

WEBER COUNTY ORDINANCE 2024 -06

AN ORDINANCE AMENDING THE COUNTY'S LAND USE CODE, CHANGING CERTAIN PORTIONS OF TITLE 106, SUBDIVISIONS, PROVIDING FOR CHANGES RELATIVE TO THE INSTALLATION AND MAINTENANCE OF STREET TREES IN COUNTY RIGHT OF WAY, AND TITLE 108, STANDARDS, PROVIDING FOR CHANGES RELATIVE TO PUBLIC TREE CARE, AND PROVIDING OTHER ADMINISTRATIVE AND CLERICAL EDITS.

WHEREAS, the County has an interest in regulating zoning districts in the unincorporated areas of the County to promote the orderly and regular development and use of property; and,

WHEREAS, State Code Section 17-27a-502 (1) states that a planning commission shall provide notice, hold a public hearing, and forward a recommendation to the legislative body for all proposed land use regulation changes; and,

WHEREAS, on January 9, 2024, the Western Weber Planning Commission, and on January 11, 2024, the Ogden Valley Planning Commission, after proper notice of the meetings, held public hearings to receive comment about the proposed ordinance changes; and,

WHEREAS, in those meetings, the Planning Commissions voted to forward a positive recommendation to the County Commission; and,

WHEREAS, State Code Section 17-27a-502 (2) states that the legislative body shall consider each proposed land use regulation that the Planning Commission has forwarded; and,

WHEREAS, the County wishes to comply with all appertaining State regulations and codes related to ordinance amendments; and,

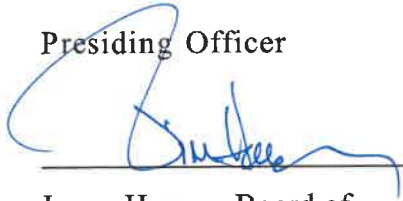
WHEREAS, as a result of a need identified in the County Code to address the orderly development of property in the County, particularly related to street trees, including their installation and maintenance,

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows in Exhibit A. The Weber County Board of Commissioners also delegates authority to staff to reformat the ordinance attached hereto for public publishing purposes and in doing so make any clerical or administrative edits necessary to produce a professionally published document:

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 6th DAY OF February, 2024

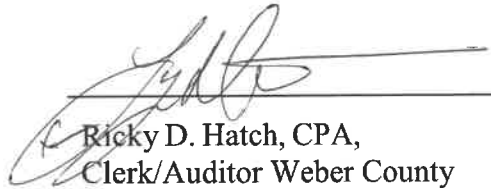
	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	✓			
James Harvey	✓			
Sharon Arrington Bolos	✓			

Presiding Officer



James Harvey, Board of
Commissioners Chair, Weber
County

Attest



Ricky D. Hatch, CPA,
Clerk/Auditor Weber County

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 and soil erosion, 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 pedestrians, 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 Division 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 the

proposed plans 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 Top Trees

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 within the County's right-of-way. 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 hazard to the safety of the public. The County shall have the right to prune any tree or shrub on private property when it severely obstructs the light from any street lamp, obstructs the view of any street intersection, or obstructs or creates a hazard on the street, sidewalk, or right-of-way. Any costs incurred by the County will be collected from the owner of the tree or shrub.

(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 (d). Plantings and dead trees on the County's right-of-way that are determined by the county to be a hazard shall be removed and, if appropriate, replaced at the adjacent property owner's expense. If the adjacent property owner refuses to cooperate with the removal of a hazardous planting or dead tree, it shall be removed and, if appropriate, 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 Division Director. 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 and against any injury to persons or property sustained in cutting and removing the trees.

Exhibit B. Street Tree List