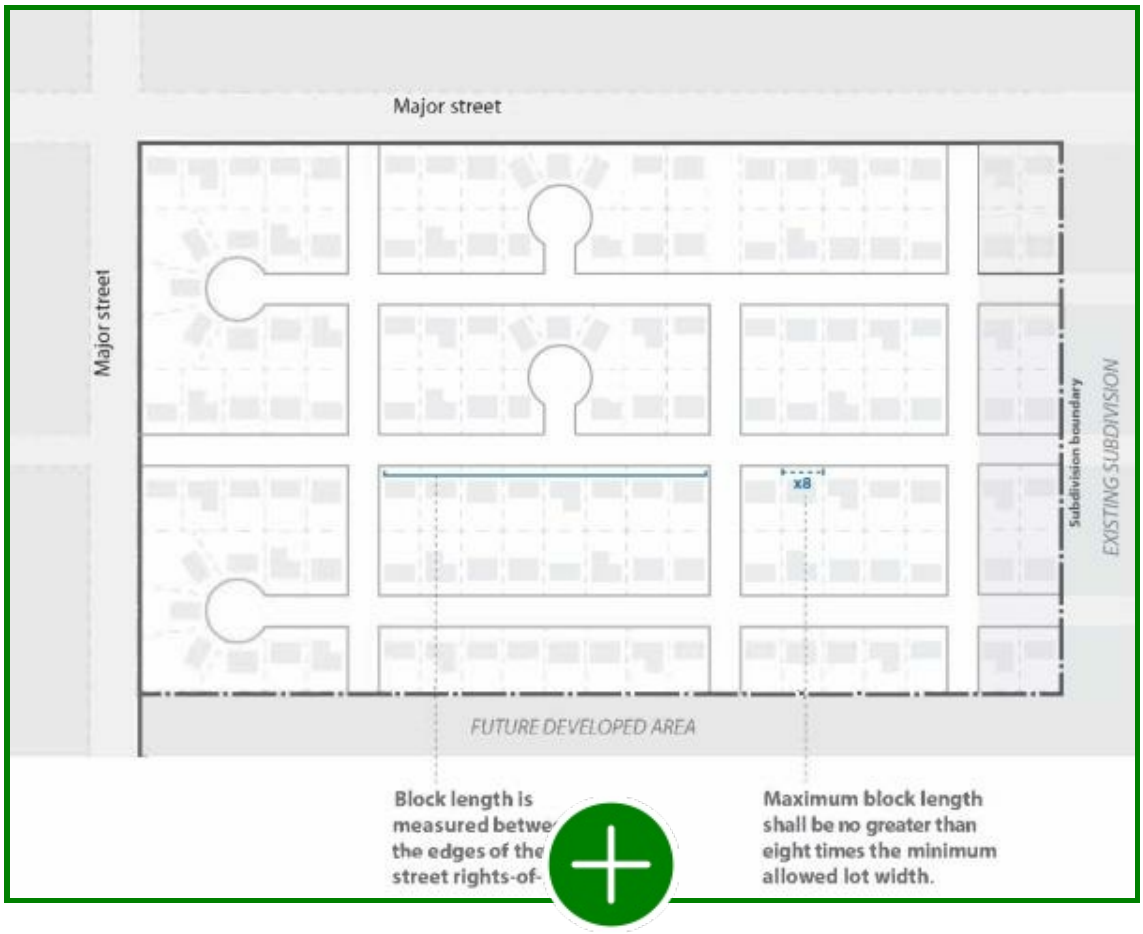
SECTION 11: **ADOPTION** "Sec 106-2-3 Street Block Standards" of the Weber County County Code is hereby *added* as follows:

ADOPTION

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

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

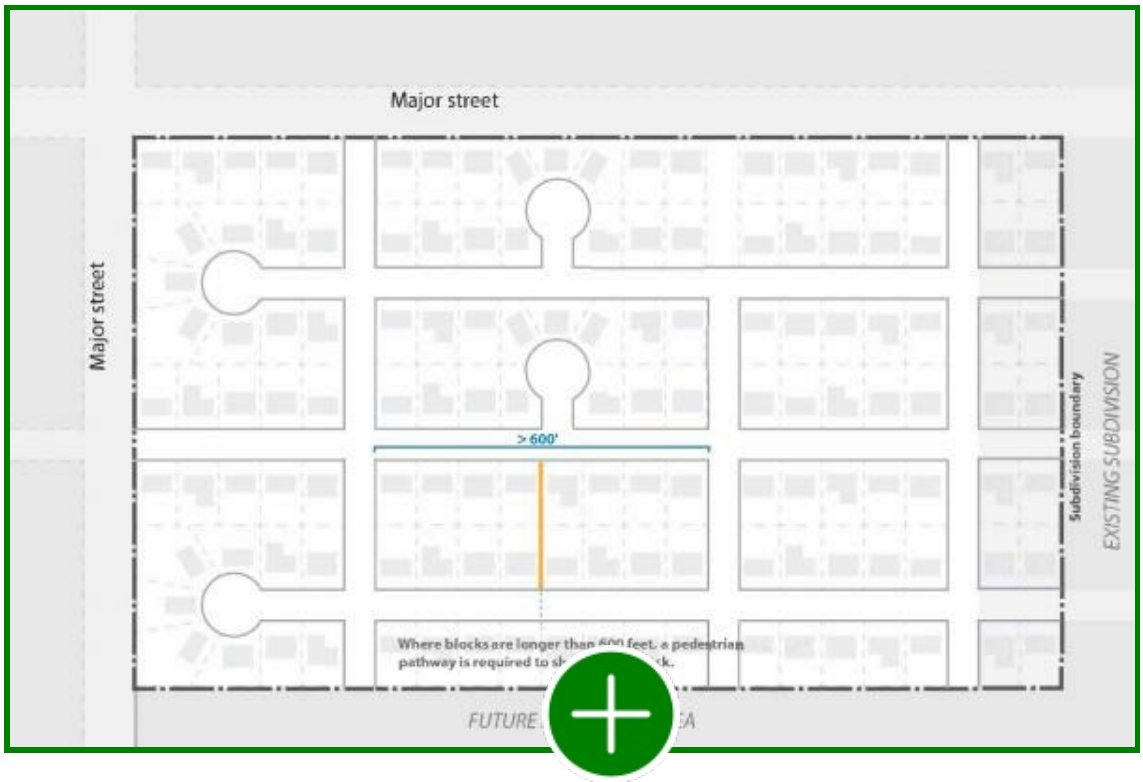
(a) ***Length of street block.*** The maximum length of a street block is eight times the minimum allowed lot width. However, at no time shall a block length exceed 1320 feet, nor shall a block length maximum of less than 400 feet be imposed. These lengths shall be measured from the edge of the street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



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

This section clarifies standards for mid-block pedestrian accessibility.

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



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

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

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

AMENDMENT

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

Unnecessary text.

(a) The lot arrangement and design shall~~ be such that lots will~~ provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions.

(b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, except:

(1) ***Variance.*** When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code;

(2) ***Cluster subdivision or ~~PRUD~~master planned development.*** When in accordance with the cluster subdivision or ~~PRUD~~master planned development provisions of th~~e~~is Land Use Code;

Missed amendment with previous MPDOZ adoption.

(3) ***Septic system and wellhead protection.*** As required by the county health officer as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements;

(4) ***Restricted lots and lots with designated building area.*** For "restricted lots" and lots with a designated "building area", the minimum area and width requirements shall be increased in accordance with the slope density tables contained in the Land Use Code;

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

a. *The averaged area and width of all lots to comply with zone standards.* The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.

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

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

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

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

d. A subtitle shall be displayed on the final subdivision plat that reads "A Lot-Averaged Subdivision."

Unnecessary text.

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

Clarifying text.

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

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

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

Clarifying that all lots must have street frontage.

Clarifying when double frontage is allowed.

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

Insufficient specificity to administer for corner lots.

(d) Side lines of lots shall be approximately at right angles, or radial to the street line.

(e) Remnant parcels that are five contiguous acres or larger can be left as a remaining agricultural parcel not approved for development. ~~Remnant parcel containing 5.25 contiguous acres (or more) and a home can be left as a remaining agricultural parcels not approved for additional single-family dwelling. Any construction of additional single-family dwelling or dwellings will require a subdivision approval.~~

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

(f) Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more proposed lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners.

(g) Natural drainage and other easements. The planning commission may require that easements for drainage through adjoining property be provided by the subdivider, and easements of not less than ten feet in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.~~Lots meeting the criteria established for a "restricted lot" shall be designated on the preliminary and final plat by the letter "R" and shall be subject to the provisions of the Land Use Code prior to any construction or building being undertaken upon such lot.A lot with an average slope of 25 percent or more over a major portion of its area, but with a "building area" as defined herein, within a buildable portion of the lot, may be classified as an unrestricted lot provided that the "building area" is approved by the planning commission as a suitable site for building and designated on the final plat as prescribed in section 106-5-1 and further provided that no building or construction or major cutting or filling of the natural terrain shall be made outside of such designated "building area".~~

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

(h) Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.

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

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

REPEAL

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

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

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

~~(2) The articles of incorporation and bylaws, shall provide:~~

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

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

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

~~b. That maintenance of the private streets, private access rights-of-way or other improvements shall be permanent and not for just a period of years.~~

~~c. That the association is responsible for liability insurance, taxes and costs of maintenance and that lot owners must assume their fair share of these costs.~~

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

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

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

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

AMENDMENT

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

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

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

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