



WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

April 11, 2017

5:00 p.m.

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

1. Legislative Items

1.1 ZTA 2016-04: Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), 108-10 (Public Buildings and Public Utility Substations [or] Structures, and 104-29-2 (Ogden Valley Destination and Recreation Resort Zone DRR-1) to provide the definition of “utility” to modify the front setback requirement for utility structures when not on a lot abutting a public right of way, and to clarify provisions for public utility substations and structures.

1.2 ZTA 2017-02: Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), to eliminate redundancies and provisions no longer relevant in the definition of “lot of record.”

1.3 ZTA 2017-03: Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), to clarify that a “recreation lodge” includes sleeping rooms intended for nightly rentals.

1.4 ZTA 2017-04: Public hearing, discussion, and decision on a proposal to amend Part I of the County Code of Ordinances, Chapter 2-17 (Township Planning Districts) and Section 102-5 (Rezone Procedures) to remove irrelevant references to “townships” from the Weber County Code.

1.5 ZTA 2017-05: Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), 102-4-3 (Land Use Permit Revocation), and 108-4 (Conditional Uses) to clarify permit or approval time limits before commencement of construction or commencement of use.

1.6 ZTA 2017-06: Public hearing, discussion, and decision on a proposal to amend Section 102-1-5 (Hearing and Publication Notice for County Commission, 106-1-6 (Agency Review and Public Notice), and 106-1-8 (Final [Subdivision] Plat Approval Procedure) to extend the timeframe a subdivision proposal has before being reviewed by the Planning Commission, to correct old references, to clarify that a public meeting is required for a subdivision but not a public hearing, and to clarify the code generally.

1.7 ZTA 2017-07: Public hearing, discussion, and decision on a proposal to amend Section 101-1-7 (Definitions), to eliminate irrelevant or conflicting provisions regarding the definition of a “restricted lot.”

- 3. Public comment for items not on the agenda**
- 4. Remarks from Planning Commissioners**
- 5. Planning Director Report**
- 6. Remarks from Legal Counsel**
- 7. Adjourn to work session**

Work Session: Follow-up review of the proposed Western Weber County Resource Management Plan.

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

Please enter the building through the front door on Washington Blvd. if arriving at the meeting after 5:00 p.m.

*A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.
No decisions are made in the pre-meeting, but it is an open, public meeting.*

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

Planning Commission Agenda Script:

CHAIR

1. Follows personal/meeting opening SOP's.
2. Reads application request line from agenda/staff report.
3. Requests that the Director explain the decision type and explain who will be presenting. For example, *"Mr. Grover will you please explain the decision type and who will be presenting."*

DIRECTOR

1. Explains decision type. Identifies (not necessarily explain) decision type on subsequent items.
2. Describes flow of specific item presentation. For example:
 - a. Mr./Ms. (Staff) will provide a brief outlineⁱ of the project
 - b. Followed by the applicant, Mr./Mrs. (applicant), who will present you with background information and the detailsⁱⁱ necessary to demonstrate his/her vision for the project and possibly code compliance.
 - c. Following the applicant's presentation, Mr./Ms. (Staff) will return and present information related to applicable codes, code compliance, review agency comments, and a Staff recommendation.
 - d. Mr./Ms. (Staff), the time is yours.

STAFF

1. Presents brief project outline provided in footnote i.

APPLICANT

1. Presentation as provided in footnote ii.
2. Offers to answer PC questions.

STAFF

1. Presentation as provided in 2(c).
2. Offers to answer PC questions.

CHAIR

1. Opens item to take public comment/Closes public comment.
2. Invites Staff and Applicant to answer questions.
3. Asks for a MOTION/SECOND in order to open a PC discussion.
4. Follows remaining SOP's.

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 hand written 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.

ⁱ This is a subdivision located at approximately (address). It lies within the (Zone), covers (acres), consists of (# Lots), and consists of approximately 1,100 feet of public road improvements. Do you have questions about the outline...if so, I would be happy to answer them? If not, I will turn the time over to Mr. (applicant).

ⁱⁱ Possibly include personal introduction/information and resume, introduction of other professional contributors, property ownership time or lease situation, visuals (photos, renderings), anticipated impacts and offered mitigation or rationale behind impacts being acceptable, and statement of code compliance.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Public Buildings and Public Utility Substations and Structures (§108-10), and Development Standards of the Ogden Valley Destination and Recreation Resort Zone DRR-1 (§104-29-2) to reduce setback requirements for utility structures not located within 20 feet of the public right-of-way and to offer administrative clarifications.

Agenda Date: Tuesday, April 11, 2017

Staff Report Date: Thursday, March 30, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2016-04

Miradi Project Address: <https://miradi.co.weber.ut.us/projects/view/2493>

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
 §108-10: Public Buildings and Public Utility Substations and Structures
 §104-29-2: Development Standards of the Ogden Valley Destination and Recreation Resort Zone DRR-1

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

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have considered modification to the Public Buildings and Public Utility Substations and Structures in two work sessions. The attached proposed text amendment is the result of those discussions.

The key amendment is to allow reduced front yard setbacks for structures that are a certain distance from a right-of-way. This is most applicable to utility parcels that do not have frontage on a right-of-way or is located on a flag lot.

Other amendments included herein are intended to clarify the chapter.

Policy Analysis

Policy Considerations:

In a routine review of a water tank early last year it was discovered that even though a parcel that has been created for utility purposes is not required any minimum lot area or lot frontage, there are still minimum setbacks that need to be applied. When applying the front minimum setback to a property the intent is to offer aesthetic uniformity for the community as viewed from the public right-of-way. Front setbacks also offer increased factors of safety for the traveling public. These factors are made irrelevant in the case of a parcel created for a utility use that is positioned on a flag lot or on a lot that does not have frontage adjacent to a public right-of-way. A new factor, that of a structure's proximity to the neighboring property, becomes the relevant factor to consider. In a case like this the frontyard setback can be viewed similar to a sideyard setback, which is how the proposed

amendment treats it.

The proposal also adds the definition of “utility,” offers more substantive parcel design criteria than what the current code offers, and corrects incorrect references in the Destination and Recreation Resort Zone (DRR-1).

Conformance to the General Plan

Ogden Valley. The 2016 Ogden Valley General Plan addresses goals, principles, and implementation strategies for utility uses on page 38 of the plan. While there is no direct statement of support regarding the proposed changes, it can be observed that the proposed changes offers a greater deal of flexibility to utilities who can then in turn, offer better services to the community. Thus, it can be found that the proposal meets the general intent of the general plan.

Western Weber. The Western Weber General plan is relatively silent when it comes to utility uses. Because of this the Western Weber Planning Commission can likely make a finding that the proposed changes support the general welfare by offering additional flexibility to utilities, and that it does not adversely affect the intent of the general plan.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in two separate work session meetings.

Noticing Compliance

A hearing for this item was published 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 recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes are generally supported by the intent of the general plan or cause no adverse effect on the intent of the general plan.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

...

Quasi-public. The term "quasi-public" means the use of premises by a public utility, such as utility substations and transmission lines (see also "utility"); a permanently located building or structure, together with its accessory buildings and uses, commonly used for religious worship, such as churches and monasteries.

...

Utility. The term "utility" means utility facilities, lines, and rights of way related to the provision, distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-public."

...

CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS OR STRUCTURES**Sec. 108-10-1. - Location.**

The location and arrangement of public buildings and public utility substations or structures will comply with requirements set forth in this chapter and will be in accordance with construction plans submitted to and approved by the planning commission.

Sec. 108-10-2. - Site development standards for public utility substation or structure:.

The lot area, width, depth, setback, and street frontage regulations for an unmanned culinary or secondary water system facility, storage tank, or well house; unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline regulation station; unmanned telecommunication, television, telephone, fiber optic, electrical facility; or other unmanned utility service regeneration, transformation, or amplification facility are as follows:

1. *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this land use code, the required setbacks, and space to park two maintenance vehicles.

2. *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that the no substation or structure shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or twenty feet, whichever is more restrictive.

3. *Side yard setback.* The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.

4. *Rear yard setback.* The rear yard setback requirement may be reduced to the following:

- a. In a residential zone: five feet.
- b. In an agricultural zone: ten feet.
- c. In a forest zone: 20 feet

d. In a zone not specifically listed above: typical zone setback as provided in the chapter for that zone.

6. *Frontage*. No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

Sec. 108-10-5. - Public buildings—Minimum lot area.

Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate, agriculture, and forest zones.

Sec. 108-10-6. - Same—Minimum yards.

Each public building shall meet the minimum yard requirements for a public building in the zone in which it is located.

Sec. 108-10-7. - Same—Width of lot.

Each public building shall have a minimum width of lot of 100 feet.

Sec. 108-10-8. - Same—Frontage.

Each public building shall have frontage on a public street.

...

CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

...

Sec. 104-29-2. - Development standards.

...

(h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
(2)	Minimum lot width		
...			

	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
	b.	Side yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
	c.	Rear yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure.
...			
(4)	Maximum building height		
...			
	c.	Public utility substation	35 feet, unless otherwise provided in Section 108-7-5: Exceptions to height limitations.

...

Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

...

Quasi-public. The term "quasi-public" means the use of premises by a public utility, such as utility substations and transmission lines (see also "utility"); a permanently located building or structure, together with its accessory buildings and uses, commonly used for religious worship, such as churches and monasteries.

...

Utility. The term "utility" means utility facilities, lines, and rights of way related to the provision, distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information, telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-public."

...

CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS ~~AND-OR~~ STRUCTURES**Sec. 108-10-1. - Location.**

The location and arrangement of public buildings and public utility substations ~~and-or~~ structures will comply with requirements set forth in this chapter and will be in accordance with construction plans submitted to and approved by the planning commission.

Sec. 108-10-2. - Site development standards for Ppublic utility substation or structures; ~~—Minimum lot area.~~

~~None.~~

The lot area, width, depth, setback, and street frontage regulations for an unmanned culinary or secondary water system facility, storage tank, or well house; unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline regulation station; unmanned telecommunication, television, telephone, fiber optic, electrical facility; or other unmanned utility service regeneration, transformation, or amplification facility are as follows:

1. Lot area and lot width. No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this land use code, the required setbacks, and space to park two maintenance vehicles.

2. Front yard setback. Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that the no substation or structure shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or twenty feet, whichever is more restrictive.

3. Side yard setback. The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.

4. Rear yard setback. The rear yard setback requirement may be reduced to the following:

a. In a residential zone: five feet.

b. In an agricultural zone: ten feet.

c. In a forest zone: 20 feet

d. In a zone not specifically listed above: typical zone setback as provided in the chapter for that zone.

6. *Frontage*. No frontage is required along a public right-of-way if clear and legal access exists from a public right of way to the site for the purpose of the utility use.

~~Sec. 108-10-3. - Same—Minimum yards.~~

~~Each public utility substation shall maintain the minimum yards required for a dwelling in the same zone except that the rear yard may be reduced to the following:~~

~~(1) In a residential zone: five feet.~~

~~(2) In an Agricultural Zone: ten feet.~~

~~(3) In a Forest Zone: 20 feet.~~

~~Sec. 108-10-4. - Same—Street access.~~

~~Each public utility substation shall be located on a lot, which has adequate access from a street, alley, right-of-way, or easement.~~

Sec. 108-10-5. - Public buildings—Minimum lot area.

Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate, agriculture, and forest zones.

Sec. 108-10-6. - Same—Minimum yards.

Each public building shall meet the minimum yard requirements for a public building in the zone in which it is located.

Sec. 108-10-7. - Same—Width of lot.

Each public building shall have a minimum width of lot of 100 feet.

Sec. 108-10-8. - Same—Frontage.

Each public building shall have frontage on a public street.

...

CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

...

Sec. 104-29-2. - Development standards.

...

(h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
(2)	Minimum lot width		
...			
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility
...			
	b.	Side yard	
...			
	5.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure. As required in Chapter 26, Public Utility

...			
	c.	Rear yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> As required in Chapter 26, Public Utility
...			
(4)	Maximum building height		
...			
	c.	Public utility substati on	35 feet, unless otherwise <u>provided in Section 108-7-5: Exceptions to height limitations.</u> exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations
...			



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), to clarify the definition of 'lot of record'

Agenda Date: Tuesday, April 11, 2017

Staff Report Date: Thursday, March 30, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-02

Miradi Project Address: <https://miradi.co.weber.ut.us/projects/view/2493>

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions

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

During a routine staff training it was discovered that there are inconsistencies with state code and redundancies in the definition of "lot of record." The proposed changes are intended to resolve that.

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have considered modification to the definition of "lot of record" in a previous work session. The attached proposed text amendment is the result of those discussions.

Policy Analysis

Policy Considerations:

This change is primarily administrative clean-up. There is little policy shifting occurring.

Paragraph four of the definition is being stricken because it describes the same thing as paragraph two.

If there is any policy shift, it will be in the striking of Paragraph six. This paragraph describes a situation that conflicts with state code. UCA §17-27a-103 and UCA §17-27a-605 are the only sections of state code that exclude or exempt land from the subdivision code requirements, and as such any time a land division occurs that is not exempt or excluded a subdivision plat is required in order for a lot to be considered a 'lot of record.' If paragraph six is applied literally, any land division executed in anticipation of any future development would not be required to be platted and could be defined as a lot of record. If such a property is defined as a lot of record the County would be obligated to issue a land use or building permit on it. This invalidates the purpose of the subdivision rules and conflicts with state code requirements to file a subdivision plat in order to legally divide property. Land use permits should be withheld if a property has not been divided legally. Simply striking this paragraph resolves the issue.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published 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 recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Lot of record (lawfully created lot). A lot of record is defined as any one of the following circumstances:

- (1) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (2) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (3) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- (4) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or
- (5) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record.

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TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Lot of record (lawfully created lot). A lot of record is defined as any one of the following circumstances:

- (1) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (2) A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
- (3) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or

~~(4) A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and has undergone and successfully completed the Weber County subdivision process; or~~

~~(45)~~ A parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966, and June 30, 1992, which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or

~~(6) A parcel/lot that is the subject of a land division where Weber County, in compliance with Utah State Code, has expressly approved the division in anticipation of further land use approvals conditioned upon and as authorized by the Weber County Zoning Ordinance; or~~

~~(57)~~ A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record.

~~There are parcels/lots within Weber County that may have been created and subsequently recorded in the office of the Weber County Recorder, but were not lawfully created in accordance with Utah State Code or Weber County Ordinances/Policy as described herein. Weber County is not able to issue a land use permit and/or building permit for such parcels/lots.~~

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Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7) related to the definition of 'recreation lodge.'

Agenda Date: Tuesday, April 11, 2017

Staff Report Date: Thursday, March 30, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-03

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions

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

During a recent CUP deliberation it was discovered that the definition of recreation lodge does not clearly state that a recreation lodge is intended for nightly accommodations. It has always been assumed as much, and the language refers to "sleeping rooms," but fails to specify that those rooms are intended to be used in a transient manner like the definition of "bed and breakfast inn." Adding clarifying language will help reduce any potential interpretation problems in the future.

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have considered modification to the definition of "recreation lodge" in a previous work session. The attached proposed text amendment is the result of those discussions.

Policy Analysis

Policy Considerations:

This change is administrative code clean-up intended to clarify the way the code is currently being administered. No specific policy deliberation is needed.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published 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 recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance Changes.

Exhibit A: Key to proposed changes

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Recreation lodge. The term "recreation lodge" means a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms [for nightly accommodations](#), and facilities for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open year-round, offers summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based upon acreage and site plan review, and recommended by the planning commission. Limited day use may be allowed based upon site plan review and approval of the overall project as a conditional use by the planning commission.

.....



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Part I, §2-17 (Township Planning Districts), Part I, §38-1 (Special Events), and Part II, §102-5 (Rezoning Procedures) to eliminate all references to “townships” from the entire county code and to amend the special events code to reference to correct division.

Agenda Date: Tuesday, April 11, 2017

Staff Report Date: Thursday, March 30, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-04

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

Part I, §2-17 (Township Planning Districts)
Part I, §38-1 (Special Events)
Part II, §102-5 (Rezoning Procedures)

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

Last year the Title II of the Weber County Code (also known as the “Land Use Code”) was stripped of references to the term “township.” This was because of a state code amendment that defined “township” very specifically, making it irrelevant to Weber County. In reviewing other parts of the County Code outside the Land Use Code, county attorney’s have discovered that this term is also elsewhere. On further review we also found that we missed one reference within the land use code (§102-5-5). Thus, we are running this amendment to remove the term from the entire code.

This amendment also proposes to modify the “special events” code to correctly list the appropriate review agency. This last year the responsibility for reviewing special events was transferred from the fairgrounds to the planning division.

Policy Analysis

Policy Considerations:

This change is administrative code clean-up intended to clarify the way the code is currently being administered. No specific policy deliberation is needed.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the

general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published 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 recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

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~~Language that has been deleted is shown in red strikeout~~

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Part I

...

Title 2 – Administration

...

CHAPTER 17. - RESERVED

...

TITLE 38 – SPECIAL EVENTS

...

Sec. 38-1-6. - Same—Application process.

- (a) All applications for special event permits shall be made to the Weber County Planning Division on a special event permit application form and shall include the following information:

...

TITLE 102 – ADMINISTRATION

...

CHAPTER 5. – REZONING PROCEDURES

Sec. 102-5-5. - Concept development plan.

- (a) The concept development plan shall be submitted with a rezoning application, and shall supply sufficient information about the development to assist the planning commission and county commission in making a decision on the rezoning application. Seven copies of plans shall be submitted on 11 by 17 inch paper and two copies of plans shall be submitted on 24 by 36 inch paper, at a readable scale. All concept plans (including but not limited to architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans. Information supplied shall include text and illustration:

Part I

...

Title 2 – Administration

...

CHAPTER 17. - ~~RESERVED~~ TOWNSHIP PLANNING DISTRICTS

~~Sec. 2-17-1. -- Appointment of township planning commission members.~~

~~Appointment preference shall be given to encourage geographic representation on each township planning board.~~

~~Sec. 2-17-2. -- Jurisdiction.~~

~~Upon the appointment of all members of a township planning commission the township shall immediately begin to exercise the powers and perform the duties as provided for in the Utah Code.~~

~~Sec. 2-17-3. -- Policies and procedures.~~

~~The board of county commissioners shall adopt such policies and procedures as it deems necessary to provide for:~~

- ~~(1) The planning division support staff;~~
- ~~(2) The funding of necessary and reasonable expenses of townships;~~
- ~~(3) The townships will be governed by state law, county ordinances and the county planning commission rules of procedure and ethical conduct. If conflicts exist, state law and county ordinances will prevail over the county planning commission rules of procedure and ethical conduct; and~~
- ~~(4) Any other purposes considered necessary to the functioning of the township.~~

~~Sec. 2-17-4. -- Township planning commissions meetings.~~

~~The township planning commissions will meet on the second and fourth Tuesday of each month, at a time to be scheduled by staff, in the Weber County Commission Chambers, 1st Floor, 2380 Washington Blvd., Ogden, Utah.~~

~~Sec. 2-17-5. -- Vacancy on township planning commissions.~~

~~The board of county commissioners may remove for cause a member of a township planning commission which the county commission has appointed upon the filing of written charges against the member and after a hearing on the charges if requested by the member.~~

...

TITLE 38 – SPECIAL EVENTS

...

Sec. 38-1-6. - Same—Application process.

- (a) ~~Special event permit application forms may be obtained from the Weber County Special Events Office, located inside the Golden Spike Arena at the Weber County Fairgrounds, 1000 North 1200 West,~~

~~Ogden, Utah 84404 or online at http://www.webercountyutah.gov/special_events/~~ All applications for special event permits shall be made [to the Weber County Planning Division](#) on a special event permit application form and shall include the following information:

...

TITLE 102 – ADMINISTRATION

...

CHAPTER 5. – REZONING PROCEDURES

Sec. 102-5-5. - Concept development plan.

- (a) The concept development plan shall be submitted with a rezoning application, and shall supply sufficient information about the development to assist the ~~township~~ planning commission and county commission in making a decision on the rezoning application. Seven copies of plans shall be submitted on 11 by 17 inch paper and two copies of plans shall be submitted on 24 by 36 inch paper, at a readable scale. All concept plans (including but not limited to architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans. Information supplied shall include text and illustration:



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Land Use Permit Revocation (§102-4-3), [Conditional Use Permit] Revocation and Expiration (§108-4-8) to provide expiration dates for land use approvals that have not been acted on within a certain period of time, and to allow for the extension under certain circumstances.

Agenda Date: Tuesday, April 11, 2017

Staff Report Date: Thursday, March 30, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-05

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7 – Definitions
 §102-4-3 – Land Use Permit Revocation
 §108-4-8 – [Conditional Use Permit] Revocation and Expiration

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

It has come to staff attention that the Land Use Code does not have a specific expiration timeframe for general land use permits or other approvals, except conditional use permits. An expiration timeframe, which is intended to expire the approval if action is not taken to execute it within a certain timeframe, is essential to ensuring that unexecuted approvals are not left vested throughout time. Without clear expiration rules for unexecuted approvals it could be possible to future land use code amendments that run contrary to the original approval might not be enforceable (generally speaking, this could be viewed akin to “grandfathering”).

The County’s land use permits contain(ed) a provision that the permit is void after 180 days if the project is not started, however that provision is not found in the code. This text amendment is intended to correct that.

Policy Analysis

Policy Considerations:

Vested rights and nonconforming uses. When a land use is lawfully commenced the use is vested to continue forever even after ordinances regulating it change. This is often referred to as “grandfathering.” Exceptions to this rule include “abandonment” and “amortization.”

Abandonment is specified in the Weber County Code as a one year discontinuation of the use or structure (LUC §108-12-7). Amortization is a method to phase out the use after offering the landowner adequate time to or avenues to get a return on the investment.

Neither abandonment or amortization specifically consider how to address permits or approvals that are granted, but the use was never executed. Have clear language in the code governing expiration of these permits can help alleviate administrative or enforcement problems in the future.

Permit expiration was specifically addressed in the new conditional use code adopted a couple of years ago. Using language similar to that (removing it from that section and placing into a more general section of the code) can help the county govern all permits and approvals offered under the land use code. The county recently adopted an ordinance offering clear language governing the revocation of a land use permit. It seems expiration provisions would fit best in that section.

The attached proposal expands LUC §102-4-3 (Land Use Permit Revocation) to include expiration timeframes and removes expiration timeframes from §108-4-8. Many jurisdictions' land use code requires an expired permit or approval to go back through the process again in order to be valid – even if the circumstances governing the approval have not changed. That method can be taxing on the administration, so this proposal offers the ability for those approvals to be extended under certain circumstances.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published 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 recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general welfare of County residents.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Clean Copy.
- C. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

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~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Commencement of construction. The term “commencement of construction” means the actual placing of construction materials in their permanent position and, when applicable, fastened in a permanent manner; work in excavating for structural footings; the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure, and that construction shall not be deemed initiated until all applicable permits and approvals have been granted and all applicable fees paid.

Commencement of use. The term “commencement of use” means either the commencement of construction, as defined by this section, when that construction has been approved for a specific use as provided in this Land Use Code, or the actual beginning of a specific land use after permits and approvals have been granted, if applicable, and all applicable fees paid, as provided in this Land Use Code.

...

Sec. 102-4-3. - Permit or approval revocation and expiration.

- (a) A land use permit, conditional use permit, or design review approval may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:
- (1) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
 - (2) Prior to the permit or approval revocation, the land owner and, if different, permittee shall be given reasonable opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.
 - (3) In the event compliance cannot be attained the land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
 - (4) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
 - (5) Revocation of a permit or approval is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to title 102, chapter 3.
 - (6) Revocation of a permit or approval shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.
- (b) A land use permit, conditional use permit, or design review approval shall expire and become null and void if commencement of construction or commencement of the use, as defined in Section 101-1-7, does not occur within one year of the issuance of the permit or approval. A single one-year extension may be granted by the Planning Director, upon written request from the permittee or applicant, if it can be demonstrated that good faith efforts are being executed to commence construction or the use. Additional extensions may be granted, upon written request from the permittee or applicant, at the discretion of the Planning Director provided the following:
- (1) Applicable ordinances governing the original approval of the permit have not changed; and

- (2) Site, neighborhood, or general area conditions and circumstances related to applicable ordinances governing the original approval have not changed;
- (3) The findings made, if any, for the original approval still hold true; and
- (4) The conditions applied, if any, to the original approval are still relevant and enforceable in the same context as they were for the original approval.

...

TITLE 108 – STANDARDS

...

CHAPTER 4. – CONDITIONAL USES

...

Sec. 108-4-8. - Revocation and expiration.

- (a) *Revocation.* A conditional use permit may be revoked by the land use authority upon failure to comply with the applicant's approved proposal, or any applied standard, or applicable requirement, provision, restriction, or condition of approval. Violation of any condition of approval of a conditional use permit shall constitute a violation of this Land Use Code. Rules for revocation are provided in section 102-4-3.
- (b) *Expiration.* Rules for expiration are provided in Section 102-4-3.

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Commencement of construction. The term “commencement of construction” means the actual placing of construction materials in their permanent position and, when applicable, fastened in a permanent manner; work in excavating for structural footings; the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure, and that construction shall not be deemed initiated until all applicable permits and approvals have been granted and all applicable fees paid.

Commencement of use. The term “commencement of use” means either the commencement of construction, as defined by this section, when that construction has been approved for a specific use as provided in this Land Use Code, or the actual beginning of a specific land use after permits and approvals have been granted, if applicable, and all applicable fees paid, as provided in this Land Use Code.

...

Sec. 102-4-3. - ~~Land use permit revocation~~Permit or approval revocation and expiration.

(a) A land use permit, ~~or~~ conditional use permit, or design review approval may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:

- (1) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- (2) Prior to the permit or approval revocation, the land owner and, if different, permittee shall be given reasonable opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.
- (3) In the event compliance cannot be attained the land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.
- (4) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
- (5) Revocation of a permit or approval is final upon the issuance of a final written decision. The final written decision may be appealed pursuant to title 102, chapter 3.
- (6) Revocation of a permit or approval shall not prohibit prosecution or any other legal action taken on account of the violation, as provided in this Land Use Code or any other applicable law.

(b) A land use permit, conditional use permit, or design review approval shall expire and become null and void if commencement of construction or commencement of the use, as defined in Section 101-1-7, does not occur within one year of the issuance of the permit or approval. A single one-year extension may be granted by the Planning Director, upon written request from the permittee or applicant, if it can be demonstrated that good faith efforts are being executed to commence construction or the use. Additional extensions may be granted, upon written request from the permittee or applicant, at the discretion of the Planning Director provided the following:

- (1) Applicable ordinances governing the original approval of the permit have not changed; and

- (2) Site, neighborhood, or general area conditions and circumstances related to applicable ordinances governing the original approval have not changed;
- (3) The findings made, if any, for the original approval still hold true; and
- (4) The conditions applied, if any, to the original approval are still relevant and enforceable in the same context as they were for the original approval.

...

TITLE 108 – STANDARDS

...

CHAPTER 4. – CONDITIONAL USES

...

Sec. 108-4-8. - Revocation and expiration.

- (a) Revocation. A conditional use permit may be revoked by the land use authority upon failure to comply with the applicant's approved proposal, or any applied standard, or applicable requirement, provision, restriction, or condition of approval. Violation of any condition of approval of a conditional use permit shall constitute a violation of this Land Use Code. Rules for revocation are provided in section 102-4-3.
- (b) Expiration. Rules for expiration are provided in Section 102-4-3. ~~Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the land use authority, the conditional use permit shall expire. The land use authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the land use authority, the approval for the conditional use permit shall expire and become null and void.~~



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Agency Review and Public Notice (§106-1-6) and Final Plat Requirements and Approval Procedure (§106-1-8) to amend the timeframe between application submittal and Planning Commission review, and to correct irrelevant terminology and references.

Agenda Date: Tuesday, April 11, 2017

Staff Report Date: Thursday, March 30, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-06

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§106-1-6 - Agency Review and Public Notice.
§106-1-8 - Final Plat Requirements and Approval

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

The current subdivision code, §106-1-8, specifies that the county has 30 days after receiving an application to get it on a Planning Commission agenda. However, §106-1-6 offers reviewing agencies 30 full days to review the application and submit their review back to the Planning Division. These timeframes conflict as they do not offer time for public notice or planning staff analysis and report writing. This amendment proposes to change the timeframe between application submittal and Planning Commission review from 30 days to 45 days.

The proposal also offers administrative modifications to remove an erroneous reference to a "hearing" and to correct an old code reference.

Policy Analysis

Policy Considerations:

LUC §106-1-6 specifies that reviewing agencies have 30 days to review a preliminary subdivision plan before getting comments to the planning staff for review and analysis prior to land use authority decision. Often times a preliminary plan is run through the process simultaneous with a final plat, and LUC §106-1-8 specifies that there is only a 30 day timeframe between final submittal and Planning Commission review. This timeframe does not offer sufficient time for all agencies to review the final plat in a manner that gives the Planning Commission adequate information to consider. Extending this timeframe by 15 days gives the reviewers the standard 30 day review time and the planning staff 15 days to notice the project on an agenda, offer an analysis of all the review comments, and write a staff report for the Planning Commission's consideration. The delay in process the extra 15 days may give is balanced by the quality of review the Planning Commission will receive.

The proposal also changes the word “hearing” to “meeting.” “Hearing” has a specific meaning under state code and general connotes a legislative decision. A subdivision is an administrative decision, and no hearing is required. However, and public “meeting” is required for subdivision review, and specific noticing requirements are offered by the code. The planning commission still has the ability to take public comment even though the meeting is not defined as a “hearing.” Staff believes this is an antiquated term that may have been missed during the 2012 subdivision code re-write.

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published 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 recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide consistency in the Land Use Code.
3. The changes will enhance the general welfare of County residents by offering adequate review time of proposed development.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

TITLE 106 – SUBDIVISIONS

...

CHAPTER 1. – GENERAL PROVISIONS

...

Sec. 106-1-6. - Agency review and public notice.

...

- (b) Public notice. Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commission's public ~~hearing~~ meeting on the proposed subdivision to the record owner of each parcel within 500 feet of the property.

...

Sec. 106-1-8. - Final plat requirements and approval procedure.

...

- (b) Final plat required.
 - (1) After compliance with the provisions of section ~~26-1-4~~ 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 ~~30~~ 45 days prior to a regularly scheduled planning commission meeting.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), to correct an irrelevant definition of a restricted lot.

Agenda Date: Tuesday, April 11, 2017

Staff Report Date: Thursday, March 30, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-07

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7 - Definitions

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

Last year the County adopted the revised Natural Hazards code which better specified how to address property within a natural hazard area or natural hazard study area. Prior to this time a lot within a natural hazard study area was designated on a new subdivision plat with the letter "R," denoting a "restricted lot." As provided in the subdivision code, any lot designated as a restricted lot is subject to the hillside review process. However, the recent revisions in the natural hazard code were tailored to make lots that are only affected by a natural hazard study area to not be subject the hillside review process, making part two of the definition of "restricted lot" irrelevant.

Policy Analysis

Policy Considerations:

This is administrative code cleanup. The policy considerations were already implemented with last year's adoption of the amended Natural Hazards Ordinance (§108-22).

Conformance to the General Plan

There are no specific provisions in either the West Central Weber General Plan or the Ogden Valley General Plan regarding this subject. However, it can be found that this change does not conflict with the guidance of the general plan, and that it offers clarity and accuracy to the provision of the land use code which is in the interest of the general welfare of the public.

Past Action on this Item

No action has occurred on this item. The Planning Commissions have discussed it in work session meetings.

Noticing Compliance

A hearing for this item was published 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 recommend approval of the text included as Exhibit B and Exhibit C of this staff report with the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The changes are necessary to provide consistency and clarity in the Land Use Code.
3. The changes will enhance the general welfare of County residents by removing conflict in the land use code.

Exhibits

- A. Key to Proposed Changes.
- B. Proposed Ordinance – Track Change Copy.

Exhibit A: Key to proposed changes

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

TITLE 101 – GENERAL PROVISIONS

...

Sec. 101-1-7. - Definitions.

...

Lot, restricted. The term "restricted lot" means:

- ~~(1) — A~~ a lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section. ~~or~~
- ~~(2) — A lot or parcel of land that has been identified as having potential geologic or other environmental hazards or constraints, as determined by the county engineer, which require further investigation prior to issuance of a building permit.~~

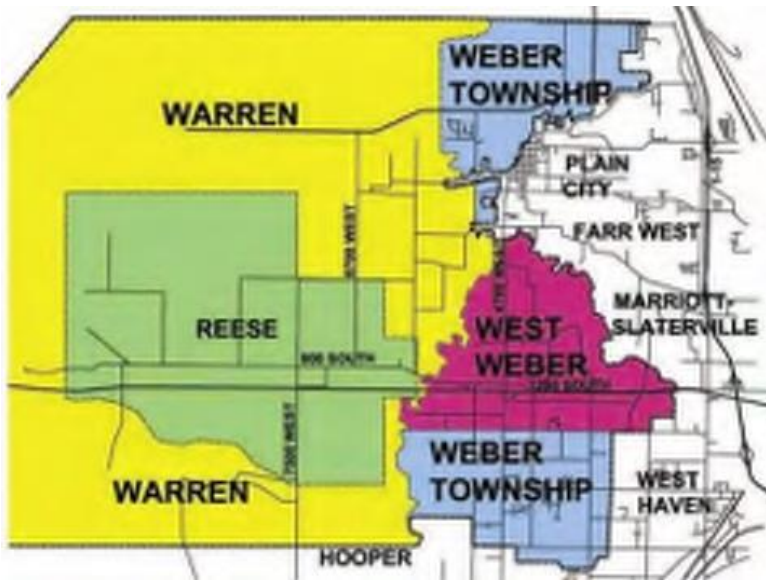
...

1 Western Weber County 2 Resource Management Plan

3 1. Introduction

4 The Western Weber County Planning Area

5 In September, 2003, Weber County adopted the West Central Weber County General Plan for the
6 unincorporated area of the County to the west of the Ogden area, including the Warren, Reese, West
7 Weber and Weber Township areas as shown in Figure 1. The 2003 General Plan is Attachment A to this
8 RMP.



9
10 **Figure 1. 2003 West Central Weber County General Plan Area**

11 The planning area for the 2003 Plan excluded unincorporated areas of Weber County to the east of the
12 Ogden metropolitan area. In August, 2016 the Weber County Commission adopted the updated Ogden
13 Valley General Plan, which included a resource management element as Chapter 8 of the plan. This
14 Western Weber County Resource Management Plan (RMP) includes all of the area of unincorporated
15 Weber County, not part of the Ogden Valley General Plan area, as shown in Figure 2, encompassing
16 approximately 208,000 acres.

17 **Figure 2. Western Weber County Resource Management Plan area**

18 [Map here]

Context and Legal Basis for the County Resource Management Plan

House Bill 219 passed by the Utah Legislature during its 2016 general session, amended Section 17-27a-401 of the Utah Code to add a county resource management plan as a required element of county general plans. New Subsection (3) provides:

“(a) The general plan shall contain a resource management plan for the public lands, as defined in section 63L-6-102, within the county.

“(b) the resource management plan shall address:

- (i) Mining;
- (ii) land use;
- (iii) livestock and grazing;
- (iv) irrigation;
- (v) agriculture;
- (vi) fire management;
- (vii) noxious weeds;
- (viii) forest management;
- (ix) water rights;
- (x) ditches and canals;
- (xi) water quality and hydrology;
- (xii) flood plains and river terraces;
- (xiii) wetlands;
- (xiv) riparian areas;
- (xv) predator control;
- (xvi) wildlife;
- (xvii) fisheries;
- (xviii) recreation and tourism;
- (xix) energy resources;
- (xx) mineral resources;
- (xxi) cultural, historical, geological, and paleontological resources;
- (xxii) wilderness;
- (xxiii) wild and scenic rivers;
- (xxiv) threatened, endangered, and sensitive species;
- (xxv) land access;
- (xxvi) law enforcement;
- (xxvii) economic considerations; and
- (xxviii) air.

(c) For each item listed under Subsection (3)(b), a county’s resource management plan shall:

- (i) establish findings pertaining to the item;
- (ii) establish defined objectives; and
- (iii) outline general policies and guidelines on how the objectives described in Subsection (3)(c)(ii) are to be accomplished.”

61 The focus of HB 219 is on the management of public lands and resources as defined in State statute,
62 including lands managed by the Bureau of Land Management (BLM), the U.S. Forest Service and other
63 federal agencies. The definition of “public lands” excludes “...lands owned or held in trust by this state, a
64 political subdivision of this state, or an independent entity.” The RMP planning area encompasses
65 approximately 208,000 acres. Within the RMP planning area are approximately 16,000 acres of National
66 Forest lands, 10,000 acres within the Bear River Migratory Bird Refuge managed by the U.S. Fish and
67 Wildlife Service, and approximately 412 acres owned by the U.S. Department of Defense in the
68 southwestern Little Mountain area.

69
70 The Forest Service is required to coordinate “...with the land and resource management planning
71 processes of State and local governments” in their land planning efforts. (16 U.S.C. §1604(a)) The Forest
72 Service’s planning regulations state that “the Responsible [Forest Service] Official must provide
73 opportunities for the coordination of Forest Service planning efforts...with those of other resource
74 management agencies.” Furthermore, the agency’s planning regulations provide that “the Responsible
75 Official should seek assistance, where appropriate, from other state and local governments...to help
76 address management issues or opportunities.” (36 C.F.R. 219.9) Although there is no explicit parallel
77 requirement for consistency of Forest Service plans with plans of state, local and tribal governments as
78 that contained within FLPMA for the BLM Resource Management Plans, the Forest Service is required to
79 “discuss any inconsistency” between the proposed plan’s provision and “any approved State or local
80 plan and laws.” Further, if any inconsistencies exist, the plan must “describe the extent to which the
81 [Forest Service] would reconcile its proposed action with the plan or law.” (40 C.F.R. §1506.2(d))

82
83 There are also approximately 71,000 acres of State of Utah owned lands in the planning area, which
84 include the Harold Crane State Wildlife Management Area (2,629 acres) and the bed of Great Salt Lake.
85 The Utah State and Institutional Trust Lands Administration (SITLA) owns approximately 5 acres in the
86 planning area. Although not the focus of the House Bill 219 planning effort, the planning team saw value
87 in looking at the resources identified more holistically to develop statements of desired future
88 conditions (goals), policies and implementation, where appropriate, that would be applicable regardless
89 of land ownership or management.

90 **Plan Process and Methodology**

91 In order to support Utah counties in implementing the new resource management plan requirements,
92 The Community Impact Board financially supported the development of databases for each county in
93 the Wasatch Front Regional Council (WFRC) area to rely on in preparing each resource management
94 plan. The WFRC retained a contractor to identify, gather and organize information relevant to the RMP
95 process. Those data were gathered and are reported on a county-wide basis, in map, table and narrative
96 formats, and the information is available on the WFRC website at
97 http://www.wfrc.org/new_wfrc/crmp/. The information addresses all the subject matter categories
98 specified in House Bill 219 and the Utah Code.

99 Weber County began the overall RMP process in January, 2016 with a series of stakeholder meetings to
100 identify data needs and issues for detailed evaluation in the RMP process. The County completed a

101 Resource Management Element as part of the Ogden Valley General Plan update project in 2016, which
102 was underway when the CRMP process began. This RMP addresses the balance of unincorporated
103 Weber County. Data were not collected nor reported for the Western Weber County planning area as a
104 separate sub-area of Weber County. As a result, much of the information provided to support this RMP
105 is described in general terms and extrapolated from other data.

106 Based on the initial January stakeholder input, additional western Weber County stakeholder interviews
107 were conducted in June and July, 2016. On direction from the County Planning Department, a draft of
108 this RMP was prepared and introduced for public comment at an open house on _____. [The rest of the
109 public process will go here]

110 County History and Culture

111 As described above and shown on Figure 2, the RMP study area is comprised of two, relatively distinct
112 areas of Weber County, the Lakeside and Mountainside RMP Areas.

113 Lakeside RMP Area

114 The unincorporated area to the west of the Ogden metropolitan area is the study area for the 2003
115 West Central Weber County General Plan, a historically agricultural area. For the purposes of this RMP,
116 this area will be referred to as the Lakeside RMP area. Nearly 45,000 acres of the Lakeside RMP are
117 occupied by the shoreline and bed of Great Salt Lake, and are under the management of the Utah
118 Division of Wildlife Resources and the Division of Forestry Fire and State Lands. Management of these
119 areas provides for recreation, wildlife habitat, and a variety of other uses and values, and is important to
120 the residents of the planning area and the County as a whole.

121
122 The 2003 Plan reports that residents in the Lakeside area value the open spaces resulting from the
123 dominance of agricultural uses in the Lakeside area. Agriculture has been the primary land use since the
124 Lakeside area was settled, and many people hold the view that agriculture should continue to be the
125 highest priority for the area, with between 96 and 98 percent of responses gathered during the 2003
126 General Plan process express a desire to maintain rural character and agricultural land. Rural
127 atmosphere is the quality most often expressed as desirable. Respondents defined rural atmosphere as
128 the openness of the area, the keeping of animals on their properties, and the agricultural uses and
129 businesses in the area.

130 The 2003 West Central Weber County General Plan contains a Vision Statement that provides:

131 “West Central Weber County is a place that:

- 132 • Values and protects its rural character, lifestyle, and atmosphere.
- 133 • Manages growth to strike a balance between preservation and development.
- 134 • Provides the necessary and desired community services to assure a high standard-of-living to its
135 residents.
- 136 • Encourages safe, efficient, and varied transportation systems.
- 137 • Maintains a community that is safe from environmental hazard and criminal activity.”

138

139 The 2003 Plan contains three main elements that address Land Use, Transportation and Sensitive Lands,
140 and identifies a series of implementation tools focused on protecting and developing sensitive lands and
141 preserving open space. The policies and direction of the 2003 West Central Weber County General Plan
142 largely inform the direction and initiatives of this RMP.

143 Mountainside RMP Area

144 The unincorporated area to the east of the Ogden metropolitan area lies in the foothills and slopes of
145 the Wasatch Mountains and is primarily in the Uinta-Wasatch-Cache National Forest, in the Ogden
146 Ranger District. For the purposes of this RMP, this area will be referred to as the Mountainside RMP
147 area. The Uintah-Wasatch-Cache National Forest is managed pursuant to the 2003 Revised Wasatch-
148 Cache National Forest Management Plan. Specific management directions are provided for the North
149 Wasatch Ogden Valley Management Area, which includes the Mountainside RMP area.

150
151 Road access into the National Forest is limited to the North Ogden and Ogden Canyons. All other access
152 to the National Forest in the planning area is via non-motorized trails. The western side of the Wasatch
153 Mountains has provided recreational opportunities primarily in the form of hiking and hunting, as no
154 designated ATV routes or campgrounds are present.

155 2. Key County Resources and Management Priorities

156 At the beginning of the County-wide RMP process, five key resources of greatest importance to the
157 County were identified by stakeholders as follows:

- 158 • Recreation and Tourism
- 159 • Water Quality and Hydrology
- 160 • Water Rights
- 161 • Land Use
- 162 • Agriculture
- 163

164 According to the 2003 West Central Weber County General Plan, the areas of greatest interest to the
165 residents of the Lakeside planning area are agriculture, land use, water rights and recreation. Given
166 these management priorities and the management direction provided in the 2003 Revised Wasatch-
167 Cache National Forest Management Plan which governs most of the Mountainside RMP area, this RMP
168 groups the twenty-eight required resource elements into five general categories: Land Resources, Water
169 Resources, Recreation Resources, Wildlife Resources and Socio-Economic Resources. Each section
170 presents a description of the resource and the current resource management setting; a description of
171 relevant socio-economic effects of resource management; and the desired future management
172 conditions. Statements of goals, policies and implementation steps, as appropriate to each resource, are
173 provided in Chapter 3.

174 Land Resources

175 This Land Resources section addresses land use; agriculture; livestock and grazing; irrigation; mining;
176 mineral resources; energy resources; fire management; noxious weeds; forest management; land

177 access; wilderness and wild and scenic rivers. These topics are further combined into subsections that
178 group resources logically and in a manner that complements the structure of the body of the 2003
179 General Plan.

180 **Land Use and Land Access**

181 The 2015 census estimated a population of 238,682 in Weber County, a 23% increase from 2000
182 (196,553). Most of that growth in population occurred in the incorporated areas of the County. The area
183 of West Central Weber County illustrated in Figure 1 is assumed to be home to approximately three
184 percent of the total Weber County population or approximately 7,099 in 2015.

185 **RMP Area**

186 Western Weber County zoning categories, acreage, and the percentage of the total acreage are as
187 follows:

- 188 • Residential – 1,342 acres, 1.8%
- 189 • Commercial – 60 acres, .08%
- 190 • Manufacturing – 9,926 acres, 13.3%
- 191 • Open Space- 124 acres, .20%
- 192 • Shoreline – 29,631 acres, 39.8%
- 193 • Agricultural – 32,979 acres, 44.3%
- 194 • Other- 272 acres, .36%
- 195 Total – 74,338 acres

196 It should be noted that within the Utah sovereign lands category are two State wildlife management
197 areas and a portion of Great Salt Lake that contribute both habitat and recreational values. It should also
198 be noted that the main mining activity in the planning area, salt extraction, is taking place on Utah
199 sovereign lands.

200 The resources of Great Salt Lake and the underlying lake bed are managed by the Utah Division of
201 Forestry, Fire and State Lands (FF&SL) pursuant to the 2013 Great Salt Lake Comprehensive
202 Management Plan. The Comprehensive Management Plan provides:

203 *“The framework for sovereign land management is found in the Utah Constitution*
204 *(Article XX), state statute (primarily Chapter 65A-10), and administrative rule (UTAH*
205 *ADMIN. CODE R652). The constitution accepts sovereign lands to be held in trust for*
206 *the people and managed for the purposes for which the lands were acquired. UTAH*
207 *CODE § 65A-2-1 states that “The division [FFSL] shall administer state lands under*
208 *comprehensive land management programs using multiple-use, sustained-yield*
209 *principles.” Briefly stated, the overarching management objectives of FFSL are to*
210 *protect and sustain the trust resources and to provide for reasonable beneficial uses*
211 *of those resources, consistent with their long- term protection and conservation. This*
212 *means that FFSL will manage GSL’s sovereign land resources under multiple-use*
213 *sustained yield principles, implementing legislative policies and accommodating*
214 *public and private uses to the extent that those policies and uses do not compromise*

215 *Public Trust obligations (UTAH CODE § 65A-10-1) and economic and environmental*
216 *sustainability is maintained. Any beneficial use of Public Trust resources is ancillary*
217 *to long-term conservation of resources.”*

218 The Division of FFSL has established five management classes for Great Salt Lake resources. The Lakeside
219 RMP area includes sovereign lands designated for management under Classes 1 (the salt mining lease
220 areas) and 6 (the wildlife management areas), as follows:

221 Class 1: Managed to Protect Existing Resource Development Use. Lands under this classification
222 include the area around Antelope Island delegated to DSPR for recreation management, the
223 area around Saltair and GSL Marina, existing mineral extraction lease areas, and areas under
224 special use lease for brine shrimp cyst harvest activities. These lands would be open to oil and
225 gas leasing, but no surface occupancy would be allowed in the recreation areas.

226 Class 6: Managed to Protect Existing Resource Preservation Uses. This classification covers
227 existing WMAs. Lands would be available for oil and gas leasing with no surface occupancy.

228 ***Mountainside RMP Area***

229 Land uses in the Mountainside area include limited residential uses in the foothills between the
230 incorporated areas and the National Forest, public water storage reservoirs, some limited gravel mining
231 and the National Forest itself.

232 Vehicular access into the National Forest in the study area is limited to Ogden Canyon (SR 39) and North
233 Ogden Canyon (SR 569). Travel routes within the Forest are managed pursuant to the 2016 Ogden
234 Ranger District Travel Management Plan. The only travel route open to motorized vehicles in the study
235 area is the Skyline Trail, which is located along the Wasatch Mountain ridgeline on the eastern boundary
236 of the RMP study area, and is open to motorcycles only. The Skyline Trail is accessible from both the
237 North Ogden and Ogden Canyon highways. Non-motorized access to and within the National Forest is
238 available via a number of recreational trails in the study area.

239 ***Agriculture, Livestock, Grazing, Irrigation and Predator Control***

240 ***Lakeside RMP Area***

241 As reported in the 2003 General Plan, agriculture is the dominant land use in the Lakeside area. All of
242 the agricultural operations in the Lakeside RMP area are located on private lands. Many parcels in the
243 western part of Weber County are small “ranchettes” of 5 to 10 acres. In 2002, approximately 28,116
244 acres of land were in agricultural use, for grazing of cattle and horses, crop production (alfalfa, hay,
245 small grains, such as, oats, wheat, and barley), and dairy operations (16 operations and approximately
246 2,765 dairy cows). With the growth of population in the County since 2002, the number of acres in
247 agricultural uses in the Lakeside area has decreased to 27,743 acres, 2 percent less than in 2002.
248 Additionally, there are approximately 3,818 in Agricultural Protection Areas.

249 In 2013, the Weber Conservation District published the Weber County Resource Assessment that
250 identifies agricultural land preservation and sustainability as one of five priorities for the District. The
251 Resource Assessment also contains recommendations for implementation steps toward those ends.

252 Agricultural operations in the Lakeside RMP area are dependent on a network of irrigation ditches and
253 canals. A map of the existing and proposed irrigation ditches and canals that serve the RMP planning
254 area is available on the WFRC website. While many irrigation ditches in The Lakeside RMP area have
255 been converted to pressurized pipe, open canals and ditches remain important to the continued viability
256 of agricultural operations.

257 **Mountainside RMP Area**

258 The bulk of the private land in the Mountainside RMP area is currently zoned A-1, F-40, and RE-20.

259 **Predator Control**

260 Predator control in the RMP planning area is managed by the Utah Division of Wildlife Resources
261 (UDWR), and includes a coyote removal program. For more information on predator control, see the
262 UDWR and WFRC websites.

263 **Mining, Mineral Resources and Energy Resources**

264 Within the planning area are several sand, gravel and rock aggregate operations which are located on
265 private property and are owned by the surface property owners. The main mining activity in the
266 planning area is salt extraction from large evaporation ponds on State sovereign lands on the bed of
267 Great Salt Lake. There are no other State-permitted metal or leaseable mineral mines in the RMP
268 planning area.

269 No energy minerals are extracted in the RMP planning area, but there are four hydropower generating
270 plants and there is potential for geothermal power development. Other renewable energy resources,
271 such as solar and wind power, have potential for private or small-scale commercial uses in the planning
272 area, but large-scale power generation in the RMP planning area is unlikely because most of the
273 available lands are privately owned, and are currently in agricultural or residential uses.

274 **Fire Management and Noxious Weeds**

275 **Fire Management**

276 In Utah the State legislature tasked the Utah Division of Forestry, Fire, and State Lands (DFFSL) to devise
277 a Comprehensive Statewide Wildland Fire Prevention, Preparedness, and Suppression policy known as
278 SB-56. Under this plan, a master cooperative wildland fire management and Stafford Act response
279 agreement is signed each year between numerous federal land management agencies and the State of
280 Utah for cooperation during wildland fire incidents that occur throughout the state. Weber County is
281 within the service area of the Northern Utah Interagency Fire Center (NUIFC), located in Draper. NUIFC
282 is a joint dispatch center operated through cooperation among the Bureau of Land Management, U.S.
283 Forest Service and the State of Utah Division of Forestry Fire and State Lands. NUIFC is responsible for
284 dispatching and coordination of wildfires (averaging 500 fires per/year) and incidents for approximately
285 15 million acres located in Box Elder, Cache, Rich, Tooele, Weber, Morgan, Davis, Duchesne, Juab,
286 Sanpete, Salt Lake, Summit, Wasatch and Utah Counties. From the WFRC RMP website:

287 *“Response to fire incidents relies on proper oversight, guidance, and partnership*
288 *among a variety of trained professional organizations. Establishing a fire*

management system is a critical step in protecting communities both urban and rural. Fire management refers to the principles and actions to control, extinguish, use, or influence fire for the protection or enhancement of resources as it pertains to wildlands. It involves a multiple-objective approach strategy including ecosystem restoration, community preparedness, and wildfire response.”

Noxious Weeds

From the 2013 Natural Resource Conservation Service (NRCS) Weber County Resource Assessment (Attachment B to this RMP):

“Both noxious and invasive weeds are competitive non-native species that are introduced into environments where they readily adapt and reproduce prolifically. They negatively affect agricultural lands, forests, nature preserves, stream banks, private lands, and parks. If left unmanaged, weeds can quickly dominate a land-scape and crowd out native plants, thus reducing forage for animals and increasing the risk of wildfire...In addition noxious weeds, such as purple loosestrife and non-native phragmites, have infested many of the irrigation delivery systems in the county, created difficulties with conveyance, and reduced the amount of available water.”

Many species of exotic and invasive weeds exist in the Utah. The Utah Noxious Weed Act of 2008 defined 28 noxious weed species into three prioritization categories. In December 2015 the official State Noxious Weed list was updated to include 54 species and prioritization categories were modified to include five categories of priority for action.

State land managers, local governments, and property owners are responsible for controlling weed species on the state’s noxious weeds list, and local weed species of concern if necessary. Weed control includes both lands under local management (roads, right-of-ways, parks, etc.) as well as enforcing weed laws on private lands. State law provides county weed managers the right to treat weeds on private lands (assuming proper notice is provided) if the landowner is unwilling or unable to treat the problem, and to seek reimbursement or apply liens for the work.

The local weed control program for the planning area is the Weber County Weed Department. County weed boards are responsible for the formulation and implementation of county-wide coordinated noxious weed control programs designed to prevent and control noxious weeds within its county. The Weber Conservation District has recently become the Weber County weed board. A Weber-County-specific weed control assessment is available from the Utah Association of Conservation Districts (UACD) and the federal Natural Resource Conservation Service (NRCS): Weber County Resource Assessment (2013).

Forest Management

Approximately 16,000 acres in the eastern portion of the study area are within the Uinta-Wasatch-Cache National Forest. The National Forest in the RMP planning area is managed in accordance with the 2003 Revised Wasatch-Cache National Forest Management Plan (the Forest Plan). The Forest Plan provides

327 management directions for the North Wasatch Ogden Valley Management Area which includes the RMP
328 planning area.

329 With regard to timber management, the Forest Plan provides as follows:

330 “Although there are no capable available timberlands in the area, there are needs for reducing
331 fuels and providing buffers adjacent to interface communities. If economic use can be made of
332 any of the fuel materials, there may be potential for some type of commercial harvest.”

333 With regard to Wild and Scenic Rivers, the Forest Plan provides:

334 “The Left Fork South Fork Ogden River (Frost Canyon/Bear Canyon confluence to Causey
335 Reservoir for scenery values) will be managed to protect the values that made it eligible in the
336 inventory. Activities within the corridor will maintain a “Wild” classification.”

337 With regard to roadless areas, the Forest Plan provides as follows:

338 “All the roadless areas on the Ogden Ranger District (Burch, Lewis, and Willard Peak) will
339 maintain or mostly maintain roadless values. They will be closed to winter motorized use with
340 exception of a limited portion of the east side of the Willard Peak Roadless Area. Burch Creek
341 Roadless Area will be managed to mostly maintain roadless values while continuing to provide
342 non-motorized, relatively rugged dispersed recreation opportunities. Any proposal for special
343 uses in the area must consider the prohibition on road construction and potential impacts to
344 roadless characteristics.”

345 There is no designated wilderness, nor are there designated wild and scenic rivers, in the RMP planning
346 area. The management prescriptions for other National Forest resources in the RMP planning area, such
347 as wildlife, water and recreation resources, are discussed in each resource section.

348 **Water Resources**

349 This Water Resources section addresses water rights; water quality and hydrology; and flood plains and
350 river terraces.

351 **Water Rights**

352 Water rights in the RMP planning area have been fully adjudicated, and are managed according to the
353 rules of the Utah State Engineer. No additional water is available for appropriation, so new development
354 must rely on existing water rights.

355 **Water Quality and Hydrology**

356 Water quality in Utah is regulated by the Utah Division of Water Quality (UDWQ) through the issuance
357 of permits to discharge to surface waters in the State. In general, surface and ground water quality in
358 the RMP planning area is good. The Ogden River in the planning area is classified by the UDWQ in
359 Assessment Category 1, that it supports all designated uses, which include Primary Contact Recreation,
360 Cold Water Aquatic Life, and Agricultural Uses. The Weber River in the planning area is in Assessment
361 Category 5, and requires additional reductions in pollution from non-point sources, such as storm water

362 and overland flows, but is meeting its designated uses which include Secondary Contact Recreation, Cold
363 Water Aquatic Life, and Agricultural Uses.

364 The Uinta-Wasatch-Cache National Forest Management Plan addresses water quality management as
365 follows:

366 “Watershed protection for quality water and normal flow regimes along with
367 maintenance of undeveloped character will continue to be a primary emphasis in all
368 management decisions regarding this area of highly intermingled private/public
369 urban/wildlands. Any disturbance or development must consider watershed integrity
370 and susceptibility to debris flows that can originate on National Forest System lands... In
371 general, recreation will be managed with watershed condition as a priority. User-
372 created trails within riparian areas will be evaluated and relocated and/or designed,
373 armored and adequately drained to reduce impacts to streams while allowing access for
374 recreation. Trail alignments will be corrected to prevent excessive erosion while
375 continuing to provide access.”

376 Water supply in the RMP planning area is from both surface sources and groundwater wells. Although
377 water supplies for current uses are thought to be adequate, localized areas of groundwater table
378 depression occur at some locations. One major water supplier, the Weber Basin Water Conservancy
379 District (WBWCD), provides both culinary and secondary (non-potable) water service in the RMP
380 planning area. The WBWCD has developed a supply and demand plan and conducts on-going water
381 resource planning to ensure adequate water supplies in the planning area.

382 **Flood Plains and River Terraces**

383 Flood plains and river terraces can both provide wildlife habitats and pose threats to land development.
384 The Federal Emergency Management Agency (FEMA) provides maps of areas of potential flooding so
385 that community officials, emergency responders, and the general public can be informed and plan
386 accordingly to avoid or reduce impacts from floods. The flood hazard maps are used to guide
387 development and reduce risk by avoiding flood hazard areas, or by applying special restrictions and
388 development standards for flood areas. Weber County has adopted the FEMA maps and implemented
389 flood protection regulations.

390 The floodplain of Great Salt Lake is considered to be the lakeshore elevation of 4,217 feet above sea
391 level. Special development restrictions for areas below 4,217' have been adopted by cities and Weber
392 County in the planning area.

393 **Recreation Resources**

394 This section discusses recreation and tourism in the RMP planning area. The 2003 West Central Weber
395 County General Plan reports that, during the planning process, “Many people expressed a desire for
396 developed public parks (with playing fields, pavilions, playgrounds, tennis courts), a variety of trails
397 including pedestrian, bicycle and equestrian trails, recreation facilities such as a recreation center and
398 other developed facilities, and a library. Some suggested that utility easements are good locations for
399 trails and bike paths; others felt that canals are too dangerous for use as trails. The concept of a “river

400 walk” was mentioned, but those with property directly on the river were opposed to trails development
401 along the river. It was suggested that the river flood plain should be purchased and held in public
402 ownership.”

403 Within the 2003 General Plan area, one public park of 5.75 acres is located in the Reese Township. This
404 park is under the jurisdiction of Warren Park Service District Numbers 5 and 6. Three other private parks
405 are owned and managed by the LDS Church and are not open to the general public. These include
406 Warren LDS Bowery, West Weber LDS Park, and Taylor LDS Park. The LDS Church may allow their parks
407 to be used by the general public, however a “hold harmless” agreement must be executed between the
408 Board of Weber County Commissioners and the LDS Church. No such agreement was on file as of 2002.

409 The National Forest in the Mountainside RMP area provides a variety of recreational opportunities,
410 including hiking, biking, climbing, back-country skiing, hunting and other outdoor pursuits. The 2003
411 Forest Plan states;

412 *“Trails and trailheads will be designed to support year-round use where possible. A*
413 *connection for the Bonneville Shoreline Trail will be created through the North Ogden*
414 *area in cooperation with the cities of North Ogden, Pleasant View and Willard. Needed*
415 *access and rights of way will be maintained or acquired to complete the Bonneville*
416 *Shoreline trail along the Wasatch Front. Public access to National Forest in Davis and*
417 *Weber Counties will be a priority to maintain or obtain, as development continues from*
418 *Fruit Heights, Kaysville, Ogden, North Ogden, Pleasant View and Ogden Valley. The*
419 *Ogden front will continue to be closed to winter motorized use providing non-motorized*
420 *designated trail opportunities while providing maximum protection to these high value*
421 *watersheds. Opportunities for limited summer motorized use on designated routes*
422 *(Skyline Trail/Great Western Trail in Lewis Peak Area).”*

423 The Forest Plan goes on to provide; *“The roadless areas from Willard to Ogden Canyon will provide non-*
424 *motorized recreation opportunities in winter except from east of the road to Willard Peak to the Weber-*
425 *Box Elder County line, which will be open for winter motorized uses.”*

426 Some land in Malan’s Basin to the east of Ogden is privately owned, and offers private recreation
427 opportunities. Ogden City is positioning itself as a recreation and tourism destination, with most
428 recreational opportunities occurring on the National Forest. Like other Wasatch Front communities,
429 Ogden and other municipalities in the RMP planning area are dependent on recreational access to the
430 National Forest to promote themselves as “lifestyle” communities as well as recreation destinations.
431 Management challenges mentioned include obtaining permits for events on national Forest lands, and
432 obtaining guiding and outfitting permits for use of National Forest lands.

433 **Wildlife Resources**

434 The shoreline of Great Salt Lake contains large areas of wetlands and riparian areas that provide
435 significant habitat for a variety of wildlife species. Within the RMP planning area, approximately 10,000
436 acres are within the Bear River Migratory Bird Refuge managed by the U.S. Fish and Wildlife Service
437 primarily for the protection of migratory birds that pass through the wetlands of Great Salt Lake each

year. There are also approximately 71,000 acres of State of Utah owned lands in the planning area, which include the Harold Crane State Wildlife Management Area (2,629 acres) and the bed of Great Salt Lake. The existing wildlife and waterfowl management areas are zoned S-1 and remain unchanged. Management plans for wildlife management areas are reviewed by the Resource Advisory Council, which makes recommendations to jurisdictional agencies regarding wildlife management plans.

The Uinta-Wasatch-Cache National Forest Management Plan provides the following with regard to wildlife management on the national Forest:

“Maintenance of the broad scale, regionally significant north-south wildlife corridor in this Management Area with connections to the north and southeast will be a priority in all management decisions. Big game winter ranges (generally below 7,000 feet) that occur along the entire western boundary of the Management Area and abutting Ogden Valley will be protected and enhanced, recognizing these become more valuable and important as urban encroachment continues into previously undeveloped areas. Browse species age classes here will be maintained with a higher proportion of older age classes than in other areas to provide browse above the snow. Big game use will be monitored in cooperation with the Utah Division of Wildlife Resources to ensure population management prevents habitat deterioration.”

With regard to aquatic resources, the Forest Management Plan provides:

“Trout Habitat- Aquatic habitats in Wheeler Creek, South Fork Ogden River, and Ogden River will be managed to maintain cool, clear water and well-vegetated stream banks for cover and bank protection. Instream cover, in the form of deep pools and structures such as boulders and logs, will be maintained and their value recognized. Water temperature will be preserved through well-vegetated banks.”

Socio-Economic Resources

This section addresses cultural, historical, geological and paleontological resources; law enforcement; economic considerations; and air quality.

Cultural, Historical, Geological and Paleontological Resources

A large number of prehistoric occupation sites have been identified along the shoreline of Great Salt Lake. In the shoreline adjacent to the Bear River marshes, a number of burials of prehistoric human burials have also been identified. Although there has been a great deal of historic activity around the Lake, beginning with fur trappers who passed by and utilization of the Lake’s resources by area pioneers, there is little in the way of historic structures or sites in the Lakeside RMP planning area. State and Federal law require the protection of prehistoric and historic cultural resources and Native American human remains.

The Heritage Resources section of the Uinta-Wasatch-Cache National Forest Management Plan in the Mountainside RMP planning area provides:

“Inventory efforts will continue to document the American Indian sites as well as the early European settlement of the area. Through potential partnerships with the Utah

477 *State University and Weber State University, high altitude archaeology investigations*
478 *along the Wasatch Front will be emphasized."*

479 Maps and publications regarding the geologic resources and geologic hazards of the RMP planning area
480 are available on the website of the Utah Geological Survey at geology.utah.gov. The 2013 Great Salt
481 Lake Comprehensive Management Plan also provides information on geologic hazards along the
482 shoreline of Great Salt Lake.

483 **Law Enforcement**

484 General law-enforcement in the RMP planning area is provided by the Weber County Sheriff's Office.
485 Conservation officers with the Utah Division of Wildlife Resources provide patrol and enforcement
486 services in the RMP area's wildlife management areas. Although use of the National Forest in the RMP
487 Mountainside area is limited in scope, officers and special agents with the U.S. Forest Service are
488 available within the National Forest. Stakeholders report that communication and coordination among
489 the law enforcement agencies in the RMP planning area is good.

490 **Economic Considerations**

491 Weber County's economy is based on natural resources, business development, and recreational and
492 tourist attractions. In 2012, Weber County as a whole had 117,415 acres of farmland, which produced
493 \$39,872,000 in sales. In 2009 agriculture is estimated to have contributed \$83.7 million dollars in
494 economic activity for the County as a whole. The main crops produced in Weber County are alfalfa,
495 grain, corn silage, and pasture. Weber County's forests and mineral deposits have allowed diversification
496 of its economy. In 2013 the mining industry produced \$3,034,101 in sales revenues, primarily from salt
497 production in the Lakeside RMP area.

498 Recreation is also an important contributor to economic activity in the RMP study area. Visit Ogden, the
499 non-profit visitor and tourism organization, promotes visitation to Ogden and Weber County by
500 highlighting events, sights and recreational opportunities, among other attractions.

501 **Air Quality**

502 The Clean Air Act Amendments of 1990 established three designations for areas based on how ambient
503 air quality conditions compare to the National Ambient Air Quality Standards (NAAQS): non-attainment
504 areas, maintenance areas, and attainment areas. Attainment (non-attainment) areas are those with air
505 quality better (worse) than the NAAQS. If an area is designated non-attainment, the relevant air quality
506 management agency must create and implement a plan to reduce emissions in order to reduce
507 concentrations below the NAAQS. The air quality management agency must maintain the plan used to
508 meet the NAAQS and prepare a maintenance plan to keep the air clean for the next 20+ years. A
509 maintenance area is one which was in non-attainment but reduced emissions sufficiently to meet the
510 NAAQS. It must maintain those rules/actions that reduced emissions for a period of 10 years.

511 The RMP planning area in Weber County is a non-attainment area for large particulate matter (PM₁₀)
512 and fine particulate matter (PM_{2.5}). Requests have been submitted to the EPA to change Ogden City to
513 maintenance for PM₁₀. Plans for meeting and continuing to meet the NAAQS in these areas are found at

the Utah Department of Air Quality (DAQ) website. These plans provide relevant background, pollutant sources, and the selected control measures for each non-attainment case.

The Clean Air Act and its amendments place control of local air quality at the state level with federal oversight, provided certain criteria are met, and require state and local ambient air quality standards be equal to or lower in concentration than the NAAQS. State of Utah laws and rules regarding air quality set the state standards equal to the NAAQS. The local air quality management agency for Weber County is the Utah DAQ. Rules and policies pertaining to air quality activities and plans to achieve NAAQS attainment are set by the Utah Air Quality Board. The DAQ conducts statewide air quality monitoring and research, air emissions permitting and compliance monitoring, air quality compliance planning activities, and public education, outreach, and support programs. The DAQ also supports the Air Quality Board in fulfilling its purposes.

3. Goals, Policies and Implementation

Land Resources

Land Use and Land Access

Lakeside RMP Area Findings: Weber County's goals for land use and land access are to pursue land management and access strategies that support the Vision articulated in the 2003 West Central Weber County General Plan (Attachment A to this RMP), which provides:

"West Central Weber County is a place that:

- Values and protects its rural character, lifestyle, and atmosphere.
- Manages growth to strike a balance between preservation and development.
- Provides the necessary and desired community services to assure a high standard-of-living to its residents.
- Encourages safe, efficient, and varied transportation systems.
- Maintains a community that is safe from environmental hazard and criminal activity."

The 2003 West Central Weber County General Plan identifies goals and policies for future land uses in the Lakeside RMP area to address residential uses, commercial uses, manufacturing, agriculture, wildlife/waterfowl management areas, schools and parks.

Lakeside RMP Area Objectives and Policies:

Policy: Land Use

Policies and implementation strategies for each land use are reported in the West Central Weber County General Plan. The focus of the policies and implementation is on privately-owned lands, although the management of State-owned wildlife/waterfowl management areas remain zoned S-1 - Shorelines.

Implementation:

Weber County will pursue the management objectives of the West Central Weber County General Plan, including the objectives of the Shorelines zone to promote land for

agriculture, wildlife and recreation uses; conserve water and other natural resources;
reduce flood and fire hazards and preserve open spaces and natural vegetation.

Policy: Access to State sovereign lands

Weber County seeks to maintain access to State sovereign lands to support recreational and mining uses.

Implementation 1:

The County will continue to monitor and participate in future planning conducted by the State of Utah agency planning that relates to resources in the Lakeside RMP area through participation in UDWR Resource Advisory Councils, the Utah State Resource Development Coordinating Council and other interagency planning coordination entities.

Implementation 2: The County desires a Western Weber trail loop that connects the Rail Trail to and through Ogden Bay. Weber County will work with the State to address waterfowl management concerns.

Mountainside RMP Area Findings:

The bulk of the private land in the Mountainside RMP area is currently zoned A-1, F-40, or RE-20. The land in the Uinta-Wasatch-Cache National Forest is zoned F-40 - Forestry. Weber County generally agrees with and supports the current management direction for National Forest lands as articulated in the 2003 Revised Wasatch-Cache National Forest Management Plan. Weber County also supports the access to National Forest lands provided for in the current Ogden District Motor Vehicle Use Map. See also additional discussion in the Forest Management and Recreation sections, below.

Mountainside RMP Area Objectives and Policies:

Policy: Private Lands

For private lands, Weber County's management goals are reflected in the zoning ordinance.

Implementation:

The County will continue to pursue the objectives of the zoning ordinance, subject to revisions pursuant to updated planning.

Policy: Forest Lands

Weber County seeks to maintain access to National Forest lands in the Mountainside RMP area to support recreational uses and access water rights points of diversion and conveyance works.

Implementation 1:

The County will continue to monitor and participate in future planning conducted by the U.S. Forest Service and interagency planning coordination entities.

Implementation 2:

Weber County supports the current limitations of vehicle access to the forest service area.

589 **Agriculture, Livestock, Grazing, Irrigation and Predator Control**

590 ***Findings:***

591 The 2003 West Central Weber County General Plan emphasizes the importance of agriculture, livestock,
592 grazing and irrigation infrastructure and supporting activities in western Weber County. Although
593 agricultural lands in the Lakeside RMP area are being converted for residential and other uses over time,
594 agriculture remains an important economic activity and contributes to the rural character of much of
595 the planning area.

596
597 In 2013, the Weber Conservation District published the Weber County Resource Assessment that
598 identifies agricultural land preservation and sustainability as one of five priorities for the District. The
599 Resource Assessment contains recommendations for implementation steps toward those ends. The
600 Resource Assessment also identifies the importance of maintaining irrigation infrastructure in protecting
601 agricultural operations.

602 ***Objectives and Policies:***

603 Agricultural protection policies carried forward from the West Central Weber County General Plan, and
604 added recommended implementation steps, include:

605
606 ***Policy: Agricultural Protection***

607 Support the use of special designations to protect agricultural operations

608 ***Implementation:***

609 Existing agricultural preservation areas should be retained as they currently
610 exist. Encourage property owners who are engaged in agricultural production
611 and business to expand agricultural protection areas whenever possible, and
612 encourage additional property owners to commit their property to agricultural
613 protection.

614
615 ***Policy: Agricultural Preservation***

616 Encourage farmers to sell development density to developers interested in developing
617 at higher densities near developing sewer infrastructure.

618 ***Implementation:*** Work with property owners and Utah Open Lands, The Nature
619 Conservancy, or other conservation organization toward obtaining conservation
620 easements or other agreements that permanently preserve agricultural lands
621 into active production.

622
623 Additional agricultural, livestock, grazing and irrigation resource management objectives and
624 policies include:

625 ***Policy: Irrigation Infrastructure***

626 Ensure continued access to, and protection of, points of diversion, irrigation canals,
627 headgates, storage and other irrigation infrastructure on both private and public lands.

Implementation: review development proposals and land management plans to ensure that appropriate access is provided to points of diversion and conveyance works, and that existing irrigation infrastructure is protected from damage or obstruction as development continues in the RMP area.

Policy: Predator Control

Support and expand the continuation of the State’s predator control program.

Implementation: Support current coyote control programs, and work with the Division of Wildlife Resources to expand predator control efforts to include skunks, raccoons and other similar predators in agricultural areas.

Policy: Agri-tourism

Support agri-tourism as a means for agricultural operators to diversify their operations and effectively utilize smaller parcels of agricultural land.

Mining, Mineral Resources and Energy Resources

Findings:

The current salt mining operations on State sovereign lands at Great Salt Lake provide a significant economic benefit to Weber County. Local gravel mining provides a local source of construction materials and reduces the lengths of haul routes. Non-renewable energy resources, such as solar and wind power, have potential for private or small-scale commercial uses.

Objectives and Policies:

Policy: Mining

Weber County supports the continuation of mining operations in the County in a manner that minimizes adverse impacts and preserves the rural character of the planning area

Implementation 1:

Weber County will continue to work cooperatively with the Utah Division of Forestry, Fire and State Lands to ensure continuation of mining operations in a manner that protects the wildlife, recreational, cultural and other resources of Great Salt Lake.

Implementation 2:

As the County updates its general plans, it will provide for opportunities for gravel and rock aggregate mining in appropriate areas and with appropriate operational conditions. Amend existing zoning regulations to restrict mining operations to a specific mining zone. Require mining operations to petition the County for a zone change prior to initiation of the operation. Consider requiring a development agreement for large scale mining activities prior to formal rezoning.

Policy: Energy Resources

Support the development of renewable energy resources, such as solar, wind power, and geothermal energy for private or small-scale commercial uses.

667 **Fire Management and Noxious Weeds**

668 **Fire Management Findings:**

669 Fire management is a critical governmental function. From the Weber County WFRC website:

670 *“Response to fire incidents relies on proper oversight, guidance, and partnership*
671 *among a variety of trained professional organizations. Establishing a fire*
672 *management system is a critical step in protecting communities both urban and*
673 *rural. “*

674 **Fire Management Objectives and Policies:**

675 **Policy: Cooperative Fire Management**

676 Effective fire management across jurisdictions in Weber County requires inter-agency
677 cooperation.

678 Implementation 1:

679 Weber County will continue to work cooperatively with the Utah Division of Forestry,
680 Fire, and State Lands and the U.S. Forest Service to implement the Comprehensive
681 Statewide Wildland Fire Prevention, Preparedness, and Suppression policy known as SB-
682 56.

683 Implementation 2:

684 Educate the public regarding life safety, including fire prevention and fire codes.

685 Implementation 3:

686 Provide education about the Utah Wildland Urban Interface Code. Refine the Wildland
687 Urban Interface in Ogden Valley and amend development ordinances to require notice
688 of proximity to the interface.

689 Implementation 4:

690 Provide education on fire-wise planning, including building materials and landscaping.

691 Implementation 5:

692 Evaluate effects of current ordinances as they relate to fire access and the allowance of
693 development on terminal street systems.

694 Implementation 6:

695 Ensure that all development has adequate fire flow and fire flow storage.

696 **Weed Control Findings:**

697 Effective prevention of the introduction and the spread of noxious weeds is a high priority for Weber
698 County. From the 2013 NRCS Weber County Resource Assessment (**Attachment B**):

699 *“They negatively affect agricultural lands, forests, nature preserves, stream*
700 *banks, private lands, and parks. If left unmanaged, weeds can quickly dominate*

a land-scape and crowd out native plants, thus reducing forage for animals and increasing the risk of wildfire.”

Weed Control Objectives and Policies:

Policy: Cooperative Weed Control

Effective weed control across jurisdictions in Weber County requires inter-agency cooperation.

Implementation:

The local weed control program for the RMP planning area is the Weber County Weed Department. The County will continue to work cooperatively with the U.S. Forest Service, the Utah Association of Conservation Districts (UACD) and the federal NRCS to implement the initiatives outlined in the NRCS Weber County Resource Assessment (2013).

Forest Management

As described above, the forest resources in the Mountainside RMP area are managed primarily pursuant to the terms of the 2003 Revised Wasatch-Cache National Forest Management Plan. The Forest Plan addresses the multiple-uses of forest lands, which uses are described in more detail under each resource heading in this RMP. Overall, Weber County plans to continue to work cooperatively with the U.S Forest Service in both its planning and administrative activities to ensure that forest management is appropriately supporting Weber County goals.

Water Resources

Water Rights

Findings:

The protection of water rights and the ability to access authorized points of diversion and water conveyance works are critical to the sustainability of the County.

Objectives and Policies:

Policy: Water Rights

The transfer and use of water rights in Weber County must be in accordance with State law and administrative rules.

Implementation:

Weber County will continue to monitor water rights applications filed in the RMP planning area to ensure water rights are managed in accordance with State law and the rules of the Utah State Engineer.

Policy: Points of Diversion and Water Infrastructure

Water rights points of diversion and authorized water storage, conveyance and measuring infrastructure must be accessible to approved water users.

Implementation: Weber County will conduct planning and development review, and will monitor the planning and development review of other nearby jurisdictions, to ensure continued access to and maintenance of authorized water infrastructure.

739 **Water Quality and Hydrology**

740 **Findings:**

741 Surface and groundwater quality in the RMP planning area is good, and is currently meeting the
742 County's needs for culinary, industrial, fisheries, irrigation and other uses.

743 **Objectives and Policies:**

744 **Policy: Water Quality**

745 Weber County will work to protect surface and groundwater quality

746 Implementation:

747 A setback policy from the 2003 West Central Weber County General Plan relating to
748 flood plains and river terraces (below) could provide beneficial surface water quality
749 impacts.

751 **Policy: Water Supply**

752 Weber County will ensure adequate water supply for culinary, industrial, fisheries, irrigation and
753 other uses.

754 Implementation:

755 Weber County will continue to work with the Weber Basin Water Conservancy District
756 (WBWCD), and other water service providers in the RMP planning area, to ensure
757 adequate supplies of primary and secondary water to meet the County's needs.

758 **Flood Plains and River Terraces**

759 **Findings:**

760 Weber County land development ordinances provide for protection for river corridors and riparian
761 areas.

762 **Objectives and Policies:**

763 A policy and implementation action carried forward from the West Central Weber County General Plan
764 provides:

765 **Policy: Weber River Floodplain Setback**

766 The Weber River floodplain, wetland areas associated with the meander corridor, and
767 streamside vegetation should be protected from development. A setback of 100' from
768 the high water line on either side of the river, as determined by the County Engineer, is
769 recommended. As development occurs, public trails for bicycles, pedestrians, and
770 horses may be provided within the setback and with property owner approval, and if
771 properties are purchased or donated, parks and open spaces can be developed for
772 recreational and educational purposes.

773 Implementation: Require a 100 foot setback from the high water line on either
774 side of the river, as determined by the County Engineer.

775 **Recreation Resources**

776 **Findings:**

777 As described above, Ogden City is positioning itself as a recreation and tourism destination, with most
778 recreational opportunities occurring on the Uintah-Wasatch Cache National Forest. Like other Wasatch
779 Front communities, Ogden and other municipalities in the Mountainside RMP area are dependent on
780 recreational access to the National Forest to promote themselves as “lifestyle” communities as well as
781 recreation destinations.

782

783 Stakeholders have expressed concerns with the complexity and amount of time it takes to secure
784 authorizations for recreational uses such as guided hunting, skiing, and mountain-biking; and staging
785 sporting events, such as back-country skiing and running races, on the National Forest.

786

787 **Objectives and Policies:**

788 **Policy: National Forest Recreation Management**

789 Weber County supports simplifying and streamlining the Forest Service permitting processes for
790 guiding, recreational competitions and similar activities on the National Forest.

791 Implementation:

792 Weber County will monitor National Forest planning and rule-making as it pertains to
793 recreational access to see if the authorization system can be simplified and/or expedited
794 on National Forest lands.

795

796 **Policy: Private Recreation Opportunities**

797 Weber County supports the development and operation of recreational facilities on both private
798 and public lands.

799 Implementation:

800 Weber County will work with private owners in Malan’s Basin and other areas within
801 and adjacent to National Forest Lands to provide recreational opportunities and
802 maintain access to National Forest System lands.

803

804 Policies and implementation actions from the 2003 West Central Weber County General Plan include:

805

806 **Policy: Parks**

807 As development occurs in the West Central Weber County area, new public parks will be
808 needed and should be planned, and generally located adjacent to new schools.

809 Implementation: Work with Weber School District to locate additional public
810 parks adjacent to schools, and negotiate joint management and maintenance
811 agreements for shared facilities.

812

813 **Policy: Off-street Bicycle and Pedestrian Paths**

814 Trails are highly desired amenities for communities. As primary roads are improved,
815 separated bicycle and pedestrian trails should be included. The community is rural and

Comment [c1]: What about more park district parks?

Comment [JC2]: This text is verbatim from the 2003 plan. What language would be good here?

does not have sidewalks, so it is important to provide safe paths for children going to and from school, and for the enjoyment of residents and the many others who bicycle and walk in the area.

Implementation: Work with Weber Pathways Committee, UDOT, property owners, local transportation agencies, and others affected to identify an alignment for trails and to secure funding for trails development. Coordinate with adjacent communities and their trail development plans. Typical separated multi-purpose, paved and un-paved trail cross-sections follow.

Wildlife Resources

Findings:

Wildlife and fisheries in the RMP planning areas are managed by the Utah Division of Wildlife Resources and by the U.S. Forest Service pursuant to the Uinta-Wasatch-Cache National Forest Management Plan.

Objectives and Policies:

Policy: Wildlife Management

Weber County supports the wildlife management activities of the jurisdictional agencies, and believes they generally support the County's objectives.

Implementation:

Weber County will continue to work cooperatively with the Utah Division of Wildlife Resources to protect and provide appropriate access to, the wildlife resources of Great Salt Lake and its environs. For the Mountainside RMP area, Weber County will continue work cooperatively with the U.S. Forest Service to protect and provide appropriate access to, the wildlife resources of the National Forest.

Policies and implementation actions from the 2003 West Central Weber County General Plan that would apply to the Lakeside RMP area include:

Policy: Wildlife/Waterfowl Management Areas

The existing wildlife and waterfowl management areas should remain zoned S-1, Shorelines.

Policy: Sensitive Area Management Planning

Weber County should begin working with the Corps of Engineers and other local governmental agencies to fund a wetland delineation study, which could be combined with a Sensitive Area Management Plan (SAMP) and a shoreline protection plan. The SAMP engages government agencies, property owners, and local planning staff in the development of a management plan that treats property owners equitably, resolves critical issues, and at the same time protects valuable natural resources. Options that resolve property owner concerns with resource agency concerns will need to be addressed in the near future.

854 Implementation: As sensitive lands are identified and determined to be
855 inappropriate for development, the land should be zoned as Open Space O-1 as
856 per Chapter 22E of the Weber County Zoning Ordinance.

857 **Socio-Economic Resources**

858 **Cultural, Historical, Geological and Paleontological Resources**

859 Weber County will continue to support inventory efforts by the U.S. Forest Service and State agencies to
860 document American Indian sites as well as the early European settlement of the area.

861 **Law Enforcement**

862 Weber County will continue to support effective coordination and cooperation among the federal, state
863 and local law enforcement agencies in the RMP planning area.

864 **Economic Considerations**

865 Weber County will continue to support agriculture, mining, tourism and recreation as important
866 components of the County's economy.

867 **Air Quality**

868 Weber County will continue to support the Utah Department of Air Quality implementation plans for
869 meeting and continuing to meet the NAAQS in the RMP planning area. These plans provide relevant
870 background, pollutant sources, and the selected control measures for each non-attainment case.

871

872

873

874

Comment [c3]: One of the major issues with federal land management vs local control is coming out of the Utah Sherriff's Association. Please talk to Terry Thompson or Klint Anderson and determine whether they share that concern, and if so, how do they want to address it?

Maybe review some of the Southern Utah plans for guidance as to what the real problem is?