



WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

Aug 11, 2020

5:00 p.m

Join Zoom Meeting

<https://us02web.zoom.us/j/89149614847>

Meeting ID: 891 4961 4847

One tap mobile

+16699006833,,89149614847# US (San Jose)

+12532158782,,89149614847# US (Tacoma)

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

1. Appreciation of Service Presentation:

Jannette Borklund

John Parke

2. Petitions, Applications, and Public Hearings:

Legislative items

2.1 ZTA 2018-05: Discussion and action on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments.

Staff Presenter: Steve Burton

3. Public Comment for Items not on the Agenda:

4. Remarks from Planning Commissioners:

5. Planning Director Report:

6. Remarks from Legal Counsel:

Adjourn to Work Session

WS1: Discussion about short-term rentals in Weber County and regulatory options.

Staff Presenter: Scott Perkes

WS2: Training for Ex parte Communications and Conflicts of Interest.

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

&

Via Zoom Video Conferencing at the link listed above.

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

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

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Discussion and action on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments.
Agenda Date:	Tuesday, August 11, 2020
Planner:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	CE

Applicable Ordinances

- Weber County Land Use Code, Title 102, Chapter 1 (General Provisions)
- Weber County Land Use Code, Title 102, Chapter 5 (Rezone Procedures)

Legislative Decisions

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

Summary and Background

The Planning Division is proposing the attached changes in order to clarify the rezone procedures and to bring the land use code into compliance with state code regarding legislative recommendations from the Planning Commission. The proposed changes will also clarify requirements and procedures for a development agreement. Finally, the proposed changes will allow planning staff to require a concept development plan as part of a rezone application when deemed necessary.

Conformance to the General Plan

This proposal is meant to provide clear and concise rezone procedures which can help to effectively implement the county's general plans.

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission recommend approval of the text included as Exhibit A of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.

Exhibits

- A. Proposed Ordinance – Clean Copy.
- B. Proposed Ordinance – Track Change Copy.

1 ...

2

3 Sec 102-5-1 Purpose And Intent

4 Every property in the unincorporated area of the county is legally zoned as a result of
5 comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the
6 1960s. The purpose of this chapter is to establish a legislative means by which applications to the
7 county are processed to change zoning. Rezoning is intended to implement the adopted general
8 plans for the different planning areas of the county.

9

10 Sec 102-5-2 Development To Be In Conformance To The General Plan

11 Rezoning of property should further the purpose of the zoning regulations listed in Section 101-
12 1-2 of the county's Land Use Code by complying with the county's general plans.

13

14 Sec 102-5-3 Application Submittal

15 (a) A pre-application meeting is required prior to the application submittal.

16 (b) An application for a rezoning shall be submitted on forms provided by the planning
17 division and shall expire 18 months after submittal, if not acted upon, provided however,
18 that the director may extend the application for six months for just cause. The application
19 shall be accompanied with the following information:

20 (1) The application shall be signed by the landowner or their duly authorized
21 representative and shall be accompanied by the necessary fee as shown within the
22 applicable fee schedule.

23 (2) A rezoning may be initiated by an owner of any property or any person, firm or
24 corporation with the written consent of the owner of the property, or be county-
25 initiated.

26 (3) A proposed rezone to any zone may be required to be accompanied by a concept
27 development plan in accordance with Section 102-5-5 of this chapter. A detailed site
28 plan, in lieu of a concept development plan, may be required.

29 (4) Letters of feasibility from the appropriate state or county agencies for water and
30 wastewater.

31 (5) A narrative from the project engineer discussing the feasibility for the mitigation of
32 stormwater runoff.

33 (6) The applicant shall provide a narrative addressing the following information:

34 a. How is the change in compliance with the general plan?

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

36 c. How is the change in the public interest?

37 d. What conditions and circumstances have taken place in the general area since the
38 general plan was adopted to warrant such a change?

- 39 e. How does this proposal promote the health, safety and welfare of the inhabitants
40 of the county?
- 41 f. Project narrative describing the project vision.
- 42 (c) Destination and recreation resort zone supplementary requirements.
- 43 (1) Due to the anticipated scale and potential impact of a destination and recreation resort
44 on the county and other surrounding areas, additional information, shall be required to
45 accompany any application submitted for consideration of a destination and
46 recreation resort zone approval. The additional information shall consist of the
47 following:
- 48 a. Concept development plan showing sensitive land areas as described/mapped in
49 title 104, chapter 28, Ogden Valley Sensitive Lands Overlay Districts.
- 50 b. Traffic impact analysis.
- 51 c. Cost benefit analysis.
- 52 d. Recreation facilities plan.
- 53 e. Seasonal workforce housing plan.
- 54 f. Emergency services plan including a letter of feasibility from the Weber fire
55 district and Weber County sheriff's office.
- 56 g. Letter of feasibility from the electrical power provider.
- 57 h. Density calculation table showing proposed density calculations.
- 58 i. Thematic renderings demonstrating the general vision and character of the
59 proposed development.
- 60 (2) All documents submitted as part of the application shall be accompanied by a
61 corresponding PDF formatted file.

62

63 Sec 102-5-4 Concept Development Plan

- 64 (a) A concept development plan may be required to be submitted with a rezoning application
65 to any zone, according to section 102-5-5 (a) of this chapter. The concept development
66 plan shall supply sufficient information about the development to assist the Planning
67 Commission and County Commission in making a decision on the rezoning application.
68 A copy of plans shall be submitted on 11- by 17-inch paper on 24- by 36-inch paper, at a
69 readable scale. All concept plans (including but not limited to architectural
70 elevations/renderings, etc.), and subsequent submittals and revisions, shall be
71 accompanied by a full-scale set of PDF, DWF and JPEG files of the respective plans.
72 Information supplied shall include text and illustration:
- 73 (1) Inventory of general land use types located within the project and the surrounding
74 area.
- 75 (2) Approximate locations and arrangements of buildings, structures, facilities and open
76 space.
- 77 (3) Architectural rendering of proposed buildings, structures, facilities and open space
78 within the project.
- 79 (4) Access and traffic circulation patterns and approximant location of parking.

- 80 (5) A written description explaining how the project is compatible with surrounding land
81 uses.
- 82 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands,
83 etc.).
- 84 (7) Written explanation and visual illustration showing project density and mass/scale in
85 comparison to the existing developed area adjacent to the proposed rezone.
- 86 (8) Legal description of the property being proposed for rezone.
- 87 (b) The applicant/owner and any assigns or successors in interest, is required to develop only
88 in accordance with the proposals outlined in the plan. Any materially different concept,
89 use, building arrangement, etc., will not be approved nor will building permits be issued
90 by the county until such plan is amended by the county commission after
91 recommendation of the planning commission. Minor changes may be approved by the
92 planning director. If the county denies such changes or amendments and/or the concept
93 plan is abandoned, the county may institute steps to revert the zoning to its former or
94 other appropriate zone. The information shown on the concept plan may vary in detail
95 depending on the size of projects.

96

97 Sec 102-5-5 Procedure

- 98 (a) Prior to submittal of a rezone application, the applicant shall attend a pre-application
99 meeting in which the proposal is discussed with County planning staff. After the pre
100 application meeting, the Planning Director or designee may require a concept
101 development plan to be submitted with the application. After application submittal, if no
102 concept plan was previously required, the Planning Director or designee, the Planning
103 Commission, or the County Commission may require a concept development plan or any
104 other information to address emerging impacts.
- 105 (b) When a rezoning application meets the requirements outlined in 102-5-3 of this Chapter,
106 and when the application is deemed complete by the Planning Director or designee, the
107 application will be processed in the following manner:
- 108 (1) Upon receiving a recommendation from staff regarding an amendment to the zoning
109 map, and after holding the required public hearing for which 14 days notice shall be
110 provided as required by Utah State Code, the Planning Commission shall review the
111 amendment and prepare its recommendation. The Planning Commission may
112 recommend approval, approval with modifications, or denial of the proposed
113 amendment and shall submit its recommendation to the County Commission for
114 review and decision.
- 115 (2) Upon receiving a recommendation from the Planning Commission regarding an
116 amendment to the zoning map, the County Commission shall schedule and hold a
117 public hearing to review and make a decision on the application. Following the public
118 hearing the County Commission may approve, approve with modifications, or deny
119 the proposed amendment. Prior to making a decision that goes contrary to the
120 Planning Commission's recommendation, the County Commission may, but is not

- 121 obligated to, remand the amendment to the Planning Commission with a request for
122 another recommendation with additional or specific considerations. The Planning
123 Commission shall review such request as specified in subsection 1 of this section.
- 124 (3) A decision to amend the zoning map is a matter committed to the legislative
125 discretion of the County Commission and is not controlled by any one standard.
126 However, in making an amendment, the County Commission and Planning
127 Commission may consider the following factors, among other factors they deem
128 relevant:
- 129 1. Whether the proposed amendment is consistent with goals, objectives, and
130 policies of the County's general plan;
 - 131 2. Whether the proposed amendment is compatible with the overall character of
132 existing development in the vicinity of the subject property;
 - 133 3. The extent to which the proposed amendment may adversely affect adjacent
134 property; and
 - 135 4. The adequacy of facilities and services intended to serve the subject property,
136 including, but not limited to, roadways, parks and recreation facilities, police
137 and fire protection, schools, stormwater drainage systems, water supplies,
138 wastewater, and refuse collection.
 - 139 5. Whether the proposed rezone can be developed in a manner that will not
140 substantially degrade natural/ecological resources or sensitive lands.
 - 141 6. Whether proposed traffic mitigation plans will prevent transportation corridors
142 from diminishing below an acceptable level of service.
- 143
- 144 (4) Supplementary approval considerations for a destination and recreation resort zone:
145 The Planning Commission and County Commission may also consider the following
146 factors, among other factors they deem relevant, when making an amendment to
147 Resort zoning:
- 148 1. Whether a professional and empirical study has provided substantial evidence
149 determining that the proposed resort is viable and contributes to the
150 surrounding community's economic well-being.
 - 151 2. Whether the natural and developed recreational amenities, provided by the
152 resort, will constitute a primary attraction and provide an exceptional
153 recreational experience by enhancing public recreational opportunities.
 - 154 3. Whether the proposed resort's seasonal workforce housing plan will provide a
155 socially, economically, and environmentally responsible development.
- 156 (5) Where an application for a rezone has been denied the County shall not accept a
157 substantially similar zoning amendment application within one (1) year of a denial
158 unless there is a substantial change of conditions since the earlier application. A new
159 application, with applicable fee, shall be required and processed in accordance with
160 the procedure outlined in this section.
- 161
- 162

163 Sec 102-5-6 Approved Development Proposals

164 After rezoning is granted, applications for development within the rezoned area shall be
165 reviewed as required by the Land Use Code. The plans shall be in accordance with the approved
166 concept development plan or development agreement, if required as part of the approved rezone..

167

168 Sec 102-5-7 Development Agreement

169 The county commission may require an applicant, at the time of zoning approval, to enter into a
170 zoning development agreement as outlined in 102-6.

171

172

173 Sec 102-5-9 Disconnect From Incorporated Cities

174 Properties that disconnect from incorporated cities shall submit a rezone application and fees to
175 the county planning division. Prior to any disconnection, the subject property needs to comply
176 with its current city zoning and approved site plan.

177

178 Development Agreements

179 Sec 102-6-1 Purpose and Intent

180 The purpose of this chapter is to provide procedures and minimum standards for the review,
181 consideration, and possible approval of development agreements by the county commission. A
182 development agreement may only be approved, if in the opinion of the county commission, such
183 development agreement is found:

184

185 (a) To recognize the intended character of the subject property by tailoring development
186 standards and requirements that provide more desirable land use planning and regulatory
187 standards than would be possible under the county's existing land use ordinances; or

188

189 (b) To advance the policies of the county.

190

191 Sec 102-6-2 Applicability

192 (a) Unless expressly required elsewhere in this title, a development agreement is an optional
193 land use regulatory tool that may be used, at the discretion of the county commission, as
194 provided in section 102-5-7 of the Land Use Code. No provision herein shall obligate the
195 county commission to enter into a development agreement.

- 196 (b) All persons entering into a development agreement with the county must have a legal or
197 equitable interest in the property that is the subject of the development agreement.
- 198 (c) The county commission may require additional provisions and requirements depending
199 on the nature and scope of the parcel(s) affected and the particular purposes and intent(s)
200 of the development agreement.

201 Sec 102-6-3 Minimum Requirements

202 All development agreements entered into by the county shall, at a minimum, be found to comply
203 with the following standards:

- 204 (a) Be in writing.
- 205 (b) Provide an accurate legal description of the subject property and the names of all legal
206 and equitable owners.
- 207 (c) Provide a concept plan including, but not limited to, the location and arrangement of all
208 allowed uses, traffic circulation patterns, buildings, and all required dedications and
209 improvements.
- 210 (d) Provide the terms of the agreement, and any term extension requirement(s).
- 211 (e) Identify all allowed uses for the subject property and the procedures required for the
212 approval of each use.
- 213 (f) Identify all development standards that will be implemented, including the timing and
214 obligations associated with the provision of necessary infrastructure and services.
- 215 (g) Provide for the provision and installation of required public infrastructure and services.
- 216 (h) Provide a listing of all features and facilities being voluntarily provided to the county, or
217 other public or private agency, as applicable if any, in addition to those typically required
218 by the county's land use ordinances.
- 219 (i) Provide a description of any reservation or dedication of lands for public purposes.
- 220 (j) Provide a description of any conditions, terms, restrictions, or other requirements
221 determined to be necessary to promote the public health, safety, or welfare or the
222 purposes of the development agreement.
- 223 (k) Identify enforcement mechanisms determined necessary to ensure compliance.
- 224 (l) Provide for the recording of the approved development agreement in the office of the
225 Weber County recorder. The signed and recorded copy of the development agreement
226 shall be considered the official executed copy of said agreement.
- 227 (m) Include any additional requirements identified by the county commission determined
228 necessary to advance the interests of the county and other provisions and requirements to
229 protect the public health, welfare and safety of the county, and its residents.

230

231 Sec 102-6-4 Development Procedures

232 A. The county commission, as the legislative body, shall consider all development agreements at
233 a regular commission meeting. If a development agreement contains any provision proposing to
234 amend the county general plan or land use ordinance, including zoning designation of the subject
235 property, the procedures of the county required for a general plan or land use ordinance

236 amendment shall be followed, including complying with all noticing and public hearing
237 requirements.

238 B. After consideration of materials, the Commission may approve or deny the proposed
239 development agreement, with or without requirements and conditions and with necessary
240 findings. If approved, the county commission chair, on behalf of the county, and the applicant
241 shall sign and execute the development agreement, as approved.

242 C. Within fourteen (14) business days of signature by the county commission chair and the
243 applicant, the development agreement shall be recorded in the office of the county recorder. The
244 recorded agreement constitutes the official document of the county.

245 D. The county commission, in considering a development agreement, may request a
246 recommendation of the planning commission on planning concerns, allowed uses, or other
247 development matters that may be associated with the proposed development agreement.

248 E. In the event that a development agreement is amended after being executed by the affected
249 parties, a notice of amendment shall be sent by certified mail to all property owners with interest
250 in the property as described in the development agreement. Such notice shall, at a minimum,
251 explain the amendment and provide information about where the amendment may be retrieved
252 from the county recorder's office. Expenses for the notice shall be borne by the developer.

253

254 Sec 102-6-5 Development Agreement Review

255 In reviewing a proposed development agreement, the county commission may consider, but shall
256 not be limited to considering, the following:

- 257 (a) Public impacts and benefits.
- 258 (b) Adequacy in the provision of all necessary public infrastructure and services.
- 259 (c) Appropriateness and adequacy of environmental protection measures; and
- 260 (d) Protection and enhancements of the public health, welfare, and safety above that are
261 provided by the existing land use ordinances.

262

263 Sec 102-6-6 Effect of Approval:

264 A. A development agreement, as approved by the county commission and recorded as required
265 by section 102-6-5 of this chapter, shall be controlling for the subject property, and shall modify
266 the county's land use ordinances to the extent specifically identified by the development
267 agreement.

268

269 B. Only those county land use ordinance provisions specifically identified by the development
270 agreement shall be modified. All other land use ordinance requirements shall remain in full force
271 and effect.

272

273 C. A development agreement shall not prevent the county from applying any new provisions or
274 regulations to the subject property that do not conflict with those contained within the
275 development agreement.

276

277 Sec 102-6-8 Binding Nature of Development Agreements:

278 All development agreements shall be binding on the county and the applicant and on all
279 successors and assigns for the term of the agreement.

280

281 Sec 102-6-8 Expenses

282 The county may require the applicant to reimburse the county for all reasonable expenses
283 incurred by the county related to the preparation and adoption of a development agreement.

284

285 Sec 102-6-9 Enforcement

286 The county may utilize all legally available enforcement mechanisms necessary to achieve
287 compliance with this chapter and any development agreement including, but not limited to, the
288 withholding of necessary land use approvals and permits.

289

290 Sec 102-6-10 Modification or Suspension to Comply with State or Federal Laws

291 In the event that federal or state laws or regulations, enacted after the adoption of a development
292 agreement, prevent or preclude compliance with one or more provisions of the agreement, such
293 provisions of the agreement shall be suspended, as may be necessary to comply with such laws
294 or regulations. If federal or state laws or regulations enacted after the adoption of a development
295 agreement, prevent or preclude compliance with a significant portion of the agreement, the entire
296 agreement shall be suspended, as may be necessary to comply with such laws or regulations.

297 Sec 102-6-11 Noncompliance

298 In the event a development agreement is terminated as a result of noncompliance by the subject
299 property owner the subject property shall revert to the general plan and zoning district
300 designation that existed prior to the enactment of the development agreement.

1 ~~Sec 102-1-5 Hearing And Publication Notice For County Commission~~

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2 ~~Before finally adopting any such legislative amendment, the board of county commissioners~~
3 ~~shall hold a public hearing thereon, at least 14 days' notice of the time and place of which shall~~
4 ~~be given as per state code. The unanimous vote of the full body of the county commission is~~
5 ~~required to overturn the recommendation of the planning commission, if there was a unanimous~~
6 ~~vote of the planning commission in favor or denial of the petition.~~

7 ...

8

9 Sec 102-5-1 Purpose And Intent

10 Every property in the unincorporated area of the county is legally zoned as a result of
11 comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the
12 1960s. The purpose of this chapter is to establish a legislative means by which applications to the
13 county are processed to change zoning. Rezoning is intended to implement the adopted general
14 plans for the different planning areas of the county.

15

16 Sec 102-5-2 Development To Be In Conformance To The General Plan

17 ~~Since the purpose of zoning regulations is to promote the general welfare, safety, health,~~
18 ~~convenience and economic prosperity of the county, it is county policy that rezoning of property,~~
19 ~~should further this purpose, by complying with the county's general plans.~~Rezoning of property
20 should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's
21 Land Use Code by complying with the county's general plans.

22

23 ~~Sec 102-5-3 Approval Criteria~~

- 24 ~~(a) To promote compatibility and stability in zoning and appropriate development of~~
25 ~~property within the county, no application for rezoning shall be approved unless it is~~
26 ~~demonstrated that the proposed rezoning promotes the health, safety and welfare of the~~
27 ~~county and the purposes of this chapter.~~
- 28 ~~(b) The planning commission and the county commission will consider whether the~~
29 ~~application should be approved or disapproved based upon the merits and compatibility~~
30 ~~of the proposed project with the general plan, surrounding land uses, and impacts on the~~
31 ~~surrounding area. The commissions will consider whether the proposed development, and~~
32 ~~in turn the application for rezoning, is needed to provide a service or convenience~~
33 ~~brought about by changing conditions and which therefore promotes the public welfare.~~
34 ~~The county commission may require changes in the concept plan in order to achieve~~
35 ~~compatibility and may impose any conditions to lessen or eliminate adverse impacts.~~
- 36 ~~(c) Supplementary approval criteria for a destination and recreation resort zone.~~

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37 ~~(1) The proposed resort can be developed in a manner that will not substantially degrade~~
 38 ~~natural/ecological resources or sensitive lands as identified in title 104, chapter 28,~~
 39 ~~the Ogden Valley Sensitive Lands Overlay District, of the Weber County Land Use~~
 40 ~~Code.~~

41 ~~(2)(1) A professional and empirical study has provided substantial evidence determining~~
 42 ~~that the proposed resort is viable and contributes to the surrounding community's~~
 43 ~~economic well being.~~

44 ~~(3)(1) A professional and empirical study has provided substantial evidence determining~~
 45 ~~that proposed traffic mitigation plans will prevent transportation corridors, serving the~~
 46 ~~resort, from diminishing below an acceptable level of service.~~

47 ~~(4)(1) The natural and developed recreational amenities, provided by the resort, shall~~
 48 ~~constitute a primary attraction and provide an exceptional recreational experience by~~
 49 ~~enhancing quality public recreational opportunities.~~

50 ~~(5)(1) The proposed resort's seasonal workforce housing plan will provide a socially,~~
 51 ~~economically and environmentally responsible development.~~

52 ~~(6)(1) The proposed resort can demonstrate that public safety services are and/or will be~~
 53 ~~feasible and available to serve the project in a manner that is acceptable to the county~~
 54 ~~commission.~~

55
 56 Sec 102-5-34 Application Submittal

- 57 (a) A pre-application meeting is required prior to the application submittal.
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 101 i. Thematic renderings demonstrating the general vision and character of the
 102 proposed development.
 103 (2) All documents submitted as part of the application shall be accompanied by a
 104 corresponding PDF formatted file.

105 ~~(2)~~ —

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106

107 Sec 102-5-~~4~~5 Concept Development Plan

- 108 (a) ~~A~~The concept development plan ~~shall~~ may be required to be submitted with a rezoning
 109 application ~~to any, and zone, according to section 102-5-5 (a) of this chapter. The concept~~
 110 development plan shall supply sufficient information about the development to assist the
 111 ~~P~~lanning ~~C~~ommission and ~~C~~ounty ~~C~~ommission in making a decision on the rezoning
 112 application. ~~Seven copies~~A copy of plans shall be submitted on 11- by 17-inch paper ~~and~~
 113 ~~two copies of plans shall be submitted~~ on 24- by 36-inch paper, at a readable scale. All
 114 concept plans (including but not limited to architectural elevations/renderings, etc.), and
 115 subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF,
 116 DWF and JPEG files of the respective plans. Information supplied shall include text and
 117 illustration:

- 118 (1) Inventory of general land use types located within the project and the surrounding
- 119 area.
- 120 (2) Approximate locations and arrangements of buildings, structures, facilities and open
- 121 space.
- 122 (3) Architectural rendering of proposed buildings, structures, facilities and open space
- 123 within the project.
- 124 (4) Access and traffic circulation patterns and approximant location of parking.
- 125 (5) A written description explaining how the project is compatible with surrounding land
- 126 uses.
- 127 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands,
- 128 etc.).
- 129 (7) Written explanation and visual illustration showing project density and mass/scale in
- 130 comparison to the existing developed area adjacent to the proposed rezone.
- 131 (8) Legal description of the property being proposed for rezone.
- 132 (b) The applicant/owner and any assigns or successors in interest, is required to develop only
- 133 in accordance with the proposals outlined in the plan. Any materially different concept,
- 134 use, building arrangement, etc., will not be approved nor will building permits be issued
- 135 by the county until such plan is amended by the county commission after
- 136 recommendation of the planning commission. Minor changes may be approved by the
- 137 planning director. If the county denies such changes or amendments and/or the concept
- 138 plan is abandoned, the county may institute steps to revert the zoning to its former or
- 139 other appropriate zone. The information shown on the concept plan may vary in detail
- 140 depending on the size of projects.

141

142 Sec 102-5-56 County Zoning Procedure

143 ~~The county commission after considering the recommendations of the planning commission,~~
 144 ~~holding the required public hearing, and making findings as to whether or not the application~~
 145 ~~meets the criteria found in section 102-5-3, may take any of the following actions:~~

- 146 ~~(a) The county commission may approve the proposed rezoning and concurrently approve a~~
 147 ~~concept plan for the development, in whole or in part, with or without changes or~~
 148 ~~conditions and adopt an ordinance rezoning the property;~~
- 149 ~~(b) The county commission may deny a rezoning application;~~
- 150 ~~(c) The county commission may rezone the subject land to any other less intensive zone~~
 151 ~~deemed more appropriate~~
- 152 (a) Prior to submittal of a rezone application, the applicant shall attend a pre-application
 153 meeting in which the proposal is discussed with County planning staff. After the pre
 154 application meeting, the Planning Director or designee may require a concept
 155 development plan to be submitted with the application. After application submittal, if no
 156 concept plan was previously required, the Planning Director or designee, the Planning
 157 Commission, or the County Commission may require a concept development plan or any
 158 other information to address emerging impacts.

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159 (b) When a rezoning application meets the requirements outlined in 102-5-3 of this Chapter,
160 and when the application is deemed complete by the Planning Director or designee, the
161 application will be processed in the following manner:

162 (1) Upon receiving a recommendation from staff regarding an amendment to the zoning
163 map, and after holding the required public hearing for which 14 days notice shall be
164 provided as required by Utah State Code, the Planning Commission shall review the
165 amendment and prepare its recommendation. The Planning Commission may
166 recommend approval, approval with modifications, or denial of the proposed
167 amendment and shall submit its recommendation to the County Commission for
168 review and decision.

169 (2) Upon receiving a recommendation from the Planning Commission regarding an
170 amendment to the zoning map, the County Commission shall schedule and hold a
171 public hearing to review and make a decision on the application. Following the public
172 hearing the County Commission may approve, approve with modifications, or deny
173 the proposed amendment. Prior to making a decision that goes contrary to the
174 Planning Commission’s recommendation, the County Commission may, but is not
175 obligated to, remand the amendment to the Planning Commission with a request for
176 another recommendation with additional or specific considerations. The Planning
177 Commission shall review such request as specified in subsection 1 of this section.

178 (3) A decision to amend the zoning map is a matter committed to the legislative
179 discretion of the County Commission and is not controlled by any one standard.
180 However, in making an amendment, the County Commission and Planning
181 Commission may consider the following factors, among other factors they deem
182 relevant:

- 183 1. Whether the proposed amendment is consistent with goals, objectives, and
184 policies of the County’s general plan;
- 185 2. Whether the proposed amendment is compatible with the overall character of
186 existing development in the vicinity of the subject property;
- 187 3. The extent to which the proposed amendment may adversely affect adjacent
188 property; and
- 189 4. The adequacy of facilities and services intended to serve the subject property,
190 including, but not limited to, roadways, parks and recreation facilities, police
191 and fire protection, schools, stormwater drainage systems, water supplies,
192 wastewater, and refuse collection.
- 193 5. Whether the proposed rezone can be developed in a manner that will not
194 substantially degrade natural/ecological resources or sensitive lands.
- 195 6. Whether proposed traffic mitigation plans will prevent transportation corridors
196 from diminishing below an acceptable level of service.

197
198 (4) Supplementary approval considerations criteria for a destination and recreation resort
199 zone: The Planning Commission and County Commission may also consider the
200 following factors, among other factors they deem relevant, when making an
201 amendment to Resort zoning:

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202 ~~The proposed resort can be developed in a manner that will not substantially~~
 203 ~~degrade natural/ecological resources or sensitive lands as identified in title~~
 204 ~~104, chapter 28, the Ogden Valley Sensitive Lands Overlay District, of the~~
 205 ~~Weber County Land Use Code.~~

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206 1. Whether a professional and empirical study has provided substantial
 207 evidence determining that the proposed resort is viable and contributes to the
 208 surrounding community's economic well-being.

209 ~~A professional and empirical study has provided substantial evidence~~
 210 ~~determining that proposed traffic mitigation plans will prevent transportation~~
 211 ~~corridors, serving the resort, from diminishing below an acceptable level of~~
 212 ~~service.~~

213 2. Whether the natural and developed recreational amenities, provided by the
 214 resort, will constitute a primary attraction and provide an exceptional
 215 recreational experience by enhancing quality public recreational opportunities.

216 3. Whether the proposed resort's seasonal workforce housing plan will provide
 217 a socially, economically, and environmentally responsible development.

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218 ~~The proposed resort can demonstrate that public safety services are and/or will~~
 219 ~~be feasible and available to serve the project in a manner that is acceptable to~~
 220 ~~the county commission.~~

221 (5) Where an application for a rezone has been denied the County shall not accept a
 222 substantially similar zoning amendment application within one (1) year of a denial
 223 unless there is a substantial change of conditions since the earlier application. A new
 224 application, with applicable fee, shall be required and processed in accordance with
 225 the procedure outlined in this section.

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227
 228 Sec 102-5-~~6~~7 Processing-Approved Development Proposals

229 After rezoning is granted, applications for development within the rezoned area ~~a development~~
 230 ~~proposal shall be processed and specific plans for all or a phase of the development on the~~
 231 ~~rezoned land shall be reviewed as required by the Land Use Code, as part of its (site plan design~~
 232 ~~review, conditional use approval, subdivision and/or building permit) approval process. The~~
 233 ~~plans shall be in accordance with the approved concept development plan or development~~
 234 ~~agreement, if required as part of the approved rezone, and any conditions attached.~~

235
 236 Sec 102-5-~~7~~8 Development Agreement

237 ~~(a)~~ The county commission may require an applicant, at the time of zoning approval, to enter
 238 into a zoning development agreement as outlined in 102-6, which specifies and details the
 239 applicant's responsibilities and commitments in carrying out the development contained
 240 in an approved concept development plan and which lists the conditions and limitations

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241 of development imposed by the county and also the contemplated action of the county in
 242 case of default by an applicant or any successors in interest in the rezoned property.

243 (b) The agreement shall also contain the applicant's acknowledgment that the commitment of
 244 zoning is predicated upon the good faith accomplishment of the approved development
 245 and if not started or constructed within the specified periods of time, the county may take
 246 steps to rescind zoning approval and revert the zoning to its former or other appropriate
 247 zone.

248 (c) A development agreement, which has been executed as part of a rezoning process, shall
 249 be recorded in the county recorder's office as a covenant running with the land,
 250 concurrently with adoption of an ordinance implementing a rezoning application.

251
 252
 253 ~~Sec 102-5-9~~ Reversion To Original Zoning Designation

254 (a) If development does not occur as proposed at the time of zoning approval, the public
 255 benefits expected from the development cannot be realized and the effect of the rezoning
 256 is therefore without merit in terms of improving the public economic prosperity, general
 257 welfare, safety, health and convenience. If in such cases the county finds that the zoning
 258 purpose has not been attained, the county then may declare its intent to revert the zoning
 259 to its former or other appropriate zone so future opportunities for similar development in
 260 the same general area may be shared by other properties deemed suitable.

261 (b) If building permits have not been obtained and construction of the development or an
 262 agreed upon phase thereof, in accordance with the approved concept and final
 263 development plans, has not commenced within two years from the date of zoning
 264 approval or other time period as set by the county commission, the county may examine
 265 the reasons for the delay and the progress of the development to that point and may either
 266 extend the time period or initiate steps to revert the zoning designation of the previously
 267 rezoned land to its former or other appropriate zone. The reversion of zoning shall follow
 268 the same procedure established by law for amending the zoning map.

269
 270 ~~Sec 102-5-9~~10 Disconnect From Incorporated Cities

271 Properties that disconnect from incorporated cities shall submit a rezone application and fees to
 272 the county planning division. Prior to any disconnection, the subject property needs to comply
 273 with its current city zoning and approved site plan.

274
 275 [Development Agreements](#)

276 [Sec 102-6-1 Purpose and Intent](#)

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277 The purpose of this chapter is to provide procedures and minimum standards for the review,
278 consideration, and possible approval of development agreements by the county commission. A
279 development agreement may only be approved, if in the opinion of the county commission, such
280 development agreement is found:

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281
282 (a) To recognize the intended character of the subject property by tailoring development
283 standards and requirements that provide more desirable land use planning and regulatory
284 standards than would be possible under the county's existing land use ordinances; or

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285
286 (b) To advance the policies of the county.

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287
288 Sec 102-6-2 Applicability

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289
290 a) Unless expressly required elsewhere in this title, a development agreement is an optional
291 land use regulatory tool that may be used, at the discretion of the county commission, as
292 provided in section 102-5-7 of this chapter. No provision herein shall obligate the county
293 commission to enter into a development agreement.

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294 b) All persons entering into a development agreement with the county must have a legal or
295 equitable interest in the property that is the subject of the development agreement.

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296 c) The county commission may require additional provisions and requirements depending
297 on the nature and scope of the parcel(s) affected and the particular purposes and intent(s)
298 of the development agreement.

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299 Sec 102-6-3 Minimum Requirements

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300 All development agreements entered into by the county shall, at a minimum, be found to comply
301 with the following standards:

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302 (a) Be in writing.

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303 (b) Provide an accurate legal description of the subject property and the names of all legal
304 and equitable owners.

305 (c) Provide a concept plan including, but not limited to, the location and arrangement of all
306 allowed uses, traffic circulation patterns, buildings, and all required dedications and
307 improvements.

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308 (d) Provide the terms of the agreement, and any term extension requirement(s).

309 (e) Identify all allowed uses for the subject property and the procedures required for the
310 approval of each use.

311 (f) Identify development standards that will be implemented, including the timing and
312 obligations associated with the provision of necessary infrastructure and services.

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313 (g) Provide for the provision and installation of required public infrastructure and services.

- 314 (h) Provide a listing of all features and facilities being voluntarily provided to the county, or
- 315 other public or private agency, as applicable if any, in addition to those typically required
- 316 by the county's land use ordinances.
- 317 (i) Provide a description of any reservation or dedication of lands for public purposes.
- 318 (j) Provide a description of any conditions, terms, restrictions, or other requirements
- 319 determined to be necessary to promote the public health, safety, or welfare or the
- 320 purposes of the development agreement.
- 321 (k) Identify enforcement mechanisms determined necessary to ensure compliance.
- 322 (l) Provide for the recording of the approved development agreement in the office of the
- 323 Weber County recorder. The signed and recorded copy of the development agreement
- 324 shall be considered the official executed copy of said agreement.
- 325 (m) Include any additional requirements identified by the county commission determined
- 326 necessary to advance the interests of the county and other provisions and requirements to
- 327 protect the public health, welfare and safety of the county, and its residents.

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328

329 Sec 102-6-4 Development Procedures

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330 The county commission, as the legislative body, shall consider all development agreements at a

331 regular commission meeting. If a development agreement contains any provision proposing to

332 amend the county general plan or land use ordinance, including zoning designation of the subject

333 property, the procedures of the county required for a general plan or land use ordinance

334 amendment shall be followed, including complying with all noticing and public hearing

335 requirements.

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336 B. After consideration of materials, the Commission may approve or deny the proposed

337 development agreement, with or without requirements and conditions and with necessary

338 findings. If approved, the county commission chair, on behalf of the county, and the applicant

339 shall sign and execute the development agreement, as approved.

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340 C. Within fourteen (14) business days of signature by the county commission chair and the

341 applicant, the development agreement shall be recorded in the office of the county recorder. The

342 recorded agreement constitutes the official document of the county.

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343 D. The county commission, in considering a development agreement, may request a

344 recommendation of the planning commission on planning concerns, allowed uses, or other

345 development matters that may be associated with the proposed development agreement.

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346 E. In the event that a development agreement is amended after being executed by the affected

347 parties, a notice of amendment shall be sent by certified mail to all property owners with interest

348 in the property as described in the development agreement. Such notice shall, at a minimum,

349 explain the amendment and provide information about where the amendment may be retrieved

350 from the county recorder's office. Expenses for the notice shall be borne by the developer.

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352 Sec 102-6-5 Development Agreement Review

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353 In reviewing a proposed development agreement the county commission may consider, but shall
354 not be limited to, the following:

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- 355 (a) Public impacts and benefits.
- 356 (b) Adequacy in the provision of all necessary public infrastructure and services.
- 357 (c) Appropriateness and adequacy of environmental protection measures; and
- 358 (d) Protection and enhancements of the public health, welfare, and safety above that are
359 provided by the existing land use ordinances.

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360
361 Sec 102-6-6 Effect of Approval:

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362 A. A development agreement, as approved by the county commission and recorded as required
363 by section 8-21-5 of this chapter, shall be controlling for the subject property, and shall modify
364 the county's land use ordinances to the extent specifically identified by the development
365 agreement.

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366
367 B. Only those county land use ordinance provisions specifically identified by the development
368 agreement shall be modified. All other land use ordinance requirements shall remain in full force
369 and effect.

370
371 C. A development agreement shall not prevent the county from applying any new provisions or
372 regulations to the subject property that do not conflict with those contained within the
373 development agreement.

374
375 Sec 102-6-7 Binding Nature of Development Agreements:

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376 All development agreements shall be binding on the county and the applicant and on all
377 successors and assigns for the term of the agreement.

378
379 Sec 102-6-8 Expenses

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380 The county may require the applicant to reimburse the county for all reasonable expenses
381 incurred by the county related to the preparation and adoption of a development agreement.

382
383 Sec 102-6-9 Enforcement

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384 The county may utilize all legally available enforcement mechanisms necessary to achieve
385 compliance with this chapter and any development agreement including, but not limited to, the
386 withholding of necessary land use approvals and permits.

387

388 Sec 102-6-10 Modification or Suspension to Comply with State or Federal Laws

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389 In the event that federal or state laws or regulations, enacted after the adoption of a development
390 agreement, prevent or preclude compliance with one or more provisions of the agreement, such
391 provisions of the agreement shall be suspended, as may be necessary to comply with such laws
392 or regulations. If federal or state laws or regulations enacted after the adoption of a development
393 agreement, prevent or preclude compliance with a significant portion of the agreement, the entire
394 agreement shall be suspended, as may be necessary to comply with such laws or regulations.

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395 Sec 102-6-11 Noncompliance

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396 In the event a development agreement is terminated as a result of noncompliance by the subject
397 property owner, the subject property shall revert to the general plan and zoning district
398 designation that existed prior to the enactment of the development agreement.

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