

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

January 11, 2024

Pre-meeting 4:30/Regular Meeting 5:00



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

1 Minutes:

Petitions, Applications, and Public Hearings:

2. Administrative Items:

2.1 UVS011222 – Request for preliminary subdivision approval of Sundown Condominiums Phase 2. This is a second request for preliminary approval with a new roadway alignment. **Planner: Tammy Aydelotte**

Petitions, Applications, and Public Hearings:

3. Legislative Items:

3.1 ZTA 2023-06 - Public Hearing – Discussion and possible action on amending the Weber County Land Use Code Section 106-4-2.080 – Street Trees, modifying the requirement for street trees in the public right-of-way and creating new requirements for their installation and maintenance. Also Section 108-7-7.040 – Public Tree Care, modifying the regulations regarding the care, maintenance, and removal of trees on County-owned property. **Planner: Bill Cobabe**

4. Public Comment for Items not on the Agenda:

5. Remarks from Planning Commissioners:

6. Planning Director Report:

7. Remarks from Legal Counsel

Adjourn

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

& Via Zoom Video Conferencing at <https://webercountyutah.zoom.us/j/86351578885> Meeting ID: 863 5157 8885

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 801-399-8761

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 will 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 Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for preliminary subdivision approval of Sundown Condominiums Phase 2.
Type of Decision: Administrative
Agenda Date: Thursday, January 11, 2024
Applicant: Guy Williams, Authorized Representative
Owner: Mike Brenny
File Number: UVS011222

Property Information

Approximate Address: 6550 N Powder Mountain Road, Eden, UT, 84310
Project Area: 6.885 acres
Zoning: FR-3
Existing Land Use: Vacant
Proposed Land Use: Residential PRUD
Parcel ID: 22-001-0014
Township, Range, Section: T7N, R1E, Section 01 Qtr NE

Adjacent Land Use

North: Powder Mountain Road	South: Sundown Condominiums Phase 1
East: Vacant/Summit Pass Road	West: Vacant

Staff Information

Report Presenter: Tammy Aydelotte
 taydelotte@webercountyutah.gov
 801-399-8794
Report Reviewer: SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts, Important Wildlife Habitat Areas
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 18 Drinking Water Source Protection

Summary and Background

8/31/1983 – Weber County Commission approved a conditional use permit for Sundown PRUD, consisting of 80 units, and an associated bond for some of the improvements. The PRUD consists of a landscaping plan, open space, and private roadways, in two phases.

4/27/1984 – Sundown Condominiums Phase 1, consisting of 20 units was recorded.

1/12/2022 - The Planning Division received an application to plat phase 2 of Sundown Condominiums PRUD Subdivision, consisting of 60 units. The existing conditional use approval for the PRUD is still valid and staff recommends preliminary approval of Phase 2, subject to the conditions outlined in the PRUD approval.

2/15/2022 – Preliminary approval granted with conditions.

There are some changes to the site layout, mainly the location of the secondary access to the proposed Phase 2, from the original approval (See **Exhibit A**) that are subject to the Planning Commission review. If the Planning Commission

determines that the proposed changes are de minimus revisions, the Planning Commission. The current PRUD ordinance states the following regarding amendments to non-conforming PRUDs:

A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimis decision.

The following changes have been submitted: The removal of a turn, a roundabout, as well as access through Phase 1. The proposed second access has been relocated further west, along Powder Mountain Road (Weber Fire and Engineering will have to approve this), and the buildings are grouped together differently. Instead of grouping of four or eight units together, the current proposal is grouping twelve units (three buildings) together. The proposed buildings house 4 units each, as in the original PRUD The proposed development area is zoned FR-3 and will consist of 60 units occupying 32,318 square feet (10.5%), roadways occupying 1.136 acres (16.5%) with a common area occupying 4.9684 acres (72%).

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The Purpose and Intent of the Forest Residential Zone is included below:

LUC §104-17-1 *“The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”*

Lot area, frontage/width and yard regulations: Sundown Condominiums Phase 2 will offer 5 twelve-unit models. Lot sizes within Sundown Condominiums are proposed to be between 1079 and 1623 square feet, and widths are proposed to be 28.5 feet. Original widths (these are the same as what are currently proposed) and area are similar to the current proposal (current proposal has larger square footage for 1st floor units by approximately 74 feet and the 2nd floor units have an additional 122 square feet).

Ogden Valley Sensitive Lands Overlay Districts: This proposal does not lie within a sensitive lands overlay district.

Common Area: Sundown Condominiums Phase 2 will preserve 4.97 acres, which amounts to 72% of the total parcel area that the developer will preserve as landscaped and open space common area. The open space will also feature a footpath for residents and visitors to Sundown Condominiums.

Prior to receiving final approval from the County Commission, the applicant will need to provide CC&R’s that comply with the provisions of the Condominium Ownership Act, U.C.A 1953, §57-8-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance, and ownership of the common area. The developer will escrow for all public improvements and improvements within the common area. The final plat will need to include language for the common area located within the subdivision in the form of an open space preservation easement.

Natural Hazards Overlay Zone: Sundown Condominiums is located in a Zone “D”. County Engineering may have comments on whether or not this flood zone needs to be outlined on the final plat.

A geologic study has been performed by CMT Engineering Laboratories, Dated December 9, 2021, and project No. 17355. All recommendations contained in the submitted report shall be followed.

Culinary water, irrigation water and sanitary sewage disposal: A will-serve letter for culinary water services, and sanitary sewer services, has been submitted from Powder Mountain Water and Sewer, as required for preliminary approval.

Review Agencies: The Weber County Surveyor’s Office will review this application once a final plat has been submitted. The Engineering Division has concerns with approved UDOT access from Powder Mountain Road, interior road width and grade, among other concerns with utility locations and easements. The Weber Fire District has reviewed the proposal and provided the applicant with a detailed review that includes, among other things, requirements for fire suppression systems, hydrant count and location, road width and grade, parking restrictions along the interior private roads proposed within this subdivision. A condition of approval has been made part of the staff’s recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to, and addressed prior to coming before the planning commission for a recommendation of final approval.

Additional design standards and requirements: The original conditional use approval showed a slightly different layout of the buildings and roadway. Typically, an amendment to the conditional use permit would require an application, however, if the planning commission feels the proposed changes are minimal, these changes may be approved in this meeting.

Tax clearance: The 2023 property taxes have been paid in full. The 2024 property taxes will be due in full on November 1, 2024.

Staff Recommendation

Staff recommends preliminary approval of Sundown Condominiums, consisting of 60 units. This recommendation for approval is subject to **all review agency requirements** and based on the following conditions:

1. A CUP amendment application shall be submitted, addressing changes in proposed building location, and roadway layout, if the planning commission determines proposed changes to be more than minimal.
2. An approval from UDOT, for all accesses off of Powder Mountain Road, shall be submitted prior to appearing before the Planning Commission for a recommendation of final approval.
3. Applicant shall address any concerns from Engineering and Weber Fire District regarding slopes and proposed roads within the proposed development, prior to coming before the Planning Commission for a recommendation of final approval.
4. A proposed trail/pathway layout will be required prior to coming before the Planning Commission for a recommendation of final approval.

The following findings are the basis for the planning staff's recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Overall Approved Layout: Phases 1 and 2
- B. Phase 1 dedication Plat
- C. Proposed Plat and Changes from the Original Site Plan
- D. Proposed Renderings
- E. Floor Plan

Area Map



Exhibit A - Overall Approved Layout: Phases 1 and 2

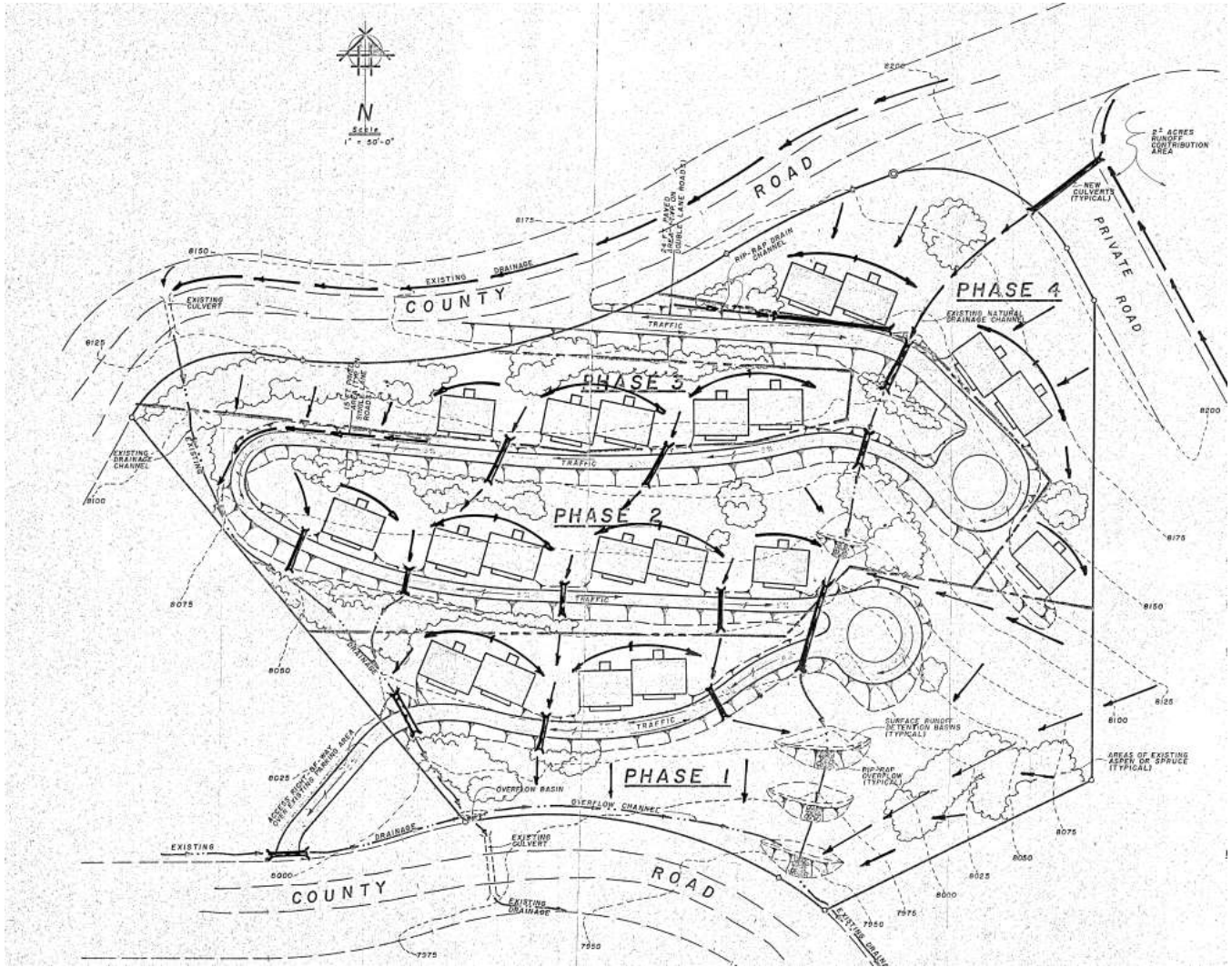


Exhibit B- Phase 1 Dedication Plat

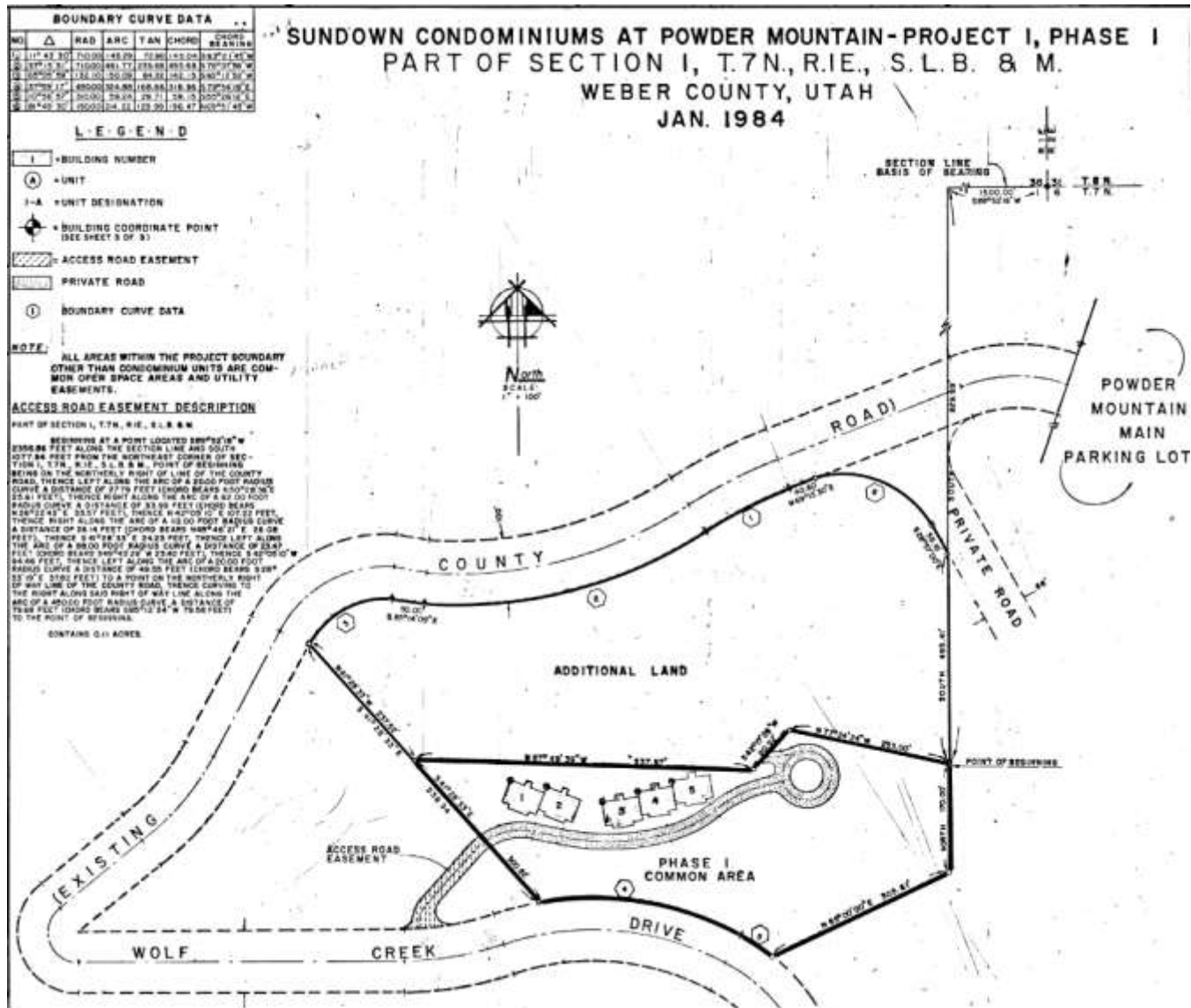
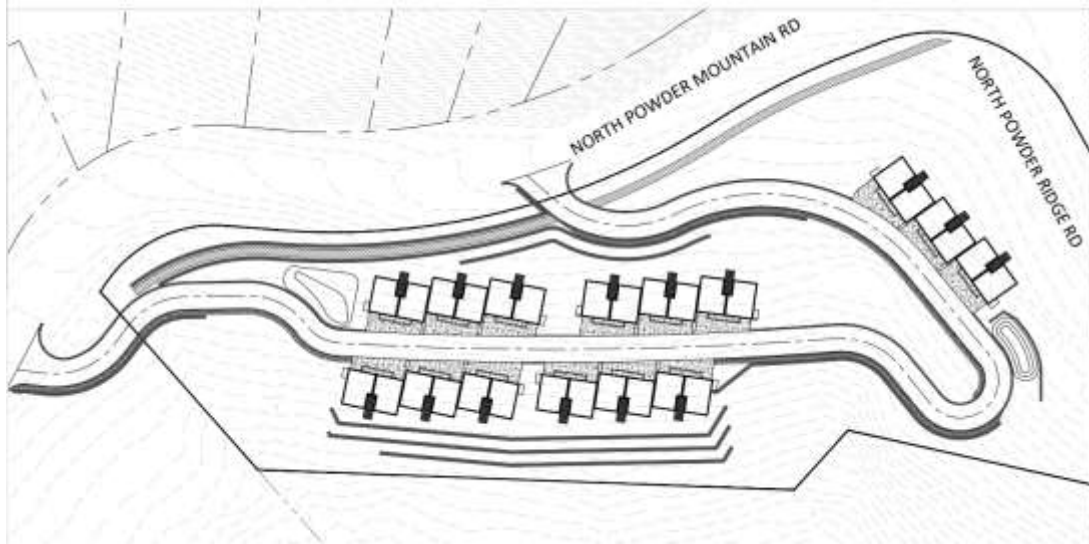


Exhibit D- Proposed Plat, and Changes from Original Site Plan



Sundown Condos at Powder Mountain PRUD

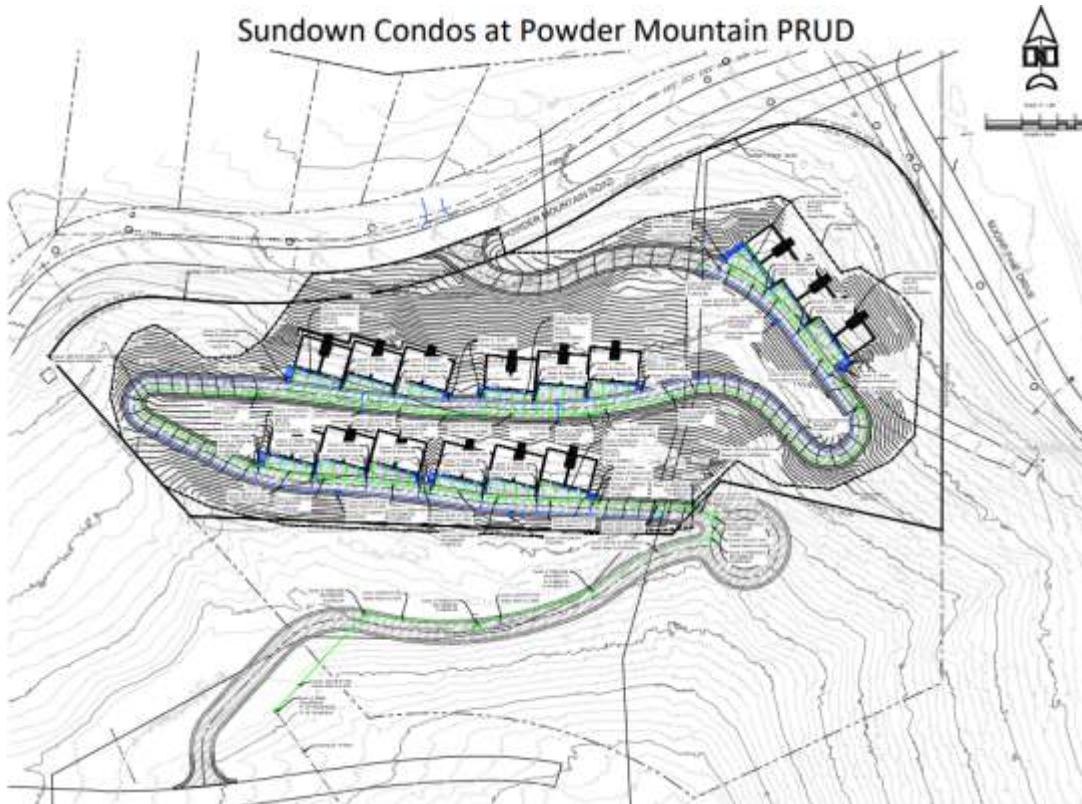
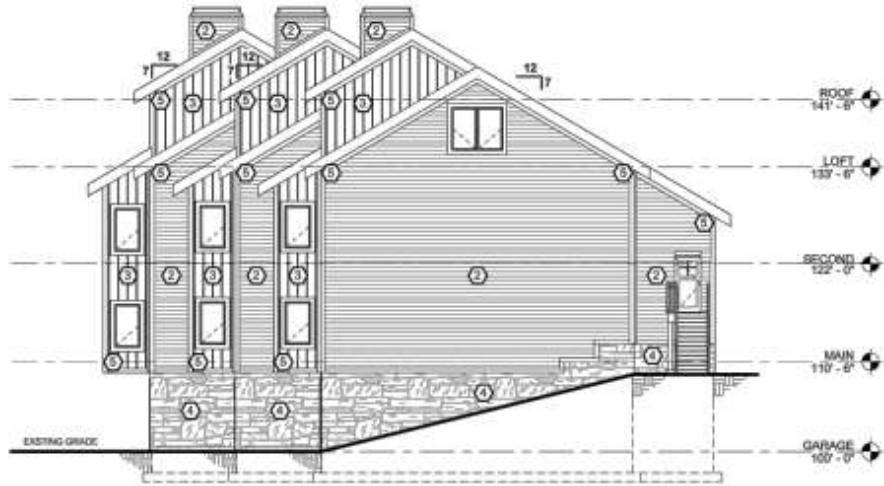
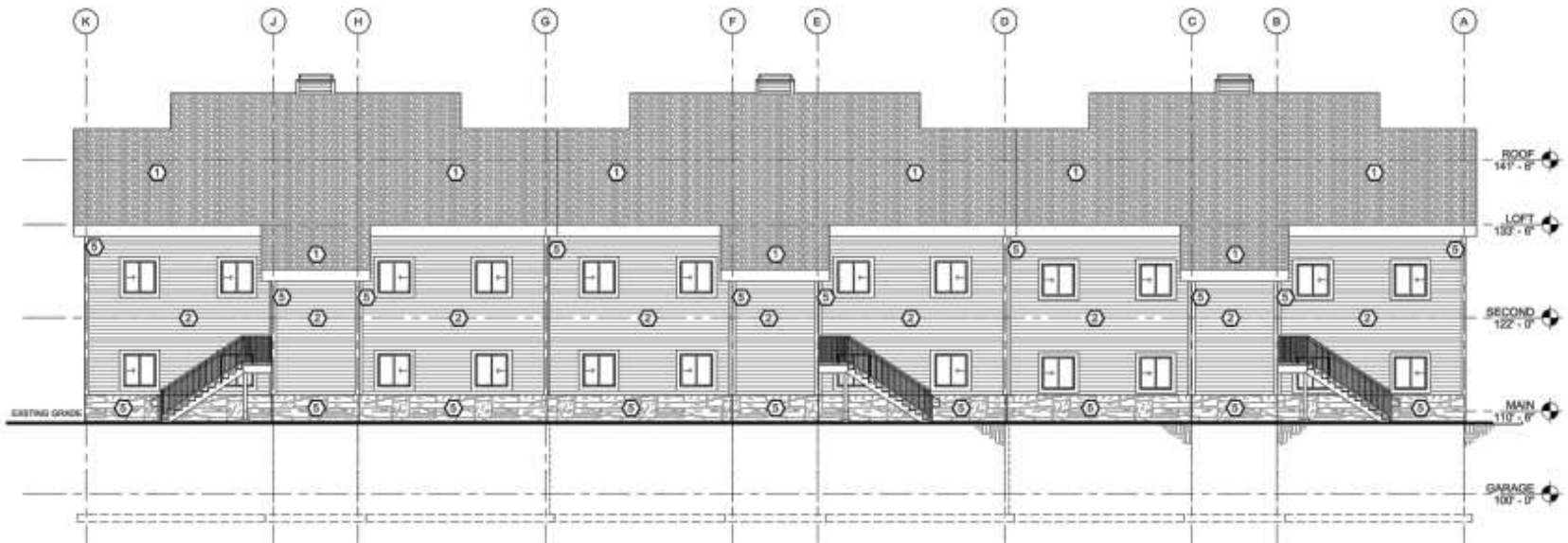


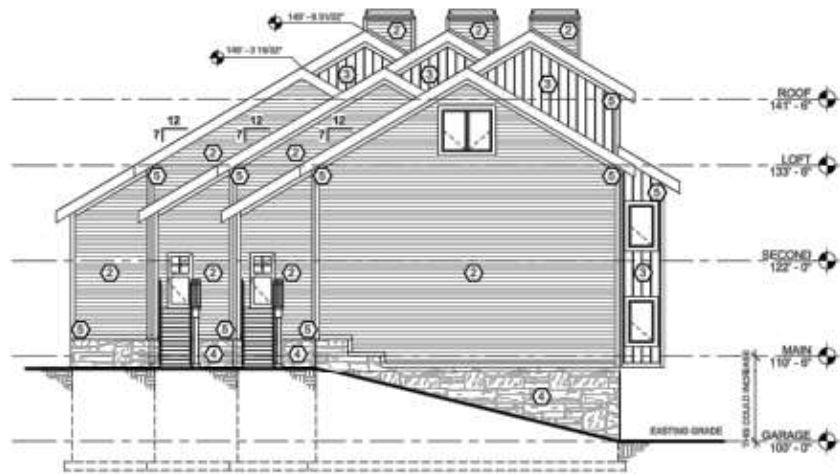
Exhibit E - Proposed Elevations



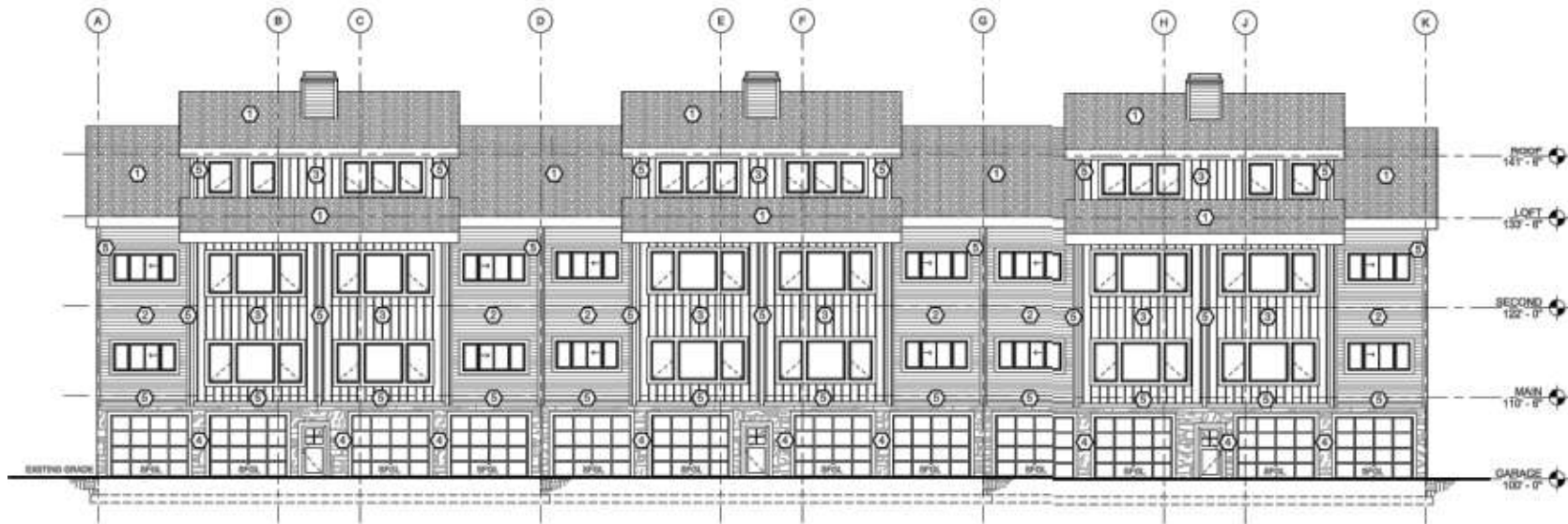
RIGHT ELEVATION



REAR ELEVATION

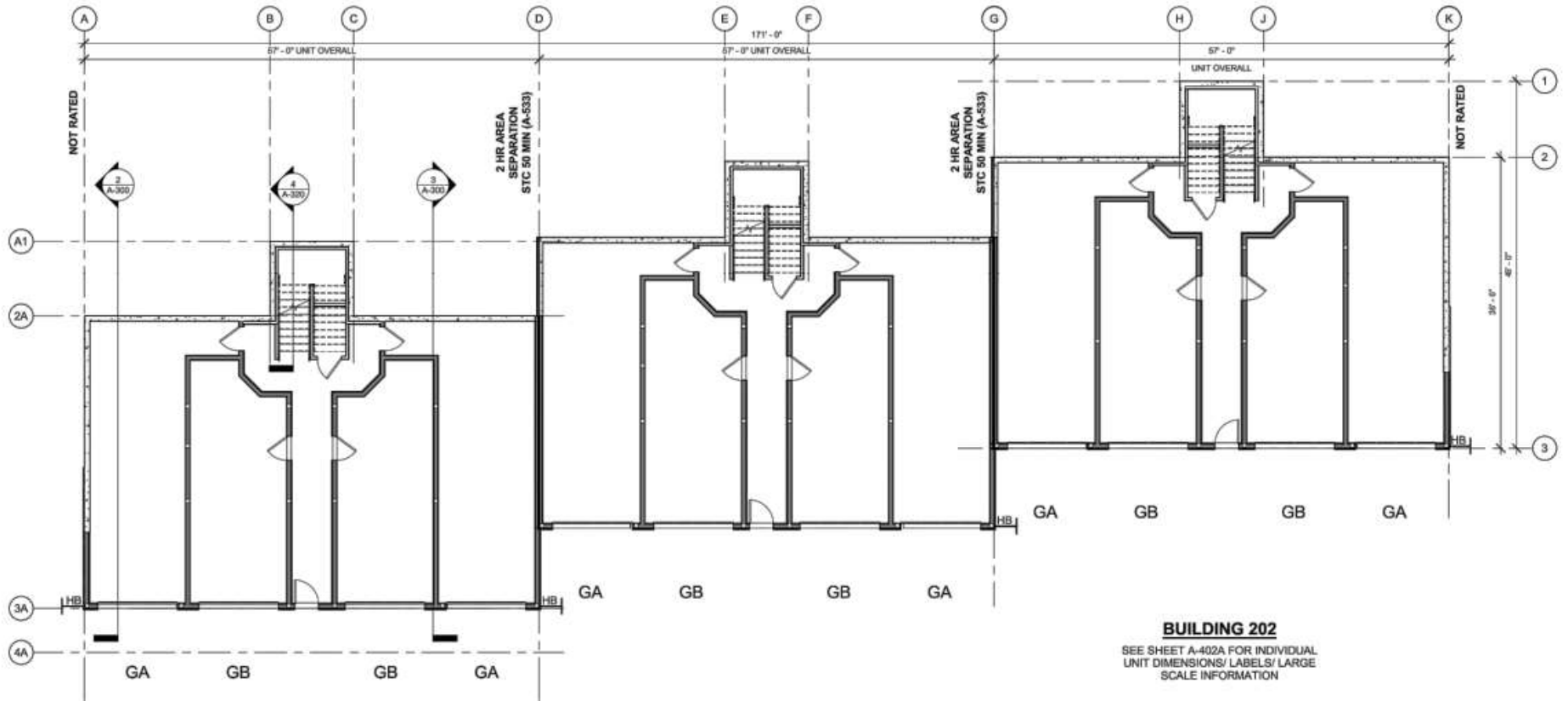


LEFT ELEVATION



FRONT ELEVATION

Exhibit F - Floor Plan

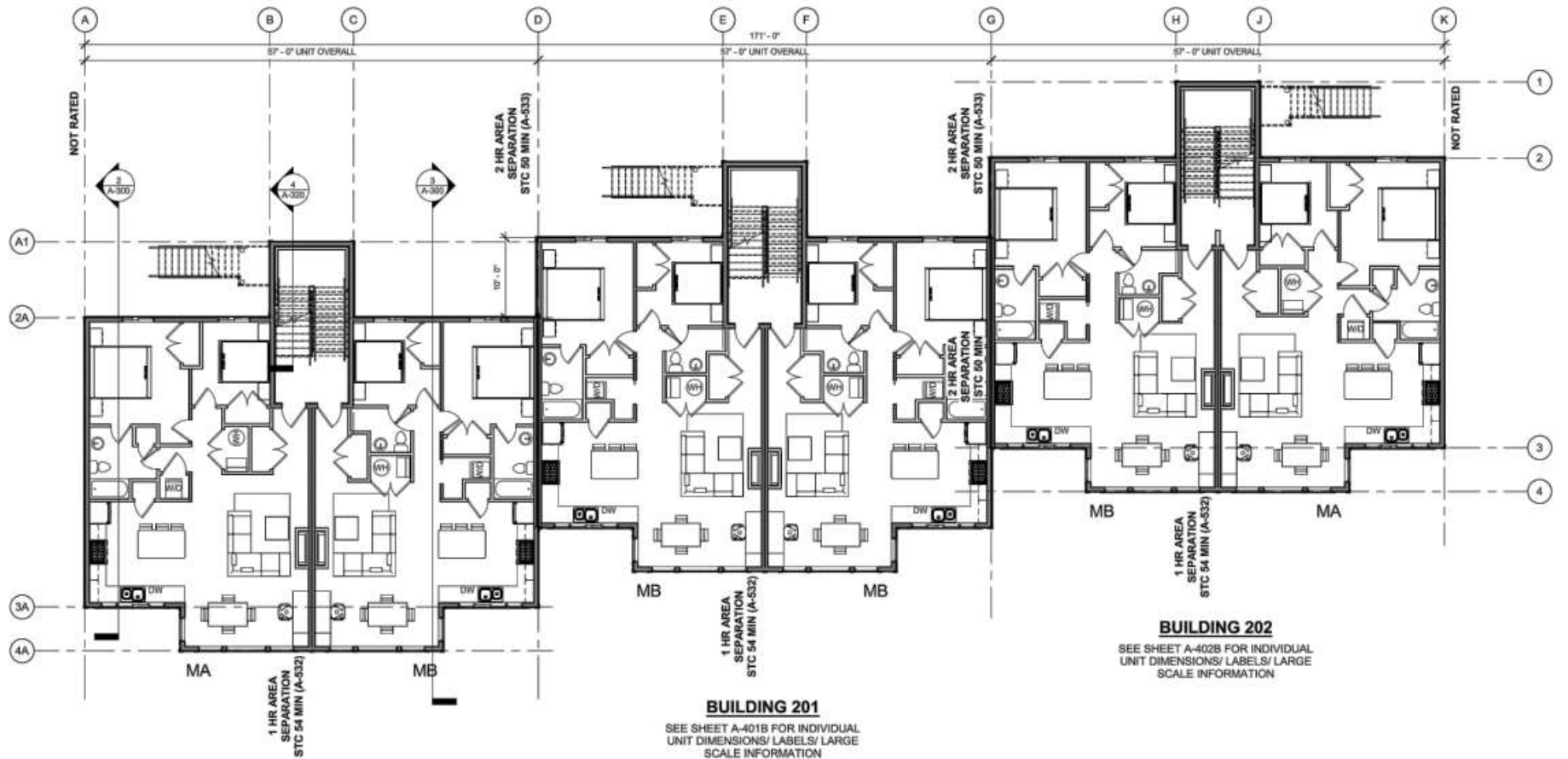


BUILDING 200
SEE SHEET A-400A FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

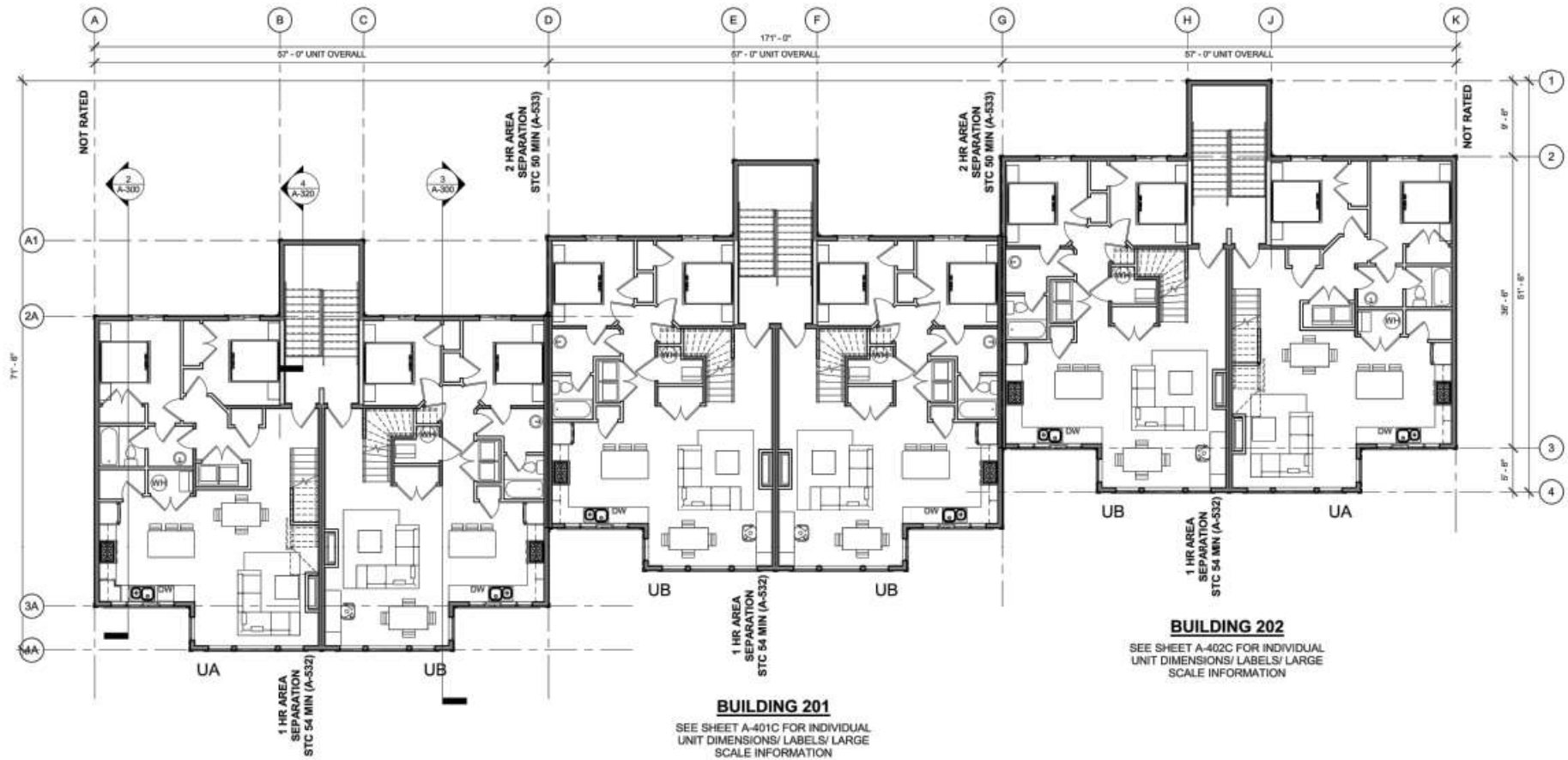
BUILDING 201
SEE SHEET A-401A FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

BUILDING 202
SEE SHEET A-402A FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

GARAGE LEVEL FLOOR PLAN
1/8" = 1'-0"
0' 2' 8' 16' 20' 32'



MAIN FLOOR PLAN
1/8" = 1'-0"
0' 2' 8' 16' 20' 32'

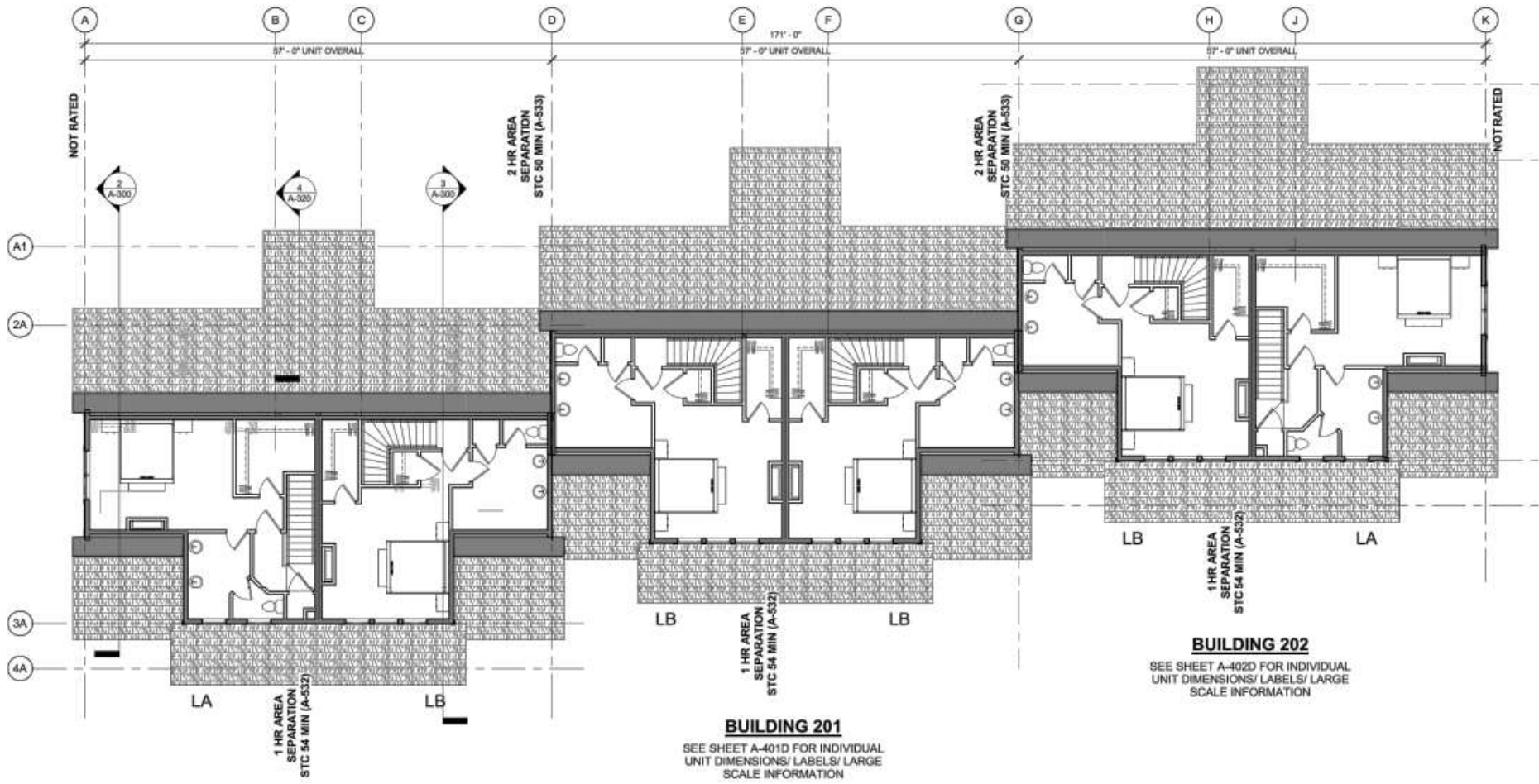


BUILDING 200
SEE SHEET A-400C FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

BUILDING 201
SEE SHEET A-401C FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

BUILDING 202
SEE SHEET A-402C FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

SECOND LEVEL FLOOR PLAN
1/8" = 1'-0"
0 2' 8' 16' 20' 32'



BUILDING 200
SEE SHEET A-400D FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

BUILDING 201
SEE SHEET A-401D FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION

BUILDING 202
SEE SHEET A-402D FOR INDIVIDUAL
UNIT DIMENSIONS/ LABELS/ LARGE
SCALE INFORMATION





Date: June 14, 2021

Ogden Valley Township Planning Commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

*Re: Commitment to provide culinary water and sanitary sewer services for
Parcels #22-093-0009 thru 0020 and Parcel #22-001-0014*

CAPACITY ASSESSMENT LETTER


This capacity assessment letter is issued by the Powder Mountain Water and Sewer Improvement District (the "District"), in connection to a certain real estate projects proposed to be developed.

The District confirms that it has adequate capacity to provide water and sewer services to serve 72 Equivalent Residential Units ("ERUs") in connection with the parcels #22-093-0009 thru 0020 and #22-001-0014.

Building permits shall not be issued without final approval by the District. Final approval is subject to the Developer meeting all applicable requirements of the District and payment of all applicable fees.

The District's commitment set forth in this letter is effective as of the date of this letter.

**POWDER MOUNTAIN WATER AND
SEWER IMPROVEMENT DISTRICT**

By: 
Robert Behrendt
Board Chairman



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

APPLICATION INFORMATION

Agenda Item:	ZTA 2023-06. A public hearing to consider a County-initiated ordinance amendment to Section 106-4-2.080, Street Trees, providing for the requirement for street trees including financial guarantees required for public improvements, installation and maintenance of street trees, and the adoption of a species list of approved street trees/vegetation, and Section 108-7-7.040, Public Tree Care, providing for the long-term maintenance and care of street trees.
Agenda Date:	Thursday, January 11, 2023
Applicant:	Planning Division
File Numbers:	ZTA 2023-06

STAFF INFORMATION

Report Presenter:	Bill Cobabe bcobabe@webercountyutah.gov 801-399-8772
Report Reviewer:	CE

Applicable Ordinances

Utah State Code Section 17-27a-503 – Zoning District or Land Use Regulation Amendments
Weber County Code Section 102-2-4 – Powers and Duties of the Planning Commission
Section 106-4-2.080 - Street Trees
Section 108-7-7.040 - Public Tree Care

Legislative Decisions

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

Summary

Due to ongoing concerns related to the installation and maintenance of street trees throughout the County, County Commissioners have directed Planning Staff to review our procedures and requirements. On September 12, 2023, the Western Weber Planning Commission held a work session to discuss proposed changes and review the species list, and on October 24, 2023, the Ogden Valley Planning Commission held a similar work session. The proposed changes allow for a more orderly and efficient development standard for street trees in the County.

Proposed Changes

The following is a brief explanation of the changes proposed:

1. **Section 106-4-2.080 – Street Trees** – The purpose of the section is explained.
2. **Section 106-4-2.080 (a)** – The requirement for street trees is set forth, including a financial guarantee.
3. **Section 106-4-2.080 (b)** – Specific regulations for planting trees, including replacement, spacing, irrigation required, an approved species list, and deviations from required landscaping plans.

4. **Section 108-7-7.040 – Public Tree Care** – Explaining the County’s right to maintain/remove vegetation from public property.
5. **Section 108-7-7.040 (a)** – Making it illegal to remove or top trees without permission.
6. **Section 108-7-7.040 (b)** – Providing for keeping sidewalks and corners clear of obstructions.
7. **Section 108-7-7.040 (c)** – Outlining the responsibilities for adjacent property owners removal of trees.
8. **Section 108-7-7.040 (d)** – Setting forth the requirements for obtaining a tree removal permit.

Policy Analysis

The Ogden Valley General Plan, adopted in 2016, notes that:

Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley’s character (page 4).

The Western Weber General Plan, adopted in 2022, states:

Consider also the urban heat islands effects of areas without sufficient landscaped area. Consider planting and preserving healthy trees that have a reasonable water requirement or are resistant to dry soil conditions (page 158).

The proposed changes to the Code reflect these principles.

Weber County Code Section 102-2-4 requires the Planning Commission to make a recommendation to the County Commission:

The planning commission shall be an advisory board to the county commission, and shall make recommendations regarding:

1. *Amendments to changes in zoning map.*
2. *Land Use Code text amendments.*

Utah State Code further explains the role of the Planning Commission, as found in Section 17-27a-503 Zoning District or Land Use Regulation Amendments:

- (1) *Only a legislative body may amend:*
 - (a) *the number, shape, boundaries, area, or general uses of any zoning district;*
 - (b) *any regulation of or within the zoning district; or*
 - (c) *any other provision of a land use regulation.*
- (2) *A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission’s recommendation.*
- (3) *A legislative body shall comply with the procedure specified in Section 17-27a-502 in preparing and adopting an amendment to a land use regulation.*

The referenced State Code Section 503 states that:

- (1) *A planning commission shall:*
 - (a) *provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable, Subsection 17-27a-205(4);*
 - (b) *hold a public hearing on a proposed land use regulation;*
 - (c) *if applicable, consider each written objection filed in accordance with Subsection 17-27a-205(4) prior to the public hearing; and*
 - (d)

- (i) *review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:*
 - (A) *all or any part of the unincorporated area of the county; or*
 - (B) *for a mountainous planning district, all or any part of the area in the mountainous planning district; and*
 - (ii) *forward to the legislative body all objections filed in accordance with Subsection 17-27a-205(4).*
- (2)
- (a) *The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.*
 - (b) *After providing notice as required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):*
 - (i) *as proposed by the planning commission; or*
 - (ii) *after making any revision the legislative body considers appropriate.*
 - (c) *A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.*

Today's public hearing is in fulfillment of these requirements.

Staff Recommendation

Staff recommends that the Planning Commission consider ZTA 2023-06 and if the Planning Commission approves, the Planning Commission may forward a positive recommendation to the County Commission for the proposal.

This recommendation may come with the following findings:

1. The proposal helps to accomplish a general plan goal or policy related to development in the County.

Model Motion

The model motions herein are only intended to help the planning commission provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is:**

I move that we recommend approval of File # ZTA 2023-06. **I do so with the following findings:**

Example findings:

- The proposed ordinance amendment is supported by the General Plan.
- [_____ add any other desired findings here _____].

Motion to **table:**

I move that we **table** action on File # ZTA 2023-06 to [_____ state a date certain _____], so that:

Examples of reasons to table:

- We have more time to review the proposal.
- Staff can get us more information on [_____ specify what is needed from staff _____].
- The applicant can get us more information on [_____ specify what is needed from the applicant _____].
- More public noticing or outreach has occurred.
- [_____ add any other desired reason here _____].

Motion to recommend **denial:**

I move that we deny File # ZTA 2023-06. **I do so with the following findings:**

Examples of findings for denial:

- The proposal is not adequately supported by the General Plan.

- The proposal is not supported by the general public.
- The proposal runs contrary to the health, safety, and welfare of the general public.
- The area is not yet ready for the proposed change to be implemented.
- [_____ add any other desired findings here _____].

Exhibits

Exhibit A. Draft Ordinance Language

Exhibit B. Street Tree List

Exhibit A. Draft Ordinance Language

106-4-2.080 Street Trees

The purpose of this section is to provide guidance for the development and maintenance of landscaped areas, both natural and enhanced, and recognize the importance of trees within the community. The

County has adopted and implemented landscaping standards to address both aesthetics and conservation concerns for new development. These provisions are included in various chapters of this Code relating to but not limited to water connection/development fees for residential and commercial development, master planned development and subdivision applications, and construction projects subject to sensitive lands criteria. Trees add to the beauty of the community, stabilize surface drainage, soil erosions, and mitigate siltation of streams. A well-designed landscape planting can reduce air and sound pollution, mitigate impacts due to urban heat islands, increase shady areas for pedestrian, and regulate solar radiation and wind control.

(a) Street Trees Required

All new development shall submit a landscaping plan showing areas to be landscaped, including street cross sections and park strips, common areas, and other landscaped areas. Trees, shrubs, and other plantings shall be shown on the plans in accordance with the appropriate regulations and as noted herein. Street trees shall be included in the Financial Guarantee as outlined in Section 106-4-3.

(b) Regulations For Planting Trees And Landscaping In The County's Right-Of-Way

Tree planting on public ways shall be coordinated with required open or landscaping areas on private property so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. All trees planted in the public rights-of-way and all tree planting spaces shall be approved by the Planning Division Director who shall supervise such locating and planting according to approved plans and in a manner meeting the following considerations:

- (1) **REPLACEMENT**. Trees that must be removed shall be replaced by a new planting except in circumstances which the Planning Director deems impractical.
- (2) **SPACING**. Unnatural regularity of spacing and arrangement shall be avoided; staggered or irregular locations are preferred, depending upon tree type.
- (3) **DISTANCE FROM CURB AND SIDEWALK, STREET CORNERS, FIRE HYDRANTS, UTILITIES AND SNOW STORAGE**. The County shall give special consideration to locations and species of plantings from curb and sidewalk, street corners (clear view triangle areas, as defined in Sec 108-7-7.030 Clear View of Intersecting Streets), fire hydrants, utilities and for snow removal. Determinations will be based on health and safety issues and will be based in what is best for the County's needs.
- (4) **IRRIGATION REQUIRED**. The installation of street trees in the County's right-of-way shall be accompanied by an appropriate irrigation system providing water to the street trees. These irrigation systems shall be the responsibility of the developer to maintain until the adjacent property is sold, after which time it shall be the responsibility of the adjacent property owner. All irrigation systems shall be reviewed by the Planning Director and installed by the developer at the time the street trees are planted.
- (5) **SPECIES LIST**. A list of plant materials and trees is hereby adopted and maintained separately. These plant materials and trees are approved for use in the County's rights-of-way and public spaces. Any deviation from this list must be approved by the Planning Division Director. Information for each plant regarding botanical name, mature size, light exposure, foliage color, flower season, fruit, and if the plant is native or Water Wise is available through contacting the Planning Division.
- (6) **ADDITIONS TO REQUIRED LANDSCAPING**. Any deviation from the required landscaping plans may be reviewed and approved by the Planning Commission, provided they meet the minimum standards stated in this Section and other Sections of this Code.

Section 108-7-7.040 Public Tree Care

The County shall have the right, as determined by its sole discretion, to plant, prune, maintain, and remove trees, plants and shrubs within rights-of-way, streets and public property as may be necessary to ensure public safety or to preserve or enhance public grounds.

(a) Illegal To Cut Trees And/Or Tree Topping

It is unlawful for any person to remove trees situated on County property, including streets and roadways of the County, without obtaining permission from the Planning Division Director for that purpose.

It is unlawful as a normal practice for any person, firm, or County department to top any tree. Topping is the severe

cutting back of limbs to stubs larger than three inches (3”) in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Planning Division Director.

(b) **Pruning, Corner Clearance**

Subject to the provisions of Section (f), every owner of any tree or shrub overhanging any street, sidewalks, or right-of-way within the County shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct and create a hazard on a sidewalk. Said owners shall remove and replace all dead, diseased, or dangerous trees and shrubs, or broken or decayed limbs, which constitute a menace to the safety of the public. The County shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, interferes with visibility of any traffic control device, sign or sight triangle at intersections, or constitutes a hazard on a sidewalk. Any costs incurred by the County will be collected from the adjacent property owner.

(c) **Removal and Replacement Of Dead And/Or Hazardous Trees/Plantings On The County's Right-Of-Way; Property Owner Responsibility**

The removal of any tree, living or dead is subject to the permit process, as outlined in Section (g). Dead trees and/or hazardous planting on the County's right-of-way will be removed and replaced at the adjacent property owner's expense. If the dead tree is determined by the County to be a hazard and the adjacent property owner refuses to cooperate with its removal, it shall be removed and replaced by the County and any costs incurred will be collected from the adjacent property owner. Except for routine trimming, pruning, and watering, the County accepts responsibility for maintenance of planted areas on public property and the County's rights-of-way for County installed projects, which are regularly maintained by County staff.

(d) **Permit To Remove Trees Or Vegetation From County Property**

Any person desiring to cut and remove trees or vegetation from County property, including the County's rights-of-way, shall first make written application to the planning director and the application shall contain the following information:

- (1) The exact number of trees to be removed and the location of each with reference to street designations.
- (2) A statement that the applicant will cut and remove the trees at his/her own cost and expense within thirty (30) days of the date of the permit.
- (3) A statement that the applicant will restore the County property to the satisfaction of the County and will replant such trees as the County may require and where the County may specify.
- (4) That the applicant will indemnify the County against any damage to the County property or to the adjacent property owners or to any injury to persons or property sustained in cutting and removing of the trees.

Exhibit B. Street Tree List

Weber County Street Trees - Small Trees at Maturity (for park strips less than 5' wide)

Common Name	Botanical Name	Common Cultivars	Mature Height	Canopy Spread	Shape	Flowers	Fruit	Fall Color	Additional Notes
American Smoke Tree *	Cotinus obovatus		20-30'	20-30'	irregular oval	yellowish green	small, sparse, unnoticeable	yellow, red, orange, purple	produces some of the best fall color of any of the native American trees
Amur Maackia	Maackia amurensis		20-30'	15-20'	rounded vase	white fragrant in summer	flat see pods	yellow	tolerant of urban conditions
Beech, Tricolor	Fagus sylvatica	Tri Color, Roseo-marginata	20-30'	15-20'	oval	yellow green, insignificant	spiny capsule	light bronze	very showy purple, rose with cream leaves
Chinese Catalpa	Catalpa ovata		20-30'	20-30'	spreading	yellow-white flowers	long slender green pods	yellow	tolerant of heat and a wide range of soil conditions
Chokecherry	Prunus x virginiana	Sucker Punch	20-30'	18-20'	rounded	bright white, fragrant	dark purple	deep purple	sucker-free, leaves emerge green turning dark purple
Dogwood, Corneliancherry	Cornus mas	Various	15-20'	15-20'	low branched/rounded	yellow, before leaves	red, edible	reddish purple	scaly exfoliating bark when mature
Eastern Redbud *	Cercis canadensis	Various	15-25'	20-30'	irregular	pink/purple before leaves	small, brown pod 2-3" long	yellow	tolerant of partial shade, vibrant in the spring
Flowering Cherry, Akebono *	Prunus x yedoensis	Akebono	20-25'	20-25'	spreading	double, light pink	black purple	yellow	blossoms are showy in the spring
Flowering Cherry, Kwanzan	Prunus serrulata	Kwanzan	20-25'	15-20'	vase shaped	double deep pink	sterile flowers do not produce fruit	yellow	blossoms are showy in the spring
Flowering Crabapple *	Malus spp. Various	Spring Snow, Snow Drift, Sargent, Zumi	15-25'	15-25'	rounded to oval	varies with cultivar	fruit varies with cultivar	yellow	showy in spring
Flowering Plum, Krauter Vesuvius	Prunus cerasifera	Krauter Vesuvius	15-20'	10-15'	upright	light pink showy	sparse plums	purple	dark purple leaves year round
Fringetree *	Chionanthus virginicus		20-25'	20-25'	spreading oval	green-white in spring, fragrant	1/2"-3/4" blue-black fruit	yellow	stunning when in full bloom
Fringetree, Chinese *	Chionanthus retusus		20-25'	20-25'	broadly oval	large green-white clusters in spring, fragrant	1/2"-1" blue-purple fruit	yellow	light brown exfoliating young bark
Hawthorn *	Crataegus laevigata	Pauls Scarlet, Crimson Cloud	20-25'	15-20'	broad round	double rose red	red edible	no fall color	vibrant in the spring
Hawthorn, Lavelle *	Crataegus x lavellei	Lavelle	20-30'	15-20'	dense oval	white in spring	red edible	coppery red	lustrous green leaves, persistent fruit
Hawthorn, Thornless Cockspur *	Crataegus crus-galli	Thornless Cockspur	20-30'	20-35'	rounded, spreading	white in spring	red edible	orange-scarlet	persistent fruit in to winter, thornless
Hawthorn, Winter King *	Crataegus viridis	Winter King	20-30'	20-30'	wide vase	white in spring, showy	bright red edible	purplish red	tolerant of urban pollution
Lilac, Japanese Tree Lilac *	Syringa reticulata	Ivory Silk	20-25'	15-20'	upright, oval/rounded	creamy white fragrant dense clusters	dry capsules	yellow	tolerant of urban conditions
Lilac, Peking Lilac *	Syringa pekinensis	China Snow, Summer Charm	20-25'	15-20'	rounded	creamy white fragrant dense clusters	dry capsules	yellow	attractive exfoliating, amber colored bark
Linden, Summer Sprite	Tilia cordata	Summer Sprite Linden	18-20'	12-15'	dense pyramidal	tiny yellow fragrant in spring	gray nutlets with bracts	yellow	perfect for confined urban spaces
Maple, Amur	Acer ginnala		15-20'	15-20'	round spreading	white, clusters	samaras	red	showy red samaras in fall
Maple, Bigtooth*	Acer grandidentatum	Rocky Mt. Glow, Mesa Glow	20-25'	15-25'	oval to round	small green-yellow in spring, insignificant	green samaras	yellow to orange	native to Utah
Maple, Paperbark*	Acer griseum		20-25'	15-20'	upright oval	small green in spring, insignificant	brown samaras	Yellow-orange-red	attractive exfoliating cinnamon colored bark
Maple, Rocky Mountain	Acer glabrum		20-25'	10-15'	oval	small green-yellow in spring, insignificant	green samaras	Yellow-orange-red	native to Utah, heat tolerance may be a concern, prune to develop strong branching structure
Maple, Shantung	Acer truncatum	Pacific Sunset, Norweigan	20-30'	20-30'	rounded to oval	pale yellow insignificant	samaras	yellow, orange,	heat tolerant
Maple, Shantung	Acer truncatum	Ruby Sunset	20-25'	18-20'	broad oval to round	pale yellow insignificant	samaras	deep red	heat tolerant, glossy green leaves
Maple, Trident	Acer buergerianum	Streetwise	20-30'	15-25'	oval/round	small green-yellow in spring, insignificant	green samaras	orange-red	slow growing
Maple, Tatarian*	Acer tataricum	Hot Wings, Pattern Perfect, Rugged Charm	20-25'	15-20'	oval to round	white clusters in spring	red samaras	yellow-red	showy seeds
Mimosa	Albizia julibrissin		20-30'	20-40'	vase to spreading	Showy pink in early summer	Bean-like seed pods	no fall color	Fragrant flowers attractive to bees, long bloom time
Netleaf Hackberry *	Celtis reticulata		20-25'	20-25'	rounded, spreading	green in spring, insignificant	orange-red	yellow	very tolerant to adverse growing conditions
Oak, Gambel	Quercus gambelii		20-25'	20-30'	round, clump	insignificant	acorns	brow-brownish red	native to Utah, clump form
Parrotia	Parrotia persica	Vanessa	20-30'	15-20'	upright vase	insignificant	insignificant	yellow-orange-red	slow growing
Serviceberry *	Amelanchier laevis	Spring Flurry, Snow Cloud, Autumn Brilliance	20-28'	15-20'	upright oval	white clusters in spring	purplish-blue, edible	orange-red	great for naturalizing or as a specimen
Serviceberry *	Amelanchier x grandiflora	Robin Hill	20-25'	15-18'	upright oval	light pink in spring	small purple-red, edible	orange-red	great for naturalizing or as a specimen
Zelkova, City Sprite *	Zelkova, City Sprite *	City Sprite	20-24'	15-18'	compact oval to vase	insignificant	insignificant	yellow	perfect for confined urban spaces
Zelkova, Wireless *	Zelkova, Wireless *	Wireless	20-24'	30-35'	flat topped broad spreading	insignificant	insignificant	reddish orange	ideal under utility lines

*** = Proven Performer**
Trees with BOLD heights indicated are to be planted under utility lines.
 All parkstrip trees must be a single trunk form unless approved by the Urban Forestry Office.
 Other tree species may be appropriate with approval from the Urban Forestry Office.

Weber County Street Trees - Medium Trees at Maturity (for park strips 5' - 8' wide)

Common Name	Botanical Name	Common Cultivars	Mature Height	Canopy Spread	Shape	Flowers	Fruit	Fall Color	Additional Notes
Amur Corktree *	Phellodendron amurense	Macho, Eye Stopper, His Majesty	30-45'	30-60'	rounded broad spreading	non showy yellow-green	pea sized black	yellow	once established very tolerant to urban conditions
Black tupelo	Nyssa sylvatica	Wildfire, Firestarter	30-50'	20-30'	rounded	small, greenish white	oval, dark blue	red, orange	striking fall color
Catalpa *	Catalpa speciosa	Heartland	45-50	20-25	narrow upright	white, large bell shaped	long slender seed pods	greenish-yellow	tolerant of urban conditions
Elm, Emerald Flair	Ulmus parvifolia	Emerald Flair	40-45'	30-35'	spreading vase	insignificant	flat round samara	red-orange red	has better red fall color than most cultivars
Elm, Emerald Sunshine	Ulmus propinqua	Emerald Sunshine	30-35'	20-25	vase	inconspicuous	small, flat, papery	yellow	tolerant of all urban conditions
Elm, Frontier *	Ulmus. carpinifolia and U. parvifolia.	Frontier	30-40'	20-30'	upright, vase	inconspicuous	small, flat, papery	burgandy-purplish	tolerant of all urban conditions
European Alder	Alnus glutinosa		40-50	20-40'	pyramidal	drooping male catkins	small woody cones	none	tolerates a wide range of soils
Ginkgo *	Ginkgo biloba	Autumn Gold, Princeton Sentry, Magyar, Colonade	40-45'	15-30'	pyramidal	insignificant	fruitless	yellow-golden	tolerant of a wide range of soil conditions, adapts well to urban environments
Goldenrain *	Koelreuteria paniculata		30-40'	30-40'	round	very showy bright yellow flowers in upright clusters	black seed in papery capsule	yellow-orange	tough adaptable tree
Hackberry	Celtis occidentalis		40-60'	30-50'	rounded spreading	insignificant	berry-like drupe	yellow	tough adaptable tree with attractive bark
Hardy Rubber Tree	Eucommia ulmoides	Emerald Point	35-40'	15-20'	narrow oval	insignificant	winged seed	none	tolerates a wide range of soil conditions, glossy green leaves
Honeylocust *	Gleditsia triacanthos inermis	Street Keeper, Skyline, Shademaster, Northern Acclaim, Sunburst, Perfection	35-50'	20-40'	pyramidal to round dependent on cultivar	insignificant yet smell very sweet	reported as fruitless	golden yellow	small fine leaves give filtered shade
Hophornbeam	Ostrya virginiana	Autumn Treasure, Sun Beam	25-40'	20-30'	oval to rounded	brown-green in summer	hop-like sac	yellow	tolerant of urban conditions once established
Horsechestnut, Red	Aesculus x carnea	Briotii, Fort McNair	30-40'	25-35'	oval to rounded	deep pink	nut	yellow	large showy flowers
Hornbeam, American	Carpinus caroliniana		20-35'	20-30	oval, vase	catkins	clusters of small nutlets in bracts	yellow-orange	smooth gray bark with fluting
Hornbeam, European	Carpinus betulus		40-60'	30-40'	oval, vase	catkins	clusters of small nutlets in bracts	yellow-orange	smooth gray bark with fluting
Katsura	Cercidiphyllum japonicum		40-60'	20-35'	pyramidal to round	insignificant	small green pods, female only	yellow-orange	foliage may scorch in hot, dry conditions
Linden, Crimean	Tilia x euchlora		40-50	20-30'	rounded pyramidal	fragrant creamy yellow	gray nutlets with bracts	yellow	reported to have more resistance to aphids
Maple, Hedge	Acer campestre	Metro Gold, Queen Elizabeth	25-35'	25-35'	oval/round, dense	small green-yellow in spring, insignificant	green samaras	yellow	doesn't tend to get leaf scorch
Maple, State Street	Acer miyabei	State Street, Rugged Ridge	30-45'	30-35'	oval to rounded	Small green-yellow in spring, insignificant	green samaras	yellow-orange	hardy, tough, pest free maple
Maple, Sycamore	Acer pseudoplatanus		40-55'	35-55'	round	Small green-yellow in spring, insignificant	green samaras	yellow	Gray flaking bark
Maple, Sugar	Acer saccharum	John Pair Caddo, Flash Fire Caddo, Autumn Splendor Caddo	30-45'	30-45'	rounded to oval	Small green-yellow in spring, insignificant	green samaras	orange-red	tolerant of harsh urban conditions and alkaline soil
Mayday Tree	Prunus padus	Merlot	30-40'	18-30'	pyramidal to round	showy white pendulous	pea sized black	yellow	showy in spring
Mulberry, Fruitless	Morus alba	Fruitless Mulberry	30-50'	30-50'	wide spreading	small yellowish green	fruitless	none	tough tolerant tree
Osage Orange	Maclura pomifera	White Shield, Wichita	30-25'	30-35'	upright spreading	none	none	yellow	tough tolerant, thornless,
River birch	Betula Nigra	Dura Heat, Cully	30-40'	25-35'	Pyramidal to rounded	drooping male catkins, upright green female catkins	insignificant	yellow	attractive, exfoliating bark
Turkish Filbert	Corylus colurna		40-50'	15-35'	pyramidal	insignificant	edible nut		tolerant tree once established
Yellowwood *	Cladrastis kentukea	American, Perkins Pink	30-50'	30-50'	round	large hanging fragrant white or	flat papery pod	yellow	very showy flowers in late
Zelkova *	Zelkova serrata	Village Green, Green Vase	40-55'	30-50'	vase	insignificant	small wingless drupe	rusty red	mature smooth gray bark exfoliates to reveal orange inner bark

*** = Proven Performer**
 All parkstrip trees must be a single trunk form unless approved by the Planning Director.
 Other tree species may be appropriate with approval from the Planning Director.

Weber County Street Trees - Large Trees at Maturity (for park strips 8' wide or wider)

Common Name	Botanical Name	Common Cultivars	Mature Height	Canopy Spread	Shape	Flowers	Fruit	Fall Color	Additional Notes
Catalpa *	Catalpa speciosa		50-70'	20-50'	irregular open	white with spots inside	long slender	yellow	beautiful when in flower
Elm, Accolade *	Ulmus japonica × wilsoniana 'Morton'	Accolade	50-60'	30-40'	arching vase	insignificant	flat round samara	yellow	excellent DED resistance
Elm, Commendation *	Ulmus (japonica x wilsoniana Morton) x (pumila x carpinifolia)	Commendation	50-70'	40-50'	pyramidal	insignificant	flat round samara	yellow	fast growing but not wild
Elm, Green stone *	Ulmus davidiana 'JFS KW2UD'	Greenstone	50-60'	40-50'	upright vase	insignificant	flat round samara	yellow	strong branch attachments at open angles
Elm, New Horizon *	Ulmus japonica × pumila 'New Horizon'	New Horizon	50-55'	30-40'	upright oval	insignificant	flat round samara	yellow	proven rugged street tree
Elm, Triumph *	Ulmus wilsoniana, U. japonica, and U. pumila	Triumph	50-60'	40-45'	upright oval to vase	insignificant	flat round samara	yellow	very dark green glossy leaves
Elm, Valley Forge	Ulmus americana 'Valley Forge'	Valley Forge	60'	40-50'	upright vase	insignificant	flat round samara	yellow	American elm cultivar
European Beech	Fagus sylvatica	various	50-60'	35-50'	rounded, pyramid	Inconspicuous	nuts in a prickly husk	bronze-yellow	thin, smooth gray bark
Ginkgo *	Ginkgo biloba	Autumn Gold, Princeton Sentry, Magyar, Colonade	50-70'	15-30'	pyramidal	insignificant	fruitless	yellow-golden	tolerant of a wide range of soil conditions, adapts well to urban environments
Hackberry *	Celtis occidentalis	Chicagoland	40-60'	40-60'	rounded spreading	insignificant	purple drupe	pale yellow	tolerates both wet and dry conditions
Hardy Rubber Tree	Eucommia ulmoides	Hardy Rubber Tree	40-60'	30-50'	rounded	insignificant	winged seed	none	tolerates a wide range of soil conditions, glossy green leaves
Hornbeam	Carpinus betulus	Emerald Avenue, Frans Fontaine	40-60'	15-40'	narrow fastigate to broadly pyramidal	insignificant	nutlets in papery bracts	yellow	very symmetrically shaped
Horsechestnut	Aesculus hippocastanu		50-75'	40-65'	upright oval	deep pink or white	nutlets in papery bracts	yellow	large showy flowers
Honeylocust *	Gleditsia triacanthos inermis	Street Keeper, Skyline, Shademaster, Northern Acclaim	40-45'	20-35'	pyramidal to round	insignificant yet smell very sweet	reported as fruitless	golden yellow	small fine leaves give filtered shade
Kentucky Coffee *	Gymnocladus dioicus	Espresso, Prairie Titan, Stately Manor	60-80'	40-45'	irregular open	Greenish white, female are fragrant	seedless	yellow	leaves drop early in the fall
Linden, Silver *	Tilia tomentosa	Sterling Silver, Green Mountain, Satin Shadow	50-70'	25-40'	pyramidal	fragrant creamy yellow	gray nutlets with bracts	yellow	best heat and drought tolerant of all lindens
London Plane *	Platanus × acerifolia	Bloodgood, Exclamation, Ovation	60-70'	30-60'	spreading rounded	insignificant	round fuzzy seed ball in clusters of 2-3	brown	exfoliating cream colored bark
Maple, black	Acer nigrum		60-75'	40-50'	oval to rounded	green-yellow in spring, insignificant	Green samaras	yellow-orange-red	similar to sugar maple but more heat and drought tolerant
Maple, State Street	Acer miyabei	State Street, Rugged Ridge	30-45'	30-35'	oval to rounded	Small green-yellow in spring, insignificant	green samaras	yellow-orange	hardy, tough, pest free maple
Maple, Sycamore	Acer pseudoplatanus		40-55'	35-55'	round	Small green-yellow in spring, insignificant	green samaras	yellow	Gray flaking bark
Mulberry, Fruitless	Morus alba	Fruitless Mulberry	30-50'	30-50'	wide spreading	small yellowish green	fruitless	none	tough tolerant tree
Oak, Bur *	Quercus macrocarpa	Bullet Proof, Cobblestone	60-80'	60-80'	broad rounded	insignificant	oval acorns with fringed cap	yellow brown	tolerant of all soil conditions
Oak, Chinkapin	Quercus muehlenbergii	Red Autumn	40-60'	50-60'	oval to rounded	insignificant	acorn	yellow brown or red	tolerant of alkaline soils
Oak, English *	Quercus robur		50-70'	50-70'	broad rounded	insignificant	acorn	none	tolerant of alkaline soils
Oak, Sawtooth	Quercus acutissima		40-60'	40-60'	broad spreading	insignificant	acorn	dull yellow-brown	adapts to a wide range of soils
Oak, Northern Pin Oak	Quercus ellipsoidalis		55-60'	30-40'	broadly pyramidal	insignificant	acorn	red	tolerant of alkaline and dry soils
Oak, Shingle	Quercus imbricaria		50-60'	50-60'	conical broadening with age	insignificant	acorn	yellow-brown to red-brown	adapts to a wide range of soils
Oak, Shumard	Quercus shumardii		40-60'	30-40'	oval	insignificant	acorn	brownish red	does well in wet and dry soil
Oak, Swamp White	Quercus bicolor	American Dream	50-60'	50-60'	broad rounded	insignificant	acorn	orange gold	tolerant of urban conditions
Sweet Gum	Liquidambar styraciflua		60-80'	40-60'	oval, rounded	non-showy yellow-green	gum ball hard brown spherical cluster	yellow, orange, red, purple	large shade tree, brilliant fall color
Tulip Tree	Liriodendron tulipifera		60-70'	30-50'	broad conical	yellow with orange bands	dry brown oblong	golden yellow	flowers somewhat hidden by leaves
Zelkova *	Zelkova serrata	Village Green, Green Vase	40-55'	30-50'	vase	insignificant	small wingless drupe	rusty red	mature smooth gray bark exfoliates to reveal orange inner bark

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