



WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

March 14, 2017

5:00 p.m.

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

1. Administrative Items

1.1 SPE 2017-01: Discussion and action on a conceptual sketch plan endorsement request for a Cluster Subdivision submitted by Alpine Engineering & Construction, LLC. Applicant: E. Hal Christensen

1.2 CUP 2017-02: Consideration and action for a conditional use request for Terakee Village, a Planned Residential Unit Development consisting of 92 residential units, one lot for an assisted living center, and one lot for the Private/Charter school for an overall of 94 units. Applicant: Brad Blanch

2. Legislative Items

2.1 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.

2.2 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."

2.3 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.

2.4 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.

2.5 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.

2.6 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.

2.7 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:	Discussion and action on a conceptual sketch plan endorsement request for a Cluster Subdivision submitted by Alpine Engineering & Construction, LLC.
Type of Decision:	Administrative
Agenda Date:	Tuesday, March 14, 2017
Applicant:	E. Hal Christensen
File Number:	SPE 2017-01
Approximate Address:	2665 South 3500 West
Project Area:	13.12 Acres
Zoning:	Agricultural (A-1)
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel ID:	15-088-0035
Township, Range, Section:	T6N, R2W, Section 33

Adjacent Land Use

North:	Residential	South:	Agricultural
East:	Residential	West:	Agricultural

Staff Information

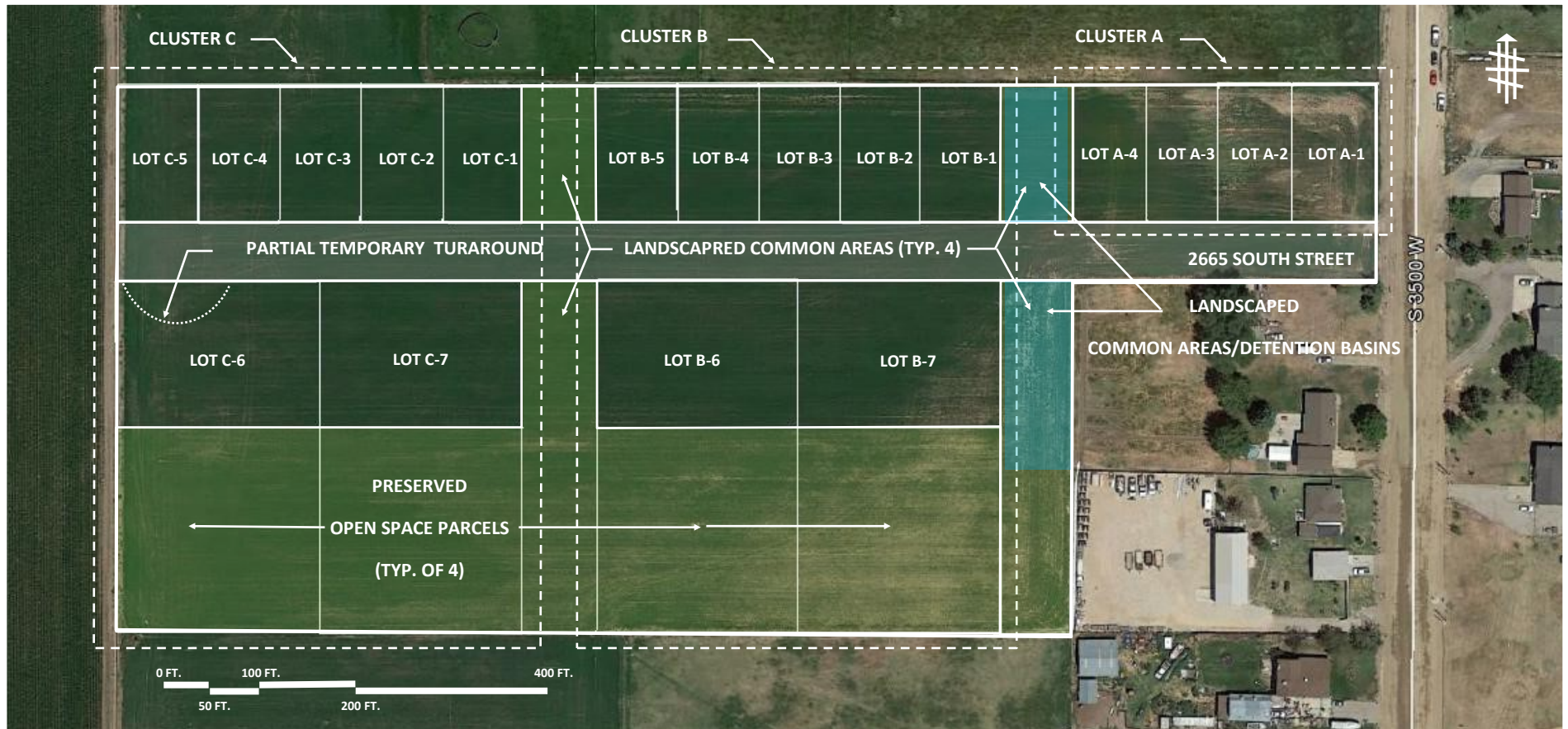
Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
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Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 5 Agricultural Zone (A-1)
- Title 108, Chapter 3 Cluster Subdivisions

Summary

The applicant has submitted a conceptual sketch plan for an 18 lot cluster subdivision for review and endorsement by the Planning Commission as required in the Uniform Land Use Code of Weber County (LUC). The subject property is zoned A-1 and is currently a 13.12 acre agricultural parcel. The applicant has requested bonus density based on the following qualifying criteria: Up to 50% bonus for preserving an open space percentage above the required 30% for Cluster Subdivisions in the A-1 zone; Up to 10% bonus for meeting the purpose and intent of the Cluster Subdivision Ordinance. The conceptual sketch plan process is meant to be a discussion item between the applicant and the Planning Commission without an in depth review by the Planning Division Staff. The required application, vicinity map and subdivision plan are attached as Exhibit A.

**PROPRIETARY NOTICE**

This Development Site Layout Plan (Layout Plan) has been submitted to the Weber County Planning and Engineering departments for review and comments to secure preliminary approvals for the proposed land development project as generally depicted herein. Accordingly, the Layout Plan is the sole property of Alpine Engineering & Construction, LLC (AEC) and shall not be reproduced and distributed to other parties without the expressed written permission of AEC or an authorized AEC representative. Additionally, the Layout Plan shall not be used to market, promote, or negotiate the purchase of any property as included herein without the expressed written permission of AEC or an authorized AEC representative.

ALPINE ENGINEERING & CONSTRUCTION, LLC

Land Development | Public Works Water/Wastewater Utilities

Date	Des/Rev	Submittal
12/16/2016		Initial Sketch Plan Submittal
01/12/2017	EHC	Conceptual Sketch Plan Submittal

18 LOT RESIDENTIAL CLUSTER SUBDIVISION AREA SUMMARY

Total Development Area	13.12	Cluster A		Cluster B			Cluster C		
Total Street Acreage	1.61	Lot	FT ²	Lot	DV FT ²	OS FT ²	Lot	DV FT ²	OS FT ²
Total Common Acreage	1.65	A-1	9,800	B-1	9,600		C-1	9,600	
Total Cluster A Developable Acreage	0.90	A-2	9,800	B-2	9,600		C-2	9,600	
Total Cluster B Developable Acreage	2.42	A-3	9,800	B-3	9,600		C-3	9,600	
Total Cluster B Preserved Open Space Acreage	2.06	A-4	9,800	B-4	9,600		C-4	9,600	
Total Cluster C Developable Acreage	2.42			B-5	9,600		C-5	9,600	
Total Cluster C Preserved Open Space Acreage	2.06			B-6	28,750	44,870	C-6	28,750	44,870
Total Developable Acreage All Clusters	5.74			B-7	28,750	44,870	C-7	28,750	44,870
Total Preserved Open Space & Common Area	5.77								

Table Notes:

1. DV FT² Developable (Approved for Construction of Detached Single Family Residential Housing) Lot Area2. OS FT² Preserved Open Space (Proposed Approval for Agricultural-Livestock Pasture w/ Limited Out-Building Construction) Lot Area**18 LOT RESIDENTIAL CLUSTER SUBDIVISION SKETCH PLAN**

General Property Information	Weber County Zoning Data/Information
Approximate Address: 2665 South 3500 West, Taylor, Utah	Current Zoning: A-1
Partial Legal: NE ¼ Section 33, Township 6 North, Range 2 West, SLB&M	Zoning Change: Residential Cluster Subdivision
Record Weber County Assessor Tax ID Number: 15-088-0035	Density Revision: 50 %
Record 2016 Ownership: Val E. & Linda L. Staker	
	SHEET 1 OF 1



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for a conditional use request for Terakee Village, a Planned Residential Unit Development consisting of 92 residential units, one lot for an assisted living center, and one lot for the Private/Charter school for a total of 94 units.

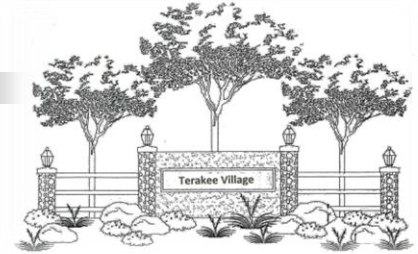
Type of Decision: Administrative

Agenda Date: Tuesday, March 14, 2017

Applicant: Brad Blanch, Five Blanch Properties LLC and Mick & Ann Trust

Authorized Representative: Brad Blanch

File Number: CUP 2017-02



Property Information

Approximate Address: 4700 West 900 South

Project Area: 72 Acres

Zoning: A-1

Existing Land Use: Residential/Agricultural

Proposed Land Use: Residential

Parcel ID: 15-515-0001, 15-515-0002, 15-048-0037, 15-059-0026

Township, Range, Section: T6N, R2W, Section 17 & 21

Adjacent Land Use

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

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: SM

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 5 Agricultural A-1 Zone
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

Summary and Background

The Planning Division recommends approval of the conditional use request for Terakee Village, a Planned Residential Unit Development (PRUD) located at approximately 4700 West 900 South in West Weber. The proposal is a master planned project consisting of consisting of 92 residential units, one lot for an assisted living center, and one lot for the Private/Charter school for a total of 94 units (see Exhibit A for the project narrative and Exhibit B for the conceptual plan). The proposed development is zoned A-1 Zone and is considered an "agro-community". The authorized representative is currently under contract to transfer the property into one ownership prior to moving forward with the actual development of the PRUD as required in the Uniform Land Use Code of Weber County (LUC) §108-5-6-(a).

The PRUD will be a multi-phased development consisting of 81 single family lots ranging in size from 11,452 square feet to 22,288 square feet and 11 Accessory Dwelling Units (ADU's) (see Exhibit A for phasing plan and Exhibit B for the conceptual PRUD layout). The proposed PRUD will offer a variety of housing options (see Exhibit C) and includes approximately 32.3 acres of open space. The open space accounts for approximately 56% of the adjusted gross acreage. The open space will include an extensive pathway, a neighborhood park, two agricultural parcels that will be used for agri-tourism operations attained by a separate conditional use permit in the future. The applicant is requesting a 50 percent bonus density based

on preserving an area equal to or greater than 30 percent of the PRUD's adjusted gross acreage for a bonus density of up to 30 percent; an approved roadway landscape and design plan for a bonus density of up to 20 percent and preserving an agricultural parcel with an agriculturally based open space preservation plan for a parcel containing at least 20 acres but fewer than 30 acres for a bonus density of up to 20 percent. With the 50 percent bonus density, the applicant will be able to add an additional 31 units to the 62 base units for an overall density of 93 units.

The applicant would now like to move forward with the development process and has submitted the required information as outlined in LUC §108-5 for consideration and approval of the proposed PRUD which is listed as a "Conditional Use" in the A-1 Zone. Conditional use permits should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas and the landscaping.

Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by supporting agriculture and encouraging residential cluster style development with a minimum 30% open space.

Zoning: The subject property is located in the Agricultural A-1 Zone.

The purpose and intent of the A-1 zone is identified in the LUC §104-5-1 as:

"The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."

Lot area, frontage/width and yard regulations: The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas." The proposed PRUD utilizes the allowed flexibility to create neighborhoods with lots ranging in size from 0.26 acre lots to .51 acre lots and sized to accommodate single family homes. Eleven lots will be designed to allow for up to one "Carriage House" or accessory dwelling unit per building lot. Any approved "Carriage House" must have a minimum livable area of 400 square feet. During the subdivision process the 11 lots that will have ADU's will be identified as a note on the plat to ensure adequate notice is provided for future property owners.

The proposal includes the following minimum single family development standards (see Exhibit D):

- Yard development standards:
 - Front Yard: 30 feet
 - Side Yard: 10 feet
 - Rear Yard: 10 feet
- Maximum Building Height:
 - Single Family: 35' (average building height)
 - Accessory/Agri-tourism Structures: 35' (average building height)
 - Private/Charter School: 45' (average building height)

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards at intersecting streets throughout the development, staff recommends adding to the minimum setback standards on the preliminary and final subdivision plats a setback for "Side, facing street corner lot". This setback should be a minimum of 20 feet. A condition of approval has been added to staff's recommendation to ensure the additional "Side, facing street corner lot: 20 feet" setback standard is added to the preliminary and final subdivision plats for review and approval as required per LUC §104-5-7.

During each individual phase, the County review agencies will be able to more thoroughly vet the preliminary and final development details to ensure that all conditions of approval and the applicable subdivision standards are met.

Conditional Use Review: The proposed PRUD is conditionally allowed in the A-1 zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The standards for consideration for conditional use permits include:

- Standards relating to safety for persons and property
- Standards relating to infrastructure, amenities, and services
- Standards relating to the environment
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan
- Standards relating to performance
- Standards generally
- Voluntary contributions providing satisfactory compliance with applicable standards

These standards have been combined with the design review standards in this report. As a requirement of the conditional use permit, the applicant has provided a “Will-Serve Letter” from Taylor West Weber Water Improvement District and Central Weber Sewer District (see Exhibit E) for culinary and waste water services. The applicant, during the subdivision phase, will be required to provide proof of secondary water availability. The applicant has provided the required material to facilitate a thorough review of the proposed project including the project narrative, vicinity map, conceptual layout, conceptual architectural design of the structures and proposed landscaping and lighting for the development.

The general requirements for consideration by the planning commission for the proposed planned residential unit development include items such as the architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal; which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking; the landscaping and screening as related to the proposed uses within the development and as a means of its integration into its surroundings; lighting and the size, location, design, and quality of signs if any; the residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density; agri-tourism operations on the areas identified as “Terakee Farm” on the conceptual design as a conditional use for an amenity to the Terakee Village PRUD and the demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

The majority of these considerations will be addressed in the design review portion of staff’s analysis of the proposal. The applicant will need to apply for a separate conditional use if the Planning Commission feels that “Agri-tourism” can be utilized as part of the farming activities of the PRUD. The applicant will be required to provide a cash escrow to be held by Weber County for the improvements within the development. If the Planning Commission would like the applicant to provide proof of financial feasibility for the development, a condition of approval will need to be added to request the additional information for review.

Bonus Density Request: The County may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD’s adjusted gross acreage per LUC §108-5-5(c)(2). The proposal meets this bonus density requirement. If the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent; however, overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD’s total area preserved as open space. The proposal dedicates 32 acres of open space which is 56% of the adjusted gross acreage; therefore qualifying for up to the 50 percent bonus density. The proposal includes a trail system that is open to the public that will be surrounded by botanical gardens. The applicant is requesting that the county award an overall 50 percent bonus density based on an accumulation of the following:

- An approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.
- For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed.
- If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
- If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:
 - For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.

With the 50 percent bonus density, the applicant will be able to add an additional 31 units to the 63 base units for an overall density of 94 units.

Design Review: The proposed conditional use mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. As part of this review, the Planning Commission shall consider the relevant standards for the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The standards for consideration are as follows:

- 1) *Considerations relating to traffic safety and traffic congestion.* The proposal includes access from the existing County road identified as 900 South. Sidewalk, curb and gutter will be installed along 900 South and 4300 West to provide safe pedestrian walk ways. Due to the canal located along the northern boundary of the property, an additional road is not being required to be stubbed at this time; however, staff would like the proposed pathway to stub to the northern property per LUC §106-2-3(a) which states:

“Blocks over 800 feet in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.”

If the Planning Commission would like a road stubbed to the eastern property line between Lot 7 & 8, an additional condition of approval must be added to the conditions of approval outlined in this report.

The applicant has received conditional use permit approval from the Weber Fire District and the Weber County Engineering Division for the proposed development. The applicant will need to adhere to the requirements of the both agencies during the subdivision process.

Parking: Reflections Park is a private park that is surrounded by residential building lots and is considered an open space amenity to the community within the Terakee Village PRUD. The park is within walking distance of the majority of the development. Parking has not been provided for the park; however, according to LUC §108-8-5 *“The Planning Commission may adjust parking standards if it is determined that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted.”* Parking for the park may not be necessary due to the park being more of a “neighborhood park” instead of a community park; however, measures may need to be addressed to ensure that parking along the County roads for the use of these amenities is discouraged.

The trail system that is located within the open space will be open to the public and will be landscaped with botanical gardens along the pathway. A complete landscape plan for the non-agricultural parcels and trail system shall be submitted with the preliminary subdivision for review and approval.

The applicant is proposing as part of the PRUD that all housing units within the development will be able to be used in whole or in part (such as lockout sleeping rooms) for nightly and/or monthly rentals. This is an option that is allowed in PRUD’s and if granted must be noted on the final subdivision plat. A condition of approval has been added to staff’s recommendation to ensure that a note is added to the final subdivision plat stating the development has been approved for nightly rentals.

As part of the PRUD proposal, the applicant has also requested to have the ability to locate 11 “Accessory Dwelling Units” (ADU’s) or “Carriage Houses” on Lots 1-7 and 9-24. During the preliminary subdivision process staff will ensure adequate lot area for the primary dwelling and for the ADU as well as the additional parking that will be required for the ADU.

The applicant would also like to utilize “Agri-tourism” as part of the farming operations of Terakee Village PRUD proposal. The applicant will need to submit a separate conditional use permit providing detailed plans and requirements per LUC §108-21 for the applicable farm designation if the “Agri-tourism” is approved as part of the Terakee Village.

The Planning Commission may impose a condition that there be additional parking areas to ensure that on street parking does not create hazardous traffic conditions and congestion as a condition of approval if deemed necessary.

2) *Considerations relating to outdoor advertising.* The applicant has provided details for the ground entrance monument for Terakee Village including the proposed planting material table (see Exhibit F). The building materials for the entry sign will be weather resistant steel and wood based products. The applicant has not proposed any additional signage or outdoor advertising as part of the application. If the applicant would like to have any signage within the development, a signage plan will need to be submitted for review and approval prior to installation of any signage outside of the typical required traffic signs.

Lighting: The LUC does not regulate residential lighting; however, the applicant is currently pursuing certification with the International Dark Sky Organization for lighting and environmental preservation; therefore, lighting within this development is being proposed to be night sky compliant. Additional decorative street lighting design will be made part of the preliminary subdivision submittal for review and approval.

3) *Considerations relating to landscaping, screening and buffering.* The applicant has, on a conceptual level, addressed the areas in the development that will be landscaped. Staff feels that the landscaping, screening and buffering requirements of the Design Review as outlined in LUC §108-1-4(3) by implementing an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length. Additional landscaping plans will be included in the preliminary and final subdivision design for the Reflections Park and open space areas and will be guaranteed with a financial guarantee upon recordation of the final subdivision plat.

4) *Considerations relating to buildings and site layout.* The development will be done in multiple phases. Phase I will include building lots 1 – 10; 29 – 33; 44 – 49; 60 – 65; 76 – 77; the Assisted Senior Living center, and the Reflection Park. Phase II will include building lots 11 – 20; 66 – 75; 78 – 82, and the Terakee Village Community Center. Phase III will include building lots 21 – 28; 34 – 43; 50 – 59. Phase IV will include the Charter/Private School of Agricultural Technology. The agricultural parcels labeled “Terakee Farm” will be developed under the “Agri-tourism” ordinance and will be reviewed under the standards outlined in LUC §108-21. The individual lot layout has been reviewed against the design criteria of the current zoning in the LUC §104-5 and the Design Review in the LUC §108-1. The lot sizes in the PRUD will vary from 0.26 acre lots to 0.51 acre lots.

The applicant has based the design of Terakee Village after a well-known agro-community in Gilbert, Arizona known as “Agritopia”. The applicant has provided pictures of the desired architectural design and standards for the homes in Agritopia and the existing barn (see Exhibit G). The building materials for the single family houses will be primarily wood-framed with brick, stone, stucco and/or pre-painted engineered wood products. The barn has already been constructed on this site and meets the standards for a single family dwelling. The use of the structure will be changed from a single family dwelling and will be operated as a community center as an amenity to the development.



Additional structures will be part of the future “Agri-tourism” design and will be reviewed at that point in the process.

Common Area/Open Space: The general requirements for a PRUD identify the need to preserve common open space. The applicant is proposing to preserve approximately 32.3 acres of agricultural property. The proposed layouts identify the agricultural parcels in a light green color and are labeled as “Terakee Farm”. These areas will be used for “Agri-tourism” operations and further site layout and uses will be evaluated with a separate conditional use permit. The applicant will need to provide with the preliminary subdivision plan an agricultural preservation plan for approval by the planning commission and record an agricultural preservation easement on the parcels during the final subdivision phase. A note will need to be placed on the final subdivision plat notifying residents in the development that “Agri-tourism” is an approved use on the agricultural parcel.

The proposal also includes the Reflections Park. This area will be required to be dedicated upon recording in accordance with the following:

Complying with the provisions of the Community Association Act, U.C.A. 1953, § 57-8a-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

Any CC&R’s will need to comply with the provisions of the Community Association Act, U.C.A 1953, §57-8a-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivisions, the applicant will need to provide to the County a copy of the proposed CC&R’s for review as well as a cash escrow to be held by Weber County for the proposed improvements including the amenities in the common and open space areas. The dedication language on the final plat will need to include language to grant ownership of the common area to the appropriate owner.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* During the preliminary and final subdivision process, the applicant will be required to provide civil engineered drawings that identify the existing and proposed topography, contour lines, utilities, easements and drainages. The conceptual plans appear to provide adequate setbacks for the yard; however further evaluation will take place during the preliminary plan review. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.

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

Review Agencies: Due to the conceptual nature of the proposal, the Weber County Surveyor's Office has not reviewed the proposal. The Weber Fire District and Engineering Division have reviewed the proposal and have approved the conditional use request. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Public Notice: Public notice is not required for conditional use applications; however a courtesy notice has been mailed to all property owners of record within 500 feet of the subject property regarding the proposal.

Summary of Planning Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- In considering the proposed planned residential unit development, the planning commission shall review and consider the following, as applicable:
 - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
 - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
 - *The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.*
 - *Lighting and the size, location, design, and quality of signs.*
 - *The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.*
 - *Will the proposed "Agri-tourism" as part of the PRUD be an acceptable amenity to the development?*
 - *The demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.*

Staff Recommendation

Staff recommends approval of the request for a conditional use request for Terakee Village, a Planned Residential Unit Development consisting of 92 residential units, one lot for an assisted living center, and one lot for the Private/Charter school for a total of 94 units. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A "Side, facing street corner lot: 20 feet" setback standard shall be added to the final subdivision plats for review and approval.
2. The 11 lots that will have accessory dwelling units will be identified as a note on the preliminary and final subdivision plat to ensure adequate notice is provided for future property owners.
3. A pathway stubbed to the northern property will be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.
4. A complete landscape plan for the non-agricultural parcels, Reflections Park and the trail system shall be submitted with the preliminary subdivision plans for review and approval.
5. A decorative street lighting and street tree design will be submitted with the preliminary subdivision for review and approval.
6. A note will be added to the preliminary and final subdivision plat stating the single family homes within the development have been approved in whole or in part for nightly rentals or monthly rentals including the ability to utilize lockout sleeping rooms for nightly rentals.
7. A note will be added to the preliminary and final subdivision plat stating that if an accessory dwelling unit will be utilized for nightly rentals, the primary residence will be owner occupied.
8. A Design Review will need to be approved prior to the construction of the Assisted Living Center and the Private/Charter School.
9. A conditional use permit will need to be approved prior to any Agri-tourism activities on the agricultural parcels.

10. A note will need to be placed on the final subdivision plat notifying residents in the development that “Agri-tourism” is an approved use on the agricultural lots.
11. Sidewalk, curb and gutter will be installed along the applicant’s frontage of 900 South and 4300 West as part of the development in order to provide safety for pedestrians along 900 South and 4300 West.
12. Coordination with the Weber County Surveyor’s Office to ensure monument preservation if a roundabout is constructed at the intersection of 4300 West and 900 South.

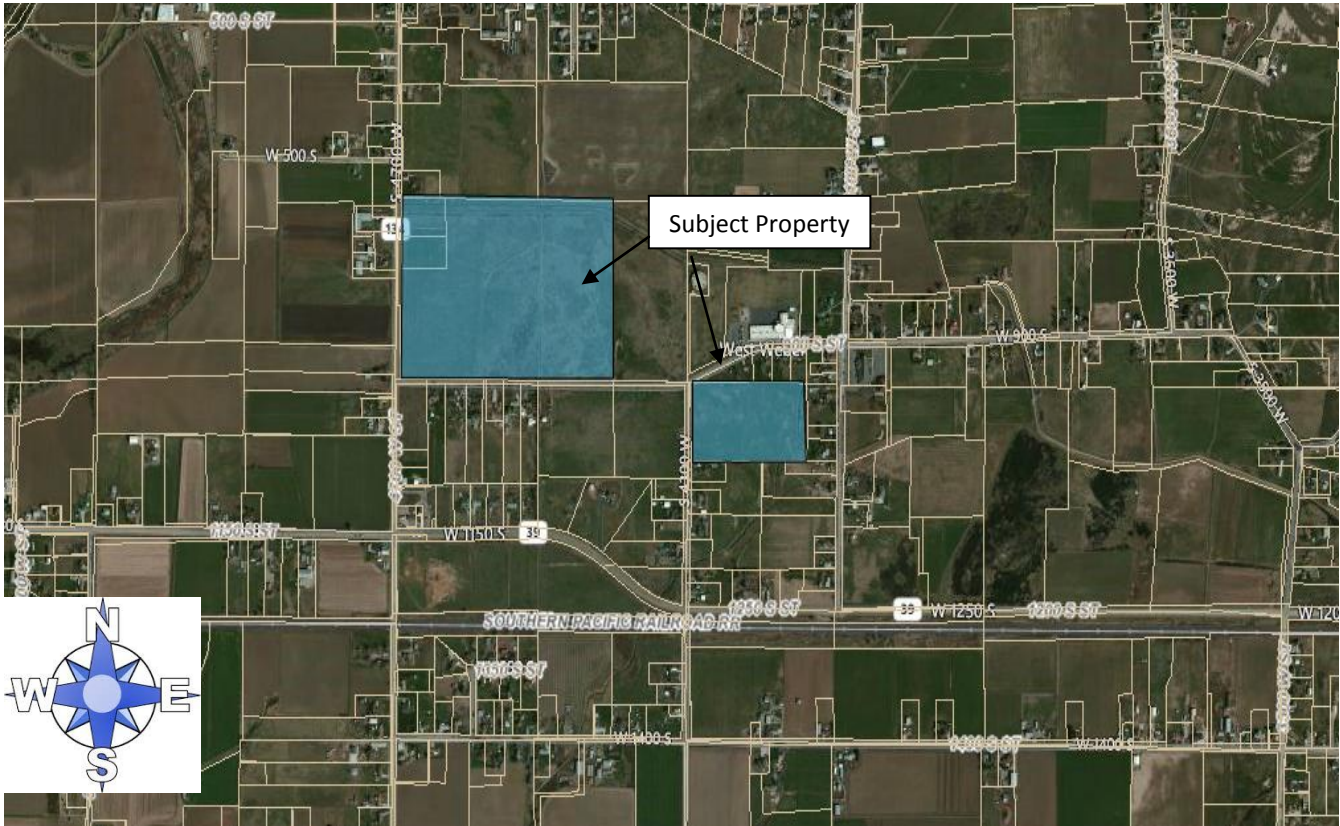
This recommendation is based on the following findings:

1. The proposed PRUD conforms to the West Central Weber County General Plan.
2. The PRUD is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the conceptual drawings.
4. Up to a 50 percent bonus density may be granted based on the following:
 - a. An approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.
 - b. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed.
 - c. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
 - d. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:
 - i. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
5. Agri-tourism is a valuable amenity to the PRUD.
6. The proposal will not be detrimental to the public health, safety, or welfare.
7. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Project Narrative
- B. Terakee Village PRUD Conceptual Plan
- C. Proposed Architectural Housing Renderings
- D. Proposed Lot Layout & Setbacks
- E. Feasibility Letters
- F. Entrance Monument and Planting Legend
- G. Architectural Photos of Proposed Development

Location Map



Terakee Village®

Planned Residential Unit Development (PRUD)

Conditional Use Permit Application

Date Submitted: January 17, 2017

Project Narrative –

1) Project Name:

Terakee Village PRUD

2) Applicant Information:

Brad Blanch
1060 East 3400 North
North Ogden, Utah 84414
(801) 668-8565
bradblanch@gmail.com

3) Project Engineer:

Great Basin Engineering
Andy Hubbard
5746 South 1475 East
Ogden, Utah 84403

- 4) Project Narrative: Terakee Village is a PRUD located in West Weber, Utah at approximately 900 South and 4700 West. Terakee Village is designed around the concept of “Get to Know Your Neighbor” and is intended to create a family friendly, multi-generational environment. The project area consists of approximately 72 acres that are currently in the Agricultural Zone (A1) of Western Weber County. The net developable area is approximately 57.6 acres, after excluding acreage for roads and the Charter/Private School of Agricultural Technology. Terakee Village includes approximately 32.3 acres of open space, 81 building lots ranging in size from 11,500 square feet to approximately 22,215.6 square feet with 11 of the 81 lots identified as having the ability to locate an accessory dwelling unit or “Carriage House” , a private Reflection Park, and Terakee Farm agricultural acreage for future “Agri-tourism” operations. Terakee

Exhibit A-Project Narrative

Village will have an Agricultural Based Open Space Preservation Plan and a recorded easement consistent with Section 108-5-5 (2) (h) of the County's Planned Residential Unit Development Ordinance.

Detailed Vicinity Map –

- ✓ A Detailed Vicinity Map is attached to this application showing the project name, a north arrow, significant natural and man-made features, and the project site.

Overall Development Plan (Site Plan Proposal) –

- ✓ A detailed Overall Development Plan is attached to this application, showing the project name, a north arrow and scale, existing zoning (A1), total acreage, the location of existing and proposed roads and driveways, the location of proposed building lots, parks, buildings, trails, and topographical details of the project area with flood-plain boundaries.
- ✓ **Project Phases:** Phase I will include building lots 1 – 10; 29 – 33; 44 – 49; 60 – 65; 76 – 77; the Assisted Senior Living center, and the Reflection Park. Phase II will include building lots 11 – 20; 66 – 75; 78 – 82, and the Terakee Village Community Center. Phase III will include building lots 21 – 28; 34 – 43; 50 – 59. Phase IV will include the Charter/Private School of Agricultural Technology and the remaining agricultural 5.364 Terakee Farm lot.

Feasibility Letters –

- ✓ Central Weber Sanitary Sewer (attached)
- ✓ Taylor West Weber Water (attached)

Basis for Issuance of Conditional Use Permit –

- To maintain an agriculturally based, multi-generational family friendly environment, Terakee Village was designed utilizing Weber County's newly revised PRUD ordinance.
- The use of Weber County's current Cluster Subdivision Ordinance would have required the developer to have housing clusters of approximately 20 units with a minimum of 70-foot wide open space strips of land around each housing cluster. This would have made the development unsuitable for agricultural use and would detract from the community environment.

Exhibit A-Project Narrative

- Terakee Village is a thoughtfully planned residential community that maintains an agricultural environment with desirable amenities and residential lots for community members.
- Terakee Village will be compatible with, and complimentary to, the surrounding agricultural nature of the area.
- Terakee Village will comply with all regulations and requirements outlined in Weber County's PRUD ordinance for such use, and is fully consistent with the General Plan for Weber County.
- The proposed PRUD development will maintain the current ecology and general use of the property, and will allow Western Weber County to maintain significant open space for the benefit of community members.
- Building materials used within Terakee Village for building structures will be in accordance to Weber County building standards. Structures, including houses, will be primarily wood-framed with brick, stone, stucco and/or pre-painted engineered wood products. The Indoor Riding Arena will be a steel beam structure.
- All roads and utilities will be designed and built according to Utah Department of Transportation (UDOT) and Weber County standards.
- Terakee Village is pursuing certification with the International Dark Sky Organization for lighting and environmental preservation.
- Entry signage will be made out of weather resistant steel and wood based products.
- A detailed landscaping plan will be included with preliminary and final engineering designs by a Certified Landscape Architect.
- Terakee Village will have a secondary water system, designed to sprinkle irrigate all homes, parks, and farming areas (no flood irrigation).
- The residential area is modeled after Agritopia in Gilbert, Arizona, but will be modified to meet building codes, standards, and preferences to the Northern Utah environment.
- Detailed Conditions, Covenants and Restrictions (CCRs) will be recorded with the final approval of the Terakee Village PRUD.
- The Community Center at Terakee Farm will be available to the residents of Terakee Village on a first priority basis and to non-residents second.

Exhibit A-Project Narrative

- The Farmer's Market at Terakee Farm will be available for residents at Terakee Village. Residents of Terakee Village will have access to Community Supported Agriculture (CSA) produce on a priority basis.
- All housing units within Terakee Village, in whole or in part, can be used as sleeping rooms (including lockout sleeping rooms) for nightly and/or monthly rentals.
- Agri-tourism will be an added amenity in Terakee Village to maintain an "in use farm operation". Additional documentation will be provided within Terakee Village's Covenants, Controls and Restrictions recorded with plat final approval documentation.

Agricultural Based Open Space Preservation Plan –

- The Reflection Park, identified on the Overall Development Plan submitted with this application, will be owned and operated by lot owners and a Home Owner's Association, consisting of residents of the development. The Reflection Park will be landscaped with grass, meandering sidewalks, shrubs and trees approved by the Architectural Committee. It will be maintained through contracts with the owner(s) of Terakee Farm. It is anticipated that there will be no Home Owner's Association fees or dues for maintenance of The Reflection Park.
- Common and privately owned open space will be permanently preserved in a manner that is consistent with Weber County standards and requirements.
- The applicant, after receiving an approval for the PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the County, to each lot owner, and to the Home Owner's Association, an open space easement over all areas dedicated as common area or individually owned preservation parcels.

Water and Waste Water Plans –

- All building lots will be irrigated with a pressurized system, which will be submitted along with preliminary and final engineering drawings. There are Hooper Irrigation Company water shares that will cover this entire project. The developer is working closely with the State of Utah on the design of the privately owned water district that will manage secondary water systems.

Exhibit A-Project Narrative

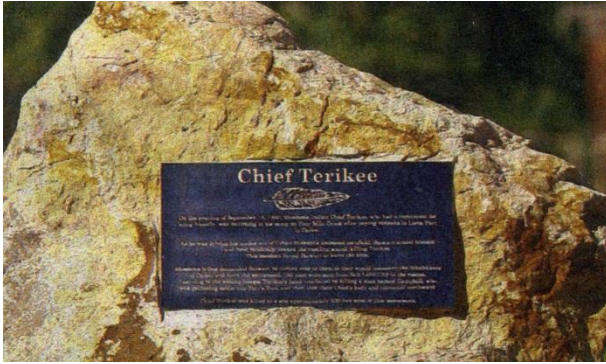
- The Central Weber Sanitary Sewer District will provide sewer services throughout Terakee Village. The attached feasibility letter is attached to this application. The sanitary sewer line will be run across 900 South, a public road in Weber County, to the development site. Great Basin Engineering will provide detailed sewer line depths and any potential lift stations that may be required with preliminary and final engineering drawings and designs.
- Culinary water services will be provided by Taylor West Weber Water. The feasibility letter is attached with this application.
- **Architectural, Landscaping and Lighting Standards –**
 - Terakee Village will maintain Master, Architectural and Community Committees to ensure consistency and compliance to design standards and rules to the benefit of residents and owners. Rules and membership details will be provided and recorded within Terakee Village's Covenants, Conditions and Restrictions at final approval.
 - All Lots shall be used, improved, and devoted to residential use and as otherwise permitted. Each Dwelling Unit construction on the Real Property may be occupied only by a single family.
 - The architectural design of all dwelling units and other improvements constructed within the Project shall not be of such a sharply contrasting nature so as to make the dwelling unit and other improvements look unusual or incompatible with the other existing or contemplated dwelling units or other improvements.
 - Any Principal Dwelling Unit erected, permitted, or maintained on any lot shall have a minimum livable square footage, excluding garages, porches, guest houses, and patios of fourteen hundred square feet. Any Cottage Dwelling Unit erected, permitted or maintained on any lot that is not attached to or part of a garage shall have a minimum livable square footage of 400 square feet.
 - All roofing material used on pitched or sloping roofs shall be the same as that used in the original construction of the dwelling units within the project, unless otherwise authorized and approved in writing by the Architectural Committee. Rolled roofing material may be used on non-air-conditioned patio covers attached to the home when approved in writing by the Architectural Committee.
 - All perimeter fences or boundary fences, gates, and garden walls shall be constructed of the same materials as used in the original construction of the perimeter fences, boundary fences, gates, garden

Exhibit A-Project Narrative

walls and dwelling units within the Project. Accent panels or decorative trim may be used with prior written approval and authorization from the Architectural Committee.

- With the exception of planting and landscaping installed by the Declarant, planting and landscaping in an area maintained by the Association, and planting and landscaping that is not visible from the street, no planting or landscaping shall be done and no fence, hedges, or walls shall be erected or maintained on any lot without the prior written approval of the Architectural Committee.
- Within 120 days of occupancy each lot owner shall install plants and other landscaping improvements with a sprinkle or drip system that is sufficient to adequately water the plants and other landscaping in the front and side yards. All shrubs, trees, and other plants of any kind in the front yard and side yard of the lot must be selected from a list approved by the Architectural Committee. All landscaping on a lot and in common areas shall be maintained in accordance with the approved landscaping plans for the project and good landscaping maintenance practices.
- No spotlights, floodlights, or other high-intensity lighting shall be placed or utilized upon any lot, which in any manner will allow light to be directed or reflected on any other lot, except as may be expressly permitted by the Association Rules or the Architectural Rules.
- Terakee Village will work with the International Dark Sky Organization to maintain the wildlife and ecological environment for the benefit of the community.

Exhibit A-Project Narrative



Terakee Village®

In the early nineteenth century, Chief Terikee and the Shoshone people lived along the Weber River near modern day West Weber, Utah. Prior to being settled by pioneers from the eastern United States, this land is where the native people hunted, gathered and farmed for survival.

In the 1850s, members of the Blanch family traveled from Europe to help settle the western frontier in Utah. The family obtained property in West Weber, along the lower Weber River, through the first federal land grants given in the area.

Terakee Village recognizes the spirit of Chief Terikee, the Shoshone people, and the settlers who lived on and preserved this land. We have named this community after Chief Terikee, while adding an “A” in place of the “I” to also reference the Latin word for earth, terra.

Terakee Village is made up of 60 acres and is a sister community to the nearby agri-community development, Terakee Farm. By offering smaller lots and varied dwelling options at Terakee Village, we will provide additional living options for individuals in Weber County who would like to live near, but not in the agro-community, Terakee Farm. Terakee Village will also feature an assisted senior living facility, allowing entire families to live in close proximity to one another regardless of what stage of life they are in.

In an effort to accommodate individuals from all stages of life, Terakee Village will feature smaller lot sizes, townhomes and amenities, such as a market and an emergency care center. A reflection park and ample open green spaces will also be available to residents, while allowing them to live in close proximity to the organic farm and open walking trails that are open to the community at Terakee Farm.

Open green community spaces, convenient amenities and a variety of home styles and lot sizes will contribute to bringing diversity to the area, and promote a connection between neighbors and members of the surrounding area. With all of these offerings, Terakee Village will also continue to promote the vision that we have for Terakee Farm of bridging the gap between West Weber’s agrarian past and the conveniences of modern lifestyles that people seek today.

Exhibit B-Terakee Farm PRUD Conceptual Plans

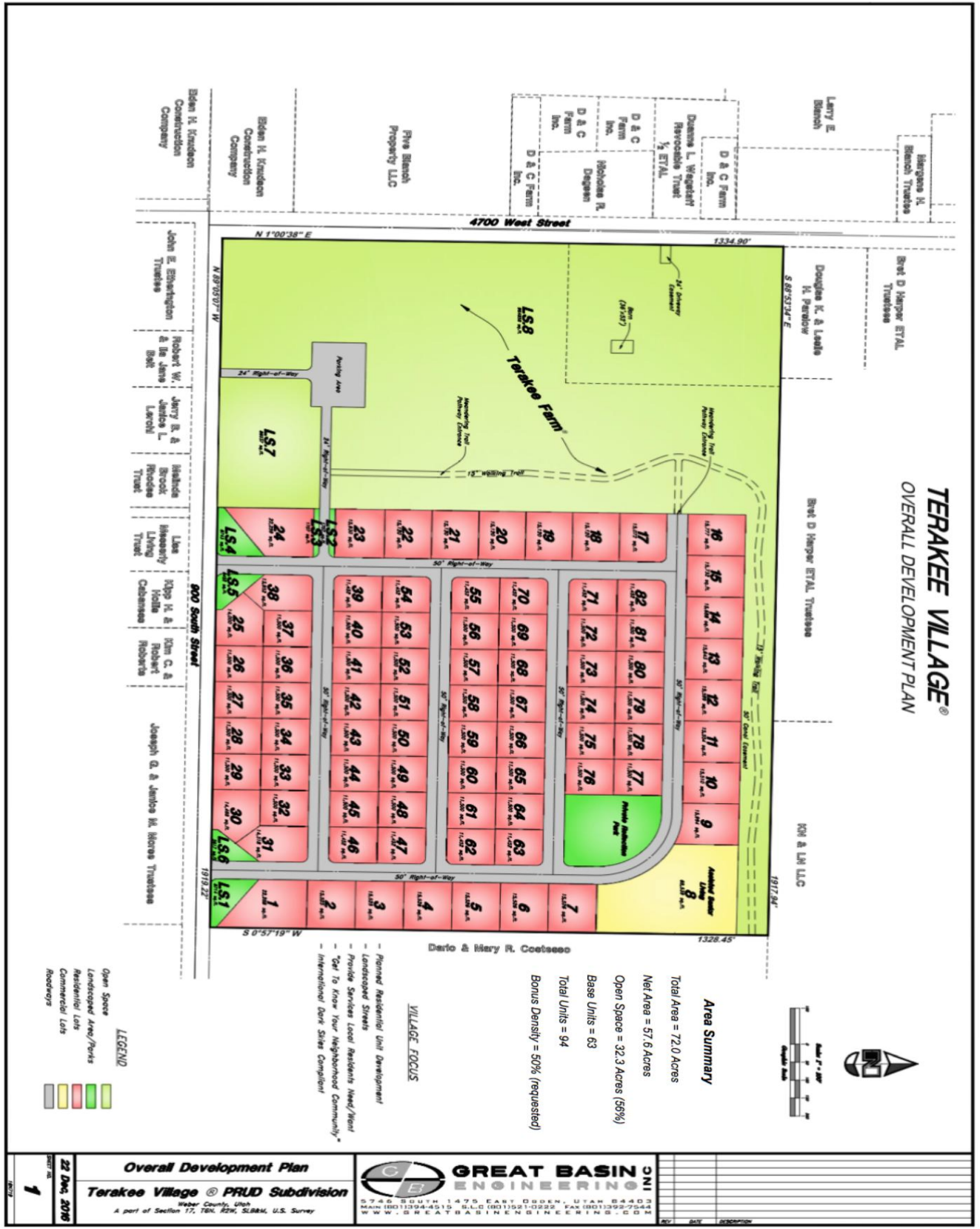


Exhibit B-Terakee Farm PRUD Conceptual Plans

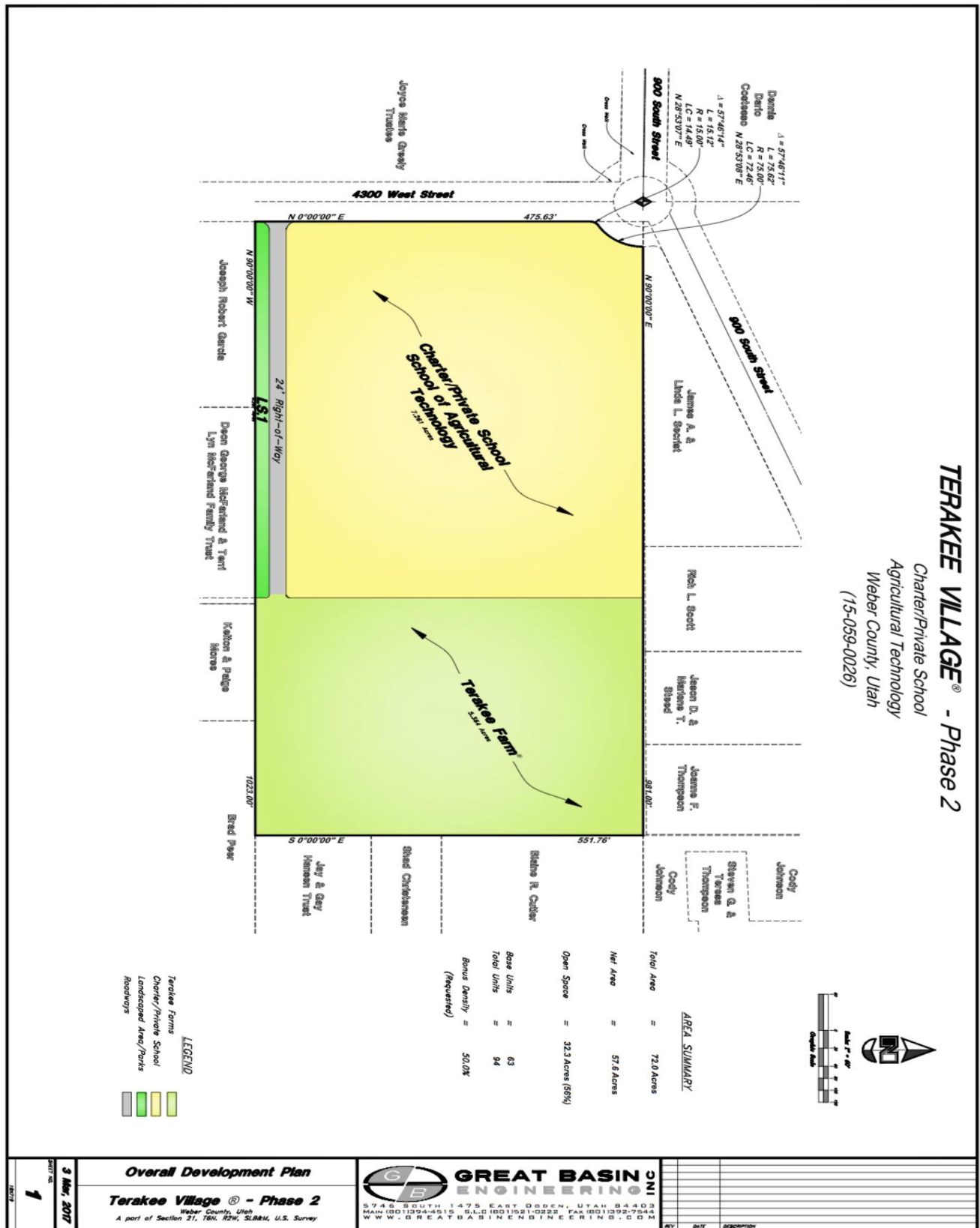
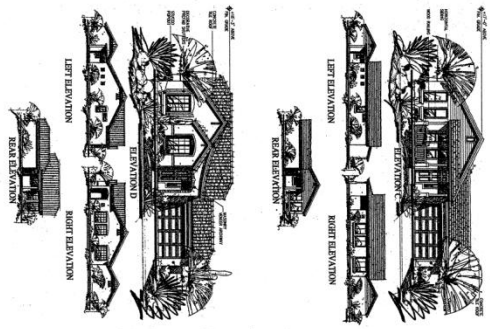
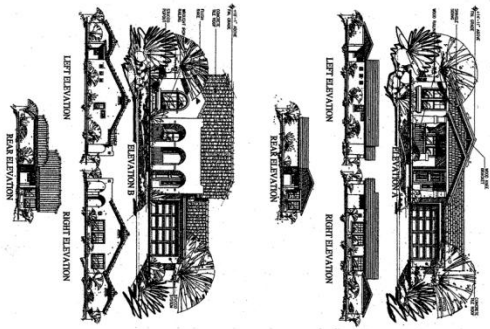


Exhibit C-Housing Options

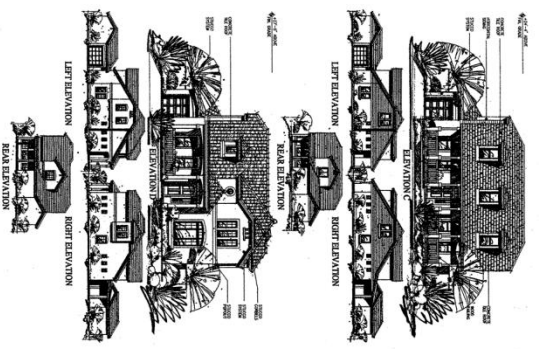
PLAN A



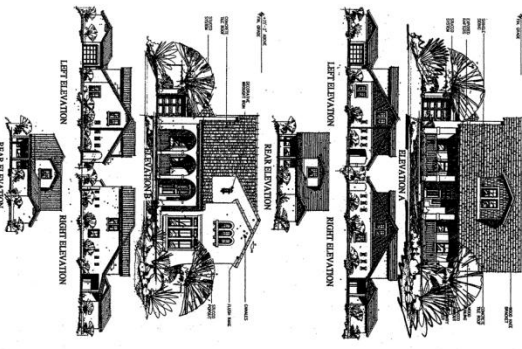
PLAN B



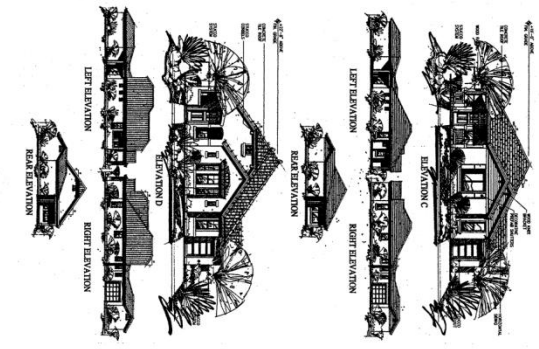
PLAN C



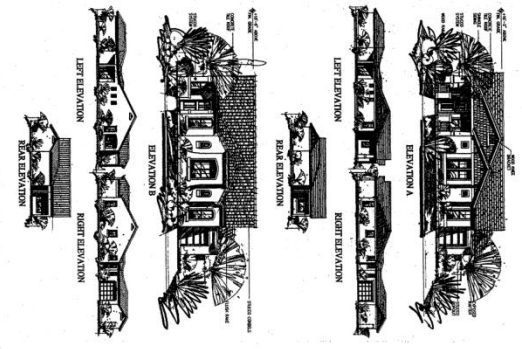
PLAN D



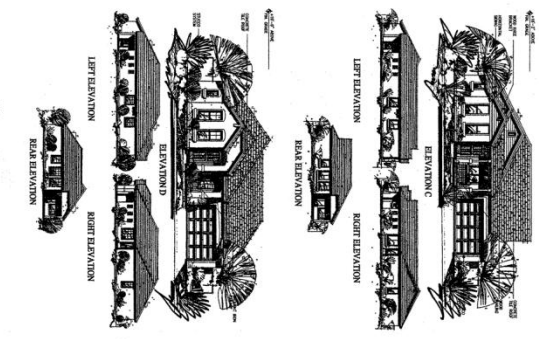
PLAN E



PLAN F



PLAN G



PLAN H

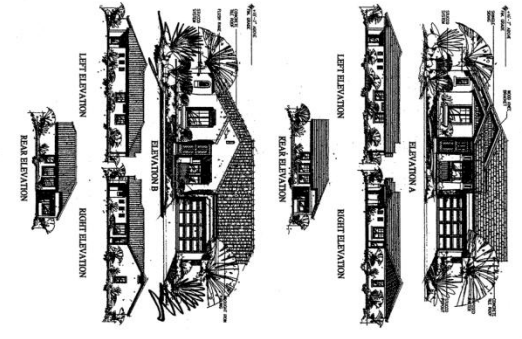


Exhibit D-Lot Standards



TERAKE VILLAGE®
 SCALE 1" = 10'
 SETBACK DRIVEN



Central Weber Sewer Improvement District

November 3, 2016

Brad Blanch

Email: bradblanch@gmail.com

Reference: Proposed Terakee Village Subdivision
Will Serve Letter

We have been asked review the possibility of providing sanitary sewer service for a proposed 82 Lot Terakee Village Subdivision at approximately 4700 West and 900 North. Central Weber Sewer Improvement District can accept the sanitary sewer discharge from this location. We add the following conditions that must be met prior to any connections being made.

1. The nearest Central Weber sanitary sewer line is located in the intersection of 4100 West and 900 South. The sewer line serving the West Weber Elementary School is not owned by Central Weber. Either the School District or Weber County has ownership of that line and permission to connect to that line would need to be obtained from them.
2. The entire parcel of property to be served will need to be annexed into the Central Weber Sewer Improvement District (District) prior to any connection and prior to the selling of lots. An annexation petition is available from the District's Office.
3. The District must be notified for inspection at any time connections are being made to the District's sanitary sewer lines. The District will NOT install, own and/or maintain any of the sanitary sewer lines being extended to serve this property.
4. The plans and details for the sanitary sewer connection into the District's collection system must be submitted to the District for review and approval. The District does not take the responsibility for the design of the collection system for the subdivision.
5. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction.. Central Weber's Wastewater Control Rules and Regulations state:

Brad Blanch
November 3, 2016
Page -2-

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

6. Impact Fees must be paid prior to any connection to the sanitary sewer.

If you have further questions or need additional information please do not hesitate to contact us.

Sincerely,

CENTRAL WEBER SEWER IMPROVEMENT DISTRICT

A handwritten signature in blue ink that reads "Lance L. Wood".

Lance L. Wood, P. E.
General Manager

cc: Brad Blanch

TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT

2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401

November 8, 2016

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:


This is to inform you that preliminary approval has been given to provide culinary water only for Terakee Village Subdivision for 82 lots at the approximate address of 900 South 4700 West in West Weber, Utah.

Requirements:

- *Water rights fee = Cost will be determined at the time of approval and must be paid before starting any construction
- *Secondary water = Must provide a pressurized secondary water system
- *Plan review fee of \$25 per lot will need to be paid when plans are submitted.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.

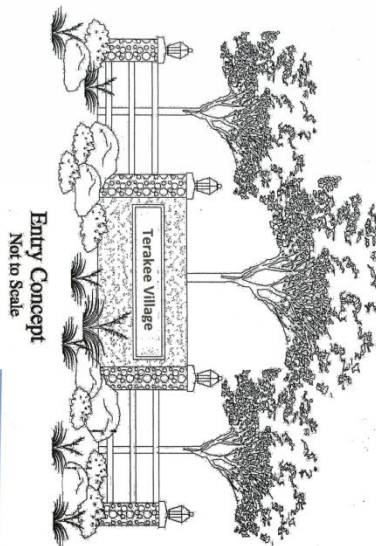


Val Surrage - Manager

VS/sph

Expires 05/8/16

Exhibit F-Entrance Monument & Landscaping Details



Plan Table

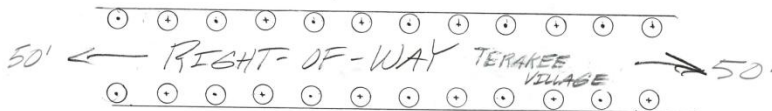
Quantity	Symbol	Scientific Name	Common Name	Planting Size
84	○	Acer freemanii 'Jefferson'	American Beech Maple	2" cal.
47	⊗	Quercus tinifolia 'Stansbury'	Stansbury Oak	2" cal.
38	⊗	Prunus pennsylvanica 'Thunderbolt'	Thunderbolt Plum	2" cal.
27	⊗	Prunus pennsylvanica 'Keweenaw'	Keweenaw Cherry	2" cal.
25	⊗	Prunus pennsylvanica 'Bridal Veil'	Bridal Veil Flowering Pear	2" cal.

Quantity	Symbol	Scientific Name	Common Name	Planting Size
6	⊗	Prunus pennsylvanica 'Bridal Veil'	Bridal Veil Flowering Pear	2" cal.
6	⊗	Prunus pennsylvanica 'Bridal Veil'	Bridal Veil Flowering Pear	2" cal.

Quantity	Symbol	Scientific Name	Common Name	Planting Size
2	⊗	Prunus pennsylvanica 'Bridal Veil'	Bridal Veil Flowering Pear	2" cal.
2	⊗	Prunus pennsylvanica 'Bridal Veil'	Bridal Veil Flowering Pear	2" cal.

Decorative Boulders at Entry

NOTE: Irrigation to be designed by owner's licensed landscape contractor.



The International Dark Sky Places conservation program recognizes and promotes excellent stewardship of the night sky.

The award-winning Dark Sky Places Program was started by IDA in 2001 to encourage responsible lighting practices and protect dark skies through responsible lighting policies and public education.

The Dark Sky Places program offers five types of designations:

- 1 International Dark Sky Communities
- 2 Community Dark Sky Reserves
- 3 International Dark Sky Parks
- 4 Parks are publicly- or privately-owned spaces protected for natural darkness and provide good outdoor lighting and provide dark sky programs for visitors.
- 5 International Dark Sky Reserves
- 6 Reserves consist of a dark 'core' zone surrounded by a populated buffer zone, where policy controls are enacted to protect the darkness of the core.
- 7 International Dark Sky Sanctuaries
- 8 Sanctuaries are the most remote (and often darkest) places in the world where planning actively promotes a more natural night sky but does not qualify them for the International Dark Sky Community designation.
- 9 Dark Sky Development
- 10 Developments of Distinction recognize subdivisions and townships composed of dark sky experts and previously successful programs that have been recognized by IDA as being places that continue their commitment to dark sky preservation.

Upon certification, IDA works with certified places to promote their work through media relations, member communications, and social media. A goal of the program is to increase public awareness of dark sky locations and foster increased tourism and local economic activity.

TERAKEE VILLAGE® - ENTRY & RIGHT-OF-WAY LANDSCAPE PLAN. LIGHTING TO CONFORM TO WEBSTER COUNTY STANDARDS W/ INTERNATIONAL DARK SKY DESIGNATION.

Exhibit F-Entrance Monument & Landscaping Details

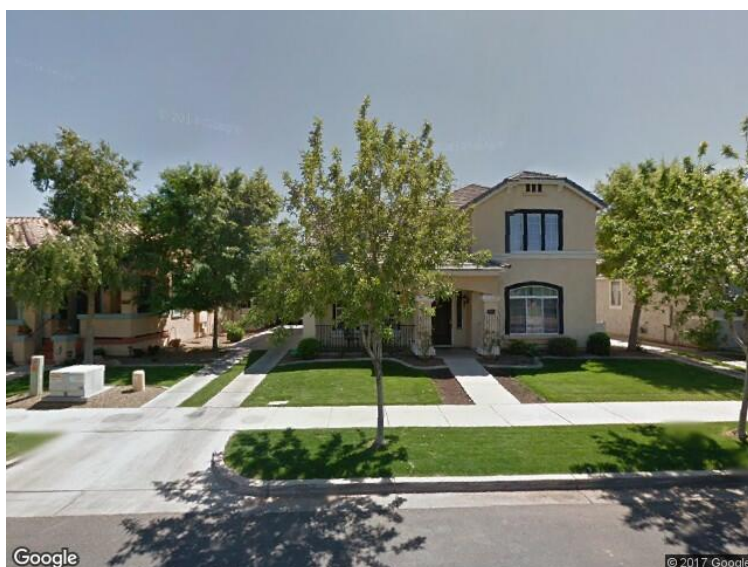


Exhibit G-Architectural Pictures

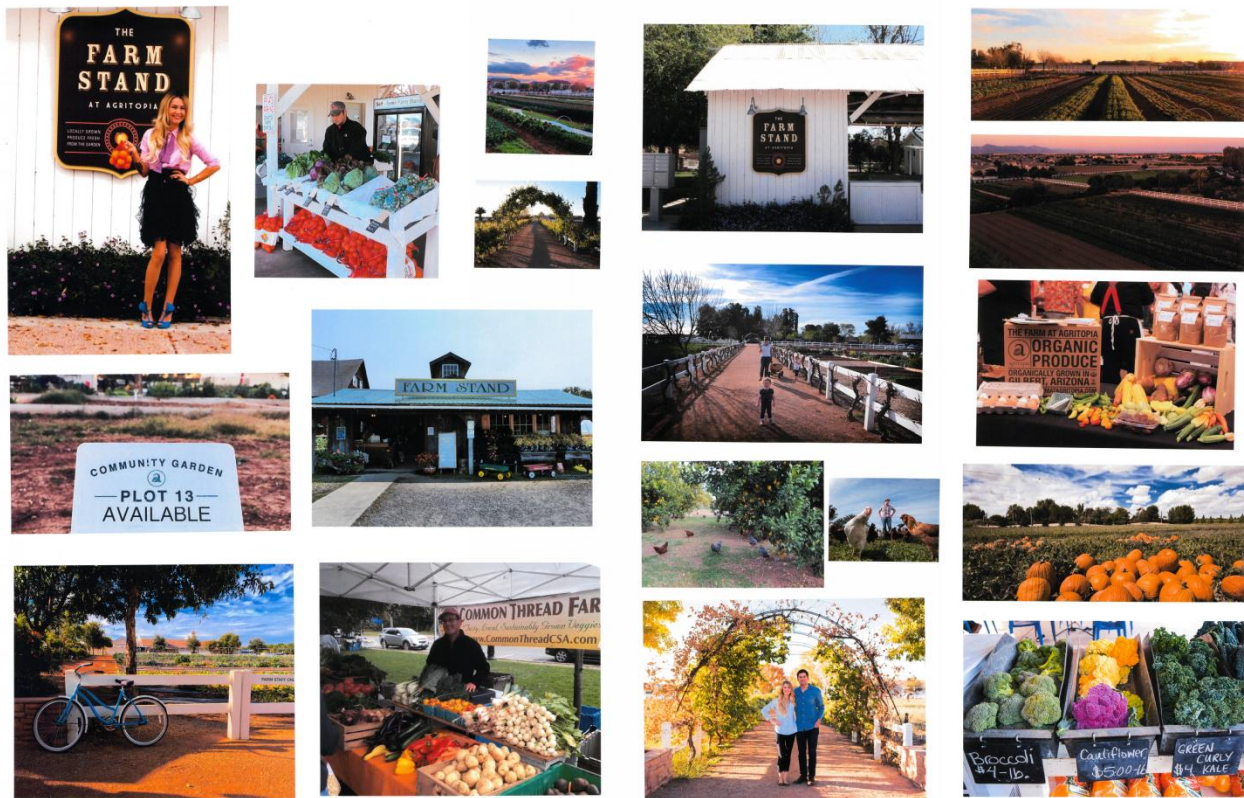


Exhibit G-Architectural Pictures for Assisted Living Center



Exhibit G-Architectural Pictures for Charter School





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, March 14, 2017

Staff Report Date: Friday, March 7, 2016

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 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.

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

5. *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 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.

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

5. 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, March 14, 2017

Staff Report Date: Tuesday, March 7, 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.

.

.....

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.~~

.....



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, March 14, 2017

Staff Report Date: Tuesday, March 7, 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

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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.

...

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, March 14, 2017

Staff Report Date: Tuesday, March 7, 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.

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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, March 14, 2017

Staff Report Date: Tuesday, March 7, 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

~~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.

...

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.

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TITLE 108 – STANDARDS

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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, March 14, 2017

Staff Report Date: Tuesday, March 7, 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~~

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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 commissions' 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, March 14, 2017

Staff Report Date: Tuesday, March 7, 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

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

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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.~~

...