WEBER COUNTY

OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

REGULAR PLANNING MEETING AGENDA
March 27, 2012
5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call*

1. **Minutes:**
   1.1. Approval of the February 7, 2012 and March 6, 2012 work session minutes and the February 28, 2012 regular meeting minutes.

2. **Petitions, Applications, and Public Hearings:**

   New Business:
   2.1. CUP 2012-2 Consideration and action on a request to amend the Edgewater Beach Resort PRUD (CUP 2003-12) site plan with CUP 2012-02

   Old Business:
   2.2. ZTA 2010-8 Consideration and Action on an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats).

3. **Public Comments:**
4. **Planning Commissioner's Remarks:**
5. **Staff Communications:**
   5-1. Planning Director's Report
   5-2. Legal Counsel's Remarks

6. **Adjourn to Convene a Work Session**

WS1. Revisions to the Agricultural AV-3 Zone

Adjourn

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

A pre-meeting will be held in Room 108.

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Testifying at Public Meetings and Public Hearings

Address the Decision Makers:

- When testifying 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 testimony 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 testimony is 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 testimony that has already been given. If you agree with previous testimony then state that you agree with that testimony.
- 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.

Minutes of the Ogden Valley Planning Commission Work Session held February 07, 2012 commencing at 5:00 p.m. in the County Commission Break Out Room in the Weber Center, 2380 Washington Blvd., Ogden UT

Members Present:
Kevin Parson, Chair
Greg Graves
Pen Hollist
John Howell
Ann Miller
Dennis Montgomery
Laura Warburton

Staff Present:
Robert Scott, Director, Scott Mendoza, Planner, Sherri Sillitoe, Secretary

W1. ZTA 2010-15 Discussion on a draft agri-tourism ordinance

Scott Mendoza indicated that overall, they would try to complete the following:

1. Presentation of new terms and definitions
2. Website presentation of "glamping"
3. Presentation and discussion related to recent updates within the body of the current draft agri-tourism ordinance.
4. Discussion leading to the preparation of a final draft for public review and comment.

Commissioner Hollist questioned what is meant by "in between" in the Acreage, Agri-tourism Activity Center definition. Chair Parson said he believes it could be less than 300 ft. Commissioner Graves said he does not believe their intent was for a consultant. He believes there are some uses that you may want to have some access more private or some way away from the main use.

Commissioner Warburton said that she understands the purpose, but are they opening themselves up by putting in the consultant because they are not supposed to take into consideration a farmer's financial burden or income?

Regarding the open space use and what could be done in the common area, Steve Clarke said that the main acreage they envision here is 30 acres. He has been told that three acres is more than a one-person full time job.

The remaining definitions, the purpose and intent of the agri-tourism ordinance and various standards were reviewed at this time.

On Page 6 of 11, d., the sale of non-agriculturally related products shall not exceed twenty-five (25) percent of the total gross revenue generated by the agri-tourism component of a farm operation, Commissioner Montgomery said he believes this requirement is not needed and that enforcement would be an issue. He believes it is already taken care of with your volume.

Page 6 of 11, 8 Meals, Food Items, and concessions, was discussed with some concern raised regarding the requirement to feature one product from the agri-tourism parcel or from another farm.

Page 6 of 11, 10, the word *accepted* should be *excepted*.

A presentation was made introducing the term "glamping" and showing various examples of "glamping" adventures in other locations.

Scott Mendoza indicated that he had written notes and the comments and suggestions made in this meeting would be included in the final proposed ordinance draft.

There being no further business, the meeting was adjourned at 7:12 p.m.
Respectfully Submitted,
Sherri Sillitoe, Secretary Weber County Planning Commission

Minutes of the Ogden Valley Township Planning Commission meeting held February 28, 2012, in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Pen Hollist, Greg Graves, John Howell, Laura Warburton, Ann Miller, Dennis Montgomery

Staff Present: Rob Scott, Director; Jim Gentry, Planner; Sean Wilkinson, Planner; Ben Hatfield, Planner; Chris Allred, Legal Counsel; Sherri Sillitoe, Secretary

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Pledge of Allegiance
Roll Call

1. Minutes:

1-1. Approval of the January 3, 2012 and the January 24, 2012 regular meeting and work session minutes

Commissioner Warburton indicated that on the January 3, 2012 minutes, she nominated Pen Hollist as Vice Chair and on Page 2, Para. 4, "hostage" should replace "responsible."

Steve Clarke submitted minor changes to the minutes prior to the meeting. Chair Parson declared the minutes approved as amended.

2. Regular Agenda Items:

2-1. CUP 2012-01 Consideration and action on a conditional use application for a heliport located in an F-40 Zone east of Green Hill Country Estates and approximately two-thirds of a mile from the Maple Street cul-de-sac - Timothy Charlwood, Applicant

Sean Wilkinson indicated that the Planning Commission tabled this issue at the January 24, 2012 meeting to receive additional information and to arrange a site visit.

Staff provided the Utah Resource Development Coordinating Committee (RDCC) with the information that was presented to the Planning Commission on January 24. The RDCC comment period closed on February 22 but staff had not yet received any comments as of today. Staff spoke with a DWR representative who said the review was on her supervisor's desk. More information will be provided to the Planning Commission as it becomes available.

A field trip was held on February 4, 2012, where five of the seven Planning Commissioners, staff, and members of the public attended. The field trip consisted of a drive from the Maple Street cul-de-sac to the heliport site, a short question and answer session at the site with the applicant, followed by a return trip to the Maple Street cul-de-sac and more discussion. Unfortunately, a helicopter did not land at the site, so no decibel readings were obtained.

The Green Hills Water District recently provided staff with a copy of its Drinking Water Source Protection Plan. With the refueling being removed from the application, the Weber-Morgan Health Department has no concerns with this use.

Test flights were not conducted at the site, so there are no decibel readings available for the Planning Commission to consider. However, three decibel (db.) charts and one calculation have been provided to give a general understanding of the noise levels that can be expected. Based on these charts and the calculation, the heliport will generate a maximum of 70 decibels at 3,500 feet or two-thirds of a mile. The charts list various comparisons for 70 db. including radio/television audio, a vacuum cleaner, normal conversation at 3-5 feet, and an automobile. Based on the expected noise levels and the limited heliport operations, it appears that potential issues with noise are adequately mitigated.

The Weber Fire District responded with no concerns after the after the applicant withdrew the refueling operation.

The definition of heliport in the Zoning Ordinance clearly allows commercial operations. If this site is determined to be a commercial heliport that needs a business license, then a business license will be required. However, if the use that takes place does not require a business license, or if a license has been obtained in another area, where the business transactions actually occur, then a business license may not be necessary. Regardless of the type of use – private or

commercial – the applicant is requesting a conditional use permit for a heliport, which has very specific criteria. The criteria, rather than the private or commercial use should be the Planning Commission's focus.

The Planning Commission must now determine if the new information and compliance with the existing Zoning Ordinance criteria are sufficient to approve the applicant's request. Staff recommends approval of the proposed heliport, subject to agency review requirements, based on its compliance with applicable ordinance requirements as described in the staff report.

Tim Charlwood stated that he went to Mountain Green where he was able to record helicopter noise with a cell phone application. He had a 50 db. level at two thirds a mile as measured on the approach. At 100 ft., the level on his phone read 120 db. A medical helicopter is twice the size and noisier than the helicopter he would use.

Chair Parson allowed brief public comment.

Diana Robinson Wise, 1168 Maple, asked the members if they are going to approve the Conditional Use permit that they set the operating hours to 9 a.m. to 4 p.m. and have a review in one year.

Lee Schussman, Eden, said he believes a 50-70 decibel level is significant in a quiet valley. There were multiple studies done that helicopters noise at this level was a problem for people in the vicinity. At the U.S. Marine Station in Miramar, Almost from the beginning since the Marines took over the naval station, the residents have complained about the noise. It is a significant factor to have a 50-70 decibel level. He urged the Planning Commission to have the applicant fly a helicopter to the site so that the noise could be observed. A pilot he spoke to said it was best to fly a helicopter into the site from the lower ground up.

Roxanne Taylor indicated that her house is at the top of Kelly Drive and there are tremendous echoes in the Ogden Valley. The homeowners carry the liability insurance for their private roads, and she believes the applicant should be required to provide his own insurance for the extra traffic on the private roads.

Lynn Turner indicated his concern that the DWR response would not be available to the Planning Commission. He believes that a review should occur in a year and then maybe the DWR can respond.

Tim Charlwood indicated that the DWR accepted that they fly over this area 8 ft. over the livestock as a regular occurrence. The noise level evidence that Mr. Schussman gave prior compared a helicopter to a Harley Davidson. The community does not have an acceptable sound level on record.

Commissioner Miller asked Mr. Charlwood's timeline. Tim Charlwood indicated that the helicopter would fly during daylight hours.

Chair Parson read a correcting statement from Lee Schussman who indicated, "...that he made an incorrect statement previously and wanted to clarify that the noise level of a helicopter would be compared to a Harley Davidson at 100 ft."

Commissioner Hollist asked if there is anything in the law indicating that a conditional use could only be for one year, and could it be six months. Chris Allred, Legal Counsel, said there is no provision in the law regarding time limitations, the permit is either granted or not granted based on what is proposed and knowing if there are violations, they can look at revoking the permit. They can call for a review with specific concerns in mind so that they can have something to look for.

In answer to a question by Commissioner Miller, Chris Allred stated that the Planning Commission could place requirements on the permit based on reasonable detrimental effects.

MOTION: Commissioner Warburton moved to approve CUP 2012-01 subject to a review in one years' time from today's date, specifically for noise and any other detrimental effects that are overwhelming. She believes the parameter of operating during daylight hours is appropriate at this time. Commissioner Graves seconded the motion.

Commissioner Montgomery said he visited the site earlier than the other members did on the morning of the field trip. He lives at 3700 E. and while he was in his garage on the west edge of the valley that morning, he heard a helicopter go by twice.

Commissioner Howell said they do not have a report from the DWR; even the County Engineer was concerned that there was no report from the DWR. They were not able to observe a helicopter and its associated noise at the site and to him that is the most important thing. The Planning Commission and the residents need to hear the helicopter in order to make their own judgment.

Commissioner Miller said that she believes that data could be obtained within a month.

Friendly amendment: Commissioner Miller moved that the applicant be allowed to operate from February 28 to March 31 so the Planning Commission could review the noise and other data prior to June 1, 2012.

- Commissioner Warburton rejected the friendly amendment.

Jim Gentry indicated that there is a 15-day appeal period for Conditional Use Permit decisions.

Commissioner Graves said he does not want to grant something only for a month. It would seem to him that they should table it until staff receives the DWR letter and other desired noise information.

Commissioner Hollist said that everything that they have read boils down to the wildlife impact concerns and the noise, both of which have not been addressed.

Sean Wilkinson said he does not know if the Resource Development Coordinating Committee (RDCC) would allow the DWR to make comments due to the DWR, missing the RDCC's deadline. Staff sent review materials to the RDCC and the DWR did not respond during the timeline that they had.

Commissioner Hollist said that the Planning Commission members should be aware that the Legislature is in session and time could have been a factor for DWR.

- VOTE: The motion failed by a unanimous vote.

Chris Allred read the code regarding conditional uses: "The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:
1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise..." They are focusing on what the reasonably anticipated detrimental effects are.

MOTION: Commissioner Graves moved to table CUP 2012-01 because of the detrimental effect of noise and to address that noise level; they need to get a decibel reading from a decibel meter.

Chris Allred said they held this conversation at the last meeting and it was deemed problematic. Commissioner Graves said he read the noise level on his cell phone tonight and the conversation decibel levels read from 60 to 70 db.

Commissioner Hollist asked if they could grant a permit for three or even 6 months so that they have a period where someone else pays for the helicopter to come in and out of that site and do the actual measurements. He believes the meters on phones or the borrowed meters should be adequate for a decibel reading at least before the next ski season. In addition, could they cajole the DWR to respond and have a governor-approved statement in the file?

Commissioner Miller said she thought March would be a good month for data collection. She also believes that they need to find out if DWR is willing to make a statement.

- Commissioner Graves withdrew his motion.

MOTION: Commissioner Hollist moved to approve CUP 2012-01 with the primary conditions: 1) an opportunity for the flight operations anticipated by Tim Charlwood would be allowed to be conducted with whatever variables he desires, such as whichever way the pilot chooses to approach the site, etc., that there is a condition that he can conduct the flight operations for a period of six months and that during that six-month period of time, the Planning Commission obtain an official statement from DWR regarding their assessment on the impact on the wildlife. Commissioner Miller seconded the motion.

Chair Parson said he believes that the helicopter should be fully loaded in order to give a true noise representation. He believes it would be fantastic for Mr. Charlwood to give a heads up to the Planning Commission of when a helicopter is flying. The onus is on the Planning Commission to be there after that notification.

AMENDMENT: Commissioner Hollist said he believes a smart phone decibel recording application would be satisfactory to record the helicopter noise. He believes the onus could be on the homeowners to record the noise and not the Planning Commission. Since Commissioner Graves monitored tonight's conversation at 60-70 decibels and the data they have been provided indicated that normal conversations are 60-70 db and intermediate to medium helicopters are between 69-77 db., and normal piano playing at 60-70 db., he would approve the conditional use permit with the stipulation that the helicopter noise level could be no more than 70 db., which is substantially less than what the applicant has said in several conversations as measured from homes to the top of Maple Canyon, but not on Mr. Charlwood's property.

Commissioner Miller said she does not know enough at this point to know if 70 db. is adequate. Chris Allred said as evidence homeowners could submit their decibel level readings

- Commissioner Hollist withdrew his friendly amendment.

Commissioner Warburton clarified that the motion does not require anyone to provide a helicopter test flight for the Planning Commission so it is based on how the residents in the area feel. The six-month period would be until August.

Commissioner Montgomery asked the applicant to give the Planning Commission a heads up if he will be operating on a weekend. Mr. Charlwood said he would anticipate having three weeks at the most. He believes it would be helpful to know what sound level the Planning Commissioners would be comfortable with.

Chair Parson said there was a motocross track in his back yard. It was hard for him to have his peace and quiet taken from him. He believes this is the basis of respect. They did not consider as a Planning Commission whether the noise could be mitigated in the F-40 Zone when the ordinance was amended and he believes they blew it.

Commissioner Warburton urged the public to participate in the planning process. The residents are not victims to the process because anyone can petition to amend the ordinance.

Commissioner Howell said his position is that they are putting the cart before the horse. He believes they should hear the noise and then make a judgment. Commissioner Hollist said they have to have a period to test it where the heli-skiers are paying for the flight and for the Planning Commission's opportunity to hear it. He proposed six months in his amendment knowing that they have a month and a half to make their observations.

AMENDMENT: Chair Parson proposed a friendly amendment that if the snow dries up and there is no more backcountry skiing this year, then he would propose that the applicant have three months from the start of January through March 31, 2013.

- Commissioner Hollist rejected Chair Parson's friendly amendment with understanding that if they are going to review in six months and there was not opportunity to conduct flight operations so they can monitor it, then at that time they can accomplish what Chair Parson just suggested.

Commissioner Warburton said she believes the best people to review the noise are the homeowners. She would trust the homeowners and their decibel readings.

Commissioner Miller said she still would like notification of a flight.

Tim Charlwood said if the helicopters were too noisy, he would stop it anyway. If they do any flying, he would like to have it recorded from an independent person. However, he would like to know what decibel level is unacceptable to the county. He has tried to mitigate the potential impacts and has gone over and above what was required by law. He is willing to record noise levels. Chair Parson agreed that Mr. Charlwood has done what was asked of him, but it is subjective to the neighboring community.

Chris Allred said the Planning Commission could not defer their decision to the neighbors; they could hear the neighbor's opinions or observations on how it was but the Planning Commissioners would have to justify any decision they would make.

VOTE: Chair Parson said the Motion carried 5-2 with Commissioners Hollist, Miller, Warburton, Montgomery, and Graves voting aye and Commissioners Howell and Chair Parson voting nay.

2.2. CUP 2011-06 Consideration and action on a conditional use permit application for a public utility substation (cellular site at approximately 95 Ogden Canyon Road) in the Forest Residential 1 Zone (FR-1) (Doug Kofford, Agent for TAIC, and David Hardman, Owner)

Staff presented the following report:

The applicant is requesting approval of a conditional use permit for a public utility substation (cellular site). The FR-1 Zone allows a "public utility substation" as a conditional use. This site is the fifth, and center, of a series of cell sites that have recently been constructed in the Ogden Canyon. This site is on an 11.37-acre property owned by the Ogden Weber Chamber of Commerce.

The site consists of a 34 foot by 34 foot leased area, which will be surrounded by an 8 ft. tall cedar fence. This fenced area will have 12 Manzanita shrubs and 6 alpine current shrubs along with additional grasses to help screen this facility. One 26 foot by 12 foot by 10.5-foot tall equipment shelter will house the mechanical equipment for the site and will be connected to an 85-foot tall monopine cellular pole. This monopine pole will have a diameter of 2.5 feet at the trunk and some branches attached as to simulate a live tree. Affixed to the pole will be an array of 12 antenna panels (8 foot) at a height of 76 feet that will be grouped together in three groups of four panels. The shelter has been placed so that the doors and equipment will be away from the street side, any vents or equipment that is needed to be facing the street will be painted in earth toned colors as to match the building. The side of the shelter is made of an aggregate of small rocks and painted a tan color. There are no lights associated with this cellular site. A 12 ft. steel gate with 4-foot diameter boulders on the sides will protect the access to the site from the parking lot.

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings: (1) The proposed use is allowed in the FR-1 Zone and meets the appropriate site development standards, and (2) The criteria for issuance of a conditional use permit have been met and the mitigation of potential detrimental effects has been accomplished.

Commissioner Warburton asked if birds build their nests in this "tree."

Commissioner Graves asked if a monopine pole had always been discussed at this location. The Planning Commission had an experience previously where they had a buff-colored pole that became a visual problem. The galvanized poles that are allowed to weather are often missed, where camouflage poles stick out. He does not believe there are pine trees as large as the proposed pole in the area. Ben Hatfield said there are tall pines further up the mountain.

Commissioner Howell asked if the 11.xx acres were located up the hill, and Mr. Hatfield said it is one large parcel privately owned by the Ogden Weber Chamber of Commerce. The proposed use will be on approximately one acre of the 11+ acres. The monopine pole is manufactured to resemble the bark of a tree.

Commissioner Warburton said the historical part of this is her only concern. Can they anticipate what the historical society would require them to do? Commissioner Graves said it is never the same on any two sites. In his opinion, the likelihood of the historical society denying the request is not very high.

Doug Kofford said they have been trying to put a site in this general area of the canyon for approximately three years. They looked at putting a monopine pole like this in the Fairmont Subdivision but could not obtain access. They believe this is an extremely crucial site for service. They are aware of the restored kiln. Their National Environmental Protection Agency (NEPA) review was approved and they are just waiting for a State Historic Preservation Officer (SHPO) review from the state. In answer to Commissioner Warburton's question, birds do nest on their towers. Their preference has always been to put up a galvanized pole but the monopine will help minimize the visual effects of the antennas. Cedar fencing encourages vandalism and graffiti so they prefer not to use it.

Commissioner Howell asked how they get up the tower and Doug Kofford said they have removable foot pegs for the first 20 ft. and then they use a cherry picker. The workers are secured by safety ropes per OSHA standards and there is always two people on it.

Dave Hardman, President and CEO of the Ogden-Weber Chamber of Commerce, said they have owned the property for several years and are in support of the project. The slope of the property precludes other use. The Smokey the Bear sign is not past where the Indian trailhead is but where the trail sign is that is fairly near the restored kiln. They have photographs dating the early 1800's showing just one kiln. They discussed this proposal with their Board of Directors, two of which are on the County Commission, and it was determined that this was a good use. They hope this use will keep people from vandalizing the rock.

Commissioner Warburton indicated that she appreciates the work the Ogden Chamber of Commerce does as well as the work Mr. Hardman does.

Rachel Wilson, represents Weber County Heritage Foundation, said they were instrumental in restoring the limestone kiln so they have a strong interest in the kiln as well as any other historic and prehistoric interests in the area, including archeological. This proposal is considered a federal undertaking because it involves licensing by the FCC Section 106 of the National Historic Preservation Act also known as SHPO. As part of that process, there is a required packet of information to submit and Chris Hansen indicated that they had not received the information and could not comment on the proposal at this time. Since that consultation process may alter the project due to efforts to identify or eliminate any adverse effects, they believe a decision tonight is premature. They have indicated to Chris Hansen that they request party consultation status in the process.

Nick Breeze, 374 Ogden Canyon, said right below where the first kiln was they assumed that they took the rock there to build the second kiln. The kiln had fallen apart and all the debris of the old wall was at the base of the kiln so they used that granite. However, they needed more granite so they found another source and brought it in from there to restore the approximately 30 ft. tall kiln. He believes that the cell tower is not compatible anywhere on the 11 acres. He questions why the applicant is requesting a taller tower because the tower at the Oaks is 50 ft. He is opposed to a tower at the proposed property.

Mr. Kofford said his understanding is that the SHPO information was submitted approximately two years ago. He informed the members that there is another tower at Rainbow Gardens. Technology is evolving and they need the 85 ft. pole for adequate 911 coverage.

Nick Breeze said that it was stated that Ed Mackner did not have access for a tower in Fairmont. He knows that the road through the Fairmont Grove is through the Ogden City pipeline. Mr. Breeze said that he does not agree that there is no access through Mr. Mackner's property.

Mr. Kofford said they went through Planning approximately three years ago on this project and the subdivision deed restrictions did not allow them access. Commissioner Hollist clarified with Mr. Kofford that this site has undergone legal review.

Commissioner Miller asked if the county has a requirement that they have to check on whether they have submitted the necessary information to the state. Ben Hatfield said that Chris Hansen from the State said he does that type of review, but was not in charge of doing a review in this area (another employee was in charge of that).

Commissioner Warburton asked if the state had some restrictions, would the county enforce them. Chris Allred answered and said our zoning ordinance does not the spell out what they must impose or not impose, and they must determine the adverse effects. The applicant's representative said that they intended to comply with the state restrictions if any and the Planning Commission can include that as one of the conditions they would impose under the conditional use permit. Commissioner Warburton asked who would follow through to see if the applicant met those conditions, and Jim Gentry indicated that staff would follow through.

Commissioner Miller said she would like to see what the Historical Society has to say.

MOTION: Commissioner Miller moved to table CUP 2011-06 a conditional use permit application for a public utility substation (cellular site at approximately 95 Ogden Canyon Road) in the Forest Residential 1 Zone (FR-1) (Doug Kofford, Agent for TAIC, and David Hardman, Owner) until they have the letter of approval from the Utah Historical Society. Commissioner Warburton seconded the motion.

Commissioner Warburton said her second to the motion was because anything the Chamber does is good for Ogden; she appreciates that.

VOTE: A vote was taken and Chair Parson said the motion carried (6-1) with Commissioners Howell, Hollist, Miller, Warburton, Montgomery and Chair Parson voting aye and Commissioner Graves voting nay.

Rachel Wilson said that once SHPO gets the letter, they have 30 days to respond. A consulting party is that they have a recognized interest and should there be an adverse effect that cannot be mitigated, then it has to proceed to the National Historical Society in Washington DC, etc.

2.3. ZTA 2012-2 Consideration and Action on an amendment to Chapter 18B (Commercial Valley Zones CV-1 and CV-2) of the Weber County Zoning Ordinance to allow assisted living facility as permitted use.

Staff presented a staff report and indicated that the applicant has other assisted living facilities in Weber County. One is the Beehive Home on 3500 W. in the Roy area and the county has not received any complaints in 15 years since the County approved it.

Commissioner Warburton asked Chris Allred if this request would fall under the Fair Housing Act. Mr. Allred said that they do not have to take an analysis of the Fair Housing Act. She asked Legal Counsel if he was aware of the case where Farr West City lost a lawsuit. Mr. Allred said he was aware of the situation but no case specifics.

Jim Gentry said the application is not site-specific so the use would be allowed in the any of the CV-1 and CV-2 Zones.

The applicant said that they have three facilities in the area; one in North Ogden, Roy and Clearfield. They house a maximum of 12 residents in any one facility. Their business model is very personalized care in a smaller facility and there is a great need for their services in Weber County. He is probably the largest provider of Medicaid housing in the Human Services arena in Weber County. There is a need for this service in the Ogden Valley. The comments from Ogden Valley residents have been; "We can finally bring Mom home." Once the business is open, they would like to create a senior center and sponsor the senior luncheon in their facility now held in the Huntsville Library. Approximately 40 seniors attend that luncheon.

Commissioner Warburton consulted with Shane Erickson when Huntsville was thinking about the use for the former Huntsville Elementary building.

Commissioner Howell asked where assisted living was now permitted, and Jim Gentry replied that assisted living is allowed in the AV-3 zone.

Steve Clarke, Eden, recommended that all levels of assisted living including nursing care be permitted in the CV-2 Zone, but not the CV-1. Jim Gentry indicated that there is no CV-1 Zone in the valley, only CVR-1 at this time. Mr. Clarke withdrew his objections.

Richard Webb's concern is the unattended consequences they run into when they do not make it site specific. Jim Gentry said it is a difficult thing to spot zone under state law.

MOTION: Commissioner Warburton moved to recommend approval of ZTA 2012-2 for convalescence as well as assisted living. Commissioner Graves seconded the motion.

Commissioner Miller said she agrees with Mr. Webb. Her concern is how it would follow the larger picture and plan for the Ogden Valley; it is the multiple bed question.

Commissioner Warburton said their control is in design.

Commissioner Graves said they have to look at whether it complies with the General Plan. Staff has determined that it does and he agrees.

Commissioner Miller asked why the use could not be conditional. Chris Allred said they could recommend that it can be, but there will be additional Fair Housing issues down the line.

AMENDMENT: Commissioner Miller added that an assisted living facility use should be conditional.

- Commissioner Warburton refused the friendly amendment.

Commissioner Hollist said he thought that they would like to have this industry in Ogden Valley. Commissioner Graves said he believes they will never see growth where a 100-bed facility would be needed. Chris Allred said it is already designated as a commercial zone.

Commissioner Miller said she believes assisted living is an appropriate use for the site.

VOTE: A vote was taken and Chair Parson said the motion carried (7-0).

2.4. ZO-2010-10 Consideration and action for approval of staff amendments to the Weber County Zoning Ordinance Chapter 1 (General Provisions), Chapter 9-A (Shoreline Zone (S-1), Chapter 23 (Supplementary and Qualifying Regulations), Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), Chapter 29 (Board of Adjustment), Chapter 31 (Administration), and Chapter 36-B (Hillside Development Review Procedures and Standards) regarding the Weber Board of Adjustment

Staff presented a report and indicated that the members saw the amendments in July with the exceptions of a couple of additions. Shortly after they made a recommendation to the County Commission, staff took the amendment to the Board of Adjustment who suggested changes as well. Sean Wilkinson reviewed the proposed changes with the members.

Commissioner Warburton expressed a question regarding notices. Could they send certified notices of decision? Sean Wilkinson indicated that notices of decisions are sent by mail, email, and placed on Miradi.

Steve Clarke said regarding Chapter 29 Exhibit A, Page 29-7, his issue with the Board of Adjustment is that since it acts as an appeal body, input to the Board of Adjustment needs to be balanced. He believes care should be taken to make sure that the case is presented in an unbiased manner. Mr. Clarke indicated that his comments are listed in Exhibit F, which states that a different member of staff at a minimum should analyze the facts, build the case, and another staff member present to the Board of Adjustment.

Regarding Page 23-1, Exhibit B, Item 1A.2, Steve Clarke asked what constitutes a "finished surface." A 20 ft. wide asphalt strip seems unreasonable to him. He also asked what drives the requirement of 1A.4, the 8 ft. x 30 ft. turn-around requirement. He believes it should be something that describes the condition relative to that access which is most important if in fact a turn out is needed. On Page 23-3, Item 23-29-6, relative to flag lots, he believes it is logical that if you have an area you wish to describe as a flag lot; it should be permissible to adjust boundary lines to do this.

Commissioner Warburton said the staff's job is to represent the county and the most experienced/knowledgeable person should be able to represent the facts in the case. Steve Clarke said when someone comes in with an application, and you develop the county's case, you have invested a great deal of your knowledge in your recommendation. If someone, wanted to appeal your recommendation, he believes another staff member should present that appeal to the Board of Adjustment. He is concerned about the inevitable relationships and the powerful relationships that occur when you are trying to appeal persons' decisions. Commissioner Warburton indicated that many judges know the attorneys that present cases to them; they have ethics and standards that come into play.

Chris Allred said he understands Mr. Clarke's point but he does not see it as practical. The problem with shifting the case over is it would place the applicant behind in that another staff member would need to come up to speed in order to be able to represent that case.

Commissioner Hollist stated that to him he relies on the best information possible from those at that podium. The Planning Commission members are all independent thinkers and do not accept everything that staff has submitted. He believes the safety valve exists in the relationship between the Planning Commission and the staff. The Planning Commission members listen, but they do not have to do everything that the staff tells them; that is why the Planning Commission exists. Chair Parson said he believes Mr. Clarke is one of their safety valves.

Sean Wilkinson said regarding the finished road surface, they can speak with the County Engineer to see what they prefer. Commissioner Graves said most of those would be road base. Mr. Wilkinson said finished does not imply asphalt, etc. only the surface they end up with is the finished road surface.

MOTION: Commissioner Warburton moved to recommend approval of ZTA 2010-10 with the stipulation that finished surface in 23a.2 be defined that it could be but does not have to be asphalt. Commissioner Miller seconded the motion. A vote was taken and Chair Parson said the motion carried (7-0).

2.5. ZTA 2010-8 Consideration and Action on an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats)

This item was tabled due to time limitations

3. Public Comments:
4. Planning Commissioner's Remarks:
5. Staff Communications:
5-1. Planning Director's Report
5-2. Legal Counsel's Remarks

Steve Clarke handed out source data recommendations for the Ogden Valley Node Feasibility Study that the GEM Committee believes in.

6. Adjourn

There being No Further Business, the meeting was adjourned at 8:45 p.m.

Sherri Sillitoe, Secretary
Weber County Planning Commission

DRAFT

Minutes of the Ogden Valley Planning Commission Work Session held March 06, 2012 commencing at 5:00 p.m. in the County Commission Break Out Room in the Weber Center, 2380 Washington Blvd., Ogden UT

Members Present:
Kevin Parson, Chair
Greg Graves
Ann Miller
Dennis Montgomery

Members Excused:
Pen Hollist
John Howell
Laura Warburton

Staff Present:
Robert Scott, Director, Scott Mendoza, Planner, Sherri Sillitoe, Secretary

W1. ZTA 2010-15 Discussion on a draft agri-tourism ordinance

Scott Mendoza introduced Andrew Favero from the Western Weber County Planning Commission who will offer his insights from a farmer's perspective.

To revisit an item from last month's discussion, Page 5, Section 7. Uses//Activities a-d, he has been looking at this through the eyes of a farmer. Andrew Favero has reviewed the propose ordinance and had some valuable input. If you want a non-related use, you have to have a related use. If you are going to have products, half of them have to be related products.

Andrew Favero said the simpler the ordinance is kept, the more activity there will be for the ordinance. In the western part of the county, farmers are farming very large tracts of land. Ultimately, their goal is keeping the open space for agricultural use. Keeping the farming operation moving from one generation to the next is important. There is a specific economic factor in this that farmers do not want to make farming their future. Middle-aged managers are running the farms now so the simpler the ordinance is kept the better because they are very busy. He believes there are many good elements up front in the ordinance. Some regulations he believes are detrimental to what they want to accomplish. The detriment is that they are making a person feel like they want to do the best they can so they go after that, but fails is accomplishing everything or keeping track of half/half, etc. He does not see a need for all the legislation in the ordinance. He believes the products would be farm related to the good experience the public had at the use.

Andrew Favero said he is part of a 5th generation farm certified with the state as a century farm. He believes agriculture could use any help that they can get. He suggests that they eliminate a lot of the language in b and d and amend e to allow farm equipment auctions, etc. in the off-seasons.

Scott Mendoza said maybe should concentrate on the uses allowed and let the product situation work itself out. They will see what products will be offered in the application narrative.

Dennis Montgomery said that they could just require the product to relate to agriculture.

Commissioner Graves said he is concerned with b and would like to see it eliminated.

Commissioner Graves said trying to equate dollars to the ordinance, does not help the farmer. He does not see a problem allowing things to supplement as long as the property is still farmed.

Scott Mendoza said under a., they could say one-half of all uses and activities made available.

Andrew Favero said the agriculture would draw people to the agri-tourism use. There are some successes in Davis County, with Black Island Farms and Mr. Diamond's operation. Farming is a lot of work for a little financial reward.

Western Weber County said they want to prohibit the sale of automobiles or motorized vehicles except agriculture farm equipment.

Commissioner Miller gave suggested wording for e. Robert Scott said maybe that section would be better listing it in the allowed use table instead of what is not allowed. The definition will also need to be rewritten if the word product is to be eliminated in a.

Summary:

- B and d. will be eliminated
- e. will be rewritten
- c. will be simplified and any reference to products would be eliminated (ii).

Andrew Favero was excused.

Commissioner Graves said No. 8 talks about food items and that is tough. Scott Mendoza said Western Weber County is talking about eliminating the last sentence.

Commissioner Montgomery said it would be difficult to draw a farmer's interest in having an agri-tourism use if they have to spend more money for additional equipment to produce another product.

Commissioner Miller said she believes it is good to forge relationships with other farms that might produce another product to feature in another farms agri-tourism venture.

Commissioner Montgomery said why not just say, "a Utah product."

Steve Clarke said they could simply state "all of Weber County." Scott Mendoza said that was the original intent. The members agreed.

Section 46.6
Scott Mendoza said there have been comments from the public regarding a Bed and Breakfast hotel and glamping to be considered as a use on a medium farm.

Chair Parson said he does not believe a medium sized farm would not be appropriate for "glamping." If they were to allow that number of rooms for a Bed and Breakfast hotel, if someone had to acquire 40 acres or more and then build a facility, that plan would not be feasible.

Commissioner Montgomery said they would have to look at the size of the rooms allowed as well. Commissioner Miller said they would be looking at the percentage of land that it takes.

Commissioner Montgomery said to him, hotel should not be associated with Bed and Breakfast. Scott Mendoza said they could say farm villa instead.

Chair Parson said he would be comfortable with 15 rooms on a 20-acre parcel.

Commissioner Montgomery said if you drive by the Strawberry Inn, you could not tell that it is a bed and breakfast.

Commissioner Miller said she is comfortable with seven rooms on the medium sized farm.

Commissioner Graves said in the FV-3 Zone a seven room Inn is allowed on 3 acres.

- They would be comfortable with not allowing a 20 unit B&B on a farm
- They would be comfortable with allowing 12 units on 20 acres.

Steve Clarke said it would be tough for a farmer to have such an expensive building that he could only use three to four months of the year. Scott Mendoza indicated that the intent is to allow the use year round.

It was discussed that there was probably no place on the valley floor where glamping would be appropriate.

- They are okay with the health farm at 12 rooms

Commissioner Graves said he could see the Community Garden/Rent-A-Row allowed on a Family Farm.

- Community Garden will be moved under Family-Farm

Scott Mendoza said gift shop and value added products processing allowed on other size farms but limited in another section.

Commissioner Miller said that possibly input from the Health Department would limit the number of persons.

- Leave glamping as proposed
- Under f. Conference/Education Center:
  iv. Added allowing 20 guest rooms

Steve Clarke asked if the reason for the amendment in 3d. is the appearance? Scott Mendoza said he tried to provide a scale.

Commissioner Miller said she believes 75 sq. ft. maximum is too small. She believes it could be 200 sq ft. for uses 1,2, and 3.

75 sq. ft. would be 8 x 10
12 by 12 on 20 acres would still look like a small tool shed.

- They would allow 200 sq. ft. for the first three.

Commissioner Montgomery said that number one would not allow a person who wanted to raise his own beef, send it out for butchering and bring it back to sell it as smoked jerky. He is concerned with the requirement . "Only limited to the animals kept on that property."

- Add livestock under h.i

Scott said he was invited to present at the Diversified Agricultural Conference in Davis County last week and this ordinance was received very well. After the conference, they were approached by Agr-Utah asking to do a story on the ordinance.

He would like to contact the state tourism office whose label is "Life Elevated" and he believes there is a chance to get some support from them and possibly get the state on board.

Maybe they could allow an off-premise sign that is standardized for an agri-tourism operation.

Scott Mendoza said regarding farmers giving back to open space financially.
What if a farm in this ordinance was given the chance to donate a percentage such as one percent of the dollars made at an agri-tourism operation where an Agricultural Open Space Committee could be set up and funds used to preserve open space by the purchase of development rights.

Commissioner Graves said there has to be an incentive. Scott Mendoza said an incentive could be marketing. Commissioner Graves said it would be optional not forced.

There being no further business, the meeting was adjourned at 7:01 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission

Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request to amend the Edgewater Beach Resort PRUD (CUP 2003-12) site plan with CUP 2012-02.
Agenda Date:	Tuesday, March 27, 2012
Applicant:	Celtic Bank
File Number:	CUP 2012-2

Property Information

Approximate Address:	6350 East Highway 39
Project Area:	13.08 Acres
Zoning:	Commercial Valley Resort Recreation Zone (CVR-1)
Existing Land Use:	PRUD Development
Proposed Land Use:	PRUD Development
Parcel ID:	20-013-0020 and 20-134-0005
Township, Range, Section:	T6N, R1E, Section 13

Adjacent Land Use

North:	Pineview Reservoir	**South:**	Residential
East:	Residential	**West:**	Agriculture

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	SW

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 9C (CVR-1 Zone)
- Weber County Zoning Ordinance Chapter 22C (Conditional Uses)
- Weber County Zoning Ordinance Chapter 18C (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Zoning Ordinance Chapter 22D (Planned Residential Unit Development)
- Weber County Zoning Ordinance Chapter 24 (Parking)
- Weber County Zoning Ordinance Chapter 32B (Ogden Valley Signs)
- Weber County Zoning Ordinance Chapter 39 (Ogden Valley Lighting)
- Weber County Zoning Ordinance Chapter 43 (Ogden Valley Sensitive Lands)

Background

The Edgewater Beach Resort PRUD was approved as a conditional use in 2003 (CUP 2003-12). Since that time, the Planning Commission and County Commission have approved major and minor amendments to the original approval. The applicant is now requesting another major amendment to the existing approval. The Weber County Zoning Ordinance (Chapter 22D) states, "Once the overall development plan showing details of buildings, structures and uses has been approved by the County Commission, after recommendations of the Planning Commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the Planning Commission and County Commission."

The Edgewater Beach Resort PRUD is located in the CVR-1 zone which allows for a mix of selected commercial uses with a variety of housing types. At the entry of this project will be 5,300 square feet of commercial space in two buildings. A proposal of uses and expected parking has been shown in exhibit D-6. Four storage barns will also be constructed for the storage of personal items of owners within the property. A four stall garage will be built for the existing 4-plex building. The multi-family dwelling units consist of three triplex buildings and eight duplex buildings. There are also 28 single family units. The larger multi unit buildings have been located toward the center of the project with the single units around the periphery. Building designs, layouts, and profiles have been provided with the site plans in exhibit C.

The architecture, material and colors comply with the requirements of chapter 18C, and include mountain rustic styles with elements of timber and stone in green and brown earth tones.

Many amenities have been planned for this development including a pool and pool house, open/common space with a sand volleyball court, areas for bocce ball and horseshoes, a smaller picnic pavilion, and a large reunion pavilion. At the rear of the property, with views of Pineview Reservoir, will be a lakeside fire pit and gathering area. Please refer to the applicant's narrative in exhibit B for more information.

Minimum setbacks requirements for the CVR-1 are 30 feet in the front, which has been met, and 20 feet in the rear and on the sides. However, as part of a PRUD some flexibility to these standards can be allowed if the proposed plan is found to have a superior design compared to a conventional layout of lots. The setback encroachments are on three units on the west side boundary, eight units on the north/ rear boundary, and two 2 units on the east boundary. There is a 100 foot minimum setback requirement from the high water mark (4900 FASL) of Pineview Reservoir, which runs roughly along the rear boundary line of the property. All structures must meet this requirement.

Summary of Planning Commission Considerations

Besides the typical questions about potential detrimental effects which are considered with conditional uses, when considering a proposed Planned Residential Unit Development, the Planning Commission shall consider the following:

1. The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
2. 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?
3. The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
4. The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.
5. 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 Master Plan proposals of Weber County as being a desirable future residential density.
6. The demonstrated ability of the proponents of the Planned Residential Unit Development to financially carry out the proposed project under total or phase development proposals within the time limit established.

The Planning Commission should consider these questions while comparing this plan to the previously approved plan.

Please refer to exhibit E in reviewing other uses on surrounding properties. The proposed property is bounded on two sides by Pineview Reservoir and public roads 6300 East and Hwy 39 on the other two sides. There are other uses and properties beyond the roadways that should be considered. The roads in the development will be private, with the primary access on to Hwy 39 and two other accesses on 6300 East. A review from UDOT and the county engineer's office has not been completed yet and may require improvements to Hwy 39. Exhibit D-6 is the applicant's review of proposed uses and reasoning for the number and location of off-street parking.

A landscaping plan has been proposed in exhibit C, although no outdoor lighting and signage has been proposed. The Planning Commission may find that it would be necessary considering the commercial uses and multi-family dwellings being proposed. Please refer to exhibit D for other reviews by planning staff and the applicant's responses.

There is a large difference in density between this property, zoned CVR-1, and those surrounding it zoned FV-3 and S-1. The density proposed is much less than what could be proposed in this zone. The density ratio proposed uses only about 7.11 acres while the property is about 13.08 acres. There are 4 phases being proposed. Phase one includes all of the commercial buildings, the pool and pool house, and the 4-plex, two 3-plexes, a duplex and a single unit, along with the entry and highway improvements.

In addition to the six question listed previously, the Planning Commission should address the following questions.

- Is the phasing plan appropriate?
- Is this new PRUD design better than the previously approved design?
- Are there any potential negative or detrimental effects that have not been considered and need to be addressed as a conditional use?
- Does the Planning Commission have other questions that have not been addressed?

Conformance to the General Plan

The existing site plan was approved in conformance with the Ogden Valley General Plan in 2003. These amendments reduce the overall density numbers for Ogden Valley and reduce the height and mass of the buildings located closest to the reservoir.

Conditions of Approval

- Requirements of the Weber County Zoning Ordinance
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber Fire District

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- The proposed use is allowed in the CVR-1 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met and the mitigation of potential detrimental effects has been accomplished.
- The proposed PRUD plan is found to have a superior design compared to the existing site plan or a conventional layout of lots.

Exhibits

A. Existing site plan
B. Applicant's project narrative
C. New amended site plans and renderings of multi-family, commercial, and amenity buildings
D. Project review's by planning staff and the applicant's responses
E. Area map of uses and zones

Map 1

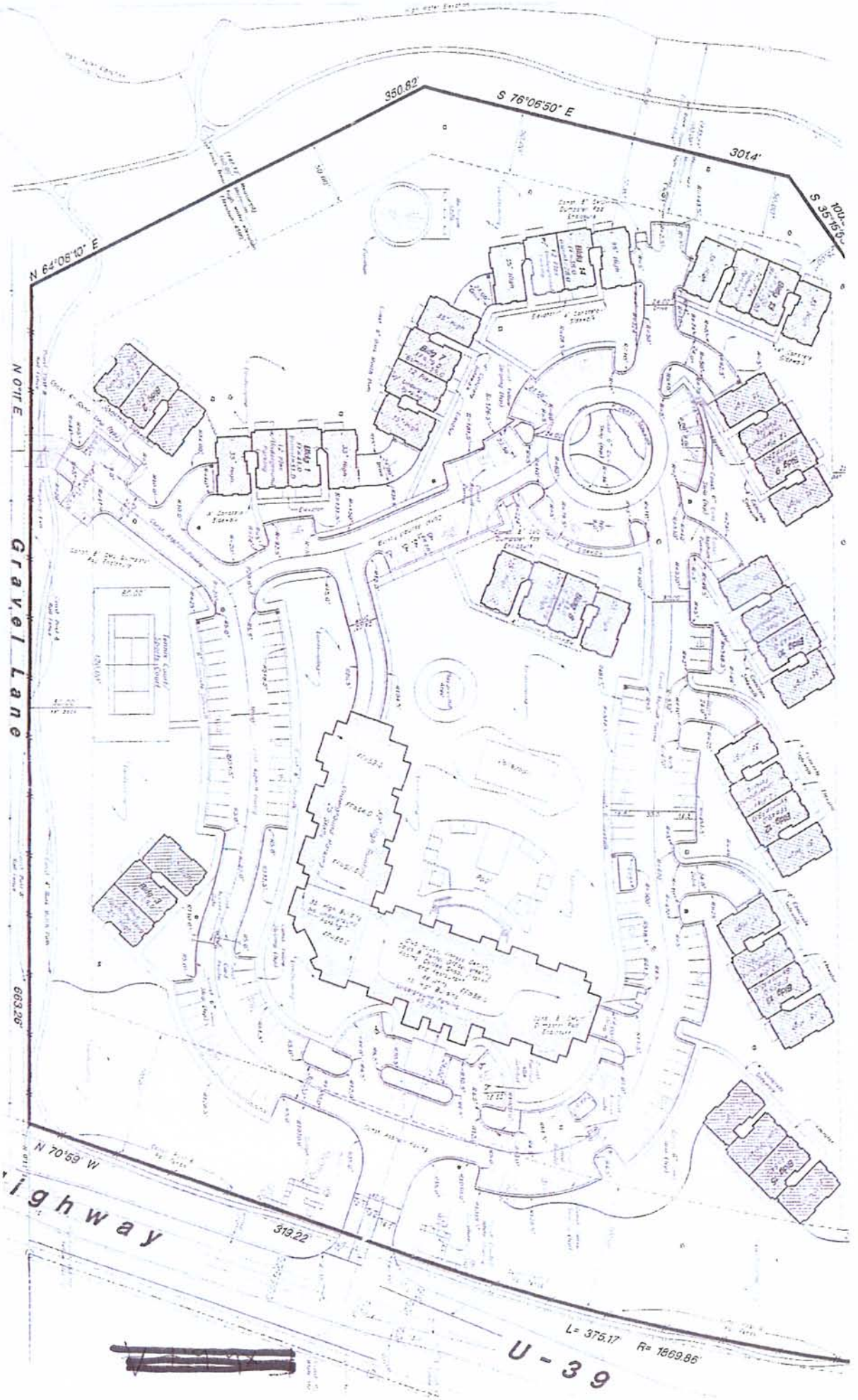
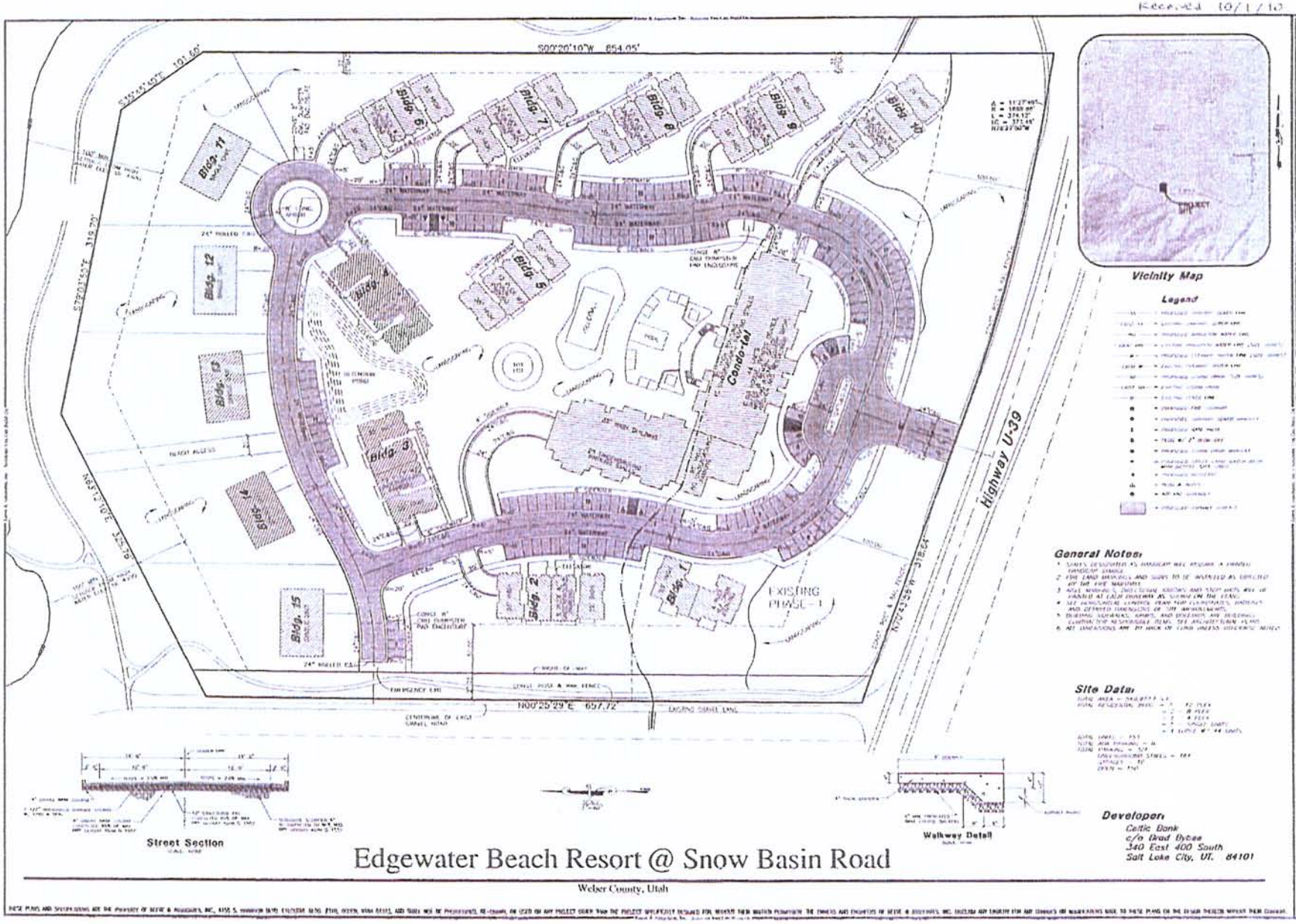

350.82'
S 76°06'50" E
301.4'
S 35°15'0
N 64°05'10" E
N 0°1'E
Gravel Lane
663.26'
N 70°59' W
ighway
313.22'
L= 375.17'
R= 1869.86'
U-39

Exhibit A-1

Received 10/1/10



Edgewater Beach Resort @ Snow Basin Road

Weber County, Utah

Reeve & Associates, Inc.

Edgewater Beach Resort
@ Snow Basin Road
(A Condominium Complex)

Amended Site Plan

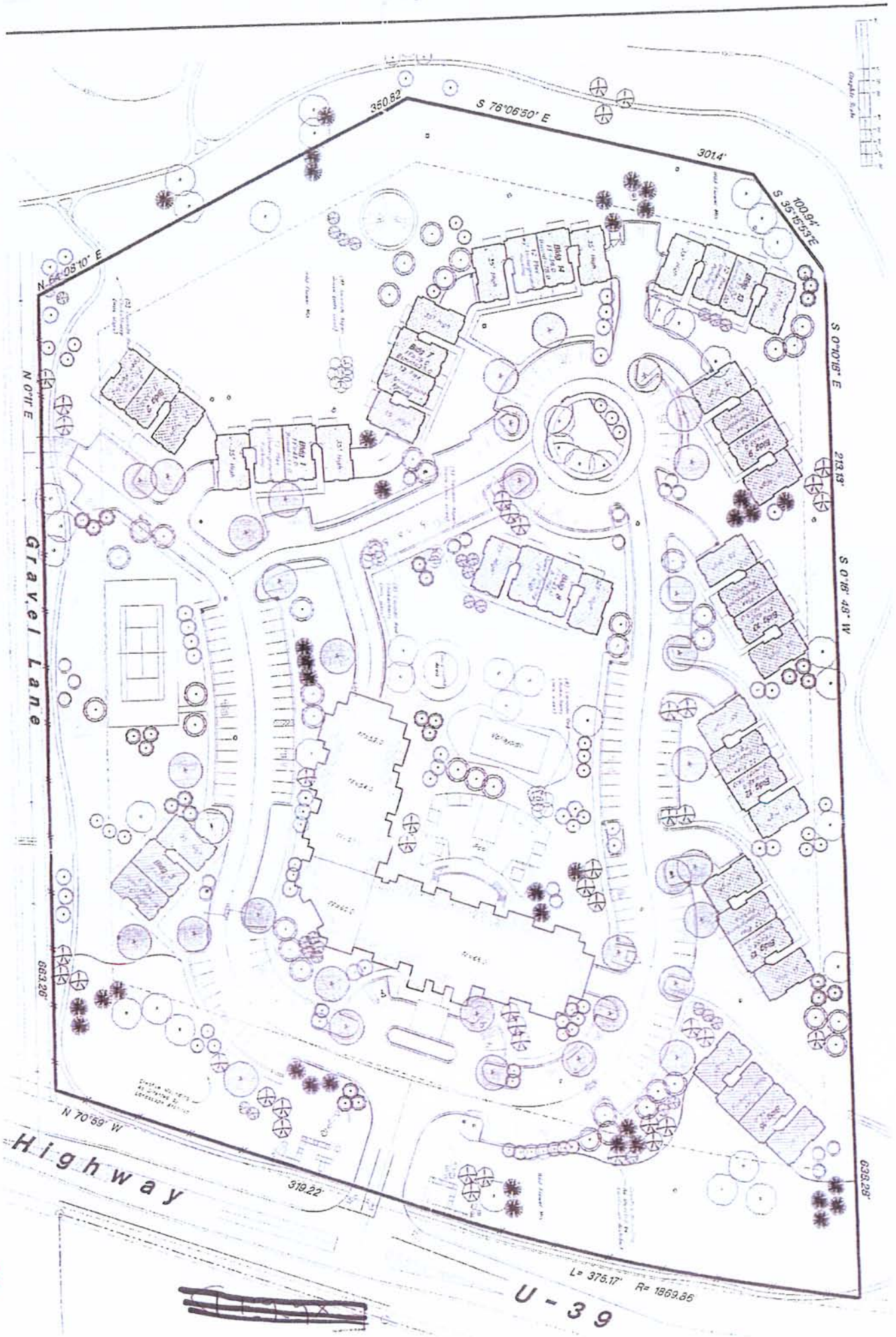
Preliminary

Project Info.

EDGEWATER BEACH CONDOMINIUMS

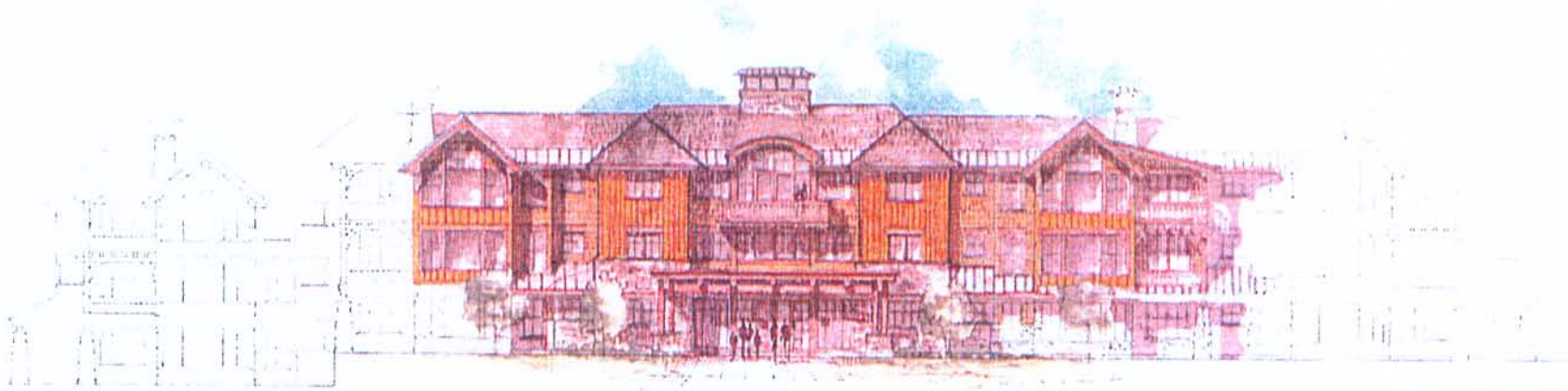
Sheet 1 of 4 Sheets

Exhibit A-2



350.82'
S 76°06'50" E
301.4'
100.94'
S 35°15'53" E
N 64°08'10" E
S 0°10'18" E
213.13'
S 0°16'48" W
N 0°11' E
Gravel Lane
663.26'
N 70°59' W
Highway
319.22'
638.28'
L= 375.17' R= 1869.86
U-39

Exhibit A-3



Entry Elevation

West Elevation

jsa

Edgewater Resort
at Pineview Reservoir

Lodge

Exhibit A-4

Edgewater – Project Description

The revised PRUD plan for Edgewater has applied traditional design principles common to many waterfront communities across the country as well as within many new master planned communities in Utah. These principles emphasize building placement with a focus on the front porch and a clear intent to minimize the impacts of the backs of homes, commercial uses and their accesses/garages. Edgewater is proposing a mix of uses that include 3 residential unit types including 3 plex townhomes (9 units), duplex townhomes (16 units) and single family cottages (28 units). The project plan also includes a small cluster of neighborhood commercial uses (5,300 sf) and storage barn units (12,672 sf).

Edgewater's proposed uses are organized along a series of open spaces, tree lined streets and/or project amenities. These amenities include a community pool with restrooms, a waterfront fire pit and patio, large waterfront passive play lawn, bocce ball court, 2 horseshoe pits, a "reunion" size pavilion with passive play lawn and a sand volleyball court. The project uses are linked thru sidewalks and paths providing access from your front door to all of the project amenities as well as connection to a proposed Weber Pathways trail corridor along Highway 39. The project densities are placed to maximize value within the project but to also avoid walling the project boundaries with density by providing open spaces along and thru the project including views to Pineview Reservoir. The proposed mix of uses and diversity in massing and unit types allows for architectural diversity and project character but also provides for market flexibility. This mix is a result in a significant reduction in proposed density from the original PRUD and has also been designed to provide for a transition in density from the adjacent Ski Lake project to the surrounding lower density parcels.

The architectural character at Edgewater will vary from the typical mountain rustic styles of heavy timbers and varying shades of brown and will focus on elements more closely related to mountain cottage architecture. Units will implement elements of mountain architecture thru the use of stone and horizontal or vertical siding but will also attempt to integrate complementary components such as metals, more colorful exteriors and flat roofs for example that will truly make Edgewater a waterfront community.

Exhibit B

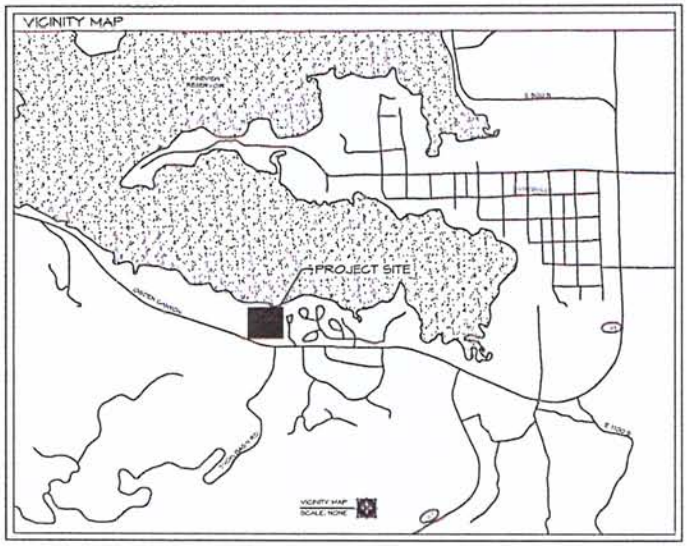
EDGEWATER ESTATES

HUNTSVILLE, UTAH

PROJECT DIRECTORY

OWNER	CELTIC BANK 340 EAST 400 SOUTH SALT LAKE CITY, UTAH 84111
ARCHITECT	BERTOLDI ARCHITECTS 2726 HARRISON BLVD OGDEN, UT 84403 801-476-4330 FAX: 801-476-4335
CIVIL ENGINEER	REEVE AND ASSOCIATES 4155 S. HARRISON BLVD. STE 310 OGDEN, UTAH 84403 801-621-3100
LANDSCAPE ARCHITECT	LANGVARDT DESIGN GROUP ERIC LANGVARDT 1525 EAST WESTMORELAND DRIVE SALT LAKE CITY, UT 84105 801-583-1295

VICINITY MAP



DRAWINGS LIST:

ARCHITECTURAL

A0.1	COVER SHEET
S1.1	SITE PLAN
S1.2	SITE PHASING PLAN
S1.5	LANDSCAPE PLAN
C1.1	UTILITY PLAN
C1.2	GRADING AND DRAINAGE PLAN
A-1	SINGLE FAMILY A FLOOR PLANS
A-2	SINGLE FAMILY B FLOOR PLANS
A-3	SINGLE FAMILY C FLOOR PLANS
A-4	CONCEPT A GABLE ELEVATION
A-5	CONCEPT B SHED ELEVATION
A-6	TOWNHOME FIRST FLOOR PLAN
A-7	TOWNHOME SECOND FLOOR PLAN
A-8	TOWNHOME ELEVATIONS
A-9	THREE PLEX FIRST FLOOR PLAN
A-10	THREE PLEX SECOND FLOOR PLAN
A-11	THREE PLEX ELEVATIONS
A-12	EAST COMMERCIAL BUILDING FLOOR PLAN
A-13	EAST COMMERCIAL BUILDING ELEVATIONS
A-14	WEST COMMERCIAL BUILDING FLOOR PLAN
A-15	WEST COMMERCIAL BUILDING ELEVATIONS
A-16	POOL HOUSE PLANS AND ELEVATIONS
A-17	STORAGE BARNS AND CONDO GARAGES

BERTOLDI ARCHITECTS
ARCHITECTURE • PLANNING • INTERIORS
2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4330

EDGEWATER ESTATES
HUNTSVILLE, UTAH

REV	DATE

PROJECT # 1111
DATE: 02/24/12
TITLE:
COVER SHEET

SHEET:
A0.1

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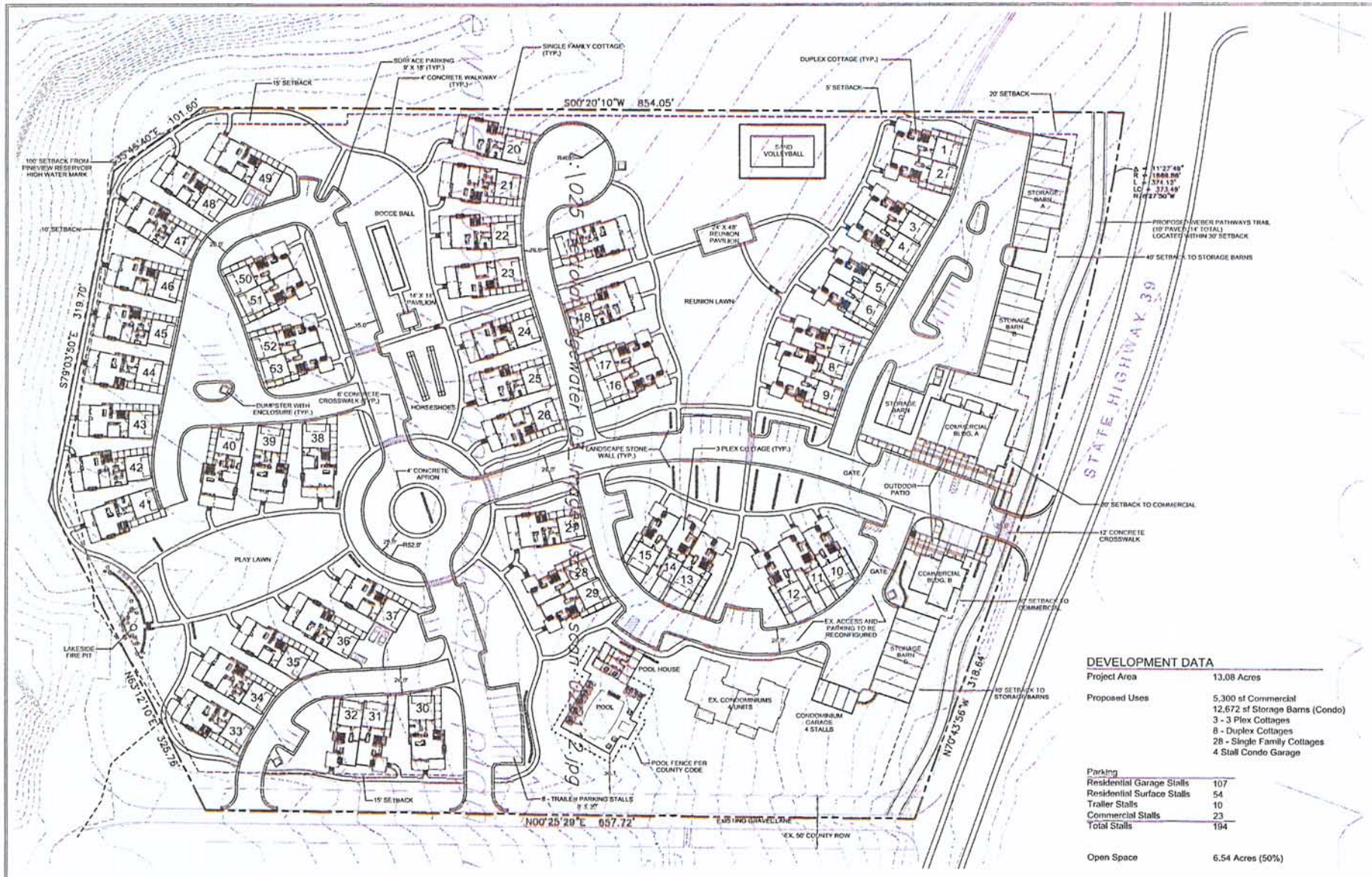
Exhibit C-1



DEVELOPMENT DATA

Project Area	13.08 Acres
Proposed Uses	5,300 sf Commercial 12,672 sf Storage Barns (Condo) 3 - 3 Plex Cottages 8 - Duplex Cottages 28 - Single Family Cottages 4 Stall Condo Garage
Parking	
Residential Garage Stalls	107
Residential Surface Stalls	54
Trailer Stalls	10
Commercial Stalls	23
Total Stalls	194
Open Space	6.54 Acres (50%)

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2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4530

EDGEWATER ESTATES

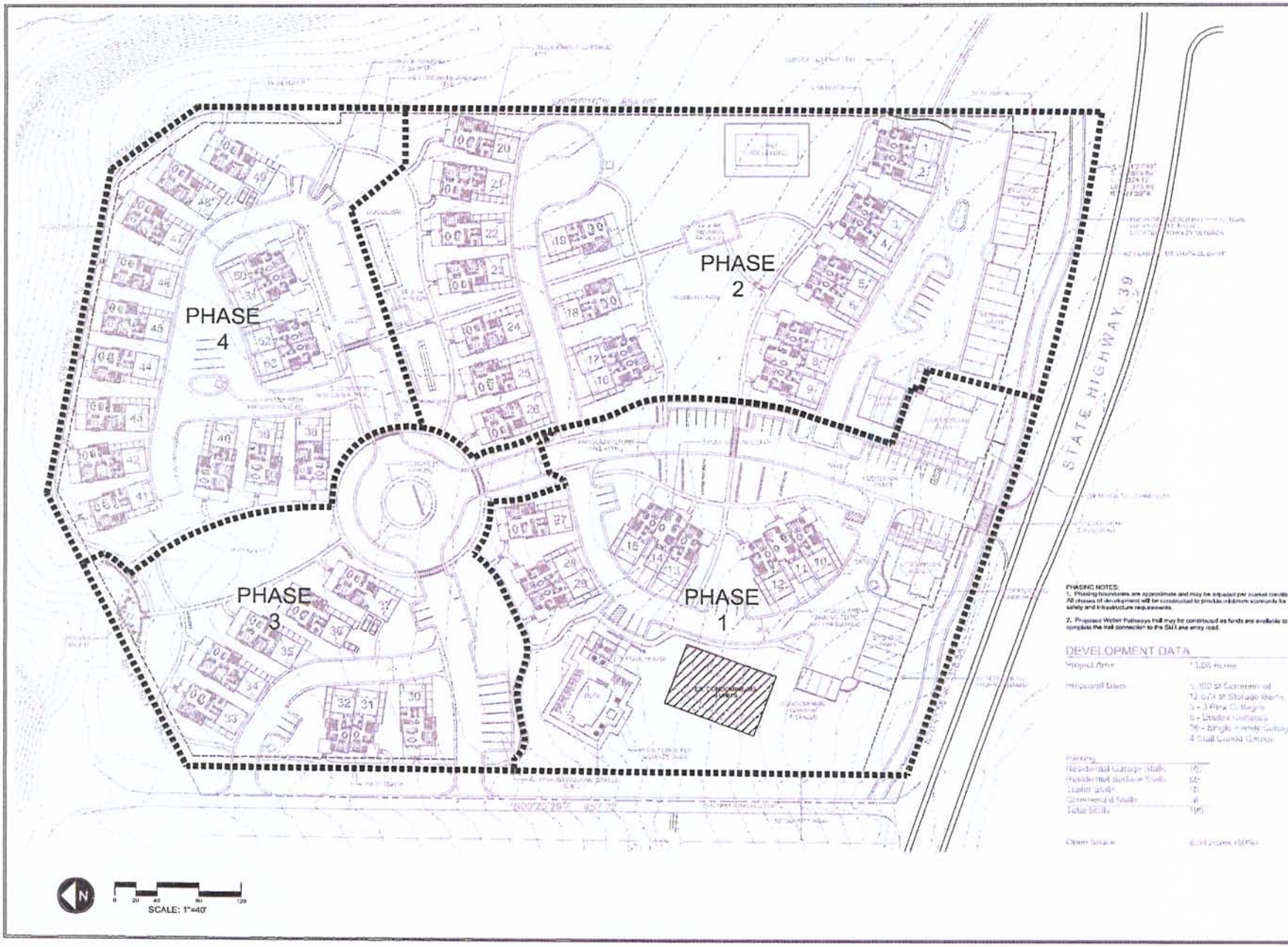
HUNTSVILLE, UTAH

LANGVARDT DESIGN GROUP LLC

REV.	DATE

PROJECT #: 1111
DATE: 03/16/12
TITLE: OVERALL SITE PLAN

SHEET: S1.1



PHASING NOTES:
1. Phasing boundaries are approximate and may be adjusted per market conditions. All phases of development will be constructed to provide minimum standards for fire safety and infrastructure requirements.

2. Proposed Weber Pathways trail may be constructed as funds are available to complete the trail connection to the Ski Lake entry road.

DEVELOPMENT DATA

Project Area	13.06 Acres
Proposed Uses	5,300 sf Commercial 12,673 sf Storage Barns 5 - 3 Plex Cottages 6 - Duplex Cottages 36 - Single Family Cottages 4 Stall Condo Garage
Parking	
Residential Garage Stalls	10
Residential Surface Stalls	60
Trailer Stalls	10
Commercial Stalls	6
Total Stalls	195
Open Space	6.34 Acres (50%)

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EDGEWATER ESTATES
HUNTSVILLE, UTAH

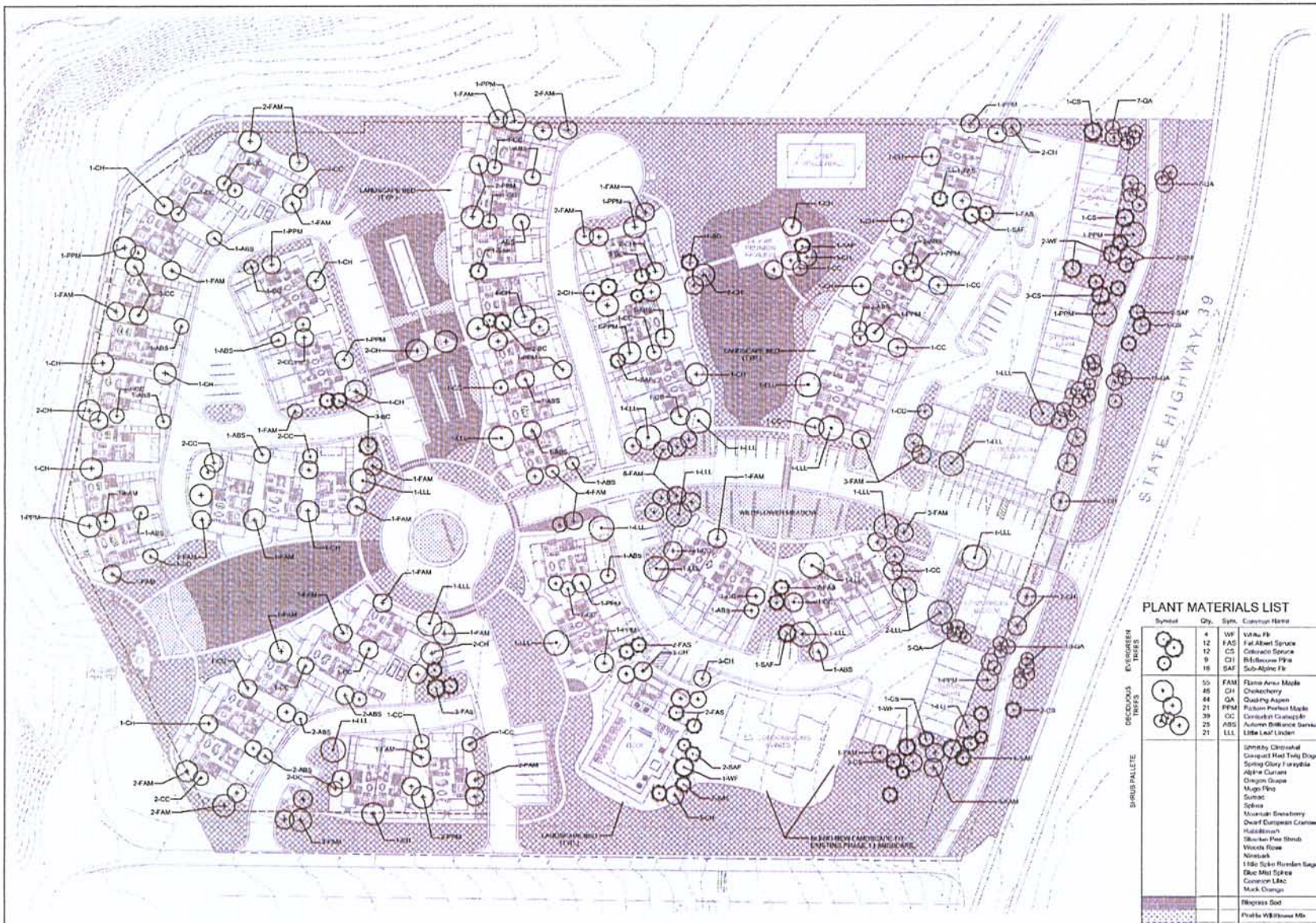
LANGVARDT DESIGN GROUP LLC

REV	DATE

PROJECT # 1111
DATE: 02/25/12
TITLE:
PHASING PLAN

SHEET:
S1.2

C-3



SCALE: 1"=40'

PLANT MATERIALS LIST

	Symbol	Qty.	Sym.	Common Name	Botanical Name
EVERGREEN TREES		4	WF	White Fir	Abies concolor
		12	FAS	Fat Albert Spruce	Picea pungens glauca
		12	CS	Colorado Spruce	Picea pungens
		9	CH	Bristlecone Pine	Pinus aristata
		16	SAF	Sub-Alpine Fir	Abies lasiocarpa
DECIDUOUS TREES		55	FAM	Flame Amur Maple	Acer ginnala 'Flame'
		45	CH	Chokecherry	Prunus virginiana
		44	QA	Quaking Aspen	Populus tremuloides
		21	PPM	Pattern Perfect Maple	Acer tataricia
		39	CC	Centurion Crabapple	Malus 'centurion'
		25	ABS	Autumn Brilliance Serviceberry	Amelanchier x grandiflora
		21	LLL	Little Leaf Linden	Tilia cordata 'Chancellor'
SHRUB PALLETE				Whitetty Clinoshat	Prisenttia Fruticosa
				Compact Red Twig Dogwood	Cornus sericea
				Spring Glory Forsythia	Forsythia
				Alpine Currant	Ribes alpinum
				Oregon Grape	Mahonia aquifolium
				Mugo Pine	Pinus mugo
				Sumac	Rhus trilobata
				Spirea	Spirea sp.
				Mountain Snowberry	Symphoricarpos oreophilus
				Dwarf European Cranberry	Viburnum opulus nanum
				Hablotbush	Chrysothamnus nauseosus
				Silvertip Pee Shrub	Caragana arborescens
				Woods Rose	Rosa woodsii
				Ninebark	Physocarpus opulus
				Little Spire Russian Sage	Perovskia atriplicifolia
				Blue Mist Spirea	Caryopteris x clandonensis
				Common Lilac	Syringa sp.
				Mock Orange	Philadelphus lewisii
				Bluegrass Sod	
				Prairie Wildflower Mix	
				Native Grass Mix	

NOTES:
1. All disturbed areas shall be landscaped as shown on this plan.
2. All landscape beds shall be mulched with 3" of shredded bark. 2"-6" landscape cobble may be placed in beds in drainage areas, gutter outlets or other portions of landscape beds that need stabilized.
3. All landscape edging shall be 6" flat concrete ribbon curb placed a maximum of 1" above finished grade.

BERTOLDI ARCHITECTS
ARCHITECTURE · PLANNING · INTERIORS
4720 HARRISON BLVD · OGDEN, UT · PH 801-476-9330

EDGEWATER ESTATES

HUNTSVILLE, UTAH

LANGVARDT DESIGN GROUP LLC

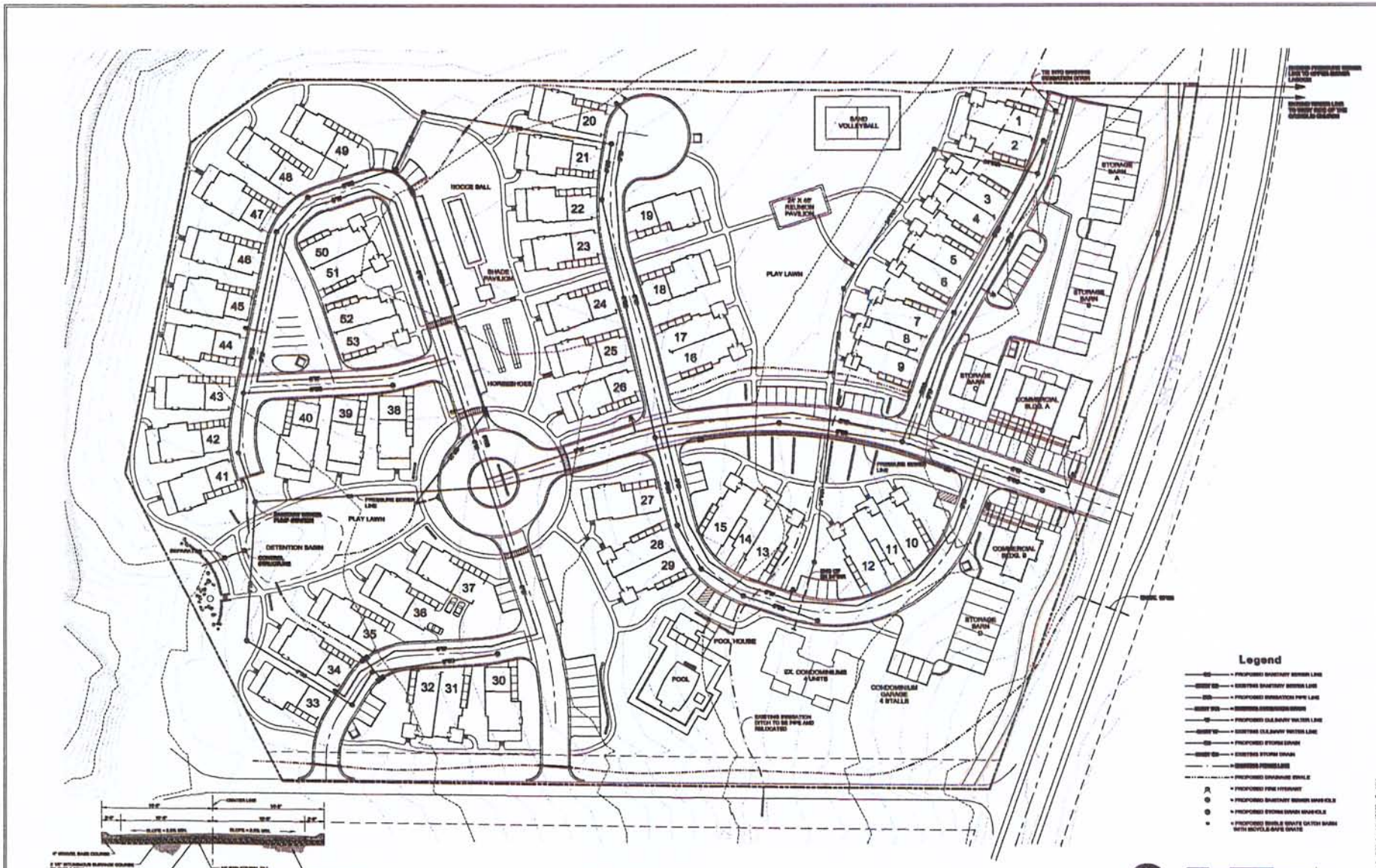
REV. DATE

PROJECT #: 1111
DATE: 02/28/12
TITLE:
LANDSCAPE PLAN

SHEET:
S1.5

THE DRAWINGS & THE PROPERTY OF BERTOLDI ARCHITECTS & ARE NOT TO BE USED

C-4



Street Section
SCALE: NONE

Edgewater Estates

Weber County, Utah

NOTES:
1. CONTOURS ARE SHOWN WITH A TWO FOOT INTERVAL.

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2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4350

EDGEWATER ESTATES
HUNTSVILLE, UTAH

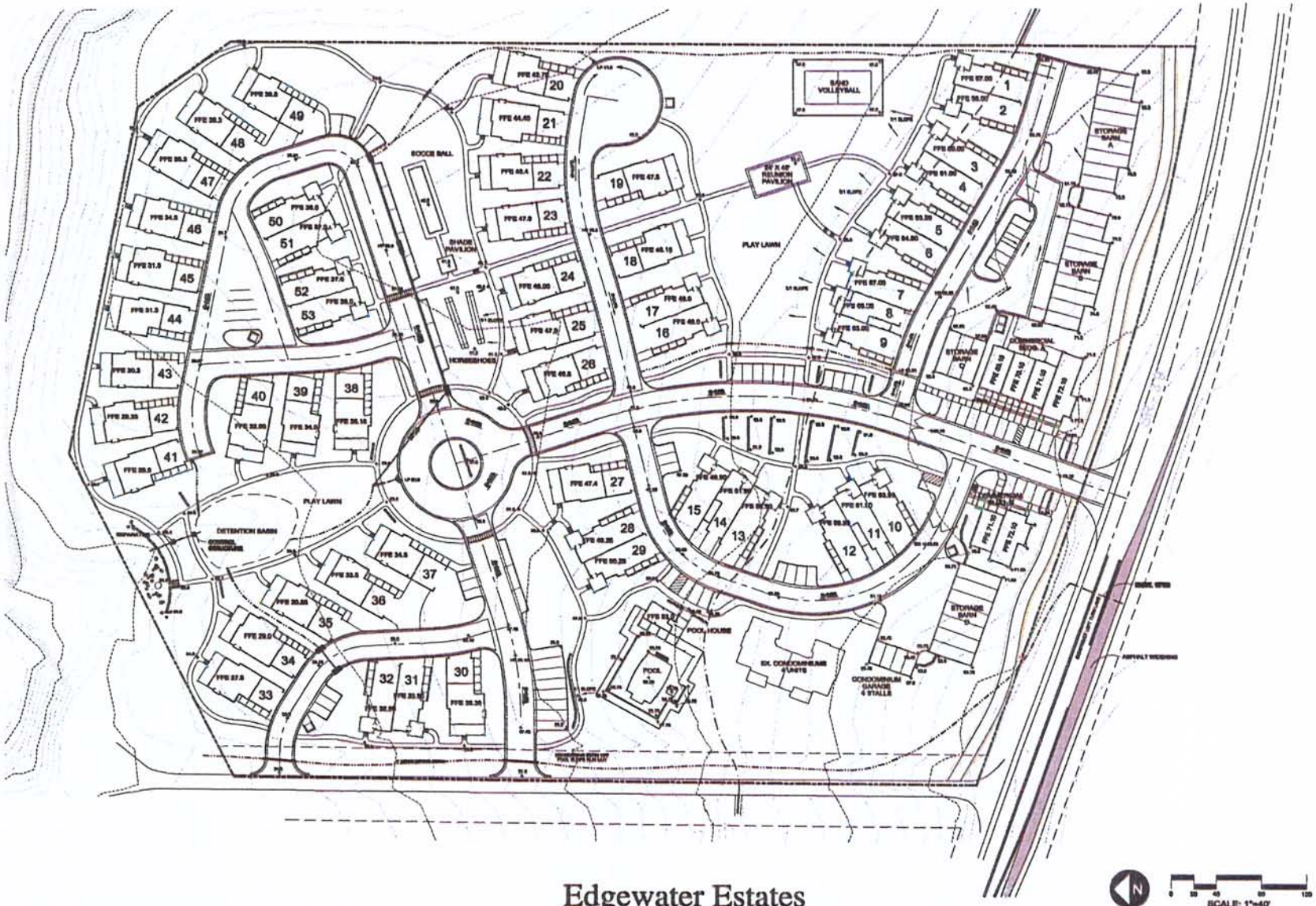
Reeve & Associates, Inc.

REV.	DATE

PROJECT #: 3817-15
DATE: 02/28/12
TITLE: UTILITY PLAN

SHEET: C1.1

C-5



Edgewater Estates

Weber County, Utah

NOTES:
1. CONTOURS ARE SHOWN WITH A TWO FOOT INTERVAL.

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BERGOLDI ARCHITECTS
2734 HARRISON BLVD. OGDEN, UT PH: 801.476.4330

EDGEWATER ESTATES
HUNTSVILLE, UTAH

Reeve & Associates, Inc.

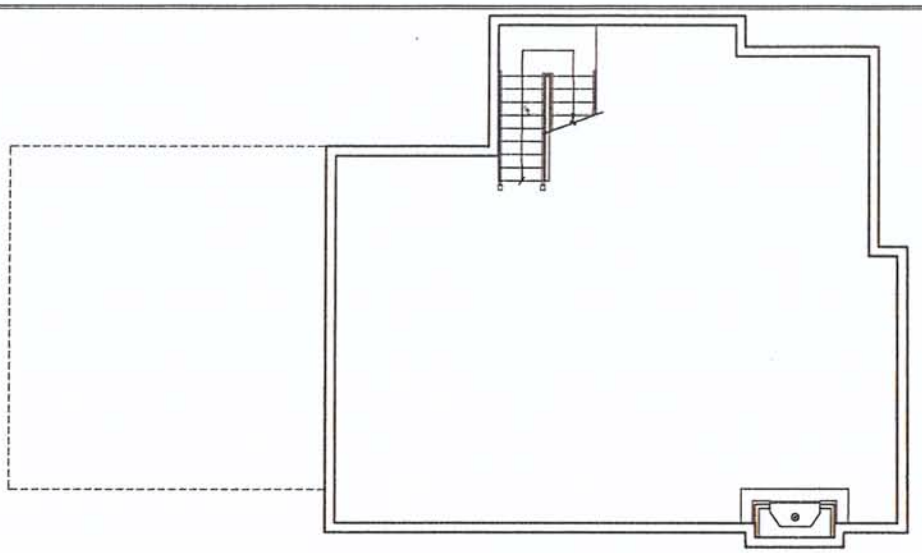
REV.	DATE

PROJECT #: 5917-15
DATE: 02/28/12
TITLE: GRADING & DRAINAGE PLAN
SHEET: C1.2

C-6

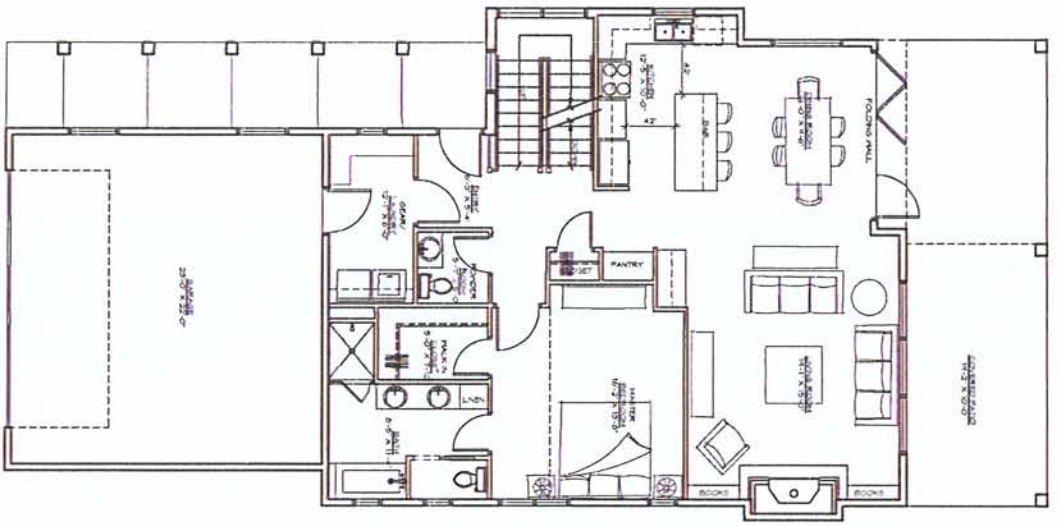
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



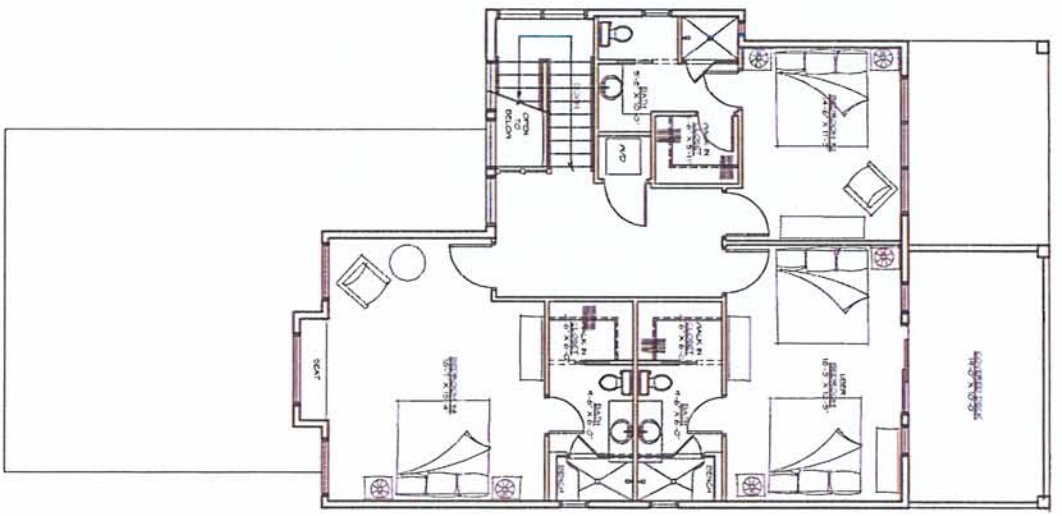
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



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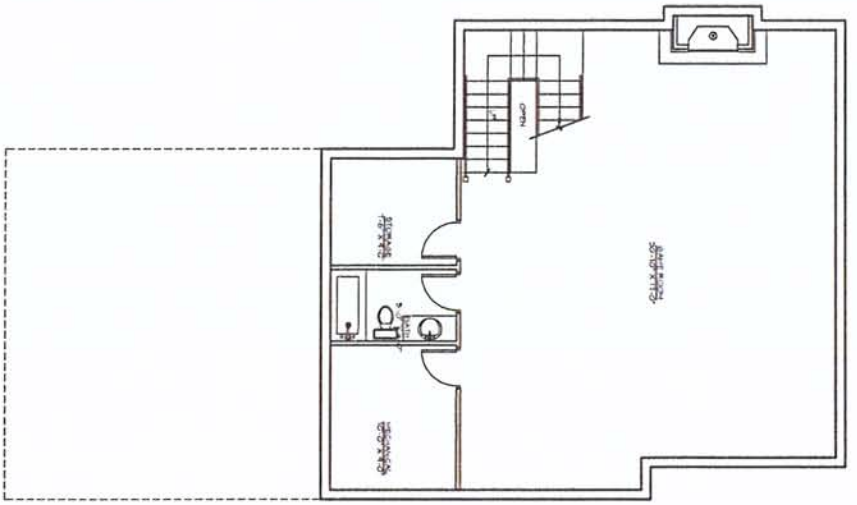
SHEET: A-1	TITLE: SINGLE FAMILY A FLOOR PLANS	PROJECT #: 1111 DATE: 09/24/12	REV. DATE	EDGEWATER ESTATES HUNTSVILLE, UTAH	BERTOLDI ARCHITECTS ARCHITECTURE + PLANNING + INTERIORS 2726 HARRISON BLVD. OGDEN, UT PH: 801.476.4330

C-7

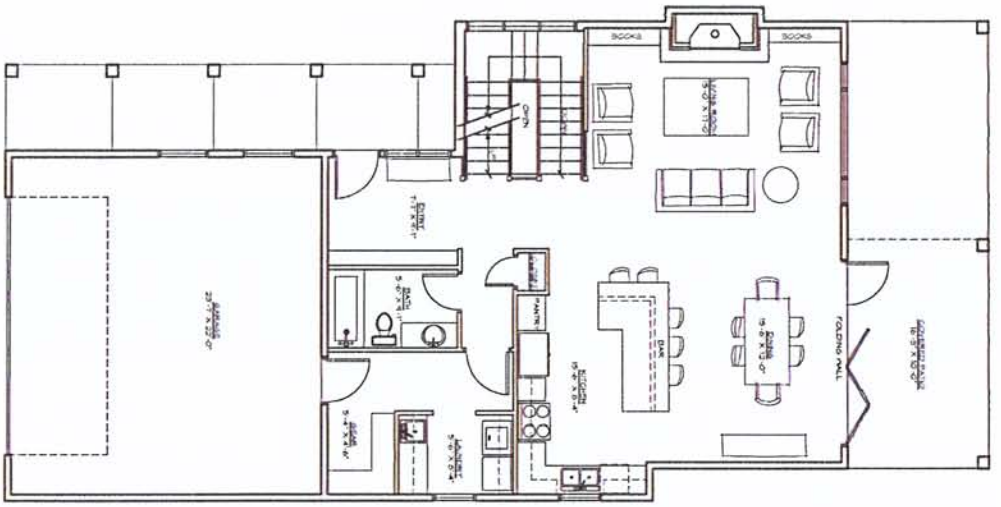
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



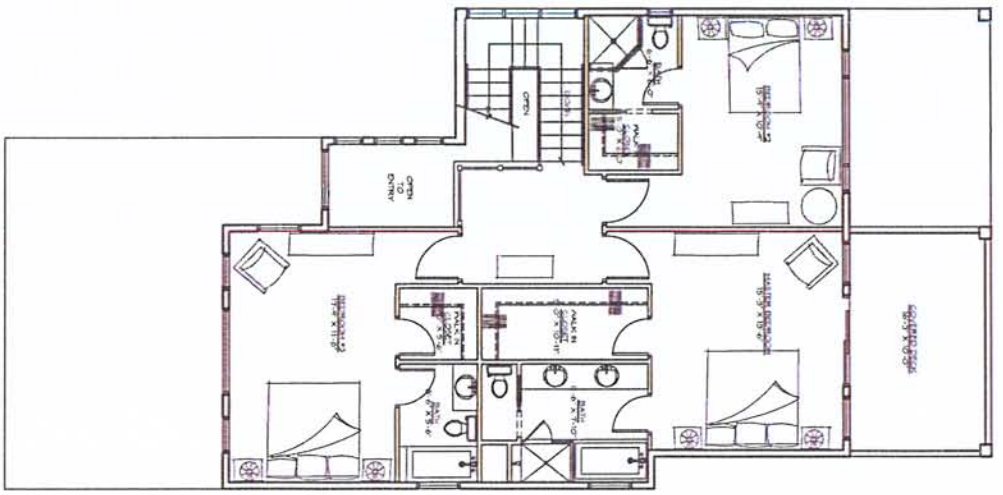
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



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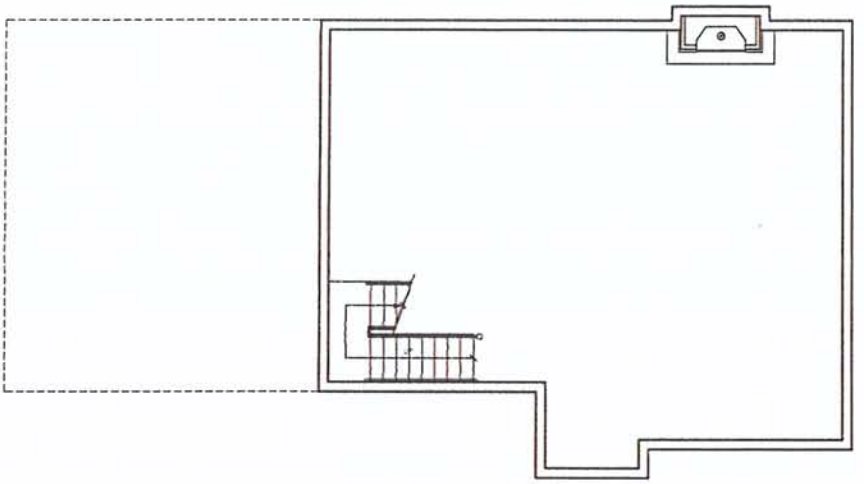
SHEET: A-2	PROJECT #: 1111 DATE: 02/24/13 TITLE: SINGLE FAMILY B FLOOR PLANS	NO. / DATE		EDGEWATER ESTATES HUNTSVILLE, UTAH	BERTOLDI ARCHITECTS ARCHITECTURE • PLANNING • INTERIORS 2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4330

C-8

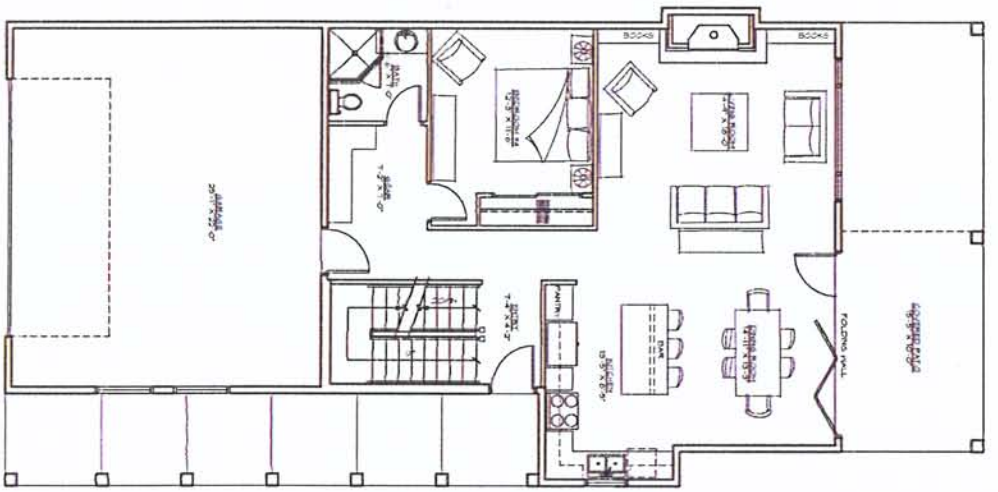
BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"



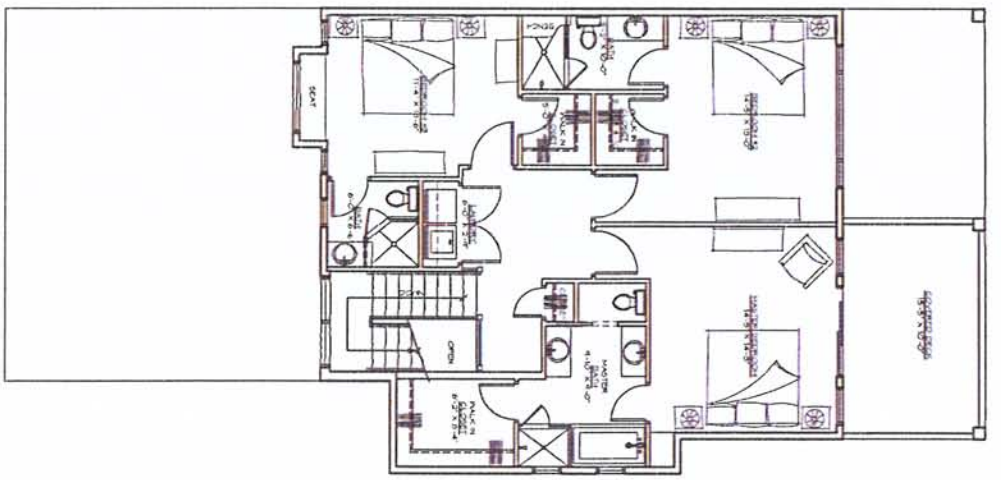
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



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SHEET		REV	DATE
A-3	SINGLE FAMILY B FLOOR PLANS		
	PROJECT # 1111		
	DATE: 02/24/12		

EDGEWATER ESTATES

HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS
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C-9

C-10

A-4

EDGEWATER ESTATES

MONTVILLE, UTAH

BERTOLDI ARCHITECTS

C-11

A-4

EDGEWATER ESTATES

HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS

C-12

A-5

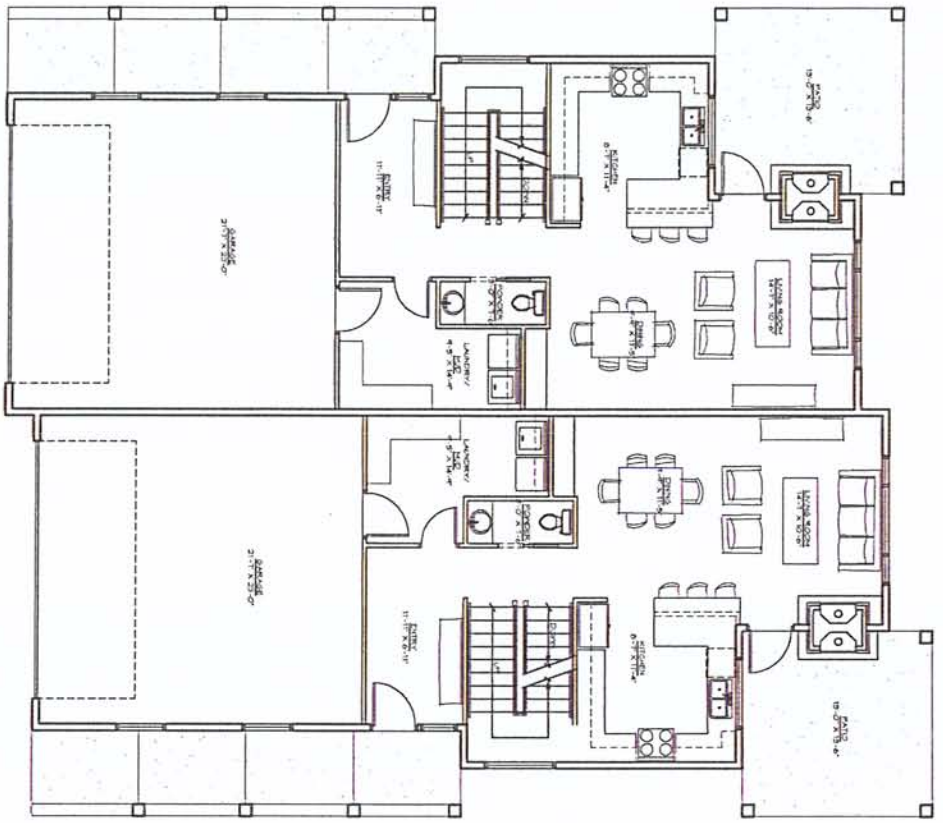
EDGEWATER ESTATES

HAYSVILLE, UTAH

BERTOLDI ARCHITECTS

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



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SHEET		REV	DATE
A-4	TOWNHOME FLOOR PLANS PROJECT # 1111 DATE 02.24.12		

EDGEWATER ESTATES

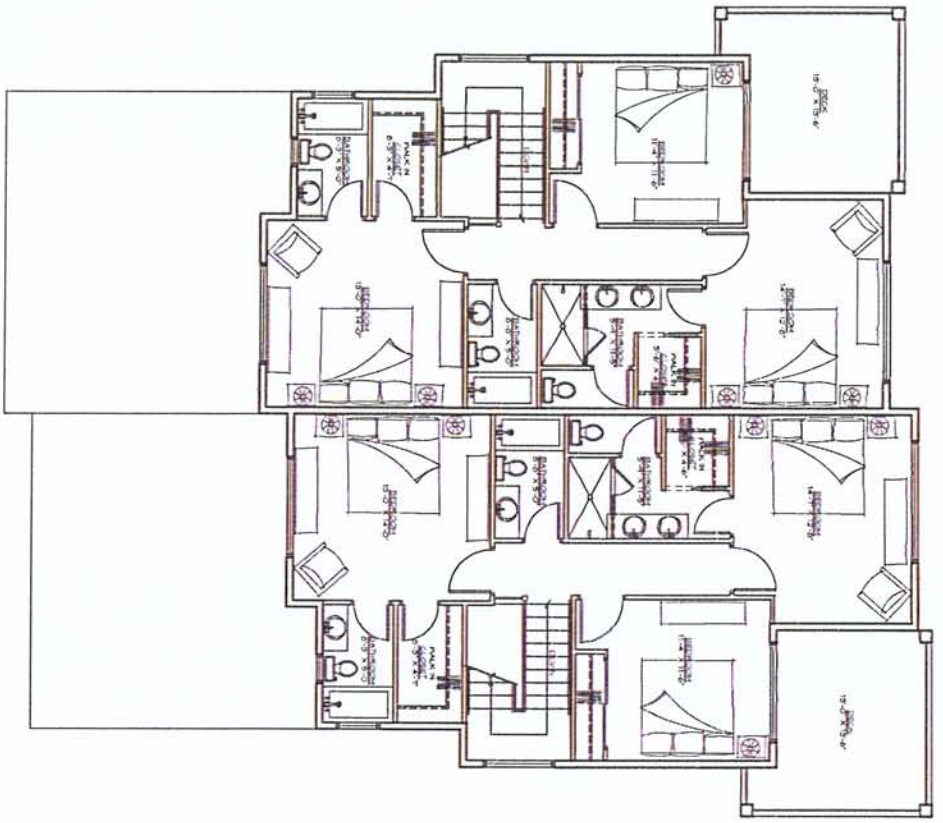
HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS
ARCHITECTURE + PLANNING + INTERIORS
2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4330

C-13

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



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SHEET	SEAL / DATE			EDGEWATER ESTATES	BERTOLDI ARCHITECTS
A-5	PROJECT #: 1111 DATE: 09/24/12 TITLE: TOWNHOME FLOOR PLANS			HUNTSVILLE, UTAH	ARCHITECTURE • PLANNING • INTERIORS 2726 HARRISON BLVD. OGDEN, UT PH: 801.476.4330

C-14

C-15

A-8

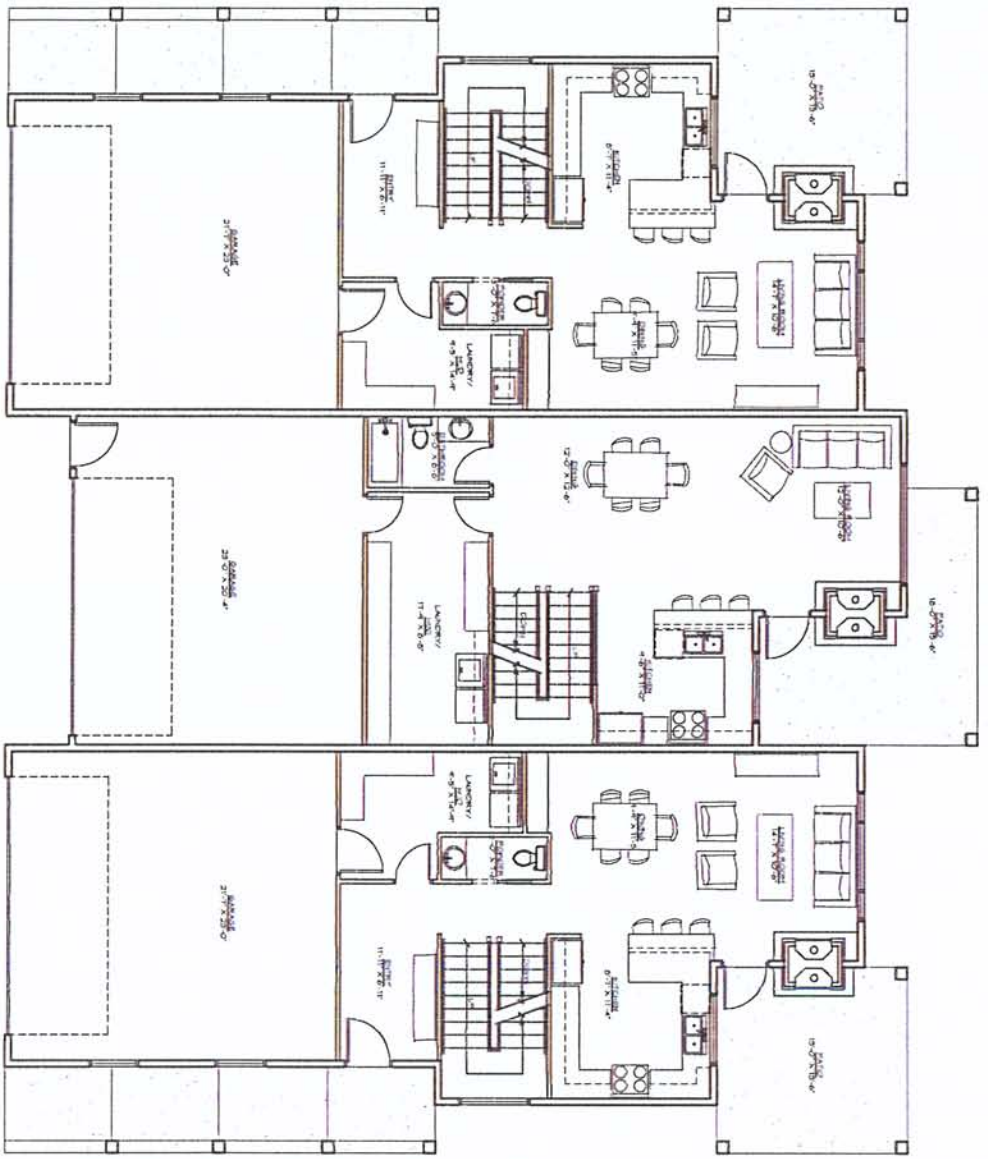
EDGEWATER ESTATES

HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



C-16

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SHEET	PROJECT # 1111 DATE 02.24.12 TITLE THREE PLEX FLOOR PLAN	REV	DATE
A-9			

EDGEWATER ESTATES

HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS
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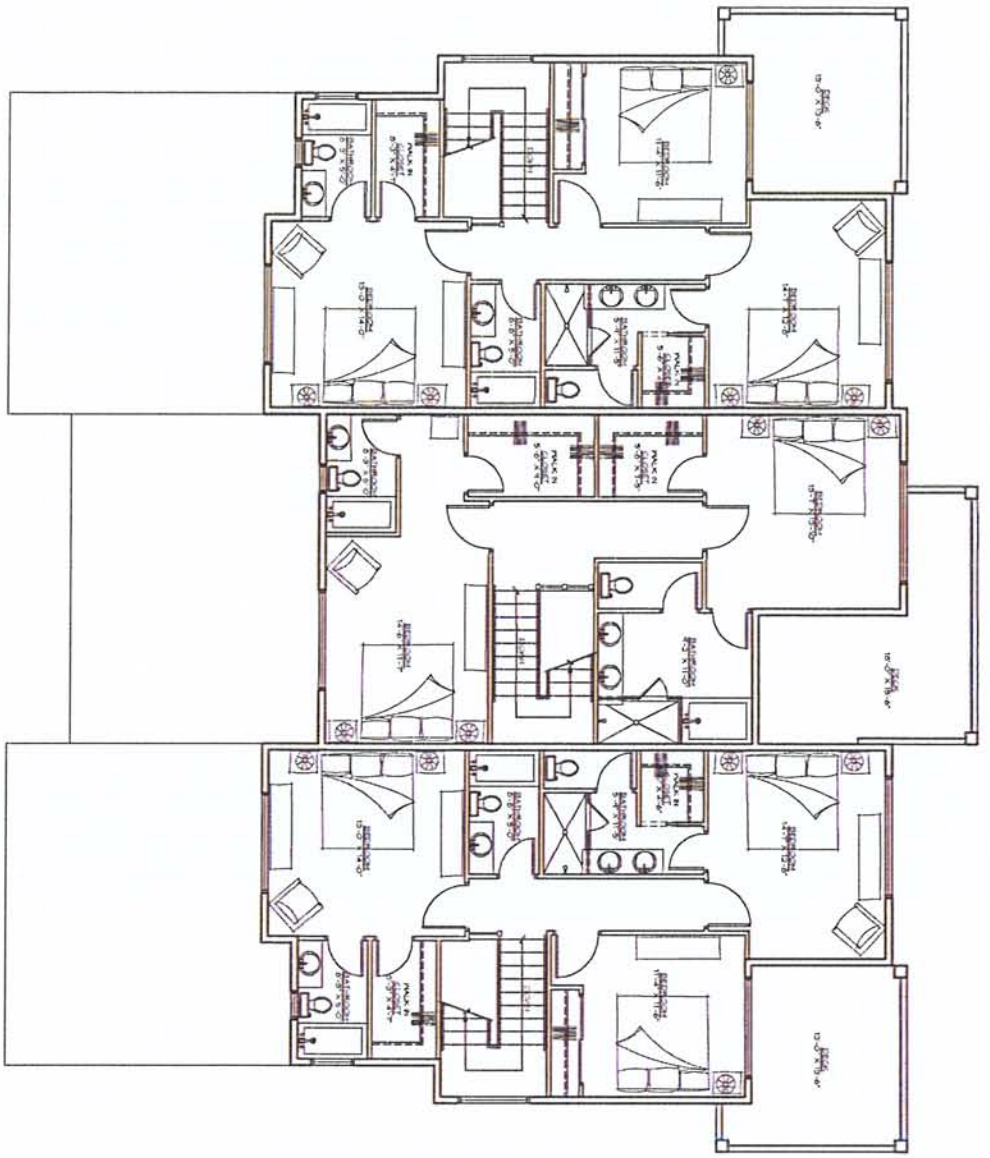
SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



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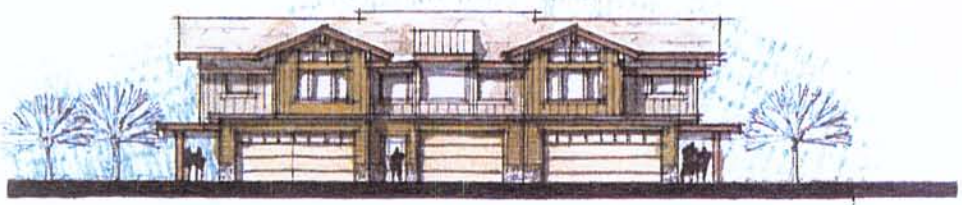
SHEET		REV / DATE			EDGEWATER ESTATES	BERTOLDI ARCHITECTS
A-10	THREE PLEX FLOOR PLAN PROJECT # 111 DATE: 03/24/13				HUNTSVILLE, UTAH	ARCHITECTURE • PLANNING • INTERIORS 2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4330

C-17



GARAGE/ENTRY

OPEN SPACE

SIDE ELEVATION

BERTOLDI ARCHITECTS

ARCHITECTURE • PLANNING • INTERIORS

EDGEWATER ESTATES

KINTSVILLE, UTAH

REV. DATE

PROJECT # 1111
DATE 02-04-12
TITLE
THREE PLEX ELEVATIONS

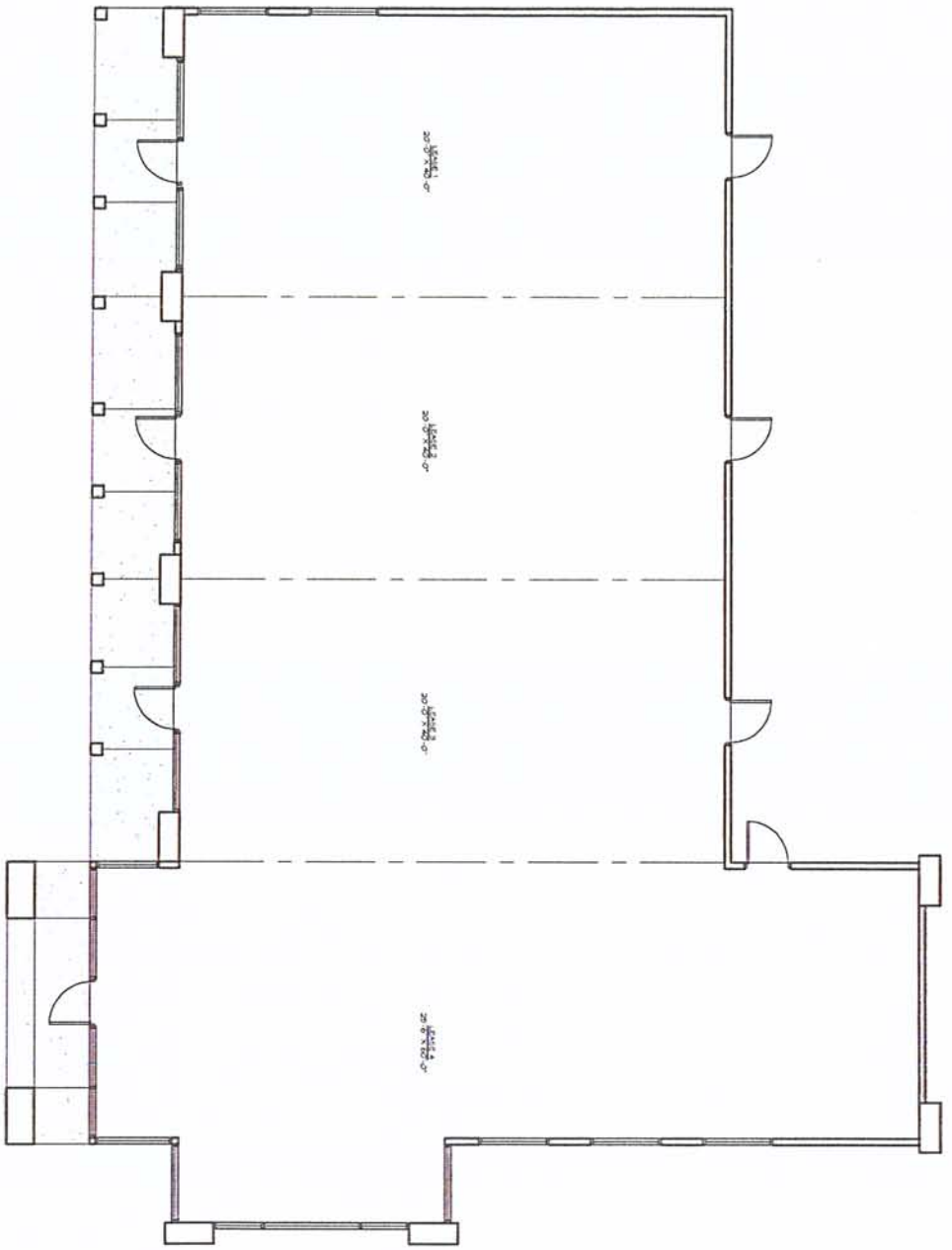
SHEET

A-11

6-18

FLOOR PLAN

SCALE: 1/4" = 1'-0"



C-19

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SHEET: A-12	PROJECT # 1111 DATE: 02/24/12 TITLE: COMMERCIAL EAST	SEAL DATE		EDGEWATER ESTATES HUNTSVILLE, UTAH	BERTOLDI ARCHITECTS ARCHITECTURE • PLANNING • INTERIORS 2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4330

WEST ELEVATION

SOUTH ELEVATION

A-13

EDGEWATER ESTATES

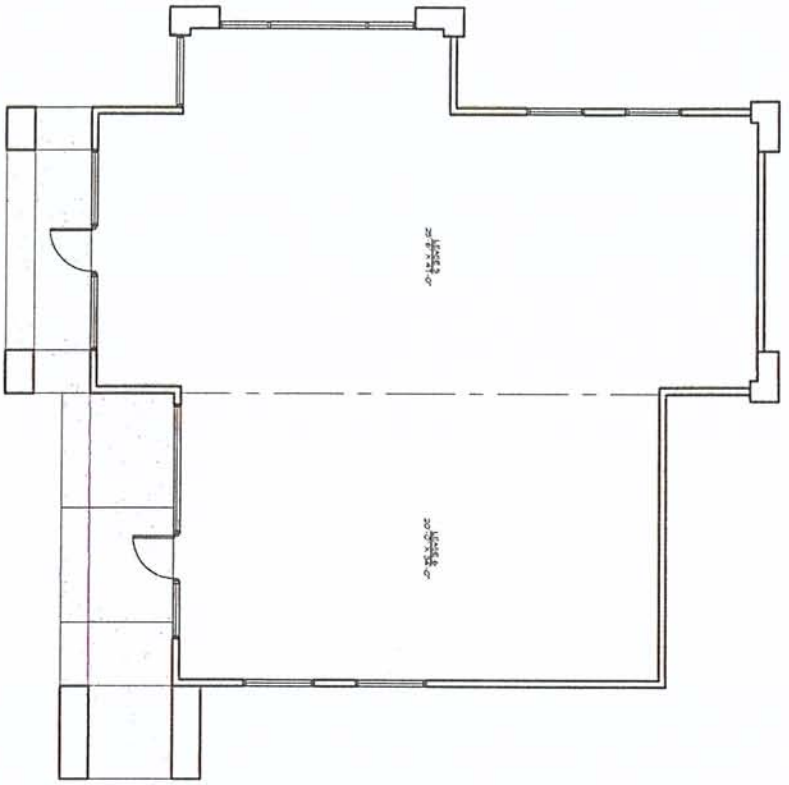
FARMINGTON, UTAH

BERTOLDI ARCHITECTS

C-20

FLOOR PLAN

SCALE: 1/4" = 1'-0"



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SHEET: A-14

REV | DATE

PROJECT # 1111

DATE: 02.24.12

TITLE: COMMERCIAL MEST

EDGEWATER ESTATES

HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS
ARCHITECTURE • PLANNING • INTERIORS
2726 HARRISON BLVD. OGDEN, UT PH. 801.476.4330

1-21

C-22

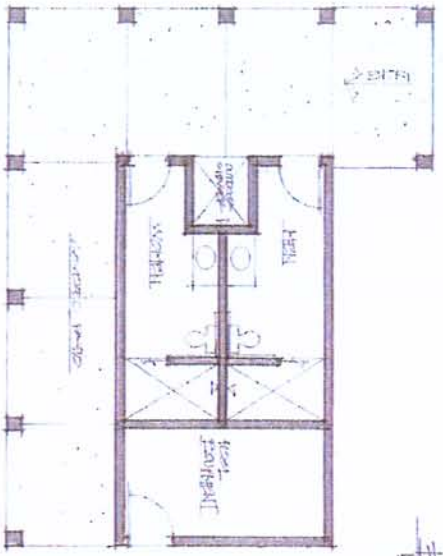
A-15

EDGEWATER ESTATES

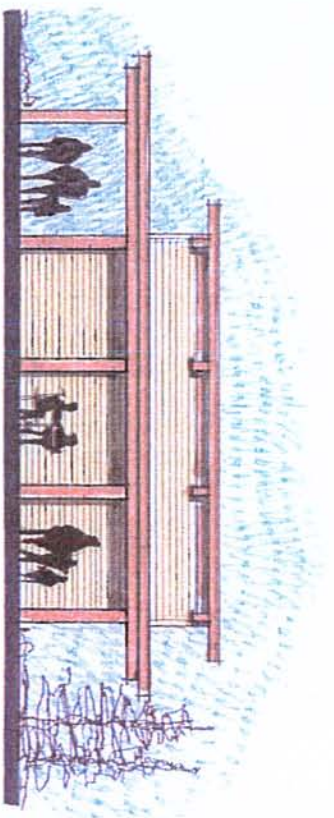
HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS

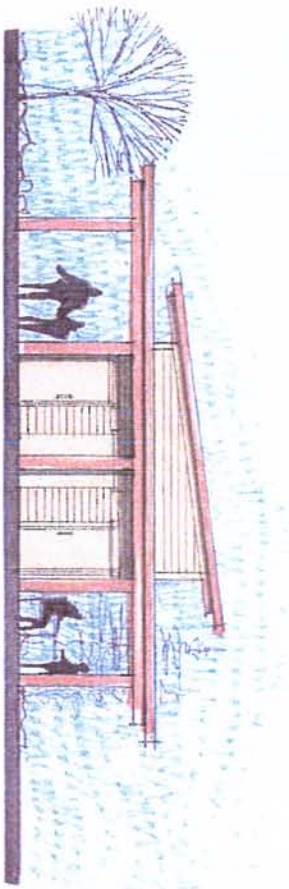
TOWNHOUSE FLOOR PLAN



NORTH ELEVATION



REAR ELEVATION



C-23

A-16

EDGEWATER ESTATES

HUNTSVILLE, UTAH

BERTOLDI ARCHITECTS

EAST ELEVATION
CONDO (EAST) GARAGE

NORTH ELEVATION
CONDO (EAST) GARAGE

NORTH ELEVATION
4 UNIT BLDGS. 7 UNIT SIM.

SIDE ELEVATION

SOUTH ELEVATION
HIGHWAY VIEW

BERTOLDI ARCHITECTS
ARCHITECTURE • PLANNING • INTERIORS

EDGEWATER ESTATES
HUNTSVILLE, UTAH

REV. DATE

PROJECT #: 1111
DATE: 03/04/15
TITLE: STORAGE BARNS AND CONDO GARAGES

SHEET: A-17

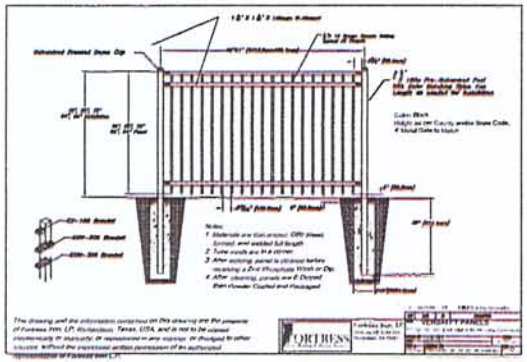
C-24

C-25

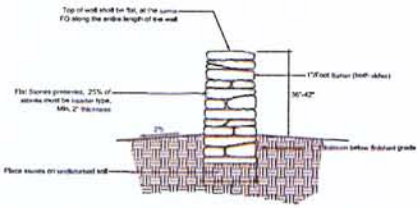
EDGEWATER ESTATES

HUNTSVILLE, UTAH

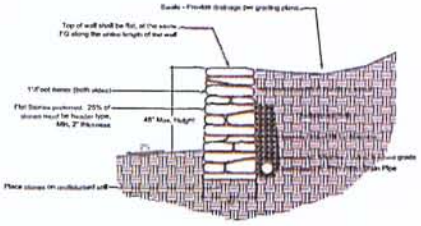
BERTOLDI ARCHITECTS



1 Pool Fence and Pool Gate
Not to Scale



2 Dry Stacked Stone Theme Wall
Not to Scale



3 Dry Stacked Stone Retaining Wall
Not to Scale

BERTOLDI ARCHITECTS
ARCHITECTURE · PLANNING · INTERIORS
2756 HARRISON BLVD. · OGDEN, UT · PH: 801.476.4330

EDGEWATER ESTATES
HUNTSVILLE, UTAH

LANGVARDT DESIGN GROUP LLC

REV.	DATE

PROJECT #: 1111
DATE: 02/28/12
TITLE:
OVERALL
SITE PLAN

SHEET:
S1.1

THE DRAWINGS & THE PROPERTY OF BERTOLDI ARCHITECTS © 2012

36-1

Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

March 13, 2012

Eric Langvardt
Langvardt Design Group
1525 Westmoreland Drive
Salt Lake City, Utah

Ray Bertoldi
Bertoldi Architects
2726 Harrison Blvd.
Ogden, Utah

Dear Mr. Langvardt and Mr. Bertoldi,

I have received your application for a Design Review for a conditional use permit for a P.R.U.D. (Edgewater Beach Resort) on Highway 39. In reviewing the site plan I have some comments regarding the information shown. The following are items that staff would like to see addressed with the site plan and application. I have included some photos of the notes that I had when reviewing the site plan, please use those in reference of this review.

A narrative of the project is needed. Please include within this the colors of the materials being used as shown in the architectural elevations. Can you clarify this projects name again as some items say Edgewater Beach Resort and some say Edgewater Estates. Also include responses to the conditional use criteria as listed in chapter 22c of the Zoning Ordinance.

Setbacks:

- The CVR-1 zone has setbacks of 30 feet in the front and 20 feet to the sides and rear of a site. Due to this project being a P.R.U.D. leniency to those requirements may be approved by the Planning Commission. Please consider my notes as a suggestion.

  Front – Holding to at least a 30 foot setback for the commercial building to the highway works well as it helps to retain the rural felling that is desired when traveling through the Ogden Valley.

  Sides – Having a 10 foot setback on the west side along 6300 East may be seen as to close. Being that the previous plan had a 50 foot setback worked out by the adjacent owner and the County Commission, Some may comment about this. Typically homes on corner lots have a 20 foot setback. 6300 East is shown as a 66 foot ROW, I believe that this was reduced to a 50 foot ROW as shown on the phase 1 plat. This would increase the distance from the ROW to the proposed homes. This and all boundaries should be checked and worked out before, please have Reeve check on this and other boundaries so that issues do not arise in subdividing each phase. Along the East boundary some sites have 5 foot setbacks. Is this enough area for the utilities in the area?

  Rear – 10 foot setbacks here may work. However, there is a requirement (ch. 43-2.2.A.4) that structures are not allowed within 100 feet of Pineview. This setback is not shown on the plans, please include it. From the previous plans the rear property line was within this 100 foot setback. This is a requirement that will be excused by it being a P.R.U.D.

Landscaping:

- The landscaping here overall looks well done. Remember that what landscaping is shown is the minimum allowed, and will be included in the escrow. Cost estimates will be required with each phase.

Exhibit D-1

Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

- Ditch – has the irrigation company approved the piping of their ditch?
- Fencing – Will there be any fencing around the whole complex? Will fencing be allowed around the dwellings? Fencing is shown around the pool house area, please show what type, color, and height.
- Gates – what will they look like? i.e. color, materials.
- Dumpster enclosures – what will they look like? Remember that there are standards for these and fences. Chain link is not allowed. Are the dumpster locations in reasonable distance for use? Are there enough in some areas? On the north end there are 16 dwellings near one dumpster, maybe two will be needed. One additional dumpster maybe needed near the pool house and dwellings as the other one will likely be used also by the commercial buildings.
- Parking – The plan says that there are 18 spaces for commercial use. Of those only 16 are not gated. How do those two spaces get behind the gates and still use the businesses. Also are there enough parking spaces for the commercial uses proposed? Typically one space per 200 feet of retail area. At 5300 square feet of commercial, the proposed area would need 27 parking spaces. Where will they go?

Architecture:

- What will the pavilions look like and what materials will they be made of? Nothing has been submitted to address this.
- Please remember colors to be used with the materials.
- Is there an exact plan of which house plan type goes into each dwelling location? Will the houses be built independently or by one developer/contractor?

As the approval of this development will be approved differently than the typical steps of development many other issues should be worked out now, opposed to coming later and requiring amendments.

It is suggested that as you address these comments that we set up a meeting to review them and the proposal. Please contact me to set up a time to do so. If you have any questions please let me know.

Ben Hatfield

Planner
Weber County
Planning Division
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bhatfiield@co.weber.ut.us

Exhibit D-7

Project Name

We will decide on an official name but will plan on calling it just Edgewater at this point. We will revise all plans to the final name but probably not until after this meeting if that works.

Setbacks.

Front - We plan to hold to the 30' setback for the commercial pending any adjustment to the highway ROW per UDOT. UDOT is in their review process of this matter.

East Side – The only "utilities" shown in this side yard is surface drainage and we feel there is adequate room here to accommodate this drainage. We have proposed a small setback here but have purposely only pushed to that setback in two small locations as opposed to walling the east boundary at a larger 20' setback.

West Side – Revised plans to show the existing 50' setback and revised the west setback to 15'. We have expanded the original setbacks in the pool house area from the previous PRUD submittals opening views to the reservoir.

Rear – We will add the 100' setback from the high water line. The dimensions on the previous plan were not accurate for whatever reason but the current plan has taken this setback into account.

Landscaping

Ditch – Reeves has contacted the irrigation company and coordination is in process. We will provide info as soon as we get it.

Fencing – No fencing is proposed outside of the pool fencing. We may add fencing as a mitigation to units 30-32 if necessary and it would be a wood rail, ranch style fence. We will include pool fence details in a revised submittal.

Gates - We will include details in a revised submittal.

Dumpster Enclosures - We will include details in a revised submittal. We feel the dumpster locations are appropriate and the number is adequate for a project that is focused on vacation/second homes. We would prefer to add an additional pickup than have too many dumpsters.

Parking – There are actually 18 stalls outside of the gates for commercial users. We also will require employees of commercial building A to park in the rear of the building (6 spaces). These stalls should have been called out as commercial. We also anticipate that a portion of the space will be office and would result in a reduced requirement per SF.

Architecture

Pavilions – We will be providing pavilion details in a revised submittal.

Colors – We will be providing a materials board in the revised submittal information.

Exhibit D-3

House Plans – There is not a plan for unit type placement. This will ultimately be based on market demand for different units. All SF units are fairly similar in footprint and can be move around with flexibility for the most part with no real site impacts.

Plan Comments – From Ben's email

Rock wall – Will provide details in revised submittal.

Parking near public areas – These areas are designed to be used by residents of the community and not a "destination". Numerous paths have been provided linking residents to these amenities along with selective parking spaces.

Pool Parking – Similar to above, this area has parking close to the amenity but limits it promoting walking to the pool. There are 17 spaces within 200' and the HOA will closely monitor parking violators throughout the project.

Cul-de-sac – This dimension shown was approved by Ted Black.

Trail Dedication – We will be receiving a letter from Weber Pathways that acknowledges their satisfaction with the trail easement dedication. We have proposed to build this trail to the Ski Lake project entry and will work with Weber Pathways to obtain access thru the Forest Service parcel. Weber Pathways has verbally agreed that the trail will only be constructed once this access is finalized but are happy with the easement.

Storage Barns – The individual units will either be rented or sold on the open market and are not tied to the residential units on the project in any way.

Exhibit D-4

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March 15, 2012

Eric Langvardt
Langvardt Design Group
1525 Westmoreland Drive
Salt Lake City, Utah

Ray Bertoldi
Bertoldi Architects
2726 Harrison Blvd.
Ogden, Utah

Eric

Thank you for your response. I still have the following comments.

- What will happen with some of the existing improvements on the site. Is the plan to have them completely removed? Specifically the landscaping features (Elk statue), trail, and rail fencing.
- I am still waiting for the Engineer's review. Hopefully nothing major will need changing. I would expect that the UDOT letter will be similar to the last development, and require a deceleration lane. I would expect that to be part of phase 1's improvements. As phase 1 will have all of the commercial buildings the need for these highway improvements will be there.
- I cannot call this submittal complete as I have not received the Narrative. Please remember to include the building material colors either here or with the revised plans.
- Yes please send me the revised plans ASAP as I now only have one day to review them and make my staff report. Hopefully everything will be satisfactorily addressed in the revisions. I will only need an electronic copy in a smaller MB size is preferable, this could be 3 or 4 files is fine. Please submit all drawings as this may help not cause confusion with the plans.
- I still only count 17 stalls outside of the gates for the commercial area. A proposed list of uses justifying the number of spaces used would be helpful in explain the project to the Planning Commission. Usually once a site is built employees will park where ever it is convenient for them. Where will these employees park while phase 2 is not built.
- Storage Barns – Please remember that the rental of storage units is not a use allowed in the CVR-1 zone. I have been told that Sean has said that before. As far as selling them on the open market, I was not aware that this was being proposed as a condo plat that would grant title to individual storage units. If that is the case please have that indicated on the plans. Again remember that storage units are not allowed in that zone and staff would recommend denial of a plan that did so.

Once again thank you for the response, I look for to seeing the revisions. Let me know if you need help working to set up the presentation.

Ben Hatfield

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Exhibit D-5

Edgewater – Anticipated Commercial Uses and Parking Justification

Total Commercial Square Footage – 5,300 SF*
***Includes all SF – back of house, circulation, etc.**
Proposed Parking – 23 Stalls

Proposed Uses

Market – 2,120 SF - Select groceries directed to recreational guests. Bait, tackle, food essentials, etc.

Stalls per Code – 11

Real Estate Office – 1,000 SF - 2 Employees

Stalls per Code - 5

Restaurant – 760 SF - 4 tables (small operation with to go orders)

Stalls per Code - 4

General Retail – 1,420 SF

Stalls per Code – 7

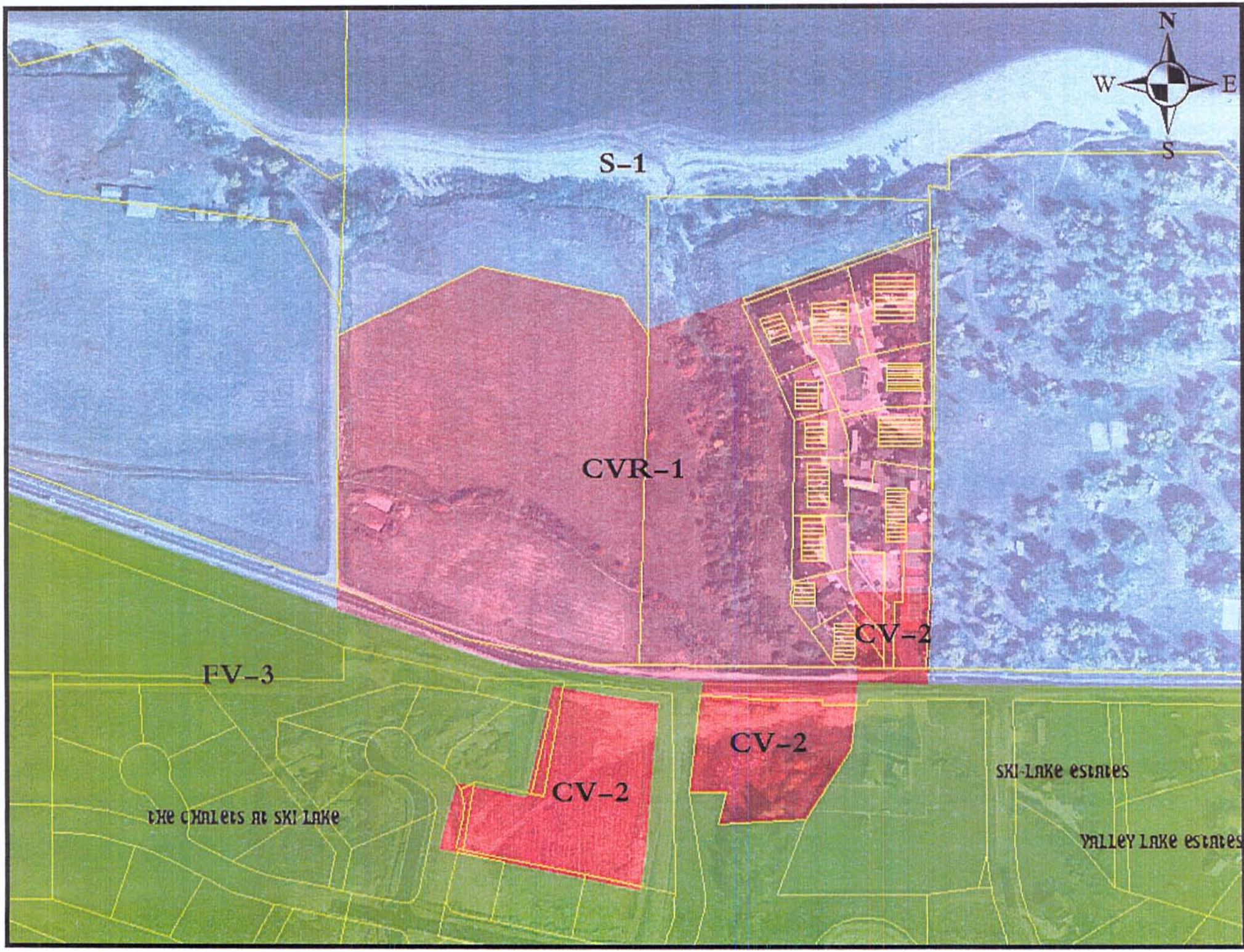
Total Required Stalls per Code – 27 Stalls

Narrative

The Edgewater project provides ample parking for the intended uses specifically when the visitation patterns of the proposed uses are considered. Additional parking is also available in close proximity to the commercial uses and will be accessible thru the daytime hours as the gates will only be secured after regular business hours (this would not apply to the Market). This parking would provide an additional 4 spaces within 200' of every commercial use and 7 more within just over a one minute walk totally 34 stalls. These 11 stalls are also anticipated to provide flexible guest parking for the adjacent uses but the project is not a primary residential project and the vast majority of units provide 2 garage stalls minimizing the guest parking demands.

The proposed market will generally be utilized with quick visits for daily items and therefore will have a higher turnover of visitors. The Real Estate office is anticipated to be staffed with 2 employees and seems would rarely require the need for 5 stalls. With this mix of uses and the fact that many users can walk to the commercial uses from within the project or from Ski Lake and Anderson Cove via the Weber Pathways trail connection we feel that the parking we have provided is sufficient.

Exhibit D-6


N
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CVR-1
CV-2
FV-3
CV-2
CV-2
SKI-LAKE ESTATES
THE CHALETS AT SKI LAKE
VALLEY LAKE ESTATES

Exhibit E

Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Amendment to Chapter 1 (General Provision – Filing preliminary and final plats)
Agenda Date:	Tuesday, March 27, 2012
Applicant:	Weber County Planning Division
File Number:	ZTA 2010-08

Property Information

Approximate Address:	Click here to enter text.
Project Area:	Click here to enter text.
Zoning:	Click here to enter text.
Existing Land Use:	Click here to enter text.
Proposed Land Use:	Click here to enter text.
Parcel ID:	Click here to enter text.
Township, Range, Section:	Click here to enter text.

Adjacent Land Use

North:	Click here to enter text.	**South:**	Click here to enter text.
East:	Click here to enter text.	**West:**	Click here to enter text.

Staff Information

Report Presenter:	Jim Gentry jgentry@co.weber.ut.us 801-399-8767
Report Reviewer:	RS

Applicable Ordinances

- Weber County Subdivision Ordinance Chapter 1 (General Provision – Filing preliminary and final plats)

Background

Consistent with the Planning Division work program, staff is proposing several amendments to the Weber County Subdivision Ordinance Chapter 1 (General Provision – Filing preliminary and final plats). This chapter outlines the requirements for submitting preliminary and final subdivision plats.

Meetings have been held with the Fire District, Engineering, Environmental Health, Surveyor/Recorder, and the Building Inspection Division. The purpose of these meetings was to bring the subdivision reviewing process current with state code and to make administering the Subdivision Ordinance more efficient and productive. Policy issues have been discussed with the County Commission.

During the work sessions, both Planning Commissions address the policy questions and recommended other changes. The changes are listed in the section below.

The proposed changes to Chapter 1 of the subdivision ordinance are as follows:

26-1-1 Purpose and Intent section language was updated.

26-1-2: The original language for variances was combined under one section. The proposed change creates a new variance section. The County Commission is the appeal authority for the subdivision ordinance. One of the recommended changes was to have the criteria for time extensions listed in 26-1-8 Subdivision Time Limitations.

26-1-3: This section was called Scope of Ordinance and has been renamed Subdivision Required, since this section explains when a subdivision is required and what constitutes a subdivision.

26-1-4: The definition section was cleaned up by removing obsolete and unused terms. This section will have more cleanup as part of the code service reviews. Terms that are defined in the zoning ordinance are referred to in order to have consistent definitions. Under the small subdivision definition it lists the number of lots that can be approved administratively by the Planning Division. Staff is suggesting the numbers are increased as follows:

Small Subdivision

a. A subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned, or

b. An amended subdivision consisting of ten (10) or fewer lots and for which no new streets will be created or realigned; or

c. A subdivision phase consisting of ten (10) or fewer lots which has a valid preliminary approval by the Planning Commission and meets all conditions of that preliminary approval, including proposed street layouts.

In a recent Advisory Opinion issued by the Office of the Property Rights Ombudsman, the following statement concerning permitted uses was made: "to require a planning commission to review and decide on every application for a permitted use is at best, a waste of time and resources, and at worst, a potential violation of the County Land Use and Management Act, in that the policy decision regarding the use will be made again and again despite the ordinance."

A ten lot subdivision in the Forest F-5 (50 acres), F-40 (400 acres), and the Agricultural AV-3 (30 acres) zones would require Planning Commission approval because of roads that would have to be built to serve development of this size. The only time administrative approval of 10 lots will take place is on an amended subdivision, where all of the improvements have been installed.

26-1-5: The change to Subdivision Application Requirements section made it clearer on the type of electronic copy required. The Planning Division previously was asking for four types of electronic copies. With this change, only one type of electronic copy will be required (PDF). The number of required paper copies has been reduced from 12 to 5, because of the ability to send drawings electronically.

26-1-6: The Preliminary Plan/Plat Requirements and Approval Procedure section was amended and updated to be consistent with the information that is needed by the Planning, Engineering, Health, and Surveying Divisions when reviewing subdivision applications. Another change was to add a requirement for a preliminary title report. The reason for the title report is to reduce the hours spent by different departments researching the six items listed below and a title report helps protect future buyers. The title report will have to address the following six items:

a. All easements.
b. Reference to all deeds in chain of title.
c. All boundary line agreements.
d. All rights of way.
e. All current owners.
f. All outstanding liens, taxes, etc.

26-1-7: The Agency Review and Public Notice section added review agencies not listed that projects are sent to. The public notice requirements changes are as required by state code. Since subdivision approvals are an administrative decision, notices to property owners are not required by state code. The Planning Commissioners had many opinions on noticing of small subdivision. Some commissioners felt that notices should be sent on all subdivisions, while others thought that notices should be sent after three lots, while other thought notices should be sent after 10-lots. Staff recommendation as a compromise (since noticing is not required) is subdivisions with more than 5-lots will have notices sent.

26-1-8: Changes to Subdivision Time Limitations were made to give the planning director administrative authority to approve time extensions if they meet the requirements of the ordinance. Instead of allowing subdivision to never expire (since closure is needed) staff is allowing one additional time extension for preliminary approval. Preliminary time extension beyond two will have to be approved by the planning director. Any extension request beyond the two needs to be based on other issues besides financial, economic, or self-imposed hardship. Time extensions for final approval remain the same.

26-1-9: Final Plat Requirements and Approval Procedure there are a number of changes to this section. One change is to have the Planning Director sign the plat instead of the Planning Commission Chair. Another proposed change is to have

escrows under $10,000 dollars approved by the County Engineer. Another change requires an electronic copy of the improvement drawings.

Summary of Planning Commission Considerations

- Are the reasons for amending the ordinance clearly stated?
- Are there additional amendments that should be addressed at this time?

Conformance to the General Plan

The proposed ordinance amendment will comply with the goals/objectives of the General Plan and will promote property rights.

Staff Recommendation

Staff recommends approval of the proposed amendments to Chapter 1 of the Subdivision Ordinance. If the Planning Commission agrees with the staff recommendation, approval of the amendments should be recommended to the County Commission.

Exhibits

A. Proposed ordinance

CHAPTER 1

GENERAL PROVISIONS
Filing of Preliminary and Final Plans

February, 2012 Amd. Ord. 95-31, 11/11/95; 10-2005, 8/16/05; 2008-11 4/15/08

26-1-1 Purpose and Intent
26-1-2 Variances
26-1-~~2~~ 3 ~~Scope of Ordinance~~ Subdivision Required
26-1-~~3~~ 4 Definitions
26-1-4 5 Subdivision Application Requirements
26-1-~~5~~ 6 Preliminary Plan Requirements and Approval Procedure
26-1-~~6~~ 7 Agency Review and Public Notice
26-1-~~7~~ 8 Subdivision Time Limitations
26-1-~~8~~ 9 Final Plat Requirements and Approval Procedure

26-1-1 Purpose and Intent. The ~~underlying~~ purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of the unincorporated ~~territory~~ area of Weber County in ~~the matter of~~ subdivision of land and related matters ~~affected by such subdivision~~. ~~Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the Land Use Authority.~~ This ordinance outlines the procedures for processing subdivisions and their approvals.

26-1-2 Variances. The County Commission is the appeal board for the subdivision ordinance. The County Commission may vary the standards in cases where unusual topographical or other exceptional conditions exist, ~~variations and exceptions from this Ordinance may be made by the County Commissioners. the appeal board for the subdivision ordinance, after a recommendation by the Planning Commission.~~ The following are not considered exceptional conditions such as financial, economic, or self-imposed. The Planning Commission shall make a recommendation to the County Commission prior to the consideration of any variances. Subdivision time extensions are not variances and will address in section 26-1-8 Subdivision Time Limits. Illegal division of land does not constitute an exceptional condition.

26-1-~~2~~ 3 ~~Scope of Ordinance~~. Subdivision Required. No person shall subdivide any tract of land, ~~which is located wholly or in part in the County, outside of incorporated cities or towns~~ except in compliance with this Ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording ~~in the office of the County Recorder~~ any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created ~~pursuant to and~~ in accordance with the provisions of this Ordinance. ~~provided, that~~ This Ordinance shall not apply to any ~~lot or~~ lot(s) forming a part of a subdivision ~~created and~~ recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.

No lot within a subdivision approved by the Planning Commission and County Commission and recorded in the County Recorder's Office in accordance with the provisions of this Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner ~~so as~~ to create more lots than initially recorded ~~or any non-conforming lot~~ without first obtaining the approval of the Land Use Authority. (Amd. Ord. #2-71, 2/25/71)

26-1-~~3~~ 4 Definitions. The following words and phrases used in this Ordinance shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

~~1. "Alley": A public thoroughfare less than twenty-six (26) feet wide.~~

1. "Average Percent of Slope": An expression of rise or fall in elevation along a line perpendicular to the contours of the slope connecting the highest point of a slope to the lowest point of the same slope within a parcel or lot. A vertical rise of one hundred (l00) feet between two points one hundred (l00) feet apart measured on a horizontal plane is a one hundred percent (l00%) grade. The horizontal distance between any two measured points shall not exceed 50 feet.
(Amd. Ord. #2-7l, Feb. 25, l97l; #15-92, 12/16/92)

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

3. "Bonafide division or partition of agricultural land for agricultural purposes": shall mean the division of agricultural land into lots or parcels of five (5) acres or more in area whose principal use is the raising and grazing of animals or agriculture as ~~that use is~~ defined in the Weber County Zoning Ordinance and provided that:

   a. No dedication of any streets shall be required to serve any ~~such lots or~~ parcels of agricultural land ~~so created~~.

   ~~b. The division of land in the mountain areas (Forest Zones) of the County for investments, building development or summer cabin usage shall not be deemed to be a bona fide division or partition of agricultural land for agricultural purposes.~~

   ~~e~~b. The agricultural ~~lots or~~ parcels ~~so created~~ shall not ~~thereafter~~ be further divided into parcels of less than five acres without being subdivided in accordance with this ordinance ~~the Subdivision Regulations of Weber County~~.

   ~~d~~c. No dwellings shall be permitted unless all subdivision, zoning and health requirements ~~of the County~~ are met. (Amd. Ord. #20-72, #4-8l)

5 4. "Buildable Area". As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance ~~"Building Area": A portion of a lot, parcel, or tract of land, which is to be utilized as the building site having an area of at least one hundred (l00) feet by seventy-five (75) feet with an average slope of less than twenty-five percent (25%), such building area to be designated as the only area in which building may take place and outlined on the subdivision plat in which the lot is located. Easements and setbacks cannot be located within this area.~~ (Amd. Ord. #2-7l, 2/25/7l, #2002-03, 3/05/02)

~~6. "Building Parcel Designation": Building parcel designation recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow for the creation of additional lots, and the original lot lines as recorded do not change. The Planning Director can administratively approve Building Parcel Designation (Ord #2002-3, 3/05/02)~~

~~7. "County": Weber County, Utah.~~

~~8. "County Commissioners": The Board of Commissioners of Weber County, Utah.~~

~~9. "County Health Officer": The Administrative and Executive Officer of the Weber County Health Department and Local registrar of Vital Statistics or his duly authorized representatives.~~

~~10. "Holding Strip": A strip of land bordering both situated within a street right of way adjoining a boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street. Holding strips may not be placed at the terminus of a right-of-way. The Holding strip is to be one (1) foot in~~

~~width, or as required by the County Commission.~~ (Ord. #2007-1, 1/09/07)

~~11~~5. "Easement": That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

~~12~~6. ~~"Land Use Authority" : A person, board, commission, agency, or other body designated by the Weber County Commission, through this ordinance, to act upon subdivision applications.~~ (Ord. #2007-1, 1/09/07)

~~13~~. ~~"Land Use Ordinance": The Land Use Ordinance is to be known as the Uniform Zoning Ordinance of Weber County as adopted by the Board of County Commissioners, December 30, 1958 as amended from time to time.~~

~~14~~. ~~"Lot": A parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full or part time; together with such yards, open spaces, parking spaces and other areas required by this Ordinance and the Zoning Ordinance, of Weber County. Such parcel shall also have frontage on a street or on a right-of-way approved by the Board of Adjustment. Except for group dwellings and guest houses, not more than one (1) dwelling structure shall occupy any one (1) lot.~~ ~~(Amd. Ord. #2-71, 2/25/71)~~

7. "Lot Combination": A Lot combination recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow creation of additional lots, and the original lot lines as recorded do not change. The lots have to conform to current zoning or be part of a cluster subdivision. If the lots do not conform to current zoning then an amended subdivision plat is required. The Planning Director can administratively approve Lot Combination Application that meet current zoning.

~~15~~8. "Lot Line Adjustment": Allows owners of lots within approved subdivisions to adjust ownership lines between lots. An Amended Plat is required to do a Lot Line Adjustment. Non-conforming lots cannot become more non-conforming. (Ord. #2002-3, 3/05/02)

~~16~~9. "Lot, Restricted": ~~A lot (1) Which has an average slope of twenty-five (25%) percent or more over a major portion of its area, or (2) which does not have a building area of at least seventy-five (75) feet by one hundred (100) feet on a buildable portion of the lot with an average slope of less than twenty-five (25%) percent, or (3) which has been identified as having potential geologic or other environmental hazards or which requires further investigation prior to the issuance of a building permit. The lot shall be increased in area and width if over the twenty-five (25%) percent slope category and~~ shall be regulated and developed in accordance with Chapter 36B of the Weber County Zoning Ordinance and conditions imposed by the Hillside Development Review Board in addition to the requirements of this Ordinance. (Amd. Ord. #2-71, 2/25/71, #9-88, 5/9/88)

~~17.~~ ~~"Lot, Unrestricted": A lot having an average slope of less than twenty-five percent (25%) over a major portion of its area or a lot having an average slope of twenty-five percent (25%) or more which contains a building area on a buildable portion of the lot with an average slope of less than twenty-five percent (25%), and the building area is designated as such on the subdivision plat in which the lot is located.~~ (Amd. Ord. #2-71, 2/25/71)

~~18.~~ ~~"Lot Right-of-way": A strip of land of not less than sixteen (16) feet wide connecting a lot to a street for use as private access to that lot.~~

~~19.~~ ~~"Master Street Plan": A plan, labeled "Master Street Plan" of Weber County.~~

~~20. "Minor Small Subdivision":~~ ~~(Ord. #2007-1, 1/09/07)~~

~~a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned,~~

~~b. An amended subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned;~~

~~c. A subdivision phase consisting of five (5) or fewer lots which has a valid preliminary approval and meets all conditions of that preliminary approval, including proposed street layouts.~~

211. "Non-Buildable Area": ~~The area of a lot, which, because of identified potential geologic, or other environmentally hazardous conditions, has been determined unsuitable for construction of residential buildings and other structures for human occupancy. Decks, patios, pergolas, storage sheds, unattached private garages and other accessory structures may be allowed however within the designated non-buildable area of a lot As per Chapter 36B of the Weber County Zoning Ordinance.~~ (Amd. Ord. #9-88, 5/9/88)

22. ~~"Official Map": A map adopted by the Board of County Commissioners under the provisions of 17-27-7, Utah Code 1953 as amended~~.

12. "Protection Strip, No Access Line": A Protection Strip is actually a line that acts as an encumbrance by which certain land, lying adjacent to a dedicated road right-of-way or other transportation facility, is restricted from having access. The No Access Line having no specific width, shall be shown on the final subdivision plat as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. The No Access Line shall expire after 10 years in accordance with a written and recorded agreement.

~~23. "Parcel of Land": Parcel of land shall mean a contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant or person.~~

~~24. "Person": Any individual, corporation, partnership, firm or association of individuals, however styled~~.

~~25. "Private Access Right-of-Way": An easement of not less than fifty (50) feet wide reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the subdivider or other private agency.~~

13. "Small Subdivision":

a. A subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned, or

b. An amended subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned; or

c. A subdivision phase consisting of ten (10) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee.

~~26~~14. "Streets":

~~a. "Street": A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority or a thoroughfare not less than twenty-six (26) feet wide which has been made public by right of use and which affords the principal access to the abutting property.~~

b. "Street, Major": A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Master Street Plan as a controlled

access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

c. "Street, Collector": A street existing or proposed of considerable continuity which is the main means of access to the Major Street System.

d. "Street, Standard Residential": A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

e. "Street, Frontage ~~Marginal Access~~": A ~~minor~~ street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

f. "Street, Private": A minimum of a 50 foot wide thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the ~~subdivider~~ developer or other private agency.

g. "Cul-de-sac": A ~~minor~~ terminal street provided with a turnaround.

~~27~~15. "Subdivision":

a. Means any land that is divided, resubdivided, or proposed to be divided into ~~two~~ one or more new lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

b. "Subdivision" includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. "Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance.

c. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

d. "Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes. ~~nor a division of land into two or more parcels each of which is eighty (80) acres or more in area.~~ (Amd. Ord. 15-92, 12/16/92)

~~28~~16. "Subdivision Cluster": ~~A subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the Cluster Subdivision provisions of the Zoning Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low density character for the residential lots in the subdivision.~~ See the Weber County Zoning Ordinance Chapter 22B.

~~29. "Subdivision, Summer Home": A subdivision of land in the mountain areas of the County for summer home usage only and not for year round permanent living where, because of topography and the temporary nature of the occupation, road utility and other standards and improvements are reduced to a minimum and where the naturalistic environment is maintained as much as possible.~~

~~30. "Survey Markers": A survey marker shall be of the size and type specified by the Weber County record of survey ordinance. Section 6-12-2 (5) (a).~~

26-1-4 5 Subdivision Application Requirements.

(A) Pre-application meeting required. Each person who proposes to subdivide land ~~in the unincorporated territory of the County~~ shall confer with the Weber County Planning staff before preparing any plats, charts, or plans in order to become familiar with the County Subdivision requirements and existing master plans ~~for the territory in which the proposed subdivision lies~~ and to discuss the proposed ~~plan of~~ development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.

(B) Subdivision Application Submittal. Subdivision applications shall be submitted to the Planning Division ~~Planning Director or his/her designated staff member~~, by appointment, and shall include:

A completely filled out subdivision application, signed by the property owner(s).

1. ~~Twelve (12)~~ Five (5) full size 24 x 36 copies, and one (1) reduced size 11 x 17 copy, and one (1) reduced size 81/2 x 11 copy of a preliminary plan meeting the requirements listed in this ordinance. This includes two 24 x 36 copies of the phasing plan. Once all preliminary requirements have been met two full size copies and a digital copy shall be submitted to the Planning Division. This requirement shall be met prior to the submittal for final approval.

2. All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF, ~~DWG,~~ ~~DWF and JPEG~~ files of the respective plans. ~~Improvement drawings shall not be required to have accompanying JPEG files.~~

3. A written statement of feasibility from the County or State Health Department, which states the recommendation of the Health Department regarding:
   a. sanitary sewage disposal,
   b. ~~and~~ culinary water availability, and ~~shall be provided with the submittal of any subdivision application.~~
   c. A Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.

4. ~~A non-refundable fee made payable to Weber County~~ (Ord. #2007-1, 1/09/07)

5. ~~A copy of the Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.~~

26-1-5 6 Preliminary plan/plat Requirements and Approval Procedure.

(A) The preliminary plan shall be prepared in conformance with the requirements of this ordinance and all other County codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than one hundred (l00) feet to the inch unless approved by the County Surveyor and shall show:

1. ~~The proposed name of the subdivision. Sufficient information to locate accurately the property shown on the plan, including and ties to section corners.~~ A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat.

2. North point, scale, and date. ~~The location as forming a part of a larger tract or parcel, where the plat submitted covered only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted; and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.~~

~~3.~~ ~~Sufficient information to locate accurately the property shown on the plan, including lot numbers, and measured and/or record and ties to section corners Ties. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall be shown on the top of the plat."~~ (Amd. Ord. #2002-3, 3/05/02)

~~4~~ 3. ~~The boundary lines of the tract to be subdivided showing bearings and distances.~~ The boundary lines of the tract to be subdivided showing lot numbers, measured and/or record bearings, distances, and other controlling data with ties to section corners. ~~The individual or company names and addresses of the subdivider applicant, the engineer and registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided. (Amd. Ord. #4-86, 3/10/86)~~

~~5~~ 4. Contour map ~~at~~ with contour intervals ~~of 1', 2', 5', or 10'~~ as determined by the ~~Planning Commission~~ County Engineer.

~~6~~ 5. ~~The boundary lines of the tract to be subdivided showing bearings and distances.~~ The individual or company names and addresses of the ~~subdivider~~ applicant, ~~the~~ engineer, and ~~registered~~ land surveyor of the subdivision, ~~and the owners of the land immediately adjoining the land to be subdivided~~.

~~7~~ 6. The existing location, widths, and other dimensions of all ~~existing or platted~~ streets and other important features such as but not limited to railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, flood plain, fence lines, exceptional topography, easements, and buildings ~~within or immediately adjacent to the tract to be buildings~~ and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided. (Amd. Ord. #2002-3, 3/05/02)

~~8.~~ ~~Existing and proposed sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, and culverts within the tract and immediately adjacent thereto. (Amd. Ord. #2002-3, 3/05/02)~~

~~9~~ 7. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, pathways, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.

~~9~~ 8. ~~North point, scale, and date.~~ Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.

~~11~~ 9. Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number ~~of said lot~~. (Amd. Ord. #2-71, 2/25/71)

~~12~~ 10. The location of percolation test holes on each lot. (Ord. 2007-1, 1/09/07)

~~13~~ 11. Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed storm water drainage facilities and other proposed

improvements such as sidewalks, planting and parks and any grading of individual lots. ~~Engineering~~ Improvement drawings as required by the County Engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent (10%) percent or greater. (Amd. Ord. #4-86, 3/l0/86, #2007-1, 1/09/07)

~~14~~ 12. Open space and common area improvements ~~shall be submitted~~ including but not limited to landscaping, structures, signs, parking, and other amenities.

13. A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include at least the following:

A search of recorded documents back to patent identifying:

a. All easements.
b. Reference to all deeds in chain of title.
c. All boundary line agreements.
d. All rights of way.
e. All current owners.
f. All outstanding liens, taxes, etc.

(B) Approval Procedure.

~~1.~~ ~~A phasing plan for multi-phase subdivisions shall be submitted and approved by the Planning Commission~~

~~12.~~ With the exception of ~~minor~~ small subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Land Use Authority, in this section Planning Commission, for their ~~recommendation~~ determination, based upon compliance with applicable ordinances.

a. The Planning Commission's recommendation may be appealed to the County Commission by filing an appeal within 15 days of the Planning Commission's recommendation.

b. If the Planning Commission's recommendation is not appealed to the County Commission, the Planning Commission's recommendation shall stand as the County's decision on preliminary approval. (Amd. Ord. #2002-3, 3/05/02, #2007-1, 1/09/07)

~~23.c~~ Grading Limitation. No large scale excavation (more than 5,000 sq. ft.), grading or regrading ~~as determined by the Planning Commission~~ shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission ~~and then only in accordance with the Excavation Ordinance of Weber County~~.

26-l-~~6~~ 7 Agency Review and Public Notice. (Ord. #2007-1, 1/09/07)

(A) Distribution of Preliminary Plan. The Planning ~~Commission~~ Division ~~office~~ shall distribute a copy of the Preliminary Plan to each of the following for their information and recommendations: County Engineer, County Fire District, County Health Officer, County School Board, County Surveyor, County Treasury, and utility companies furnishing telephone, electric, water, sanitary sewer and/or gas service. The Planning Division ~~Commission office~~ may distribute copies of the Preliminary Plan to other agencies and organizations to ensure thorough review of the proposed plan.

(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 on the proposed subdivision to the record owner of each parcel within 500 feet of the property ~~proposed for subdivision; or posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~

(C) Notice for an amendment or vacating a subdivision: For an amendment to a subdivision, the Planning Division shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate. Notice for subdivisions is required only for vacating or amending a subdivision plat.

(D) Noticing of Small Subdivisions: Notices will be sent adjacent property owner when small subdivision have more than five (5) lots.

Notice challenge: If the notice is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

26-1-~~7~~ 8 Subdivision Time Limitations.

(A) Time Limitation for Preliminary Approval. Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received ~~receiving~~ preliminary plan approval shall have eighteen (18) months from the date of the preliminary approval by the Planning Commission to receive a recommendation for final approval of the subdivision, or the first phase ~~thereof, from the Planning Commission~~.

An extension of preliminary approval for an additional time ~~period~~ of up to eighteen (18) months may be granted by the Planning Director upon repayment of the subdivision application fees and the plan being brought into compliance with County, State and Federal ordinances current at the time of the extension. The extension request shall be submitted, and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extension will be granted. The Planning Director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship. (Amd. Ord. #2002-3, 3/05/02)

(B) Time Limitation for Final Approval. A final subdivision plat or a phase ~~for the first phase~~ of a subdivision that receives a recommendation for final approval from the Planning Commission shall be offered to the County Commission for final approval and recording within one (1) year from the date of the Planning Commission's recommendation for final approval. After one (1) year from that date, the plat ~~shall not be received for recording and~~ shall have no validity ~~whatsoever~~. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat ~~shall not be received for recording and~~ shall have no validity ~~whatsoever~~. The Planning ~~Commission~~ Director may grant a onetime extension for final subdivision approval for a maximum of one (1) year ~~per subdivision~~. A multiple phase subdivision may receive only one time extension, not one time extension per phase.

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

26-l-~~8~~ 9 Final Plat Requirements and Approval Procedure

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

(A) Final Plat Required.

1. After compliance with the provisions of Section 26-l-5 of this Ordinance, the ~~subdivider~~ applicant shall submit ~~twelve (12)~~ five (5) full size, 24 x 36, one (1) reduced size, 11 x 17 copy of the final plat, and one (1) 8 1/2x11 copy of the final plat, meeting the remaining requirements listed in this ordinance and any additional requirements set by the Land Use Authority. ~~Such plat shall be accompanied by a "Letter of Certification" by the subdivider's applicant's registered land surveyor, indicating that~~ The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Zoning Ordinance. Digital copies shall also be submitted as listed for preliminary plan.

(Amd. Ord. #4-86, 3/l0/86; #2007-1, 1/09/07)

2. The final plat and accompanying information shall be submitted to the Planning ~~Commission~~ Division at least thirty-five (35) days prior to a regularly scheduled Planning Commission meeting ~~in order to be considered at said meeting~~.

(Amd Ord. #2002-3, 3/05/02)

(B) Final Plat Requirements. (Amd. Ord. #2-88, 1/8/88)

1. Digital copies shall be submitted until the County Engineer and Surveyor gives their approval for a Subdivision Mylar to be submitted. The final plat shall be ~~consist of~~ a sheet of ~~approved tracing linen or~~ Mylar ~~to~~ with the ~~outside or trim~~ dimensions of twenty four (24) by thirty six (36) inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half (1/2) inch or a maximum of one and one half (1½) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a Licensed Land Surveyor licensed in the State of Utah. All lines, dimensions, and markings shall be made on ~~the tracing linen or~~ mylar with permanent ink meeting industry requirements. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than one hundred (100) feet to the inch unless approved by the County surveyor and the workmanship on the finished drawing shall be ~~neat, clean cut and readable~~ legible having a text size of not less than 0.09 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in sub-paragraph "~~g~~ h" of this paragraph, duly authorized and required to sign and shall contain the following information:
   a. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat. (Amd. Ord. #2-88, 1/8/88)
   b. Where a subdivision complies with the Cluster Subdivision provisions ~~of the Zoning Ordinance,~~ the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision". (Amd. Ord. #2002-3, 3/05/02)
   c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the County Surveyor, the scale of the drawing, and the date of the survey noted in the heading. (Meaning the date, year, and month, the survey markers were placed).
   d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, ~~and dimensions of all boundary~~ including the lines of the subdivision. ~~These~~ The boundary lines should be

slightly heavier than street and lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "Basis of Bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available) shall be used in the survey and noted on the plat and the Basis of Bearing sufficient for retracement shall ~~also~~ be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set. (Amd. Ord. #4-86, 3/10/86; #2-88, 1/8/88)

e. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the County Surveyor. All proposed streets shall be ~~named or~~ numbered consecutively under a definite system approved by the County Surveyor and conform as far as practicable to the adopted street ~~naming and~~ numbering system of Weber County, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The County Surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier. (Amd. Ord. #15-71 11/30/71; #4-86, 3/10/86)

f. A house number indicating the street address for each lot in the subdivision shall be assigned by the County Surveyor marked on each lot ~~so as~~ to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights of way shall have the address assigned and posted at the access point from a County Road or private road. (Amd. Ord. #3-73, 11/30/73; #3-82, 1/26/83; #4-86, 3/10/86; #2002-3, 3/05/02)

g. Parcels of land to be dedicated as Public Park or to be permanently reserved for private and/or public common ~~open space~~ area shall be numbered and labeled with policies of the County Recorder. ~~included in the lot numbering system and shall also be titled "Public~~ Park" ~~or "Private Common Open Space", whichever is applicable.~~

h. ~~The standard forms approved by the Planning Commission~~ A signature block conforming to state code and county ordinances shall be used ~~for all subdivision plats lettered~~ for the following:

~~i)~~ 1. Description of land ~~to be~~ included in subdivision;
~~ii)~~ 2. Private licensed land surveyor's "Certificate of Survey";
(Amd Ord. #4-86, 3/10/86)
~~iii)~~ 3. Owner's dedication certificate;
~~iv)~~ 4. Notary public's acknowledgment;
~~v)~~ 5. ~~County~~ Planning ~~Commission's~~ Director Certificate of approval;
~~vi)~~ 6. County Engineer's certificate of approval;
(Amd. Ord.#3-82, 1/26/82)
~~vii)~~ 7. County Attorney's certificate of approval;
~~viii)~~ 8. Board of County Commissioners' certificate of acceptance;

~~ix)~~ 9. County Clerk's certificate of attest;

~~x)~~ 10. County Surveyor's Certificate of Approval;

(Amd. Ord. #4-86, 3/10/86)

~~xi)~~ 11. Weber-Morgan Health Department Certificate of Approval.

(Amd. Ord. #3-96, 10/09/96)

i. A three (3) inch by three (3) inch space in the lower right hand corner of the drawing for recording information.

j. The subdivision boundary ~~corners~~ and lot corners ~~not affected by road construction~~ shall be set on the site prior to recording of the final plat. Lot corners ~~affected by road construction~~ shall be set prior to issuance of a residential building permit. In addition front lot ~~line~~ corners may be permanently referenced in curbs after completion of the streets construction. The subdivision boundary corners, lot corners, and centerline street monuments shall be noted on the final plat in conformance ~~to~~ with the County record of survey ~~requirements~~ ordinance.

(Amd. Ord. #2-88, 1/8/88)

k. (1) The map shall contain a written narrative ~~that~~ which complies with state code (17-23-17) and county ordinances. ~~explains and identifies:~~

~~a) The purpose of the survey.~~

~~b) The basis on which lines were established. The surveyor should shall explain what decisions he were made in formulating the boundary such as the basis of bearing for the description or the use of any proration methods.~~

~~c) The found monuments or deed elements that controlled the established or reestablished lines. If the description calls for any monuments in a broad sense of the term (right-of-way lines, subdivision boundaries, fences, etc.) the surveyor should shall indicate what he was found relating to these calls.~~

(2) ~~If the narrative is a separate document, it shall also contain:~~

~~a) Location by quarter section or lot number, section number, township and range.~~

~~b) Date of survey.~~

~~c) Surveyor's stamp or seal and signature.~~

~~d) Surveyor's business name and address.~~

(3) ~~The map and narrative shall be referenced to each other if they are separate documents.~~

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

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

n. If no preliminary plans are required ~~then~~ a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include at least the following:

A search of recorded documents back to patent identifying:

a. All easements.
b. Reference to all deeds in chain of title.
c. All boundary line agreements.
d. All rights of way.
e. All current owners.
f. All outstanding liens, taxes, etc.

~~1.~~ 2. A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.

~~2~~ 3. Remaining Parcel:
When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and ~~record~~ area, using record or measured information will be shown, on the subdivision plat with the note: REMAINING AGRICULTURAL PARCEL NOT APPROVED FOR DEVELOPMENT. The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required.

~~3~~ 4. For subdivisions that include lots of a "restricted" category or lots with "buildable areas" as defined in this Ordinance, the following shall be required on the final plat:
(Amd. Ord. #9-72, 4/04/72)

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the ~~said~~ lot and by including the following notification on the final plat: "Notice ~~of~~ to Purchasers of Restricted (R) Lots". Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions Chapter 36B of the Zoning Ordinance ~~of Weber County~~. Approval of a Restricted Lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Ordinance shall be done to determine if a lot is buildable.
(Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

b. For lots approved with "buildable ~~building~~ areas" such ~~building~~ buildable areas shall be designated on the final plat by short dashed lines with dimensions and with distances to at least two lot lines to accurately indicate the location of such ~~building~~ buildable area and by placing the words "~~building~~ buildable area" within the dashed lines and by including the following notification on the plat:

"Notice to Purchasers of Lots with Designated buildable ~~Building~~ areas. Lots with designated "~~building~~ buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

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

4 5. ~~For~~ Subdivisions ~~that are~~ located in areas ~~of unincorporated Weber County~~, which are zoned for Agriculture (A-l, A-2, A-3, and AV-3), shall have the following statement ~~shall be required~~ on each page of the final plat:

"Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Zoning Ordinance for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."

~~5~~ 6. ~~For Subdivisions that include lots, which will be partially or completely in the base flood plain (see Chapter 33, W.C. Zoning Ordinance) of any river, stream, watercourse, lake, or other body of standing water a boundary and elevations of the flood plain shall be required on the final plat. The lowest elevation of any habitable floor in any structure for each lot shall also be shown on the final plat.~~

Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the

floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.

~~6~~ 7. On ~~Final~~ Subdivision Plats where no preliminary plans are required ~~to be submitted~~, the location of buildings ~~or~~ and structures within or immediately adjacent (within 30 feet) to the tract of land to be subdivided shall be shown on the plat.

(C) Final Improvement Plans. The ~~subdivider~~ applicant shall furnish to the County Engineer at the same time of submittal of the Final Plat a complete set of drawings signed and stamped by a Utah Licensed Civil Engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision ~~together with the final plat~~. All such utility and road construction shall be in accordance with the adopted Public Works Standards of Weber County. A digital copy of the plans shall be submitted.

~~A~~ 1. ~~Copies of contracts~~ Letters agreeing to provide service, including the level of service from ~~with~~ applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.

(D) Approval of Final Plat. (Amd. Ord. #2002-3, 3/05/02)

1. After final approval the Planning Division ~~approving and signing the final plat, the Planning Commission~~ shall submit the plat for ~~approval~~ signatures to the County Surveyor, County Health Department, and County Engineer, ~~who shall check the engineering requirements of the drawing, review the financial guarantee amount to assure construction of the improvements where necessary, and verify the Utah State Department of Environmental Quality Division of Drinking Water construct permit for the expansion of the water system, or for construction of waste water treatment facilities.~~

   After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the ~~Board of~~ County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under $10,000. The final plat, bearing all official approvals, as above required, shall be ~~deposited~~ recorded in the offices of the County Recorder ~~for recording~~ at the expense of the ~~subdivider~~ applicant.
   (Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

2. No street improvements or utilities shall be installed until ~~after~~ approval of the improvement plans by the County Engineer. No lots ~~included in such plat~~ shall be purchased, sold, exchanged, nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.
   (Amd. Ord. #3-82, 12/6/82)

(E) Final Plat Approval - ~~Minor~~ Small Subdivisions. The Land Use Authority in this section the Planning Director, is delegated administrative authority to approve ~~minor~~ small subdivisions if in his discretion there are no conditions, which warrant its submittal to the Planning Commission. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by, ~~from the date of the submittal to~~ the Planning ~~office~~ Division ~~for processing~~. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. ~~If required by State Code, the Planning Director shall hold a public hearing or public meeting prior to approving the minor subdivision plat.~~
(Amd. Ord. #4-86, 3/10/86; #98-32, 11/26/98; 2007-1, 1/09/07)

~~(F) Noticing of Minor Subdivisions. Notice of the proposed Minor Subdivision or public hearing on the proposed Minor Subdivision shall be mailed not less than seven (7) calendar days~~

~~before final approval of the Minor Subdivision or the public hearing on the minor subdivision, to the record owner of each parcel within 500 feet of the property proposed for subdivision; or posted not less than three (3) calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~
(Ord. #2007-1, 1/09/07)

(~~G~~ F) Additional Documents. Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic, ~~or~~ environmental conditions, or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing ~~if applicable~~, and~~/or~~ shall be recorded as a protective covenant attached to the lot or lots ~~so~~ affected ~~or included in the owner dedication rather than being described as notes on the plat~~. (Amd. Ord. #6-91, 4/l 8/91)

(~~H~~ G) Tax Clearance: The County may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.

(H) A copy of the subdivision Mylar shall be filed as a Record of Survey in the County Surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

Section 2:
Chapter 6: PENALTY, VALIDITY, AND REPEALER
The Title Blocks for the signatures of the approving authority for subdivisions is hereby amended as follows:

WEBER COUNTY PLANNING ~~COMMISSION~~ DIRECTOR APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ____ day of _____ 20__.

_____
~~Chairman,~~ Weber County Planning ~~Commission~~ Director

Section 3:
The Weber County Zoning Ordinance Chapter 1 **GENERAL PROVISIONS** is hereby by amended by adding the following definition to section **1-6. Definitions:**

Floodplain: The land within a community subject to a one percent or greater chance of flooding in any given year.

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this _____ day of _____, 2012, by the Weber County Board of Commissioners.

Commissioner Gibson	Voting _____
Commissioner Dearden	Voting _____
Commissioner Zogmaister	Voting _____

_____
Chair

ATTEST:

_____
Ricky Hatch, CPA Weber County Clerk

Weber County Planning Division

March 16, 2012

To: Ogden Valley Planning Commission

From: Jim Gentry, Assistant Planning Director

Subject: Proposed amendments to the Agricultural Valley AV-3 Zone

Consistent with the Planning Division work program staff is proposing several amendments to all of the Agricultural Zoning Ordinance Chapters. The changes to the other agricultural chapters are consistent with the proposed changes to the Agricultural Valley AV-3 Zone. The Ogden Valley Planning Commission will only discuss the changes to the Agricultural Valley AV-3 Zone. The Agricultural Valley AV-3 Zone chapter lists the permitted and conditional uses allowed.

The changes clarify uses and make the agricultural uses listed consistent with the agricultural definition listed in the zoning ordinance. Currently, uses that have different area requirements other than 3 acres are listed under the 3 acre requirement. This change will list the uses based on area requirement, such as uses that require 5-acres will be listed under a Five (5) Acres Minimum Lot Area requirement. The proposed changes try to balance uses on vacant lots within subdivision and agricultural endeavors.

The following new definitions are proposed to be added to Chapter 1 of the Zoning Ordinance:
Aquaculture: The hatching, raising, and breeding of fish or other aquatic plants or animals within ponds and other bodies of water.
Animals, large: An animal larger than the largest breed of dogs. This term includes horses, cows, llamas, and other mammals customarily kept in corrals or stables.
Agricultural building: A structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation, processing, treating, packaging agricultural products, or as a place used by the public.
Crop production: Agricultural field and orchard uses including production of: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree, and, vegetables, not involving a permanent structure.
Mobile butcher: A butcher who operates a mobile slaughtering truck that goes to residents and farms and does on site slaughtering and custom cutting of animals.
Grazing: Any open land area used to pasture livestock on growing grass or other growing herbage or on dead grass or other dead herbage existing in the place where grown, as the principal subsistence of the livestock so grazed.

The proposed changes to Chapter 5-B Agricultural Valley AV-3 Zone are as follows:

5B-2 Permitted Uses Requiring Three (3) Ares Minimum Lot Area: Weber County's defines an Agricultural Parcel as "a single parcel of land, at least 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. Since a minimum lot area of 3 acres does not meet the definition of an agricultural parcel, a requirement was added that the uses on lots less than 5 acres be an accessory use to a dwelling.

Three new uses are proposed for this section. The first two uses don not require a dwelling.

- Crop production which is defined as an "agricultural field and orchard uses including production of: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree, and, vegetables, not involving a permanent structure."
- The second use is grazing of animals which is defined as "any open land area used to pasture livestock on growing grass or other growing herbage or on dead grass or other dead herbage existing in the place where grown, as the principal subsistence of the livestock so grazed."
- "Mobile butcher as an accessory use to a dwelling." The new definition for a mobile butcher is "a butcher who

operates a mobile slaughtering truck that goes to residences and farms and does onsite slaughtering and custom cutting of animals."

These three draft proposals are consistent with the existing interpretation.

5B-3. Permitted Uses Requiring Five (5) Ares Minimum Lot Area: Most of the uses are the same as in 5B-2 except for a dwelling is not required, since five acres meets Weber County's definition of an Agricultural Parcel.

5B-4. Conditional Uses Requiring Three (3) Acres Minimum Lot Area: The changes made to this section deleted uses that had different area requirements other than the Three (3) Acres Minimum.

5B-5. Conditional Uses Requiring Five (5) Acres Minimum Lot Area: This section was created to separate the Five Acres Minimum Lot Area uses from the uses requiring Three Acres Minimum Lot Area.

5B-6. Conditional Uses Requiring Ten (10) Acres Minimum Lot Area: This section was created to separate the Ten Acres Minimum Lot Area uses from the uses requiring Three Acres Minimum Lot Area.

Please review these policy questions and ordinance amendments, and come prepared to discuss this proposal and any other changes that you feel need to be made or questions you may have.

Existing Definitions:

Agriculture: Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Agricultural Parcel: A single parcel of land, at least 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in order to qualify for the agricultural building exemption.

Corral: A fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.

Definitions to be added to Chapter 1 of the Zoning Ordinance:

Aquaculture: The hatching, raising, and breeding of fish or other aquatic plants or animals within ponds and other bodies of water.

Animals, large: An animal larger than the largest breed of dogs. This term includes horses, cows, llamas, and other mammals customarily kept in corrals or stables.

Agricultural building: A structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit, and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation, processing, treating, packaging agricultural products, or as a place used by the public.

Crop production: Agricultural field and orchard uses including production of: field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree, and, vegetables, not involving a permanent structure.

Mobile butcher: A butcher who operates a mobile slaughtering truck that goes to residents and farms and does on site slaughtering and custom cutting of animals.

Grazing: Any open land area used to pasture livestock on growing grass or other growing herbage or on dead grass or other dead herbage existing in the place where grown, as the principal subsistence of the livestock so grazed.

CHAPTER 5-B

AGRICULTURAL VALLEY AV-3 ZONE

March 15, 2012

5B-1. Purpose and Intent
5B-1a. Agriculture Preferred Use
5B-2. Permitted Uses
5B-3. Permitted Uses Requiring Five (5) Acres Minimum Lot Area
5B-4. Conditional Uses Requiring Three (3) Acres Minimum Lot Area
5B-5. Conditional Uses Requiring Five (5) Acres Minimum Lot Area
5B-6. Conditional Uses Requiring ten (10) Acres Minimum Lot Area
5B-5. Site Development Standards
5B-6. Sign Regulations

5B-1. Purpose and Intent

The purpose of the AV-3 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.

5B-1a. Agriculture Preferred Use

Agriculture is the preferred use in Agricultural Valley, AV-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and with no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

5B-2. Permitted Uses Requiring Three (3) Ares Minimum Lot Area

1. Accessory building, not including agricultural buildings unless ~~or use customarily incidental to any~~ as an accessory use to a dwelling or accessory building to another main use listed in this ordinance ~~in any permitted or conditional use~~
2. Agriculture, ~~agricultural experiment station;~~ apiary, aviary, or ~~aquarium~~ aquaculture as an accessory use to a dwelling
3. Animals or fowl kept for family food production as an accessory use to a dwelling
4. Cemetery~~; chinchilla raising, convalescent or rest home~~
5. Convalescent or rest home

~~5~~6. Church, synagogue or similar building used for regular religious worship
6~~7~~. Cluster subdivision in ~~accordance with~~ subject to Chapter 22B of this Zoning Ordinance
~~7~~8. Corral, stable or building for keeping animals or fowl, located on a lot with a dwelling, provided such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any side or rear lot line, and provided that not more than two (2) large animal may be kept for each one-half (1/2) acre of land used for large animals within any lot

9. Crop production

~~8~~10. A temporary fruit or vegetable stand during the harvest months, and the size of the stand not greater than 100 square feet for the sale of produce grown on the premises only

11. Grazing of animals, but does not include corrals or agricultural buildings

~~9~~12. Golf course, ~~except~~ excluding miniature golf course
~~10~~13. Greenhouse and nursery limited to sale of materials produced on premises ~~and with no retail shop~~

~~operation~~ and as an accessory use to a dwelling
~~11~~14. Home occupations 2010-20
~~12~~15. Household pets which do not constitute a kennel
16. Mobile butcher as an accessory use to a dwelling
~~13~~17. Parking lot accessory to uses allowed in this zone
~~14. Private park, playground or recreation area, but not including privately owned commercial amusement business~~
~~15. Private stables, horses for private use only and provided that not more than two (2) horses may be kept for each twenty thousand (20,000) square feet of area devoted exclusively to the keeping of the horses.~~
~~16~~18. Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools
~~17~~19. Residential Facility for Handicapped Persons meeting the requirements of Chapter 23-13 of this Ordinance
~~18~~20. Residential Facility for Elderly Persons meeting the requirements of Chapter 23-15 of this Ordinance
~~19~~21. Single Family Dwelling
~~20~~22. Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work

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5B-3. Permitted Uses Requiring Five (5) Ares Minimum Lot Area

1. Agricultural building
2. Agriculture, agricultural experiment station, apiary, aviary, or aquaculture
3. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any side or rear lot line. Private stables; large animals for private use only, provided that not more than two (2) large animal may be kept for each one-half (1/2) acre of land used for large animals within any lot.

~~1~~4. Dairy farm and milk processing and sale provided at least fifty (50) percent of milk processed and sold is produced on the premises
~~2~~5. Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver
~~3~~6. Fruit and vegetable storage and packing plant for produce grown on premises
7. Fur Farm
~~4~~8. The keeping and raising of not more than ten (10) hogs more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises
~~5~~9. ~~The raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughter house shall:~~

~~A. not exceed a density of twenty-five (25) head per acre of used and;~~
~~B. be carried on during the period of September 15 through April 15 only;~~
~~C. be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,~~
~~D. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation~~

Livestock feed lot in conjunction with, the raising and grazing of cattle, sheep, horses, goats, or other livestock as part of a farming operation. This includes the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer shall:

a. not exceed a density of twenty-five (25) head per acre of used; and,
b. be carried on during the period of September 15 through April 15 only; and,
c. not be closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land.

10. Private stables, horses for private use only and provided that not more than two (2) horses may be kept for each twenty thousand (20,000) square feet of area devoted exclusively to the keeping of the horses.

11. A fruit or vegetable stand for produce grown on the premises only
12. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop area

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5B-4. Conditional Uses Requiring Three (3) Acres Minimum Lot Area **2010-20**

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance.

1. ~~Animal hospital or clinic;~~ Dog breeding, dog kennels, or dog training school as an accessory to a single family dwelling and ~~on a minimum of three (3) acres and~~ not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence.

~~1a~~2. Animal hospital or clinic, ~~or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time;~~ provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line

~~1b. Dog breeding and dog kennels on a minimum of two (2) acres, on a legal non-conforming lot, as an accessory use to a single family dwelling, limited to 10 dogs of more than 10 weeks old. Any building or enclosure for the dogs shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence~~

~~2~~3. Child day care other than home occupation

~~3~~4. Circus or transient amusement

~~4~~5. Educational/Institutional identification sign

~~5~~6. Greenhouse ~~and Nursery~~ limited to the sale ~~of plants, landscaping~~ materials, ~~fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod~~ produced on premises as an accessory use to a dwelling

~~6~~7. Laboratory facility for agricultural products and soils testing 99-9

~~7~~8. Petting Zoo where accessed by a collector road as shown on the County road plan as an accessory use to a dwelling 2007-2

~~8. Planned Residential Unit Development in accordance with Chapter 22C of this Zoning Ordinance~~

9. Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business

~~10. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses~~

~~11. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre~~

~~12~~10. Public storage facilities developed by a public agency and meeting requirements of Chapter 26 of this Zoning Ordinance

~~13~~11. Public Utility Substations

~~14~~12. Radio or television station or tower

~~15~~13. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time as an accessory use to a dwelling

~~16~~14. Residential facility for troubled youth subject to the requirements listed in Chapter 23-14

~~17~~15. School bus parking, provided the vehicle is parked at least 30 feet from a public street

~~18. Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres~~

~~19. Sugar beet loading or collection station~~

~~20~~16. The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property ~~of not less than two acres in area and~~ upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street

~~21. The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five (5) acres or more, for off-farm, non-agricultural related, construction work to supplement farm income~~ 2008-31

~~22~~17. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations

~~23~~18. Small Wind Energy System 2008-8

5B-5. Conditional Uses Requiring Five (5) Acres Minimum Lot Area

1. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod
2. Petting Zoo where accessed by a collector road as shown on the County road plan
3. Private Equestrian Training and Stable facilities at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses
4. Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver
5. The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation for off-farm, non-agricultural related, construction work to supplement farm income

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5B-6. Conditional Uses Requiring ten (10) Acres Minimum Lot Area

1. Public Equestrian Training and Stable Facilities on a tract of land and at a density of not more than 5 horses per acre
2. Planned Residential Unit Development subject to Chapter 22C of this Zoning Ordinance

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5B-~~5~~7. Site Development Standards.

	Permitted & Conditional Uses	Permitted and Conditional Uses Requiring Five and Ten Acres Minimum
1. Minimum lot area		
A. Single Family Dwelling	Three Acres	--------
B. Other	Three Acres	Five ~~Acres~~ and Ten Acres
2. Minimum lot width	150 feet	300 feet
3. Minimum yard setbacks		
A. Front	30 feet	30 feet
B. Side		
1. Dwelling	10 feet with total width of two side yards not less than 24 feet	
2. other main building	20 feet each side	20 feet each side
3. accessory building	10 feet except one foot if located at least six (6) feet in rear of main building	
4. accessory buildings over 1,000 sq. ft. for storage of personal		

		equipment and materials -See Chapter 23-16	
C.	Side; facing street	20 feet	20 feet
D.	Rear		
	1. main building	30 feet	30 feet
	2. accessory building	one ft. except 10 ft. where accessory building on a corner lot rears on side yard of an adjacent lot	
4.	Main Building Height		
A.	Minimum	one story	one story
B.	Maximum	35 feet	35 feet
5.	Accessory Building Height	25 feet unless meeting requirements of Chapter 23-16, Large Accessory Buildings	

8-2002, 2009-14

5B-6. Permitted Signs

The height, size and location of permitted Commercial signs shall be in accordance with the regulations set forth in Chapter 32-B, Valley Signs, of this Ordinance.