

WESTERN WEBER PLANNING COMMISSION MEETING

MEETING AGENDA

November 7, 2023

Pre-meeting 4:30/Regular meeting 5:00 p.m.



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

1. Minutes: September 19, October 18

Petitions, Applications, and Public Hearings:

2. Legislative items:

2.1 ZMA 2023-07: Consideration of a request to rezone 7.44 acres from A-2 (agricultural) to R-3 (residential), C-1 (commercial), and MPD (master planned development) overlay zone. Property located at 3300 S 3500 W, Ogden. **Planner: Steve Burton**

2.2 ZMA 2023-13: A public hearing to consider a request to amend the zoning map on 18 acres from A-1 (agricultural) and RE-15 (residential) to the R1-15 (residential) zone, property located at 4300 W and 1600 S, Ogden. **Planner: Steve Burton**

2.3 ZDA 2023-01: A public hearing to consider a request to amend the development agreement on 15 acres of property zoned RE-15, located at 4300 W and 1600 S, Ogden. The proposed amendment will allow the zoning to be changed from RE-15 (residential) to R1-15 (residential). **Planner: Steve Burton**

2.4 ZTA 2023-02: A public hearing and possible Planning Commission recommendation on a proposal to amend the Weber County Code. The amendments pertain to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones. **Planner: Charlie Ewert**

2.5 ZMA2023-04 A public hearing to consider a request to rezone 93 acres from A-1 and A-2 to RE-15 at approximately 640 South 7500 West. The developments are named the Longhorn Estates and the Vaquero Village Cluster Subdivision Phase 1 Amended. **Planner: Felix Lleverino**

3. Public Comment for Items not on the Agenda:

4. Remarks from Planning Commissioners:

5. Planning Director Report:

6. Remarks from Legal Counsel

Work Session

WS 1: Discussion on amending the Subdivision Ordinance to reflect State Code requirements on Land Use Authority, Financial Guarantees and Releases, and Required Subdivision Improvements. **Planner: Bill Cobabe**

WS 2: WS: Preserving Family Land: A Proposal for a Private Residential Enclave. **Presenter: Shanna Simmons**

WS 3: Discussion on ZMA2023-11 Halcyon Open Space Zoning Map Amendment. **Presenter: Tylor Brenchley.**

Adjourn

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

Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8374 before the meeting if you have questions or comments regarding an item.

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 801-399-8374

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

Public comment may NOT be heard during Administrative items, the Planning Division Project Manager may be reached at 801-399-8371 before the meeting if you have questions or comments regarding an item.

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.

September 19, 2023

Minutes for Western Weber Planning Commission meeting of September 19, 2023, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

Members Present: Bren Edwards-Chair; Andrew Favero—Vice Chair, Cami Clontz, Jed McCormick, Sarah Wichern, Casey Neville
Excused: Wayne Andreotti

Staff Present: Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Bill Cobabe, Planner; Tammy Aydelotte, Planner; Felix Lleverino, Planner; Liam Keogh, Attorney; June Nelson, Secretary

Pledge of Allegiance

1. **Minutes:** August 8, 2023 APPROVED

Petitions, Applications, and Public Hearings:

2. **Consent Items**

2.1 LVT060523 - Consideration and action on a request for a recommendation of final approval of the Taylor Landing Cluster Subdivision Phase 4, consisting of 28 lots and the dedication of Phase 4 open space, in the A-1 zone. Project is located at approximately 4000 W 2200 S, Ogden, UT, 84401. **Planner: Tammy Aydelotte**

2.2 LVT060623 - Consideration and action on a request for a recommendation of final approval of the Taylor Landing Cluster Subdivision Phase 5, consisting of 31 lots and the dedication of Phase 5 open space, in the A-1 zone. Project is located at approximately 4000 W 2200 S, Ogden, UT, 84401 **Planner: Tammy Aydelotte**

2.3 LVS061323 – Consideration and action on a request for a recommendation of final approval of Stagecoach Estates Phase 1, consisting of 27 lots in the R-1-15 zone. Project is located at approximately 1800 S 3800 W, Ogden, UT, 84401. **Planner: Tammy Aydelotte**

2.4 DR 2023-09: Consideration and action on a request for design review approval of the Washington Heights Church auditorium addition, located at 1770 E 6200 S, Ogden. **Planner: Steve Burton**

All consent items were approved. Motion made by Andrew Favero and seconded by Jed McCormick. Motion to approve passed 6-0

Petitions, Applications, and Public Hearings:

3. **Administrative items:**

3.1 LVS060823: Consideration and action on a request for preliminary approval of the Singletree Acres Subdivision (25 lots) located at 2200 S 4520 W. **Planner: Felix Lleverino**

A rezone of this property was presented to the Western Weber Planning Commission on December 13th, 2022. On January 10th, 2023, the rezoning request returned to the Planning Commission at which time it received a unanimous positive recommendation.

This rezone proposal was presented to and unanimously approved by the County Commission on May 30th, 2023. Then returned before the County Commission on September 5th, 2023 to approve a revised version of the development agreement that specified the developer's responsibilities regarding the future pathway connection to the new Weber County High School.

The applicant is requesting preliminary approval of the Singletree Acres Subdivision (25 lots) at approximately 2200 South 4520 West.

This is designed within the bounds of the R1-15 Zone Code which allows for lots as small as 9,000 square if within a connectivity incentivized development such as this. This development plan shows lots that are no smaller than 10,600 square feet in area and no less than 80' in width, which is compliant with Section 106-2-4.030 regulating connectivity incentivized subdivisions.

Selected portions of the Singletree development agreement are attached as Exhibit E. It contains specific development standards unique to the Singletree Acres Subdivision. Subdivision design elements such as pathways, street trees, and road designs are part of the development agreement

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Chair Edwards called for a motion. Commissioner Favero motioned to pass this item with all the recommendations and findings in the staff report. Motion was seconded by Commissioner McCormick.

Staff recommends preliminary approval of Singletree Acres Subdivision, a proposal to create 25 residential lots. This recommendation is based on the following conditions:

1. A final subdivision plat and civil plans are under review by all applicable County review agencies before requesting a positive recommendation for final approval from the planning commission.
2. An annexation plat, bringing land into the Central Weber Sewer Improvement District, is under review by the County Surveyor’s Office before requesting a positive recommendation for final approval from the planning commission.
3. Before the Singletree Subdivision proposal may return for final approval, final will-serve letters from the culinary, secondary, and sewer providers shall be submitted.

The following findings are the basis for the staff’s recommendation:

1. The proposed subdivision conforms to the West Central Weber General Plan.
2. The proposed subdivision complies with the applicable county codes.
3. The subdivision conforms to zoning and subdivision ordinances.

Motion passed 6-0

3.2 LVJ070523: Consideration and action on a request for preliminary approval of the Orchards at JDC Ranch Phase 1 and Villas at JDC Ranch Phase 1, located at 2850 W 2600 N, Plain City (unincorporated Weber County). **Planner: Steve Burton**

The application was accepted for review on July 5, 2023. Since that time, staff reviews have been conducted and the applicant has been working to address staff review comments. The Orchards at JDC Phase 1 includes 64 cluster single family cottage lots with 6.2 acres of open space. The Villas at JDC Ranch Phase 1 includes 110 attached patio homes.

Including both of these phases, the Master Developer is platting 174 out of the 725 units allowed under the development agreement, leaving 551 residential units left to plat in other phases of development. The proposal follows the development agreement that has been recorded to the property. The following is an analysis of the project and how it complies with the land use code and development agreement.

Chair Edwards called for a motion. Sarah Wichern motioned to pass with the all the recommendations and findings in the staff report. Motion was seconded by Cami Clontz. Motion passes 6-0

The Planning Division recommends preliminary approval of the Orchards at JDC Ranch Phase 1 and Villas at JDC Ranch Phase 1 located at 2850 W 2600 N, Plain City.

This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. **The applicant will need to show the playground area and the amount of grass to be included in the park in the Orchards at JDC Ranch before final subdivision approval.**
2. **Final letters of approval shall be submitted from the culinary and secondary water providers prior to recording the final plat.**
3. **Approved subdivision improvements shall be installed, or an escrow established for their installation prior to recording the final plat.**
4. **The applicant will be required to indicate the types of trees that will be installed in the park strips.**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the Western Weber General Plan.**
2. **The proposed subdivision complies with applicable County ordinances and development agreement.**

3.3 LVM04222021 – Request for preliminary approval of Mountain Views Subdivision Phase 1, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT, 84401. Planner: Tammy Aydelotte

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The applicant is requesting preliminary approval of Mountain Views Land and Livestock Subdivision, consisting of 21 lots. This application was originally submitted back in April 2021. The preliminary approval expired April 10, 2023. Subdivision fees have been paid again. This proposal includes connection to a county, dedicated road (5100 West St), and creation/continuation of two county-dedicated roads (1900 South St, 7650 West St) located at approximately 1900 S 7500 W in the A-2 Zone.

7650 West Street will have a cul-de-sac at the south end, and 1900 South Street will eventually connect further west (approximately 3 miles to the west is where 1900 South Street continues west), at some point in the future. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The lot widths and areas in this proposed lot-averaged subdivision exceed the minimum requirements for a lot-averaged subdivision in the A-2 zone. The following is a brief synopsis of the review criteria and conformance with LUC.

As this proposed subdivision has sole access off of a dead-end street. Planning is working with the applicant to establish an additional egress to the east, connecting to the crossing approximately 2.5 miles east of the proposed development, around 5900 West St. An escrow and associated improvements guarantee agreement will be recorded with the final plat, ensuring installation of this secondary egress prior to issuance of any building permits by the County. The funds initially set aside to egress to the west crossing will be used towards a bridge over the crossing to the east.

John Price- Developer 646 S 7900 W Ogden. It was Mr Price’s understanding that the County Commission said that he could forgo the road going west and do the bridge instead. Mr Price could escrow for a bridge to go over the river instead. The escrow was to be a portion of the amount for the bridge. There will be no building permits until the bridge is built. He feels that the road will probably not get used. It is either build a road to the west or escrow for a portion of the bridge. Commissioner Favero says that he is concerned about the railroad crossing. The closest one is a private crossing for ag use. He is concerned about safety, the residents being able to get out quick if necessary. The railroad crossing is often blocked. There should be an egress going west. Charlie Ewert states that the County Code says that there needs to be an egress approved by the fire chief and the county engineer. Mr Price states that the bridge is a high priority. There is enough of a road that we could get people out of there if needed.

Chair Edwards called for a motion. Andrew Favero motions the following: I motion to approve this item with staff recommendations and the following

Staff recommends preliminary approval of Mountain Views Land and Livestock Subdivision, a lot-averaged subdivision, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:

1. **A table must be shown on the final plat, showing lot area and widths for all lots within this subdivision, along with the calculated average for each. It must be noted, under the name of the subdivision, that this is a lot-averaged subdivision on the final plat.**
2. **Draft improvement plans shall be submitted to the County Engineer prior to final approval from the County Commission**
3. **A signature block for the culinary water authority shall be shown on the final plat.**
4. **There will be an egress to 10800 W as was proposed earlier.**
5. **There is approval by fire and engineering for Weber County**

This recommendation is based on the following findings:

1. **The proposed subdivision conforms to the Western Weber General Plan**
2. **The proposed subdivision complies with applicable county ordinances**

Motion was seconded by Jed McCormick. There was a split vote. Andrew Favero, Jed McCormick and Bren Edwards were for. Casey Neville, Cami Clontz, and Sarah Wichern were against. Motion fails.

A motion was made by Sarah Wichern. The motion was seconded by Cami Clontz.

It will include both item 3.3 and 3.4 LVM04222021 based on all the staff recommendations and findings in the preliminary and final agreements for both items. This is with the additional recommendations the egress to the east be reviewed and approved by engineering and fire prior to County Commission. The vote was 4-2 against. For- Sarah Wichern, Cami Clontz. Against, Casey Neville, Andrew Favero, Bren Edwards, Jed McCormick.

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Sarah Wichern offered to amend her motion and only include the preliminary item 3.3. Cami Clontz seconded the motion.

1. A table must be shown on the final plat, showing lot area and widths for all lots within this subdivision, along with the calculated average for each. It must be noted, under the name of the subdivision, that this is a lot-averaged subdivision on the final plat.
2. Draft improvement plans shall be submitted to the County Engineer prior to final approval from the County Commission
3. A signature block for the culinary water authority shall be shown on the final plat.
4. This is with the additional recommendations the egress to the east be reviewed and approved by engineering and fire prior to County Commission

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

This motion passed 4-2. Andrew Favero and Jed McCormick voting no. Bren Edwards, Sarah Wichern, Casey Neville and Cami Clontz voting for the motion

3.4 LVM04222021 – Request for a recommendation of final approval of Mountain Views Subdivision Phase 1, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT, 84401. **Planner: Tammy Aydelotte**

As this proposed subdivision has sole access off of a dead-end street. Planning is working with the applicant to establish an additional egress to the east, connecting to the crossing approximately 2.5 miles east of the proposed development, around 5900 West St. An escrow and associated improvements guarantee agreement will be recorded with the final plat, ensuring installation of this secondary egress prior to issuance of any building permits by the County. The funds initially set aside to egress to the west crossing will be used towards a bridge over the crossing to the east.

Motion is made by Sarah Wichern and seconded by Cami Clontz.

Staff recommends final approval of Mountain Views Land and Livestock Subdivision, a lot-averaged subdivision, consisting of 21 lots, located at approximately 1900 S 7500 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:

1. A table must be shown on the final plat, showing lot area and widths for all lots within this subdivision, along with the calculated average for each. It must be noted, under the name of the subdivision, that this is a lot-averaged subdivision on the final plat.
2. Installation of all required improvements, an escrow approved by County Engineering, or a combination of both is required prior to going before the County Commission for final approval. This includes a signed Improvements Guarantee Agreement.
3. A development agreement, that details the egress to the crossing at approximately 5900 West St, shall be recorded with the final plat, including an exhibit showing the area being dedicated and the expected improvements to be made by the developer, and will be finalized prior to appearing before the County Commission for final approval. Funds towards a bridge over this crossing shall be held in escrow by the County as part of this agreement.
4. A signature block for the culinary water authority shall be shown on the final plat.
5. Egress is approved by engineering, fire and Union Pacific for emergency use prior to County Commission.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan
 2. The proposed subdivision complies with applicable county ordinances
- Motion passes 5-1 with Commissioner Favero voting no.

Petitions, Applications, and Public Hearings:

Approved _____

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4. Legislative items:

4.1 ZMA 2023-11 Halcyon Open Space – PUBLIC HEARING - Discussion and possible action on a request for approval of a zoning map amendment to rezone 10 acres of property located at approximately 1600 S 4150 W, Ogden from A-1 (Agricultural) to RE-15 (Residential, roughly 15,000 square foot lots). **Planner: Bill Cobabe**

On March 3, 2023 the application was accepted for review. On June 11, 2023, the applicant met with the Western Weber Planning Commission in work session. Prior to submitting the application, the applicant and their professional engineer met with the Planning Division staff to discuss the public street layout. This report contains an analysis of the proposal as it relates to the Weber County codes.

This original PRUD, which established this property as open space and which was used for overall density on the property, also called for street trees to be installed in the public right of way on all public roads in the subdivision.

The developer has not yet resolved this outstanding condition, in spite of repeated staff and Planning Commission requests for resolution. County Code Section 104-27-6 (b) states that in exchange for density bonuses, the following shall be required (emphasis added):

Roadway landscape design plan. Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length

Street trees were required as a part of this initial subdivision approval and the developer posted a \$38,000 bond for their installation. The developer has several options to resolve this concern, including working with the Park District to install the trees elsewhere (on a park area, for example), install the trees as required by the Code, work out an alternate planting program with property owners, etc. None of these proposals has been agreed upon and no alternative has been presented. Staff feels that this is an adverse impact on the adjacent properties and could be grounds for denial of this requested zone change.

Further, the PRUD received smaller lots due in part to this open space. In considering whether or not to allow the rezone, then we must consider rezoning the entire original subdivision so those other PRUD lots will be conforming. Staff would recommend that, if this is the direction the Planning Commission would like to see the rezone take, that the item should be tabled until those neighboring land owners can be notified that their property is also the subject of the rezone. Planner Bill Cobabe states that he usually does not recommend a denial, but in this case he feels that a denial is appropriate.

Staff recommends that the Planning Commission deny the requested zoning map amendment application, based on the following:

1. That the Future Land Use Map of the General Plan does not match the requested zone change.
2. The developer has not resolved the street tree requirement for the existing subdivision, and changing the zoning of the property would have a negative impact on the adjacent and existing subdivision, which is out of compliance with County Code.

Casey Neville motioned to open the public hearing. Motion was seconded by Sarah Wichern.

Roger Heslop, 1657 S 4700 W. This ground was set up as open space, under the general plan. Because of proximity, the fee should be higher. He has met with developer and the park district. Will support the development as long as conditions are met.

Brad Nelson, Giorgio Street. There have been false promises with this subdivision. We were told there would be a park and trees. We were not told that there would be smaller lots close by.

Jake Larson 1700 S. 1 acre lots. Promises were made. It should stay 1 acre lots.

Brad Brown 719 W 4300 S. I support this project. We are trying to do the best we can. Connectivity is an important part of the plan. We don't want unused open space.

Motion was made by Casey Neville and seconded by Jed McCormick to close the public hearing.

Approved _____

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Commissioner Edwards said that he can't see it meeting the density unless TDRs are brought to the property. Commissioner Wichern agreed. And was concerned about how the first phase was developed.

Commissioner Neville motioned a denial. It was seconded by Jed McCormick with the findings in the staff report.

I move that we deny File # ZMA 2023-11, an applicant driven rezone application to amend the zoning map on 10 acres from A-1 to the RE-15 zone, property located at approximately 1600 S 4150 W, Ogden. **I do so with the following findings:**

- 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.

Motion passed 6-0 to deny.

4.2 ZMA 2023-13 Ali Farms – PUBLIC HEARING – Discussion and possible action on a request for approval of a zoning map amendment to rezone 25.21 acres of property located at approximately 900 S 4700 W, Ogden from A-1 (Agricultural) to RE-15 (Residential, roughly 15,000 square foot lots). **Planner: Bill Cobabe**

On June 15, 2023 the application was accepted for review. On June 11, 2023, the applicant met with the Western Weber Planning Commission in work session. Prior to submitting the application, the applicant and their professional engineer met with the Planning Division staff to discuss the public street layout. This report contains an analysis of the proposal as it relates to the Weber County codes.

Mr Cobabe passed out a letter from the parks department offering support for this project. Commissioner Neville asked what the planning commission role is concerning parks This letter really has no teeth. Bill Cobabe said that as stipulated, we add parks into the requirements for approval.

Cami Clontz motioned to open a public hearing. It was seconded by Sarah Wichern. Motioned passed 6-0

There were no comments.

Casey Neville motioned to close a public hearing. It was seconded by Cami Clontz. Motioned passed 6-0

The only comment was that we should amend the motion to add #6 from an email that was sent out earlier in the week.

Sarah Wichern motioned and Jed McCormick seconded the following motion:

Staff recommends that the Planning Commission approve the requested zoning map amendment application, based on the following:

1. **The proposal implements certain goals and policies of the West Central Weber General Plan.**
2. **The development is not detrimental to the overall health, safety, and welfare of the community. And with**

the following stipulations:

1. **The Applicant voluntarily follows the county's street connectivity incentivized subdivision regulations.**
2. **The concept plan represents the approved general development plan regarding the placement of streets and pathways.**
3. **Additional pathways (and/or streets) need to be added to the concept plan to meet the minimum intent of the street connectivity incentivized subdivision regulations.**
4. **The applicant will donate their committed parks donation to the park district prior to plat recordation.**
5. **In the R-3 zone, the applicant is limited to no more than 18 units per acre (or a pro-rata share of the acres, i.e., ½ acre would allow for 9 units).**

6. That the developer shall enter into a development agreement for the property addressing, among other things, the need for an emergency egress for the property due to the lack of interconnectivity to additional streets/points

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of egress.

Motion passed 6-0

4.3 ZMA 2023-07: A public hearing to consider a proposal to rezone 7.44 acres from the A-2 (Agricultural) zone to the R-3 (Residential), C-1 (Commercial) and MPD Overlay Zone, property located 3300 S 3500 W, Ogden. . **Planner: Steve Burton**

On January 10, 2023, the Western Weber Planning Commission held a work session and the proposal was presented to the Planning Commission by the applicant.

On February 28, 2023, the application for a rezone was accepted for review. The proposal is for the property to be rezoned to R-3 to allow for townhomes, with C-1 along 3500 W and 3300 S. When the application was initially submitted to the County, planning staff requested that the applicant work with West Haven City to discuss incorporation. The applicant has had several conversations with West Haven City about annexation, as the property is located within the West Haven City annexation area.

The applicant has chosen to move forward with the request to the county without seeking annexation. The applicant has provided letters of acknowledgement from the secondary water provider, culinary water provider, sewer provider, and a letter of support from the local park district.

The surrounding area consists mainly of agriculture, except the area to the north is zoned C-1 (West Haven City) and R-2.5 (West Haven City) which includes a mixed-use development called Hylands Ranch Subdivision with a commercial lot and single family lots at approximately 10,000 square feet per lot.

The Western Weber General Plan anticipated a small scale mixed-use development similar to Hylands Ranch Subdivision in West Haven. The proposal to rezone to C- 1 with townhomes behind the buildings should not be too incompatible with existing development in the area.

When the application for rezoning was initially submitted, planning staff met with West Haven City who expressed that the property is in their annexation area and intended to be commercial (C-2) as shown on the City’s general plan map. Planning staff recommended that the owner work with the city to have the property annexed. It is the understanding of the county staff that the developer went to work session with the city, but did not receive enough positive feedback on the project to want to annex.

Sarah Wichern motions to open the public hearing. Motion was seconded by Camie Clontz. Motion passed 6-0.

Sheri Phippen 3900 W West Haven. West Haven Community Development Director. There is a planned road to facilitate E-W traffic. There is already funding for this road. The development will effect that road and infrastructure. Emphasis needs to be on commercial development. West Haven would ask to table until traffic issues can be worked out.

Dave Prevaldal- Hooper. I own property near the project. I am speaking for 7 other people. We control the ag property in the area and have interest in the project. We want to protect this. Our way of life is being compromised. We need a planned comprehensive proper development.

Pat Burns- 2702 N Burn Lane. Charlie and staff are on top and thorough with roads and connectivity. Also, I have nothing to do with this development.

Toby Malisky- I represent the sellers. Owners have received funds for the road projects.

Rob Vanderwood, West Haven. This is a mixed use commercial not residential. This plan has changed several times. The County needs to stick with the general plan.

Andy 3200, East of property. I don’t support this. The elementary school nearby is already too full.

Casey Neville motioned to close the public hearing. Motion was seconded by Sarah Wichern. Motion passed 6-0

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Planner Steve Burton stated that we have received a letter from Central Weber Sewer. For a rezone, we only require a letter saying that sewer is available. Commissioner Edwards says that this is in West Haven Sewer boundary. Commissioner Wichern says that school is her number one concern. We have no effect on the schools. Townhomes and apartments usually have fewer kids than single family homes. The memo from West Haven says that the area says single family homes.. Their general plan says commercial. Steve Burton states that West Haven general plan says commercial. Commercial Edwards says that there was some work done in a work session in January. The plan was conceptual at the work session. The surrounding properties have places for business-commercial corridor. I feel that this needs to stay commercial. There is some confusion when working with surrounding cities.

Commissioner Neville says that our primary responsibility is to the community- to our neighbors. There are some businesses in the area. I am not ready for either commercial or residential. Planner Steve Burton states that we as a County planning office are well aware of the roads and connections. These are NOT apartments, but townhomes. The school district is buying land in the west side of the County. Townhomes are where the owners own from the ground to the sky. Charlie Ewert says that we know that this area is planned for mixed use. We gave the developers directions to go to West Haven. We are at a difference in timing. We don't want to do anything against West Haven. Other options were discussed. The developer went to a work session with the County Commissioners and they said to get the process going.

Rick Steadman-developer. A lot of things that have been said are not true or maybe enhanced. The units will be two bedroom for sale, not for rent. We donate 5 acres to West Haven for roads in another development. We offered to sell property to the city, but they turned us down. This relies on businesses and doors for this to work. I grew up out here and I want something that people can be proud of. We need affordable housing. People want to live out here. This is the right product. As for sewer, we will get what we need.

Chair Edwards says that schools are crowded. We can't work with the schools Commissioners Wichern asks if we can ask people to donate to the schools. Charlie Ewert says that State Code forbids it. We can't make developers responsible for schools. Commissioner Wichern stated that she had driven in the area and she was not impressed with the quality of the area built near the project. There are no trees and they buildings look like cheap construction. Commissioner Clontz says that her biggest concern is the school. Chair Edwards says that his concern is the sewer. He also thinks that the area need to be left commercial use.

Casey Neville motions to deny based on the staff report below. Seconded by Chair Edwards.

I move that we deny File # ZMA 2023-07, an applicant driven rezone application to amend the zoning map on 7.44 acres from A-2 to the C-1, R-3, and MPD overlay zone, property located at 3300 S and 3500 W, Ogden. 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.**
- Adding that it does not meet the intention of the general plan and inadequate infrastructure.**

Commissioner McCormick said that he thinks that it is unfair to turn down this item, maybe we should table this.

Motion is denied on a 3-3 vote. Commissioners Wichern, McCormick and Favero voting no. Commissioners Edwards, Neville and Clontz vote.

Motion is made by Sarah Wichern to table this item for further meetings with West Haven and to get sewer figured out as well. It was seconded by Jed McCormick.

I move that we table action on File # ZMA 2023-07, an applicant driven rezone application to amend the zoning map on

September 19, 2023

7.44 acres from A-2 to the C-1, R-3, and MPD overlay zone, property located at 3300 S and 3500 W, Ogden.

- We have more time to talk with West Haven
- The applicant can get us more information on sewer options.

Motion passes 6-0 to table this item.

5. Public Comment for Items not on the Agenda:

Toby 775 W 17 St Unit B Ogden. Schools were not mentioned on the other items.

6. Remarks from Planning Commissioners: Reminder about the APA Conference on Sept 28, 29.

7. Planning Director Report: APA Conference

8. Remarks from Legal Counsel ; No Comment

Adjourn

Adjourn

Respectfully Submitted,

June Nelson

Lead Office Specialist

Approved _____

October 17, 2023 Minutes

Minutes for Western Weber Planning Commission meeting of October 17, 2023, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

Members Present: Bren Edwards-Chair; Andrew Favero—Vice Chair, Cami Clontz, Jed McCormick, Sarah Wichern, Wayne Andreotti

Excused: Casey Neville

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Tammy Aydelotte, Planner; Felix Lleverino, Planner; June Nelson, Secretary

Pledge of Allegiance

- 1. **Minutes:** July 11, 2023 **APPROVED 6-0. Minutes from 9-19-2023 were tabled until next meeting.**

Petitions, Applications, and Public Hearings:

2. **Consent Items**

2.1 **LVS061423** - Consideration and action on a request for a recommendation of final approval of Stage Coach Estates Subdivision Phase 2, consisting of **35** lots located at approximately 1800 South 3800 W, Ogden. **Planner: Tammy Aydelotte**

2.2 **LVS061523** - Consideration and action on a request for a recommendation of final approval of Stage Coach Estates Subdivision Phase 3, consisting of **28** lots located at approximately 1800 South 3800 W, Ogden. **Planner: Tammy Aydelotte**

2.3 **LVS061623** - Consideration and action on a request for a recommendation of final approval of Stage Coach Estates Subdivision Phase 4, consisting of **26** lots located at approximately 1800 South 3800 W, Ogden. **Planner: Tammy Aydelotte**

A motion was made by Sarah Wichern and seconded by Cami Clontz to approve Consent items. Motion passed 6-0

- 3. **Public Comment for Items not on the Agenda:** Douglas Hansen, West Weber stated that his concern was that he felt that the Planning Commission should put more consideration about the surrounding areas and the effect that any growth will have on them, especially water, canals and roads.
- 4. **Remarks from Planning Commissioners:** Please read all of the motion if it varies any at all from what is listed in the staff report. We just need to be clear on our motions. Director Grover added that any change or ambiguity should be clear, we need more clarity on the motions.
- 5. **Planning Director Report:** Thank you for your support in attending the APA Conference.
- 6. **Remarks from Legal Counsel NONE**

Adjourn to Work Session

WS1: Winston Park, Phase 2. **Applicant: Wade Rumsey**

WS 2- A discussion regarding the development agreement standards of the Longhorn Estates rezone proposal related to the Vaquero Village Phase 1 Subdivision. **Planner: Felix Lleverino**

WS 3: discussion on Anselmi Acres Phase 3 rezone located at 1600 S 4300 W. **Applicant: Jake Young**

WS 4: Discussion regarding an amendment to the agritourism ordinance, and allowed zones, to add specificity and reduce opportunities for unintended consequences. The amendments modify the allowed uses, the require acreage, and adds additional standards for agritourism operations.

Adjourn

Respectfully Submitted

June Nelson

Lead Office Specialist

Approved _____



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item:	ZMA 2023-07. A public hearing to consider a proposal to rezone 7.44 acres from the A-2 zone to the R-3, C-1, and MPD Overlay Zone, property located 3300 S 3500 W, Ogden.
Application Type:	Legislative
Agenda Date:	Tuesday, November 7, 2023
Applicant:	Rick Scadden
File Number:	ZMA 2023-07

Property Information

Approximate Address:	3300 S 3500 W, Ogden
Zoning:	A-2
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel Number:	08-029-0092

Adjacent Land Use

North:	Commercial/Residential (West Haven)	South:	Residential
East:	Agricultural (West Haven)	West:	Agricultural

Adjacent Land Use

Report Presenter:	Steve Burton sburton@webercountyutah.gov 801-399-8766
Report Reviewer:	CE, RG

Summary

On February 28, 2023, the application for a rezone was accepted for review. The proposal is for the property to be rezoned to R-3 to allow for townhomes, with C-1 along 3500 W and 3300 S. When the application was initially submitted to the County, planning staff requested that the applicant work with West Haven City to discuss incorporation. The applicant has had several conversations with West Haven City about annexation, as the property is located within the West Haven City annexation area.

The applicant has chosen to move forward with the request to the county without seeking annexation. The applicant has provided letters of acknowledgement from the secondary water provider, culinary water provider, sewer provider, and a letter of support from the local park district.

The following is an analysis of the project as it relates to the Land Use Code and General Plan.

Previous planning commission action

On September 19, 2023, the Western Weber Planning Commission tabled a decision on this item for the following reasons:

1. To allow the applicant to have more time to talk with West Haven about annexation.
2. So that the applicant can provide more information on sewer options.

The planning commission's request to provide more information on sewer comes from its understanding of the rezoning chapter of the county land use code, specifically the application requirements listed in Sec 102-5-4. The following requirement only applies for a "large master planned area or for a rezone to the Destination and Recreation Resort Zone", as listed in 102-5-4 (c) as a supplemental application requirement.

If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.

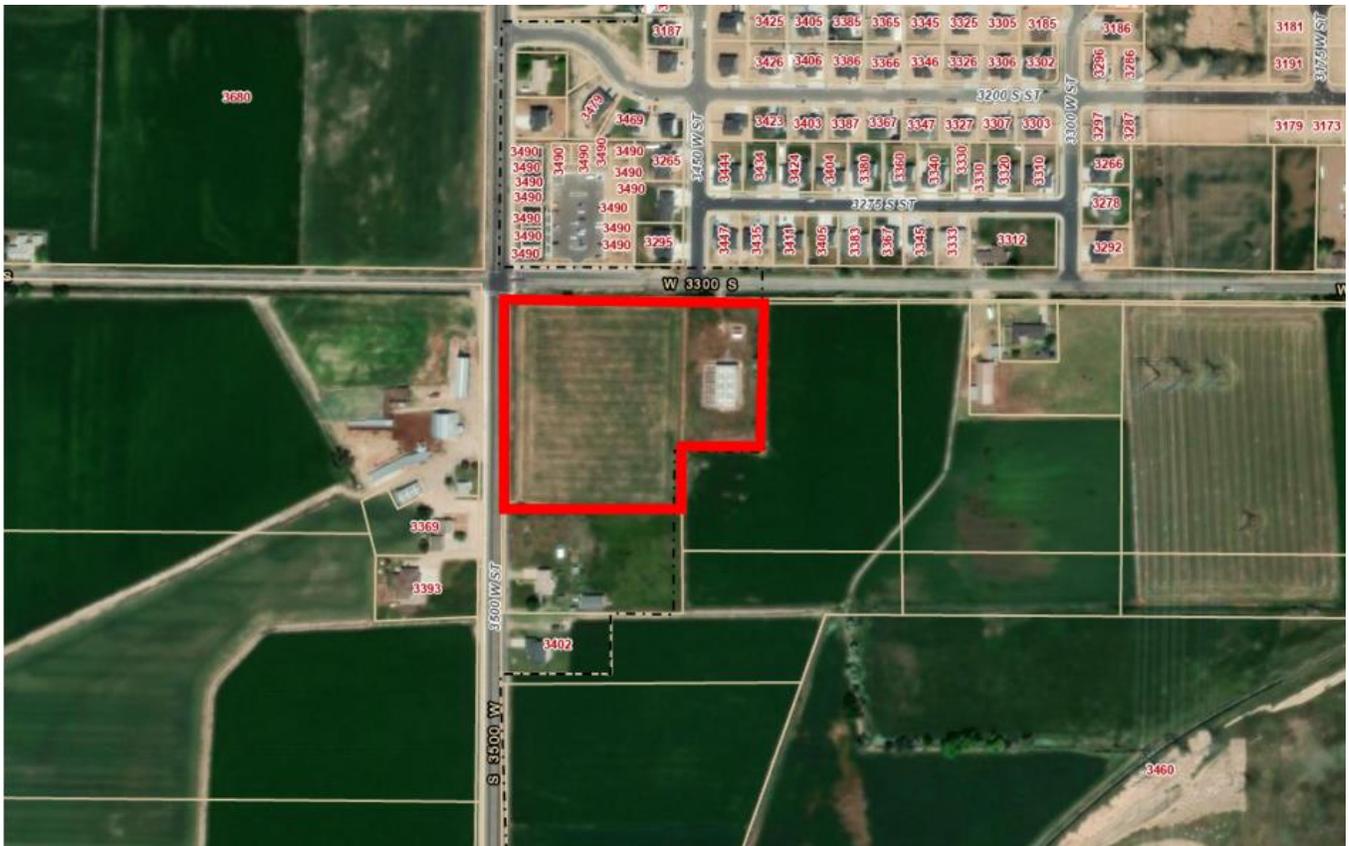
The project is not considered a large master planned area and the applicant has not requested the DRR-1 zoning. However, the applicant has provided documentation from West Haven City, stating that the district boundaries are the city limits (Exhibit B), and this property is not considered to be in the boundaries of the district's service area. Given this information the applicant has provided a will-serve letter from Central Weber Sewer that states that the property will need to be annexed into Central Weber Sewer District.

The applicant has not had further conversations with the City to discuss annexation into city limits. Although they have tried to set up meetings, the applicant has stated they do not have the amount of time it will take to have more conversations with the city. The applicant has provided a letter from their attorney, citing state code, requesting that a decision be made by the Planning Commission (Exhibit C). Their attorney's letter cites State Code 17-27a-509.5(2) which states,

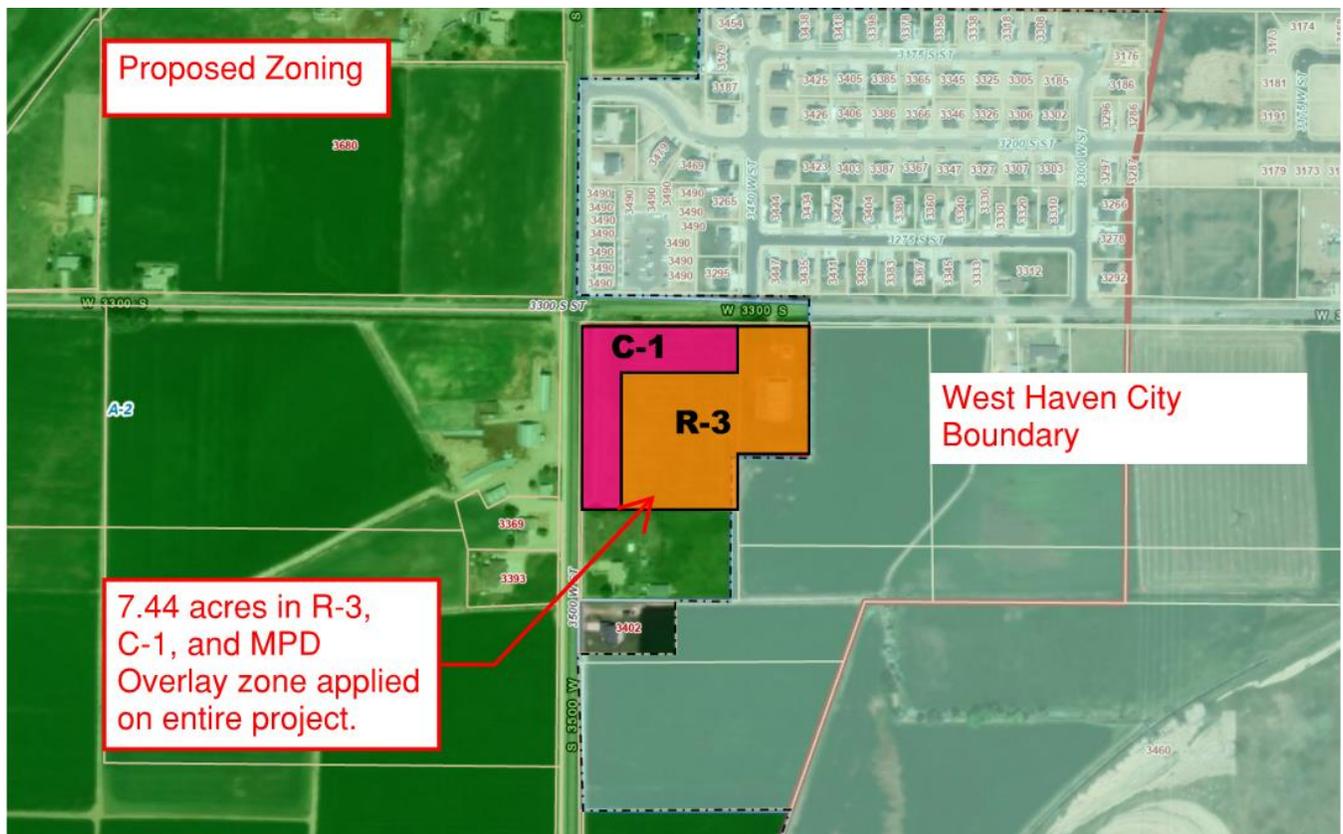
"Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence....Within 45 days from the date of service of the written request described in Subsection (2)(b)."

Staff recommends that the Planning Commission take action on the proposal during the November 7, 2023 planning commission meeting. The analysis of the proposal and how it does or does not meet the land use code is included in the remainder of this report.

Area Map



The following images show the subject properties on the existing zoning map and on the proposed zoning map.



Policy Analysis

Section 104-27-1 describes the purpose and intent of the MPD Overlay zone:

A master planned development overlay (MPDOZ) zone is intended to allow a legislatively adopted overlay zone that provides an avenue for the creation of a master planned development. The zone is intended to promote the diversification in the relationship of various uses and structures to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to encourage new and innovative concepts in the design of neighborhood and housing projects. To this end, the development should be planned and entitled as one complete land development plan, otherwise known as a master planned development. Phasing of the complete land development plan may occur over time if approved by the county commission and if in compliance with the entitlements of the complete land development plan.

The applicant is requesting an MPD overlay zoning, though it isn't necessarily needed in order to establish a mixed-use proposal in this location. The applicant is not proposing bonus density through the MPD overlay, nor are they proposing short term rentals at this time. The applicant is also not proposing flexible development standards under the MPD overlay. Because of this, staff feels that the MPD overlay is not necessary and should not apply to the property.

Section 102-5-6 of the Land Use Code provides direction regarding the duties of the Planning Commission when taking action on legislative items such as rezones:

A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the Planning Commission and County Commission are encouraged to consider the following factors, among other factors they deem relevant:

Each of the following sections is the staff's analysis of relevant factors when considering a rezone request. The following sections provide information to help the Planning Commission evaluate the request. Each subsequent section will be titled, County Rezoning Procedure (with its relevant factor).

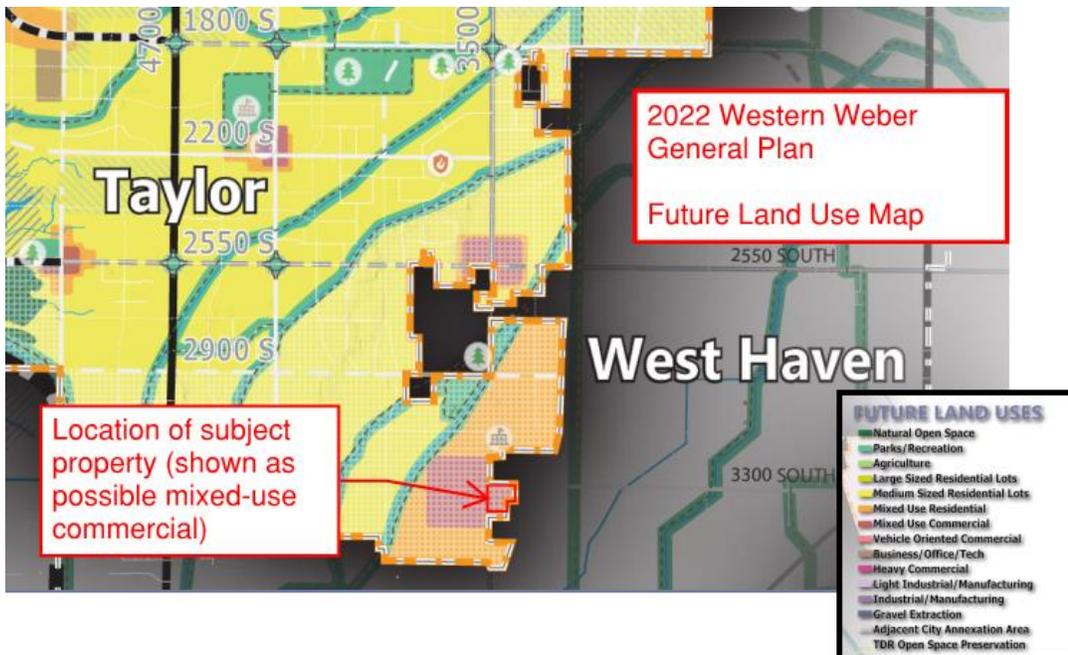
County Rezoning Procedure (a)

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*

Western Weber General Plan: Below is an image of the property shown on the Future Land Use Map of the Western Weber General Plan. This map indicates that the property has a possibility of being rezoned to mixed-use commercial. The Land Use section of the general plan states the following regarding mixed-use commercial (pg 41).

The areas of the future land use map designated as mixed-use commercial are intended to provide a village center in which a variety of land uses can occur nearby. There are currently (2022) no mixed-use commercial uses in the planning area. The closest adjacent mixed-use commercial area comparable to that anticipated herein can be found in the Junction development or 25th street in Downtown Ogden City. However, it is unlikely that the mixed-use areas displayed on the future land use map will be on the same scale as Ogden's Downtown area. In each mixed-use area there should be at least one community "main street." The main street should provide retail sales, services, eateries, and related activities that make the street interesting to use. These uses should be located behind building facades that are at the level of the street and directly adjacent to the street's sidewalk, with plenty of window and door openings facing the street to capture the attention and interests of pedestrians as they engage their public spaces, browse, shop, eat, and play.

The proposal is for a mixed-use master planned area that will include street front commercial along 3300 S and 3500 W, with townhomes located behind the commercial. The applicant proposes C-1 as the allowable zoning along the street front which, if the design of the street and buildings are properly done, can provide for a small scale "main street" anticipated by the general plan. Currently, the commercial design standards of the C-1 zone require a ten foot wide pedestrian access with street trees and pedestrian lighting.



The streets and transportation map of the general plan shows 3300 S as an existing minor collector street (80 ft width) and 3500 W as a future major collector street (100 ft width). When the properties develop the developer will be required to dedicate property to ensure that each street is wide enough according to the transportation plan.

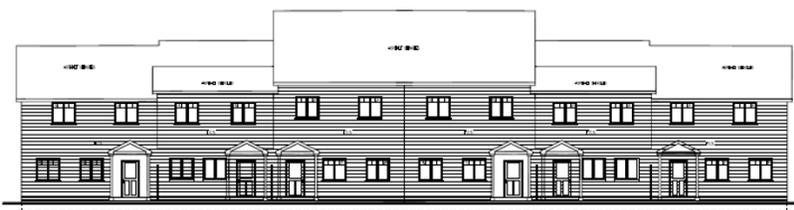
The applicant has proposed that the commercial street front buildings follow the concept shown below, which includes gable roofs and wood or faux wood facades to resemble the features of agricultural buildings that are prominent in the Western Weber planning area. Under the commercial architectural requirements, the proposed buildings will need to have rooflines broken up every 50 ft and white can not be used as a predominant color.



The following image represents the concept of the townhomes, proposed by the applicant, which include wood or faux wood facades, asphalt shingled roofs, and stone or brick wainscoting.



FRONT ELEVATION
SCALE 1/8" = 1'-0" 24x36
1/16" = 1'-0" 11x17



REAR ELEVATION
SCALE 1/8" = 1'-0" 24x36
1/16" = 1'-0" 11x17

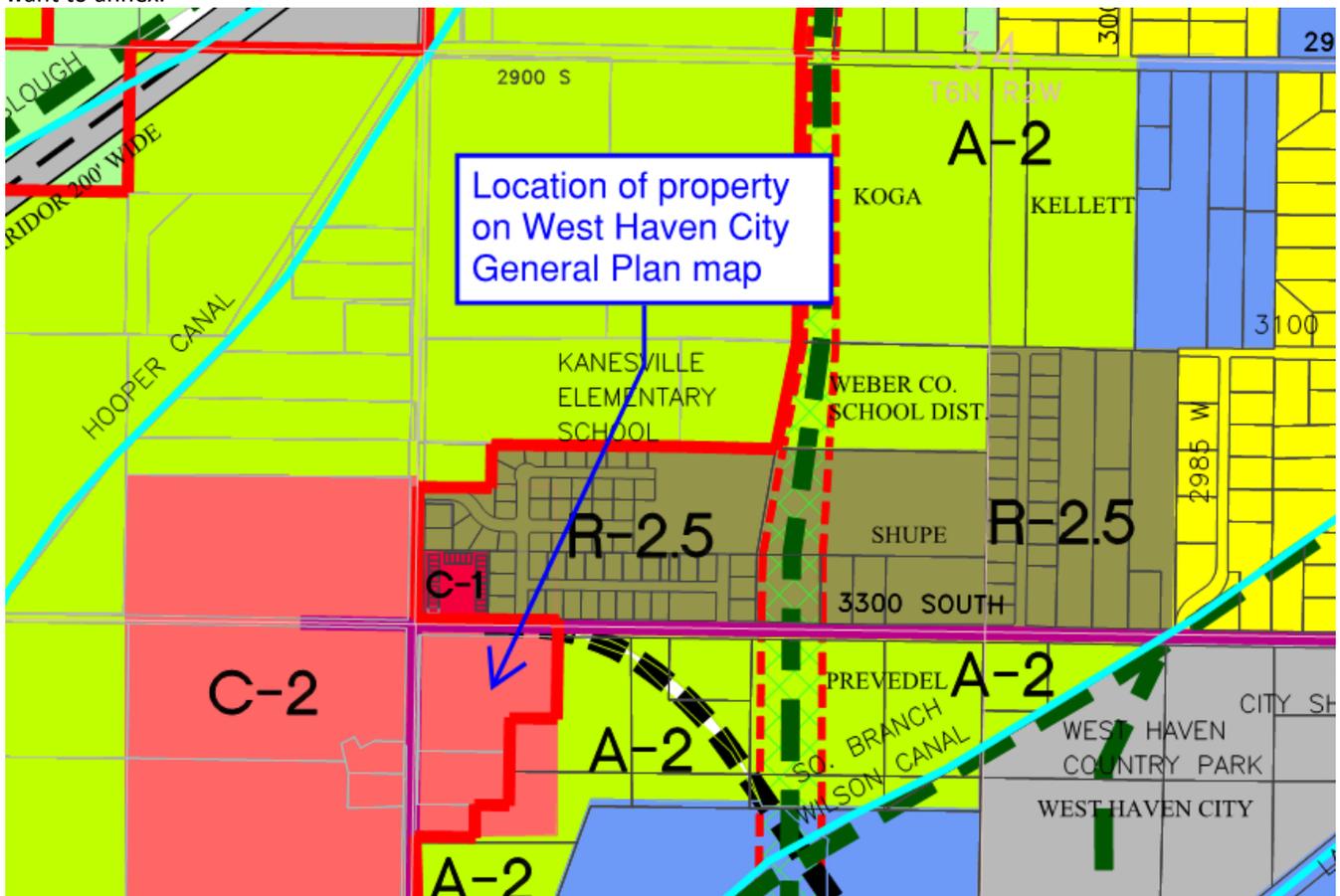
County Rezoning Procedure (b)

- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*

The surrounding area consists mainly of agriculture, except the area to the north is zoned C-1 (West Haven City) and R-2.5 (West Haven City) which includes a mixed-use development called Hylands Ranch Subdivision with a commercial lot and single family lots at approximately 10,000 square feet per lot.

The Western Weber General Plan anticipated a small scale mixed-use development similar to Hylands Ranch Subdivision in West Haven. The proposal to rezone to C- 1 with townhomes behind the buildings should not be too incompatible with existing development in the area.

When the application for rezoning was initially submitted, planning staff met with West Haven City who expressed that the property is in their annexation area and intended to be commercial (C-2) as shown on the City’s general plan map. Planning staff recommended that the owner work with the city to have the property annexed. It is the understanding of the county staff that the developer went to work session with the city, but did not receive enough positive feedback on the project to want to annex.



County Rezoning Procedure (c)

- c. The extent to which the proposed amendment may adversely affect adjacent property.*

The permitted and conditional uses listed in the C-1 zone are the least intense of the allowed commercial uses in the Western Weber planning area. Through the county's subdivision and commercial development process, certain codes like landscaping, screening, buffering, and upgraded improvements will be applied to the property to lessen adverse impacts to adjacent properties.

County Rezoning Procedure (d)

- d. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*

The subject properties are not located within any mapped sensitive lands, as defined by county code. There are no wetlands, geologic hazards, or floodplain mapped on the property.

County Rezoning Procedure (e)

- e. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

Staff has not requested traffic mitigation plans at this point. The property that is proposed to be rezoned to R-3 includes approximately 5.4 acres (235,224 square feet). The area requirement for a 6-plex in the R-3 zone is 16,000 square feet per building. This would mean there is a potential for 14 6-plex buildings, for a total of 84 dwelling units in the development. The addition of 84 dwelling units will have an impact on existing county roads, as such, a traffic mitigation plan or study will likely be requested when the owner submits a subdivision application.

County Rezoning Procedure (f)

- e. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, wastewater, and refuse collection.*

During the subdivision review process, the developer may be required to upgrade certain roadway infrastructure as a result of the increased impact to public streets in the area. Planning staff have not requested a traffic mitigation plan or traffic study. The Planning Commission and County Commission may request that information before making a decision on the proposed rezone.

Staff has not reached out to police, schools, and refuse collection to determine if adequate services exist for this rezone, however, the Planning Commission and County Commission may wish to consult these service providers if they feel it is warranted.

The applicant has provided a letter of support from the Taylor West Weber Park District for their proposed open space contribution. The letter from the Park District is included in this staff report as exhibit B.

Staff Recommendation

Staff recommends that the Planning Commission approve the proposed rezone to R-3 and C-1, but deny the request for master planned development overlay zoning based on the following findings:

1. The applicant and the county will enter into a mutually agreeable development agreement, specifying the design of the commercial and multi-family buildings, and that the proposed donation to the parks district will be made before each subdivision plat records.
2. The proposal helps implement the mixed-use commercial element of the Western Weber General Plan.
3. The proposal includes a meaningful contribution to open space and parks improvements in the area.
4. The master planned development overlay zone is not needed for the applicant to develop the property in accordance with the concept plan and project narrative.

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 approve File # ZMA 2023-07, an applicant driven rezone application to amend the zoning map on 7.44 acres from A-2 to the C-1, R-3, and MPD overlay zone, property located at 3300 S and 3500 W, Ogden. **I do so with the following findings:**

Example findings:

- The zone change is supported by the General Plan.
- [_____ add any other desired findings here _____].

Motion to **table:**

I move that we **table** action on File # ZMA 2023-07, an applicant driven rezone application to amend the zoning map on 7.44 acres from A-2 to the C-1, R-3, and MPD overlay zone, property located at 3300 S and 3500 W, Ogden, **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 # ZMA 2023-07, an applicant driven rezone application to amend the zoning map on 7.44 acres from A-2 to the C-1, R-3, and MPD overlay zone, property located at 3300 S and 3500 W, Ogden. **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 –Proposed concept plan.

Exhibit B- Park District letter of support



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item:	ZMA 2023-13. A public hearing to consider a request to amend the zoning map on 18 acres from A-1 and RE-15 to R1-15, property located at 4300 W and 1600 S.
Application Type:	Legislative
Agenda Date:	Tuesday, November 7, 2023
Applicant:	Jake Young
File Number:	ZMA 2023-13

Property Information

Approximate Address:	4300 W and 1600 S, Ogden
Zoning:	A-1
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel Number:	15-057-0068, 15-057-0059

Adjacent Land Use

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

Adjacent Land Use

Report Presenter:	Steve Burton sburton@webercountyutah.gov 801-399-8766
Report Reviewer:	CE, RG

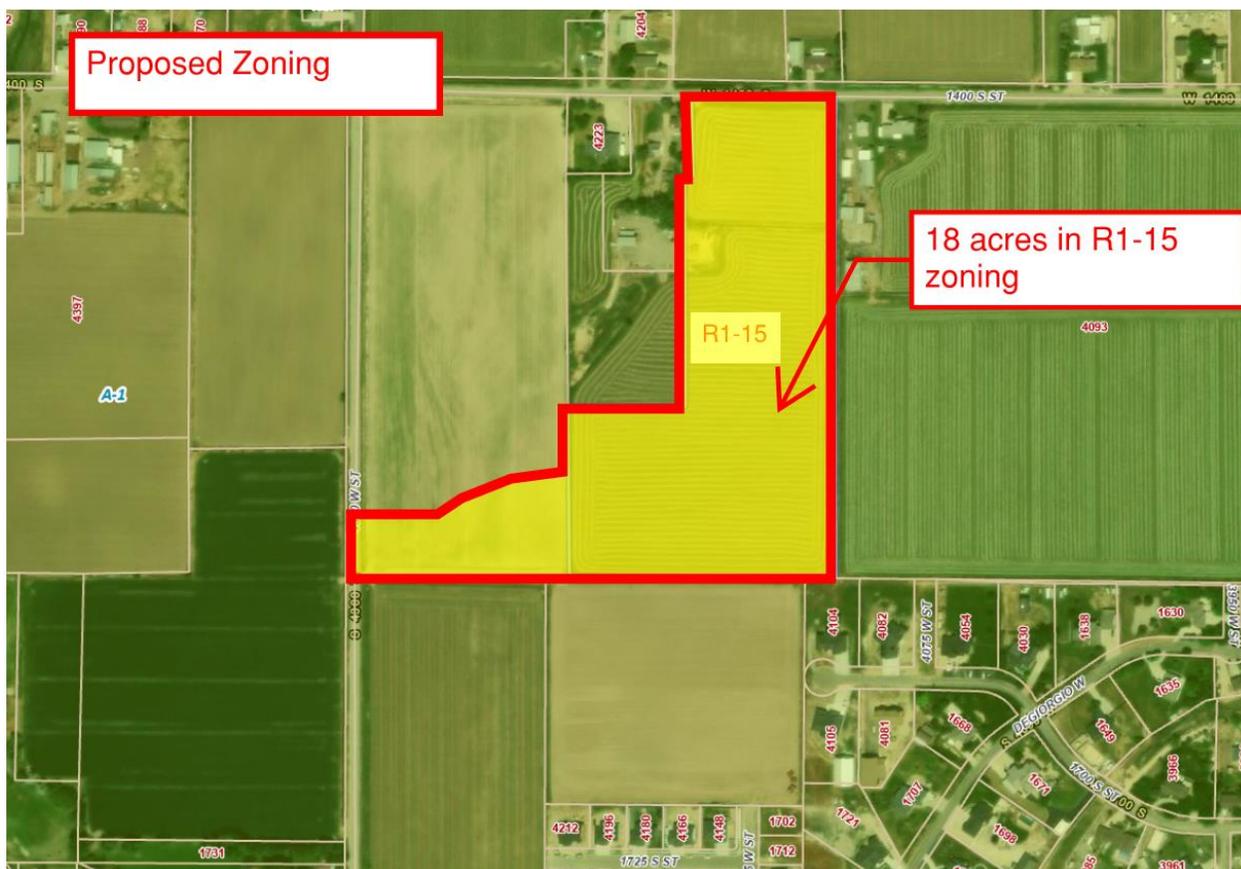
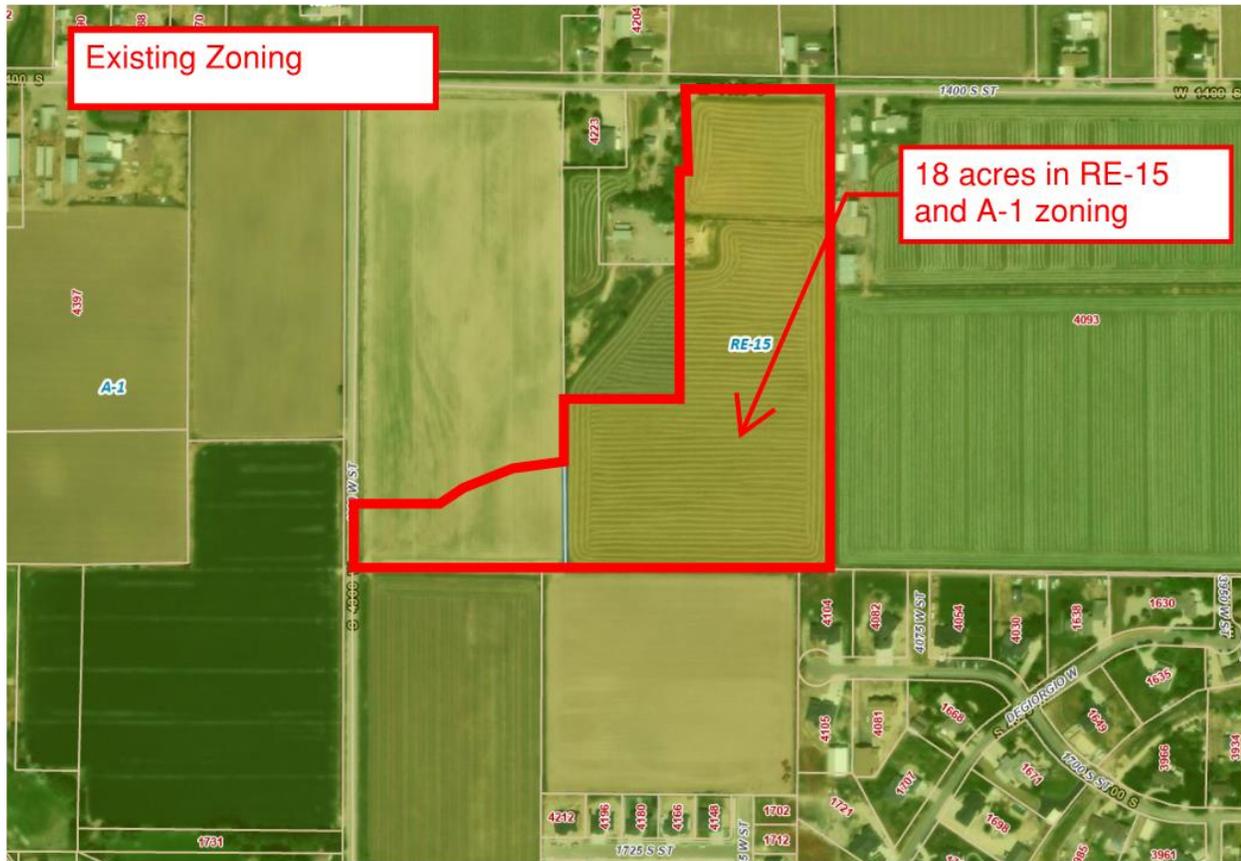
Summary

On October 17, 2023 the proposal was heard in a Planning Commission work session. The applicant's request for a rezone was accepted by the Planning office on October 23, 2023. The proposal is to rezone 18 acres of property to R1-15 for the ability to plat a total of 45 single family subdivision lots. The owner's property includes the two-phase Anselmi Acres Subdivision that has received subdivision approvals under RE-15 zoning but not recorded. The owner's property also includes three acres of property purchased from the Weber School District that is zoned A-1. If rezoned to R1-15, the three acres will be used to plat eight subdivision lots and provide an access to 4300 W.

The applicant has provided letters of acknowledgement from the secondary water provider, culinary water provider, sewer provider, and their parks plan is to include the new eight lots in the development agreement which requires a donation of \$2,000 per lot to the Taylor West Weber Parks District. The following is an analysis of the project as it relates to the Land Use Code and General Plan.

Area Map

The following images show the subject properties on the existing zoning map and on the proposed zoning map.



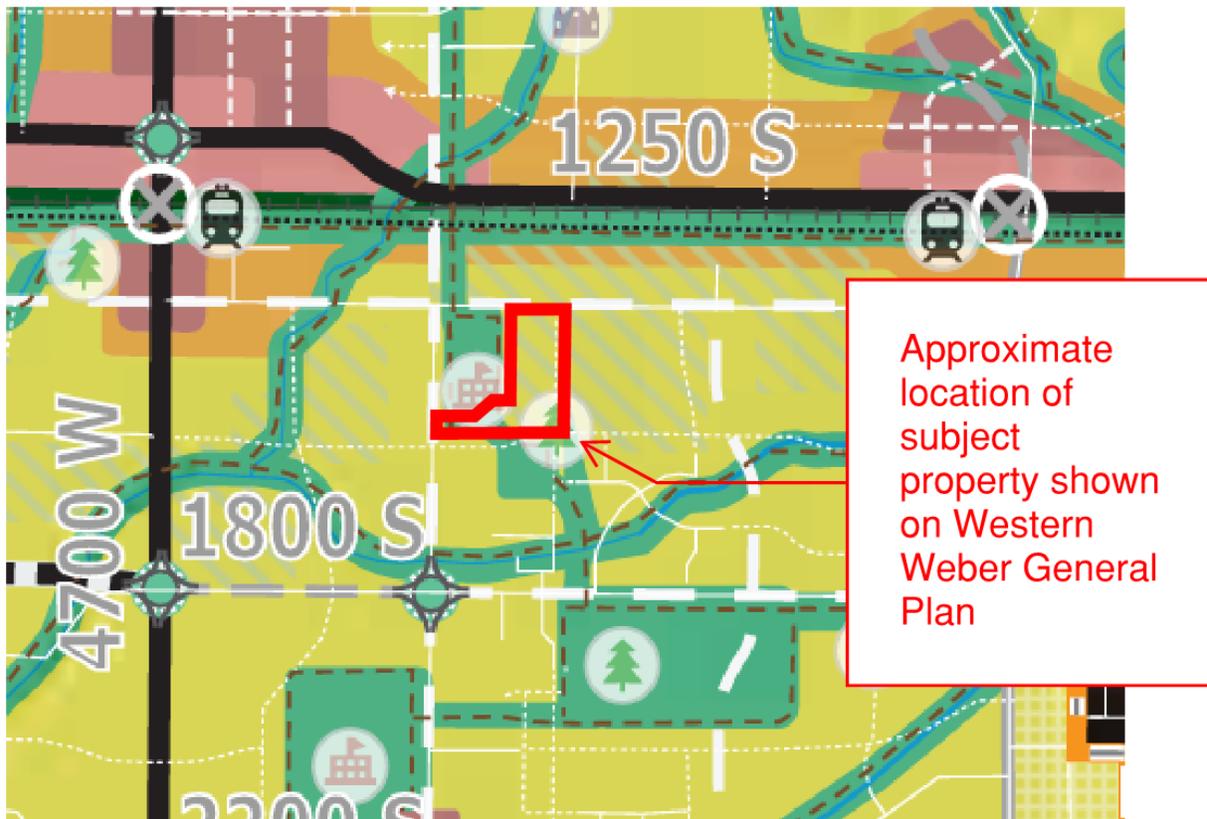
Policy Analysis

County Rezoning Procedure (a)

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*

Western Weber General Plan: Below is an image of the property shown on the Future Land Use Map of the Western Weber General Plan. This map indicates that the property has a possibility of being rezoned to 'medium to large sized residential lots'. The General Plan indicates that medium to large sized residential lots can be an average of 15,000 square feet in size (2022 Western Weber General Plan, pg 52).

Taking the developers gross area of 784,080 square feet and dividing that by 15,000 would give a possible density of 52 lots. The developer is requesting 45 single family dwelling lots, with lots ranging in size from 17,000 to 9,200 square feet.



The streets and transportation map of the general plan shows 1600 S connecting to 4300 W. The developer has proposed making that connection on their property with a continuation of the pathway planned along the north side.

The general plan anticipates that developers proposing rezoning to higher density should propose certain smart growth principles such as public street connectivity, trail networks, and contributions to open space. The proposal provides those three smart growth principles.

County Rezoning Procedure (b)

- b. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*

The surrounding area consists mainly of agriculture and one acre residential lots. There are some cluster style lots to the south of the property in the Halcyon Estates PRUD with 9,600 square foot lots. The general plan anticipated the change from one acre lots to 15,000 square foot averaged lot sizes. The proposal for single family residential lots, specifically in the R1-15 zone is not incompatible with the overall character of existing development in the area.

County Rezoning Procedure (c)

- c. The extent to which the proposed amendment may adversely affect adjacent property.*

The proposal for R1-15 zoning on 18 acres will not adversely affect adjacent property. The county's subdivision process ensures that the developer provide engineered drawings that indicate what the development will look like at build out. These plans are required to show infrastructure improvements such as streets, culinary water lines, secondary water lines, sewer lines, and plans for any open ditches on the property. Through reviewing these plans the county staff will ensure adjacent property owners are not adversely affected by the built infrastructure.

County Rezoning Procedure (d)

- d. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*

The subject properties are not located within any mapped sensitive lands, as defined by county code. There are no wetlands, geologic hazards, or floodplain mapped on the property.

County Rezoning Procedure (e)

- e. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

Staff has not requested traffic mitigation plans at this point. The rezone, if approved, will result in a connection to 4300 W through the developers property to 1400 S. Because the developer is making this connection, they will be required to upgrade the streets within and adjacent to their property. The Planning Commission and County Commission may choose to require traffic mitigation plans in their review of this application.

County Rezoning Procedure (f)

- e. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, wastewater, and refuse collection.*

Staff anticipates that the existing facilities and services intended to serve the area will remain adequate with the addition of 8 single family lots to the already approved 37 lot Anselmi Subdivision. None of these service providers have requested to be notified of rezoning applications.

Staff Recommendation

Staff recommends that the Planning Commission approve the proposed rezone from A-1 and RE-15 to R1-15, based on the following findings:

1. The development agreement that exists on the 15 acres zoned RE-15 will be amended to reflect the R1-15 zoning.
2. The proposal provides public street and trail connectivity .
3. The proposal includes a meaningful contribution to open space and parks improvements in the area.

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 approve File # ZMA 2023-13, an applicant driven rezone application to amend the zoning map on 18 acres from A-1 and RE-15 to R1-15, property located at 4300 W 1600 S, Ogden. **I do so with the following findings:**

Example findings:

- The zone change is supported by the General Plan.
- [_____ add any other desired findings here _____].

Motion to **table:**

I move that we **table** action on File # ZMA 2023-13, an applicant driven rezone application to amend the zoning map on 18 acres from A-1 and RE-15 to R1-15, property located at 4300 W 1600 S, Ogden, **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 # ZMA 2023-13, an applicant driven rezone application to amend the zoning map on 18 acres from A-1 and RE-15 to R1-15, property located at 4300 W 1600 S, Ogden. **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 –Proposed concept plan, parks plan, letters of sewer and culinary water acknowledgement.



Weber School District

Anselmi Acres

4300 West Street

1600 South Street

1600 South Street

Density Calculations

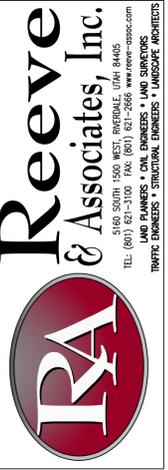
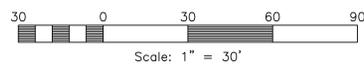
Total Area.....2.86 ac.
 Density: 124,477 s.f./15,000 s.f. = 8.3 Lots
 8 Lots Proposed

Anselmi Acres Phase 3

Weber County, Utah

DEVELOPER:

Steward Development
 Sky Hazlehurst
 1708 East 5550 South
 South Ogden, UT. 74405
 (801) 837-2020



Reeve & Associates, Inc.
 5160 S. 1500 W. RIVERDALE, UTAH 84405
 TEL: (801) 837-2020 FAX: (801) 837-2666 www.reeve-assoc.com
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
 TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

REVISIONS	DESCRIPTION
DATE	

Anselmi Acres Phase 3
 PART OF THE SW 1/4 OF SECTION 21 AND THE EAST HALF OF SECTION 20
 T.6N., R.2W., S.1B & M., U.S. SURVEY
 WEBER COUNTY, UTAH

Concept Plan

Project Info.
 Engineer: N. Reeve
 Planner: C. Cove
 Designer:
 Date: 9-6-23
 Name: ANSELMI ACRES PH3
 Number: 7152-19

Sheet **1**
 1 Sheets



October 19, 2023

Attention:

Weber County:

Planning Department, Planning Commission & County Commission

2380 Washington Blvd #240

Ogden, UT 84401

Dear Weber County Planning Commission, County Commission, and Staff,

Steward Land Company requests the rezone of part of parcel 150570059 (2.8 acres) to develop Anselmi Acres Phase 3. The property is located at 4300 West 1600 South (which doesn't exist yet). We're requesting zone R1-15.

The adjacent project Anselmi Acres Phases 1 and 2 is zoned RE1-15. The R1-15 zoning is compatible with RE1-15 and surrounding development including planned projects, platted projects, and projects in planning.

Phase 3 of Anselmi Acres is a small but significant project. It will provide a crucial link to 1600 South and increase the area's connectivity. Our concept design shows three street connections: west to 4300 West, east on 1600 South, and stubbing south (for good measure). 1600 South is also planned for active transportation, and this project will include a street trail per County plans.

We request this rezone and would like to proceed with the project promptly.

We appreciate your consideration.

Steward Land Company

Jake Young



Central Weber Sewer Improvement District

September 28, 2023

Felix Llevernio
Weber County Planning Commission
2380 Washington Blvd #240, Ogden, UT 84401

SUBJECT: Anselmi Acres
Sanitary Sewer Service
Will Serve Letter

Felix:

At the request of Brad Brown, for Anselmi Acres of 9 residential lots located at approximate address of 1600 S. 4300 W. West Weber County a portion of parcel 15-057-0059 that is not annexed into the district. **We require annexation into the district before service will be provided** and offer the following comments regarding Central Weber providing sanitary sewer service.

1. At this time, Central Weber has the capacity to treat the sanitary sewer flow from this subdivision. The Inasmuch as system demand continuously changes with growth, this assessment is valid for three (3) years from the date issued on this letter.
2. If any connection is made directly into Central Weber's line the connection must be inspected by Central Weber while the work is being done. A minimum of 48-hour notice for inspection shall be given to Central Weber prior to any work associated with the connection.
3. Central Weber will not take ownership or responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

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



Central Weber Sewer Improvement District

5. **The entire parcel of property to be served will need to be annexed into the district prior to any connection to the District's line. This annexation must be complete before the sale of any lots in the subdivision.**
6. Impact fees will need to be paid to Central Weber Sewer Improvement District no later than the issuance of any building permits. Annexation Book 86 page 6.

If you have any further questions or need additional information, please let us know.

Sincerely,

Clay Marriott

Project Manager

CC: Chad Meyerhoffer, Weber County
Kevin Hall, Central Weber Sewer
Brad Brown



PO Box 184	Phone: (801)985-8429
5375 S 5500 W	Fax: (801)985-3556
Hooper, Utah 84315	hooperirrigationco@msn.com

October 11, 2023

Weber County Planning Commission
2380 Washington Blvd, #240
Ogden, Utah 84401

RE: PRELIMINARY WILL SERVE LETTER – Anselmi Acres

The Anselmi Acres subdivision is located at approximately 1400 South and 4100 West and consists of 45 building lots and a detention basin. The subdivision is in the boundaries of the Hooper Irrigation Company service area.

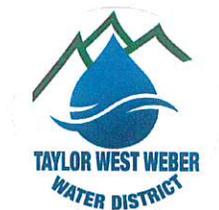
The subdivision plat plan has been reviewed by Hooper Irrigation. The preliminary plans have been conditionally approved for the above subdivision. There are sufficient shares affiliated with the property to connect to the secondary pressurized system for the building lots and the shares are in good standing.

The existing secondary pipeline is at 1800 S and 4300 W. The pipeline will need to be installed along 4300 W from 1800 S to the corner of 1400 S then east along the frontage of the proposed subdivision. The pipe size will need to be 12 inches, but an oversize agreement may be established to compensate for the size differential. There is a proposed development which may change the amount of pipe installation needed by the developer, but this preliminary letter is based on the current status of secondary pipe. There is a private ditch which runs along the east side of the subdivision which will need to be piped with a minimum of 18-inch RCP, according to Hooper Irrigation standards and specs, to ensure a continuation of water flow for irrigation users. This project only is in consideration and guaranteed service and the plan review are good only for a period of one year from the date of this letter, if not constructed. A final will serve letter will follow this letter after all plans have received final approval, fees have been paid, and water shares have been turned in to Hooper Irrigation.

Hooper Irrigation's specifications are available at the Company office. If you have questions, please call 801-985-8429.

Sincerely,

Michelle Pinkston
Office Manager
Board Secretary



**2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668
9/29/2023**

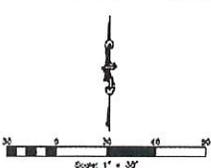
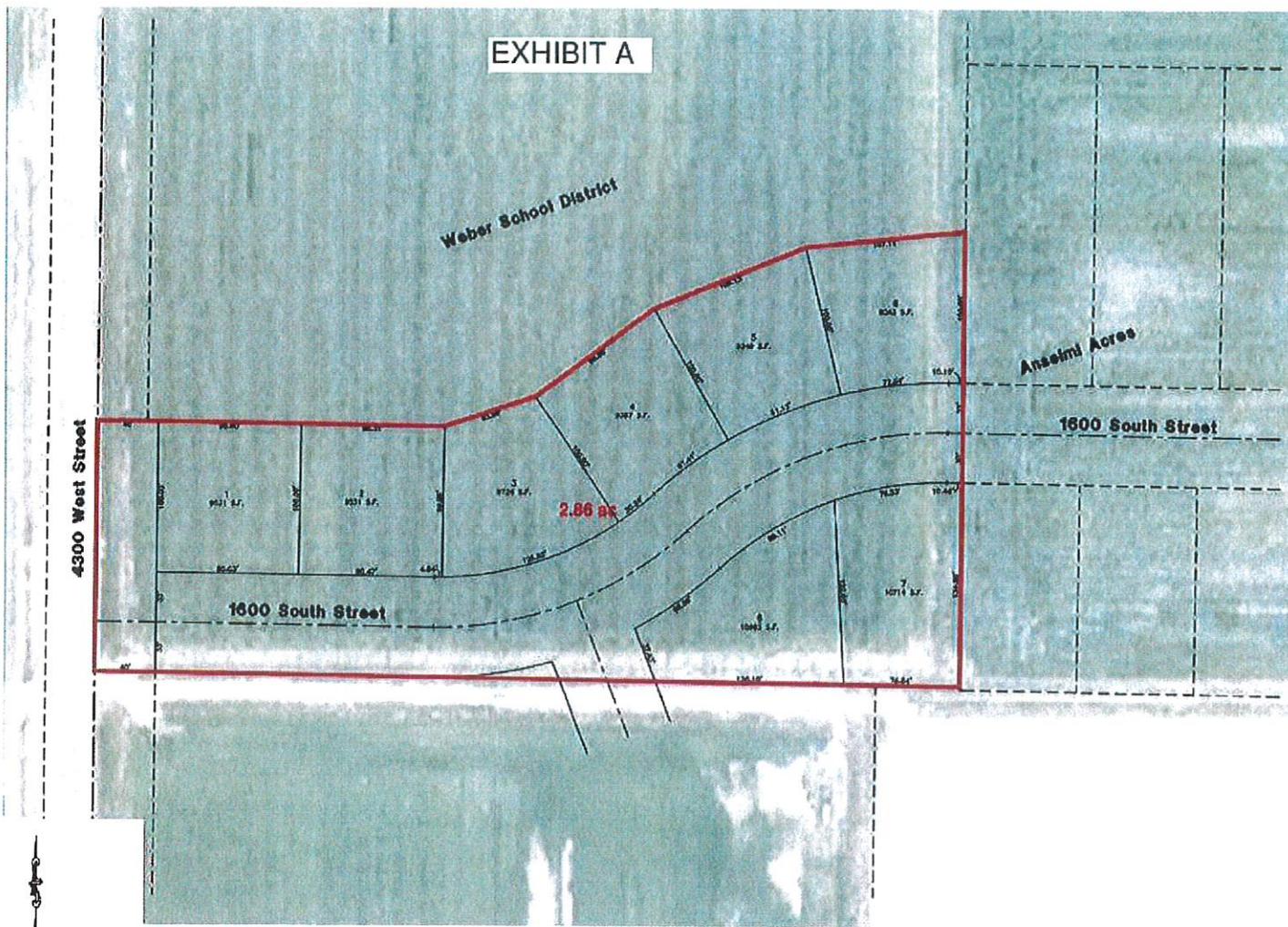
Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

Taylor West Weber Water Improvement District ("The District"). Has received notice of intent to request rezone for an area 4300 W. 1600 S. Taylor, Utah. Attached is a map of the area it is approx.. 2.8 acres. The District has the capacity to support this area to be rezoned to approx. 1/3 acre lots. The area needs to have pressurized secondary water supported by Hooper Irrigation making this application supportive. This is in no way a letter of feasibility for a subdivision or will serve of any kind this is only a letter of acknowledgment supporting the application to rezone. If you have any questions, feel free to contact me.

Best Regards,

Ryan Rogers
Manager
Taylor West Weber Water Imp.



Weber School District Property
Weber County Utah

Buyer's Initials SA Seller's Initials DS
LSH



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item: ZDA 2023-01. A public hearing to consider a request to amend the development agreement on 15 acres of property zoned RE-15, located at 4300 W and 1600 S, Ogden. The proposed amendment will allow the zoning to be changed from RE-15 to R1-15.

Application Type: Legislative

Agenda Date: Tuesday, November 7, 2023

Applicant: Jake Young

File Number: ZDA 2023-01

Property Information

Approximate Address: 4300 W and 1600 S, Ogden

Zoning: A-1

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel Number: 15-057-0068

Adjacent Land Use

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

Adjacent Land Use

Report Presenter: Steve Burton
sburton@webercountyutah.gov
801-399-8766

Report Reviewer: CE, RG

Summary

The owner of the subject property recently submitted a rezone application, ZMA 2023-13. Staff recommended to the owner that, if the rezone from A-1 and RE-15 to R1-15 were to be approved, that the development agreement that applies to the 15 acres would also need to be amended. With this application, the developer is officially requesting that the development agreement be amended to reflect the R1-15 zoning, and to include the additional 3 acres of R1-15 property in the agreement.

10. *Identify enforcement mechanisms determined necessary to ensure compliance.*
11. *Provide for the recording of the approved development agreement in the office of the Weber County recorder.*
12. *Include any requirements and conditions identified by the County Commission determined necessary to advance the interests of the county or to protect the public health, safety, and welfare, of the county and its residents.*
13. *Include a clause that states that in the event a development agreement is terminated as a result of noncompliance by the subject property owner, the subject property shall revert to the zoning district designation that existed prior to the enactment of the development agreement.*

Staff Recommendation

Staff recommends that the Planning Commission approve ZDA 2023-01, based on the following findings:

1. The development agreement amendment meets the requirements outlined in the land use code.
2. The development agreement amendment outlines the mutually agreeable terms of the rezoning of 18 acres from RE-15 and A-1 to R1-15.

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 approve File # ZDA 2023-01, an applicant driven request to amend the development agreement on 15 acres of property zoned RE-15, located at 4300 W and 1600 S, Ogden. **I do so with the following findings:**

Example findings:

- The zone change is supported by the General Plan.
- [_____ add any other desired findings here _____].

Motion to **table:**

I move that we **table** action on File # ZDA 2023-01, an applicant driven request to amend the development agreement on 15 acres of property zoned RE-15, located at 4300 W and 1600 S, Ogden, **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 # ZDA 2023-01, an applicant driven request to amend the development agreement on 15 acres of property zoned RE-15, located at 4300 W and 1600 S, Ogden. **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 –Proposed development agreement amendment

DEVELOPMENT AGREEMENT

Between

WEBER COUNTY, UTAH (COUNTY)

and

STEWARD LAND HOLDINGS, LLC, (DEVELOPER)

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DEVELOPMENT AGREEMENT

Anselmi Acres

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between Weber County, Utah ("County") and STEWARD LAND HOLDINGS, LLC (known as "Developer") (County and Developer known herein as the "Parties.").

RECITALS

WHEREAS, The Developer desires and intends to develop a residential subdivision (the "Project") in the unincorporated area of Western Weber County. Key components of the Project include approximately ~~thirty-seven (37)~~ ^{forty-five (45)} detached single-family residential dwellings; ~~thirty~~ ^{forty-five}

WHEREAS, The Developer's objective is to develop approximately ~~thirty-seven (37)~~ ^{forty-five (45)} single family lots that complement the character of the community and is financially successful;

WHEREAS, The County's objective is to approve only development that supports and advances the health, safety, and welfare of the community, as generally described in the general plan and as otherwise determined appropriate by the Board of County Commissioners;

WHEREAS, The Project is currently zoned ~~A-1~~ ^{RE-15 and A1} and Developer desires to rezone the Project to the ~~RE-15~~ ^{R1-15} zone consistent with the terms and provisions contained herein; and

WHEREAS, The Project will be located on land referred to herein as the "Project Site". The Project Site is as more specifically described in **Attachment A**: Project Area Legal Description and Graphic Depiction. A concept plan showing the general location and layout of the Project is contained in **Attachment B** Concept Plan.-

NOW, THEREFORE, in consideration of the recitals (which are incorporated into the Agreement by this reference) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. Effective Date, Expiration, Termination.

1.1. **Effective Date.** The Effective Date of this Agreement is the latter of:

1.1.1. The last date upon which it is signed by any of the Parties hereto;

1.1.2. The recordation of this Agreement; or

1.1.3. The recordation of the rezone ordinance to which this Agreement is associated and inextricably linked.

1.2. **Expiration.** This Agreement shall be in full force and effect until (10) years from the Effective Date of this Agreement, at which point this Agreement shall expire. After the expiration of this agreement, the development and use restrictions of Section 7 herein shall prevail as legislatively adopted land use restrictions. Typical legislative action shall be required to make changes thereto.

- 1.3. Termination.** This Agreement may be terminated by mutual written agreement of the Parties to this Agreement. This Agreement automatically terminates, without notice, in the following circumstances:
- 1.3.1.** The term of this Agreement expires;
 - 1.3.2.** The Project is abandoned or the use is discontinued, as provided for by Weber County Code Chapter 108-12; or
 - 1.3.3.** The Developer defaults on any provision of this Agreement and the default is not resolved as specified in Section 13 of this Agreement.

2. Definitions and Interpretation.

For purposes of this Agreement, the following terms, phrases, words, and their derivations shall have the meaning given herein where capitalized; words not defined herein shall have their ordinary and common meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory and the word "may" is permissive. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision

- 2.1. Adjacent Property.** "Adjacent Property" means that existing subdivisions located to the South of the Project.
- 2.2. Agreement.** "Agreement" means this Development Agreement between County and Developer, approved by the Board of County Commissioners, and executed by the undersigned.
- 2.3. Association.** "Association" shall have the meaning given to such term in Utah Code Ann. §57-8a-102(2).
- 2.4. County.** "County" means Weber County, Utah.
- 2.5. Developer.** "Developer" means STEWARD LAND HOLDINGS, LLC, or its Assignees as provided in Section 11 of this Agreement.
- 2.6. Effective Date.** "Effective Date" has the meaning set forth in Section 1 of this Agreement.
- 2.7. Force Majeure Event.** "Force Majeure Event" means any event beyond the reasonable control of the affected Party that directly prevents or delays the performance by such Party of any obligation arising under this Agreement, including an event that is within one or more of the following categories: condemnation; expropriation; invasion; plague; drought; landslide; tornado; hurricane; tsunami; flood; lightning; earthquake; fire; explosion; epidemic; pandemic; quarantine; war (declared or undeclared), terrorism or other armed conflict; material physical damage to the Project caused by third Parties; riot or similar civil disturbance or commotion; material or supply delay; other acts of God; acts of the public enemy; blockade; insurrection, riot or revolution; sabotage or vandalism; embargoes; and, actions of a governmental or judicial authority.
- 2.8. Parties.** "Parties" means the Developer and the County.
- 2.9. Project.** "Project" means The Anselmi Acres Subdivision as set forth in the Attachment B hereto.
- 2.10. Project Site.** "Project Site" means the land area on which the Project will actually be sited, as more specifically described in Attachment A: Project Area Legal Description and Graphic

Depiction.

- 2.11. **Routine and Uncontested.** "Routine and Uncontested" means simple and germane to the Project or Project Site, having very little chance of effect on the character of the area, and not anticipated to generate concern from the public.
- 2.12. **Substantial Completion.** "Substantial Completion" means the Project is constructed according to the plans and permits approved and issued by the County and in conformance with this Agreement.
- 2.13. **Transferee.** A party to which the Project is transferred or assigned in part or in whole. "Assignee" shall also mean the same.

3. Additional Requirements of Developer.

- 3.1. Developer shall agree to sign a document waiving the right to protest future annexation into any adjacent city. Said document shall be recorded on the deed and recorded at the same time of this Development Agreement.
- 3.2. Developer shall make a donation of \$2,000 per lot in the Subdivision to the Taylor West Weber Parks District. Alternatively, the Developer may provide park development services to the District that, at fair market value, is equal to the donation. This donation will help the District provide parks and recreational services to the Subdivision and surrounding communities.
- 3.3. Project shall include a 10' wide concrete or asphalt trail parallel to the street identified as 1600 South Street, running east and west through the Project, as shown in Attachment B.
- 3.4. Developer shall install street trees along all streets in the subdivision, at an interval so that the specific tree species' canopies touch at their maturity.

4. Project Description.

A subdivision consistent with the ~~RE-15~~^{R1-15} zoning, consisting of approximately ~~thirty-seven (37)~~^{Forty-five (45)} detached single-family residential lots, the actual amount to be determined after survey level accurate plats are produced.

5. Project Location and Illustration.

The Project is as described herein, and illustrated in Attachment B.

6. Vesting.

- 6.1. To the maximum extent permitted under the laws of the County, the State of Utah, and the United States, the Parties hereto intend that this Agreement grants to Developer the right to develop and use the Project, as outlined in and subject to the requirements set forth in this Agreement, without modification or interference by the County (collectively, the "Vested Rights"). The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law, and at equity. The Parties specifically intend that this Agreement grants to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann.
- 6.2. The County shall not impose upon the Project (whether by initiative, or other means) any new ordinance (each a "New Law") that reduces or impacts the development rights provided by this Agreement or the Vested Rights. Without limiting the generality of the foregoing, any New Law

shall be deemed to conflict with this Agreement and / or the Vested Rights if it would accomplish any of the following results in a manner inconsistent with or more restrictive than applicable law, either by specific reference to the Project or as part of a general enactment that applies to or affects the Project: (i) change any land uses or permitted uses of the Project; (ii) limit or control the rate, timing, phasing or sequencing of the approval, development or construction of all or any part of the Project in any manner so long as all applicable requirements of this Agreement, and the applicable zoning ordinance are satisfied; or (iii) apply to the Project any New Law otherwise allowed by this Agreement that is not uniformly applied on a County-wide basis to all substantially similar types of development projects and project sites with similar zoning designations. Notwithstanding the foregoing, if Developer considers any New Law to be beneficial to the Project, this section does not require Developer to comply with the superseded ordinance, but rather in such cases, Developer may with County approval, which approval may not be unreasonably withheld, conditioned, or delayed, elect to request that the New Law apply to the Project.

- 6.3. The Developer acknowledges that the County is restricted in its authority to limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the County all of its police power that cannot be so limited. Notwithstanding the retained power of the County to enact such legislation of the police powers, such legislation shall not modify the Developer's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 17-27a-509.5 of the County Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. County of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under State or Federal laws.
- 6.4. The parties mutually acknowledge that any use lawfully established under vested laws and this Agreement replaces and supersedes any previously approved development agreements pertaining to or recorded against the Property and Project.
- 6.5. No part of this Agreement shall be interpreted to modify, waive, or supersede any part of Weber County Code except where more specifically provided herein.

7. Development and Use Restrictions.

- 7.1. **Use of Property.** The use of the Project shall be limited to any lawful use allowed within the ~~R1-15 RE-15 zone, except that uses that require one-half acre of land or more shall not be permitted.~~ The ~~RE-15~~ ^{R1-15} zoning will govern the lot development standards, except as otherwise permitted by this agreement. The concept plan shall govern the lot sizes and widths.
- 7.2. **Setbacks.** ~~The minimum yard setbacks of the RE-15 zone will apply, except the side yard setback for a dwelling shall be eight feet.~~ ^{The R1-15 setbacks shall apply.}
- 7.3. **Building Height.** The main building height and accessory building height of the ~~RE-15~~ ^{R1-15} zone shall apply.

8. Amendments and Revisions.

This Agreement may be amended by mutual agreement of the Parties only if the amendment is in writing and approved and signed by Developer and County (an "Amendment"). The following sections specify what Project changes can be undertaken without the need for amendment of the Development Agreement, and what changes require Amendment to this Agreement.

- 8.1. **Project Facility Repair, Maintenance and Replacement.** Developer shall be permitted to

repair, maintain and replace the Project and its components consistent with the terms of this Agreement, and County Laws without amending the Agreement.

8.2. Authorized Changes, Enlargements, or Alterations. As set forth below, County staff may review and approve certain minor changes, enlargements or adjustments ("Changes") to the Project in their respective administrative capacities. The following types of Changes are considered minor, provided that no such Changes shall directly or indirectly result in significantly greater impacts than those contemplated in the approval of this Agreement.

8.2.1. Changes Necessary to Comply with Other Laws. Any resulting changes as a consequence of obtaining or complying with a federal, state, or local permit or approval; provided that the changes are routine and uncontested and the application thereof does not materially affect the County's original intent, findings, or conditions on the Project in a manner that would have likely resulted in a different decision on this Agreement, as determined by the Planning Director.

8.2.2. De Minimis Changes. Other de minimis changes requested by the Developer, which are reasonably consistent with the intent of this agreement and the RE-15 zone, and are routine and uncontested.

9. OMITTED

10. OMITTED

11. General Provisions.

11.1. Assignability. The rights and responsibilities of Developer under this Agreement may be assigned as provided herein.

11.1.1. Total Assignment of Project and Project Site. The Developer, as the landowner of the entire Project Site at the time of the execution of this Agreement, may sell, convey, reassign, or transfer the entire Project Site or Project to another entity at any time.

11.2. Binding Effect. This Agreement shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns, devisees, administrators, representatives, lessees and all other persons or entities acquiring all or any portion of the Project, any lot, parcel or any portion thereof within the Project Site, or any interest therein, whether by sale, operation of law, devise, or in any manner whatsoever.

11.3. Utah Law. This Agreement is entered into under the laws of the State of Utah, and the Parties hereto intend that Utah law shall apply to the interpretation hereof.

11.4. Authority. Each Party represents and warrants that it has the respective power and authority, and is duly authorized, to enter into this Agreement on the terms and conditions herein stated, and to execute, deliver and perform its obligations under this Agreement.

11.5. Duty to Act Reasonably and in Good Faith. Unless otherwise expressly provided, each Party shall act reasonably in giving consent, approval, or taking any other action under this Agreement. The Parties agree that each of them shall at all times act in good faith in order to carry out the terms of this Agreement and each of them covenants that it will not at any time voluntarily engage in any actions which frustrate the purpose and intent of the Parties to develop the Project in conformity with the terms and conditions specified in this Agreement.

11.6. Communication and Coordination. The Parties understand and agree that the process

described in this Agreement depends upon timely and open communication and cooperation between the Parties. The Parties agree to use best efforts to communicate regarding issues, changes, or problems that arise in the performance of the rights, duties and obligations hereunder as early as possible in the process, and not wait for explicit due dates or deadlines. Each Party agrees to work cooperatively and in good faith toward resolution of any such issues.

- 11.7. **Force Majeure Event.** A Force Majeure Event shall be promptly addressed by Developer. County agrees to offer a reasonable period for Developer to cure the effect of the event given the extent of the effect on the Project and the Developer's ability to redress the effect.

12. Notices.

- 12.1. **Written Notice.** Any notice, demand, or other communication ("Notice") given under this Agreement shall be in writing and given personally or by registered or certified mail (return receipt requested). A courtesy copy of the Notice may be sent by facsimile transmission or email.
- 12.2. **Addresses.** Notices shall be given to the Parties at their addresses set forth as follows:

If to the County:

Weber County Commission
2380 Washington Blvd, Ste #360
Ogden, UT 84401

With copies to:

Weber County Attorney
2380 Washington Blvd, Ste. #230
Ogden, UT 84401

Weber County Planning Director
2380 Washington Blvd, Ste. #240
Ogden, UT 84401

If to Developer:

Steward Land Holdings, LLC
1708 E 5550 S, STE 18
South Ogden, UT 84403

- 12.3. **Notice Effect.** Notice by hand delivery shall be effective upon receipt. If deposited in the mail, notice shall be deemed delivered forty-eight (48) hours after deposited. Any Party at any time by Notice to the other Party may designate a different address or person to which such notice or communication shall be given.

13. Default and Remedies.

- 13.1. **Failure to Perform Period.** No Party shall be in default under this Agreement unless it has failed to perform as required under this Agreement for a period of thirty (30) days after written

notice of default from the other Party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably cured within the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure of the alleged default.

13.2. Remedies. The Developer's failure to comply with this agreement constitutes a violation of the Land Use Code of Weber County, and is subject to the enforcement provisions and remedies thereof. In addition, the County may withhold any permits from the Project.

13.3. Dispute Resolution Process.

13.3.1. Conference. In the event of any dispute relating to this Agreement, the Parties, upon the request of either Party, shall meet within seven (7) calendar days to confer and seek to resolve the dispute ("Conference"). The Conference shall be attended by the following parties: (a) the County shall send department director(s) and County employees and contractors with information relating to the dispute, and (b) Developer shall send Developer's representative and any consultant(s) with technical information or expertise related to the dispute. The Parties shall, in good faith, endeavor to resolve their disputes through the Conference.

13.3.2. Mediation. If this Conference process does not resolve the dispute within the 7-day Conference period, the Parties shall in good faith submit the matter to mediation. The Parties shall send the same types of representatives to mediation as specified for the "Conference" process. Additionally, the Parties shall have representatives present at the mediation with full authority to make a settlement within the range of terms being discussed, should settlement be deemed prudent. The mediation shall take place within forty-five (45) days of the Parties submitting the dispute to mediation. If the dispute is not able to be resolved through the mediation process in the 45-day period, the Parties may pursue their legal remedies in accordance with Utah and local law.

14. Entire Agreement.

This Agreement, together with all Attachments hereto, constitutes the entire Agreement between the Parties with respect to the subject matter of this Agreement. This agreement is specifically intended by the Parties to supersede all prior agreements between them or recorded to the property, whether written or oral.

15. Counterparts.

This Agreement may be executed in several counterparts and all so executed shall constitute one agreement binding on all the Parties, notwithstanding that each of the Parties are not signatory to the original or the same counterpart. Further, executed copies of this Agreement delivered by facsimile or by e-mail shall be deemed originally signed copies of this Agreement.

IN WITNESS HEREOF, the Parties hereto, having been duly authorized, have executed this Agreement.

(Signatures on following pages)

SIGNATORIES

signature page

"County"

Weber County, a body corporate and politic of the State of Utah

By: 

Weber County Commission

DATE: 3/14/2023

ATTEST: 

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

Signature to show updates

“Developer”
Steward Land Holdings, LLC

By: [Signature]
Print Name: Bradley John Brown
Title: Member

DATE: 3/14/23

Developer Acknowledgment

State of Utah)
)ss.
County of Weber)

On the 14 day of March, 2023 personally appeared before me Bradley Brown, who being by me duly sworn, did say that he is the member of Steward Land Holdings, a limited liability company, and that the foregoing instrument was signed in behalf of said limited liability company by authority of its members or its articles of organization; and said person acknowledged to me that said limited liability company executed the same.

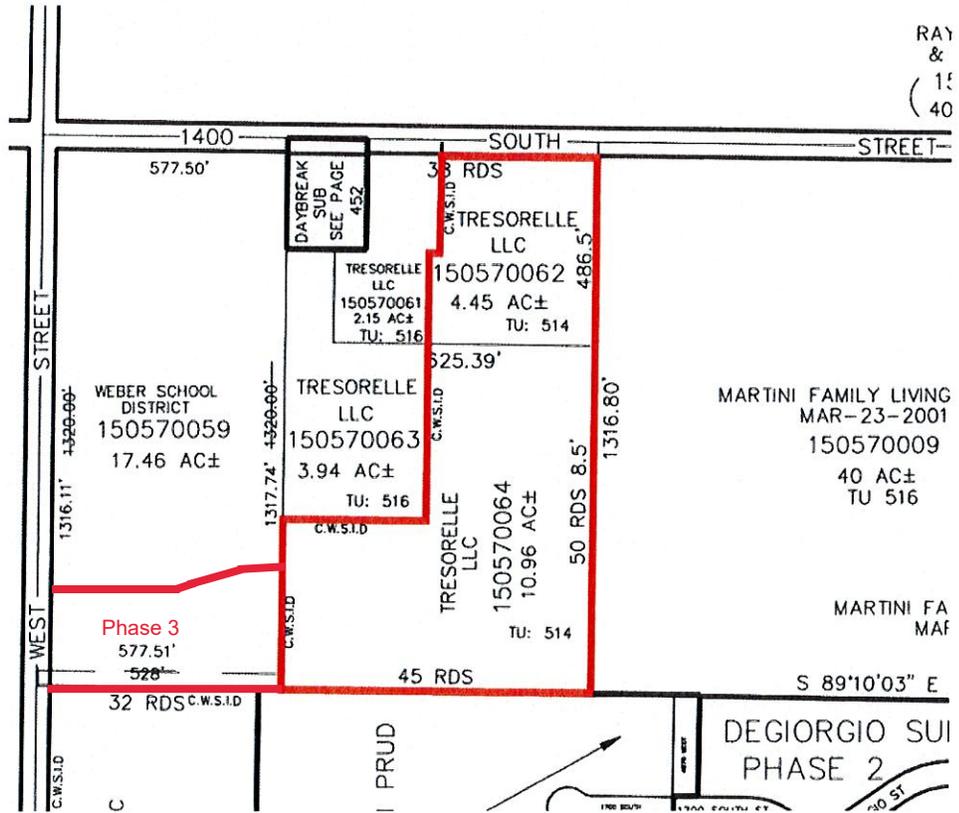
9-13-25
My Commission Expires:

[Signature]
Notary Public, residing in



Attachment A

Project Area Legal Description and Graphic Depiction



Attachment A

Project Area Legal Description and Graphic Depiction

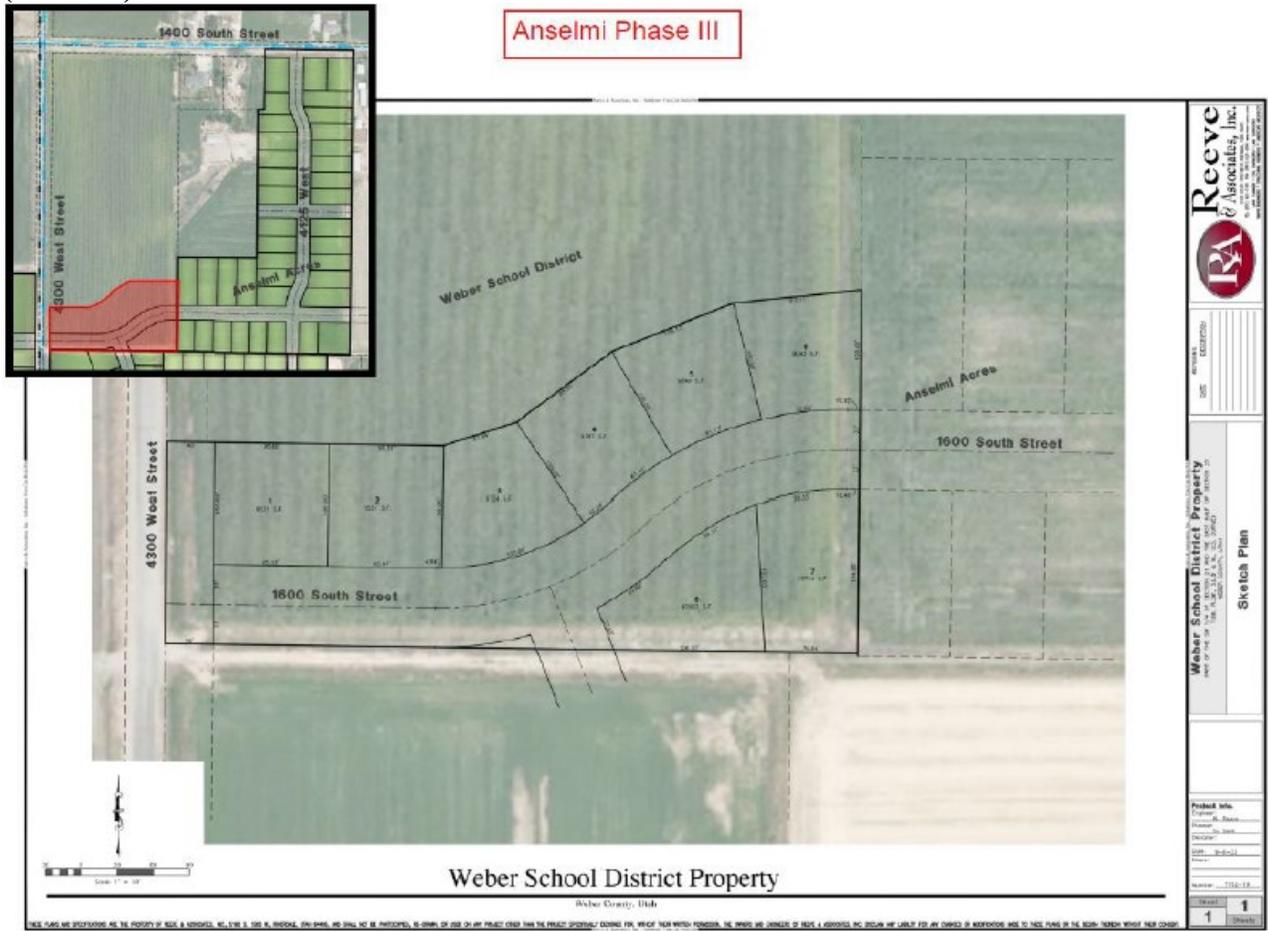
THAT PORTION LYING WITHIN THE CENTRAL WEBER SEWER IMPROVEMENTDISTRICT DESCRIBED AS FOLLOWS: PART OF THE NORTHWEST QUARTEROF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 NORTH,RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:BEGINNING AT A POINT 38 RODS WEST FROM THE NORTHEAST CORNER OFSAID NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; RUNNINGTHENCE WEST 7 RODS; THENCE SOUTH 80 RODS; THENCE EAST 45 RODS;THENCE NORTH 50 RODS, 8.5 FEET; THENCE WEST 38 RODS, THENCENORTH 29 RODS 8 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM DAYBREAK SUBDIVISION [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAINAN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WASCALCULATED BY THIS OFFICE FOR TAX PURPOSES]

Together with

THAT PORTION LYING WITHIN THE CENTRAL WEBER SEWER IMPROVEMENTDISTRICT DESCRIBED AS FOLLOWS: PART OF THE NORTHWEST QUARTEROF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 NORTH,RANGE 2 WEST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING ATTHE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAIDSOUTHWEST QUARTER; THENCE WEST 38 RODS; THENCE SOUTH 486.5FEET; THENCE EAST 38 RODS THENCE NORTH 486.5 FEET TO THE PLACEOF BEGINNING. EXCEPTING THEREFROM DAY BREAK SUBDIVISION [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAINAN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WASCALCULATED BY THIS OFFICE FOR TAX PURPOSES]

Add legal description for 8 lot subdivision

(Site Plan)





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: ZTA2023-02, A public hearing to discuss and take action on a proposal to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones.

Applicant: Weber County

Agenda Date: Tuesday, November 7, 2023

File Number: ZTA2023-02

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

- Chapter 101-2 Definitions
- Chapter 104-2 Agricultural Zones
 - Section 104-2-3 Land Use Table
 - Section 104-2-4 Special Regulations
- Chapter 104-9 Forest Zones
 - Section 104-9-2 Permitted Uses
 - Section 104-9-3 Conditions Uses
 - Section 104-9-4 Minimum Lot Area, Width, and Yard Regulations
- Chapter 104-10 Shoreline Zone
 - Section 104-10-1 Purpose and Intent
 - Section 104-10-2 Permitted Uses
 - Section 104-10-3 Conditional Uses
 - Section 104-10-4 Area Regulations Building Site Area Required
 - Section 104-10-5 Front Yard Regulations
 - Section 104-10-6 Side and Rear Yard Regulations
 - Section 104-10-7 Special Provisions
- Chapter 108-21-1 Agritourism (ALL)

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 county has received an application to amend the Shoreline Zone (S-1) to allow agritourism as a conditional use in the zone. In reviewing the request, the Ogden Valley Planning Commission became concerned with the significant flexibility of the currently codified Agritourism Ordinance, citing concerns about potential loopholes that could introduce undesirable land uses. The Ogden Valley Planning Commission seemed desirous to expand the allowance of the agritourism use into the S-1 zone, but only after tightening the language of the ordinance.

From the inception of the Agritourism Ordinance in 2012, an agritourism operation has been required to obtain a conditional use permit. The Agritourism Ordinance was initially adopted during a relatively transitional time as it relates to the county's understanding of conditional use permits. At the time, conditional use permits were understood

as being fairly discretionary in nature. With this discretion, it seemed as if the county had wider flexibility when approving or denying a conditional use permit. This perception was based on longstanding practices prior to the mid-2000's.

Since then, however, the county has become more aware of court rulings which strip most of the discretionary decision-making out of the issuance of conditional use permits. Simply stated, a conditional use permit is a permitted use with conditions. As a result, in 2015 the county updated its Conditional Use Permit Ordinance to omit the discretionary language and focus decisions on objective facts and written standards. Changes to the Agritourism Ordinance were not proposed at the time, and thus the more flexible-appearing ordinance language is still present in codified code.

According to state code, if more than one reasonable interpretation of the code can be made, the county must read the code in a manner that favors the landowner. This means that flexible code language will always be required to be read in favor of the landowner, giving credence to the Ogden Valley Planning Commission's concern about potential unintended loopholes.

After review of the ordinance amendments suggested by the Ogden Valley Planning Commission, the Western Weber Planning Commission seemed tentatively in support of tightening the ordinance language. However, there was discussion about concerns over making the ordinance too restrictive to those farmers who want a simple alternative to earning supplemental farm income. To provide for this concern, staff is suggesting the addition of a couple of by-right permitted uses into the agricultural zones that allow certain types of sales to occur on farm-property without the need to obtain a conditional use permit for an agritourism operation. This should simplify access to those uses.

Staff is recommending approval of the attached ordinance amendments. In addition to amending the Agritourism Ordinance and inserting it into the S-1 zone, staff is recommending inserting agritourism into the Forest Zones (F-10 and F-40 zones). Staff is also recommending taking this opportunity to standardize the formatting of the S-1, F-5, F-10, F-40, FR-1, and FR-3 zones to add clarity and better match the formatting, administration, and efficiencies of other zones in the Land Use Code.

Policy Analysis

Policy Considerations:

Staff analysis of the ordinance is substantially provided in the comment bubbles in the right-hand column of the attached Exhibit A.

Review guidance.

When reviewing the proposed amendments, staff recommends the planning commissioners prioritize their review accordingly:

- Start review on line 799. Lines 799 – 1253 pertain directly to regulations specific to agritourism. It offers the substance of the proposed amendments.
 - As can be reviewed in staff's corresponding comments, these changes are intended to tighten the language of these regulations so they provide a more predictable outcome.
 - As you review these lines, if there is any term used that you do not fully understand, it may be better defined in the definitions portion of the proposal on lines 1 – 222.
 - Ogden Valley Planning Commission: The yellow highlights indicate a change a general change in response to some of the discussion in your most recent work session. I rewrote the qualifications section to provide the desirable components of the Agricultural Assessment Act without directly referencing the Act. This way the County Code will not change if the Act changes in the future.
- Then direct your review specifically to the table on line 721 – 722 (Section 104-10-3(d)). This table pertains to uses allowed in the Shoreline (S-1) Zone. Adding the agritourism use to this table is the applicant's actual request.
- Following that, take a glance at the table on line 568 – 569 (Section 104-9-3(l)). In this table you will see that agritourism is being added to the F-10 and F-40 zones.
- From there you may desire to review the proposed changes to the definitions (lines 1 – 222) more

thoroughly to ensure they meet your expectations.

The above encompass all of the proposed changes pertaining to agritourism. Following that review, you may desire to look over the rest of the proposed changes. Perhaps in the following order:

- Review the tables on lines 235 – 237, then lines 242 – 259. These lines pertain to adding new allowed uses to the agricultural zones. As previously mentioned, these new uses were requested by the Western Weber Planning Commission, but serve to help resolve a concern also expressed in the Ogden Valley Planning Commission work sessions. The concern revolved around ensuring minor agriculturally related commercial uses are allowed in a manner that does not involve the more cumbersome conditional use permit of the agritourism use.
- From there, feel free to peruse the proposed reorganization of the FR-1, FR-3, F-5, F-10, and F-40 Zones. These amendments are not intended to change the substance of any regulation that currently exists. Rather, they are intended to organize, reformat, and clarify the existing regulations by assembling them into a consist format. In doing so, staff had to make a few judgment calls when the current regulations do not seem to provide cohesion. The changes, you will see, are in blue underline. Please review at your convenience to ensure staff did not miss anything or misunderstand anything.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2022, the Western Weber General Plan was adopted after a significant public involvement process. In 2016, the Ogden Valley General Plan was adopted, also after a significant public involvement process.

The proposed amendments helps implement numerous goals and objectives of each general plan including the following:

Ogden Valley:

- **Community Character Vision:** *The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; ...*
- *“Residents generally support the continuation of viable agricultural operations in Ogden Valley as one of the most significant contributions to the rural character of the Valley.” (p. 5)*
- **Dark Sky Preservation Principle 1.2:** *Promote [...] and encourage astro-, agri-, and ecotourism development.*
- **Land Use Goal 2:** *A goal of Weber County is to support continued agricultural operations in Ogden Valley.*
- **Resource Management Vision:** *The Ogden Valley community desires responsible and sustainable growth while conserving the natural and social character of Ogden Valley. With this vision, Weber County in Ogden Valley is prepared to shape its future by preserving character; promoting sustainability; supporting agriculture, wildlife, habitat, and scenic vistas; and recognizing the importance of management of public lands.*

Western Weber:

- **COMMUNITY CHARACTER PRINCIPLE 2.1:** *Encourage open space preservation of crop producing lands in both agricultural and, where appropriate, residential areas.*
- **Community Character Action Item 2.1.2:** *Support existing and future agritourism operations as a means to supplement farm income.*
- **Community Character Action Item 2.1.3:** *Explore other means by which local agricultural operations may remain financially feasible, such as expanding onsite land-use allowances that will help supplement farm income, provided the uses are not disharmonious to surrounding land uses.*
- **COMMUNITY CHARACTER PRINCIPLE 2.2:** *Provide support for the importance of local food production and local farm-to-table benefits for Weber County’s food economy in support of local farms and reduced environmental impacts.*
- **Community Character Action Item 2.2.1:** *Pursue opportunities to support and create farm-to-table*

operations such as farmer's markets and roadside produce stands in appropriate areas. When determining appropriate areas, evaluate whether there are local food deserts that might be best served by one of these operations.

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and offer staff feedback for additional consideration, if any. Alternatively, when or if the Planning Commission is comfortable with the proposal, a positive recommendation should be passed to the County Commission.

Model Motion

The model motions herein are only intended to help the planning commissioners 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 planning 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 we forward a positive recommendation to the County Commission for File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, as provided in Exhibit A.

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health and welfare of Western Weber residents.*
4. *[_____ add any other desired findings here _____].*

Motion for positive recommendation **with changes:**

I move we forward a positive recommendation to the County Commission for File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: In Section 104-12-3(f), remove short-term rentals as a permitted use.*
2. *Example: On line number [____], it should read: [_____ desired edits here _____].*
3. *Etc.*

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health, safety, and welfare of Western Weber residents.*
4. *[Example: allowing short-term rentals runs contrary to providing affordable long-term rental opportunities]*
5. *Etc.*

Motion to **table**:

I move we **table** action on File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, as provided in Exhibit A, to provide a date certain, so that:

Examples of reasons to table:

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

Motion to recommend **denial**:

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2023-02, an application to amend the Weber County Code pertaining to the standards and regulations for agritourism operations, allowance for agritourism operations in the S-1, F-10, and F-40 zones, and allowing certain limited agricultural sales in agricultural zones, as well as other administrative and clerical amendments, **as provided in Exhibit A. I do so with the following findings:**

Examples findings for denial:

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

Exhibits

- A. Proposed Agritourism Amendments, and related (Redlined Copy).
- B. Proposed Agritourism Amendments, and related (Blacklined Copy).

WEBER COUNTY

ORDINANCE NUMBER 2023-

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO THE SHORELINE (S-1) ZONE TO ENABLE AGRITOURISM AS A CONDITIONAL USE.

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, those land use ordinances contain various zones, each with a specific purpose and intent, and each with a variety of uses; and

WHEREAS, Agritourism is a listed use, permitted by conditional use permit in certain zones, and regulated by specific regulations in the land use regulations; and

WHEREAS, Agritourism is not currently listed as allowed in the Shoreline (S-1) Zone; and

WHEREAS, The Board of Weber County Commissioners has received an application to amend the land use regulations to also allow agritourism to occur in the Shoreline (S-1) Zone; and

WHEREAS, After thorough consideration, the Ogden Valley Planning Commission desires specific changes to the agritourism regulations to avoid potential abuse and unintended consequences; and

WHEREAS, After thorough consideration, the Western Weber Planning Commission desires specific changes to the Agricultural Zones (A-1, A-2, A-3, and AV-3) to make certain types of agricultural sales permissible without the need for an Agritourism permit; and

WHEREAS, As part of a longstanding effort to reorganize the land use regulations to enhance efficiencies and application, both planning commissions are recommending approval of other land use regulation amendments as proposed herein; and

Commented [E1]: Readdress if planning commission's recommendation is different.

WHEREAS, on October 14, 2023, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

Commented [E2]: Readdress if planning commission's recommendation is different.

WHEREAS, on October 7, 2023, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

Commented [E3]: Readdress if planning commission's recommendation is different.

WHEREAS, on [redacted], the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein advance goals and objectives of the Ogden Valley General Plan; and

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby amended as follows:

1 **TITLE 101 GENERAL PROVISIONS**

2 ...

3 **CHAPTER 101-2 DEFINITIONS**

4 **Sec 101-2-2 A Definitions**

5 ~~**Acreage, agri-tourism activity center.** The term "agri-tourism activity center acreage" means the land~~
6 ~~area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism~~
7 ~~uses/activities. Activity center area consists of that impacted ground lying immediately adjacent to, in~~
8 ~~between, and within a reasonable distance around each use/activity. Distances greater than 300 feet in~~
9 ~~between uses/activities and their impacted grounds, represent a separation of activity centers.~~

10 **Acreage, gross.** The term "gross acreage" means a total of all acreage that lies within a project boundary.

11 **Acreage, net developable.** The phrase "net developable acreage" means the total acreage within a project
12 boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise
13 provided in this Land Use Code. When calculating net developable acreage, the area encumbered or
14 proposed to be encumbered by a street right-of-way or other required right-of-way providing primary access
15 to a lot is considered area unsuitable for development. The term "net developable area" shall have the
16 same meaning, unless the context clearly indicates otherwise.

17 ...

18 **Agritourism.** The term "agritourism" means a use, accessory to an agricultural use, which can provide a
19 means of diversifying agricultural income through broadening an agricultural operation's offerings with an
20 agriculture-oriented tourism attraction. An agritourism use provides product, activities, and other uses that
21 are clearly related and incidental to the agricultural operation to which it is accessory.

22 ~~**Agri-tourism.** The term "agri-tourism" means an agricultural accessory use that can provide a means of~~
23 ~~diversifying a farm's income through broadening its offerings and adding value to its products. They operate~~
24 ~~during more than six (consecutive or non-consecutive) days per year and provide agriculturally related, and~~
25 ~~in some instances, non-agriculturally related products and activities that attract members of the public to~~
26 ~~the farm for retail, educational, recreational, and/or general tourism purposes.~~

27 **Agritourism Events Facility.** The term "agritourism events facility" means an agritourism use or activity
28 that provides the opportunity for agritourists to rent an area that can act as a venue for events, including,
29 but not limited to, birthdays, weddings, family reunions, small scale fundraisers, or corporate picnics or
30 outings that do not constitute a special event as defined by Title 38.

31 **Agritourism Farm Tour.** The term "agritourism farm tour" means an agritourism use or activity that offers
32 opportunities for the public to learn how a farm functions and where and how food, fiber, fuel, and other
33 agricultural products are produced. Farm tours frequently highlight the history of the subject farm and, in
34 general, educate the public about agricultural practices and technology.

35 **Agritourism Fee Fishing.** The term "agritourism fee fishing" means an agritourism use or activity,
36 approved by the appropriate local, state and federal agency, which provides the opportunity for anglers to
37 pay a fee for the right to fish on a farm.

38 **Agritourism Glamorous Camping.** The term "agritourism glamorous camping" means an agritourism use
39 or activity that provides the opportunity for agritourists to rent, on a nightly basis, fully furnished tents or
40 rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury
41 hotel room. Furnishings, amenities, and comforts may include but are not limited to luxurious decor, beds,
42 linens, baths, veranda, spa services, concierge, dining, and chef.

Commented [E4]: As a reminder:
•Black text is text that is currently in the Land Use Code and is not being proposed to change.
•Red strikethrough text is text currently in the Land Use Code proposed to be deleted.
•Blue underline text is text proposed to be added.

Commented [E5]: Lines 4-222 provide amendments to certain definitions of the Land Use Code. Staff's intention here is to eliminate redundant and unnecessary definitions that are tied to agritourism. At the time of the adoption of the Agritourism Ordinance, these definitions were directly a part of that ordinance. Afterwards those definitions, along with all others spread throughout the Land Use Code, were consolidated into this single chapter. In the context of other definitions of the Land Use Code, or due to proposed changes to the Agritourism Ordinance, some of these definitions should either be removed or modified.

Commented [E6]: Proposed ordinance changes makes this definition irrelevant. See lines 952-969.

Commented [E7]: Changing from "special occasion"

Commented [E8]: Moved from elsewhere to here

Commented [E9]: Moved from elsewhere to here

Commented [E10]: Moved from elsewhere to here

43 **Agritourism Health Farm.** The term "agritourism health farm" means a farm building designed for the
44 purpose of providing proactive health and wellness education or physical exercise and diet regimens that
45 can improve one's quality of life in a rural or spa-like environment. Health and wellness opportunities may
46 consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes/ and
47 consultations, organic cooking classes or workshops, yoga, meditation, and massage therapy.

Commented [E11]: Moved from elsewhere to here

48 **Agritourism Hunting Preserve.** The term "agritourism hunting preserve" means an agritourism use or
49 activity, approved by the appropriate local, state and federal agency, which provides the opportunity for an
50 individual or group to pay a fee for the right to hunt on a farm.

Commented [E12]: Moved from elsewhere to here

51 ~~**Agritourism productive acreage.** The term "agritourism productive acreage" means agriculturally~~
52 ~~productive land area used for the combined purpose of cultivating agricultural products and hosting active~~
53 ~~tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching,~~
54 ~~hunting, horseback/sleigh/wagon rides etc.).~~

Commented [E13]: Deleting this here in favor of qualifying it directly in the Agritourism Ordinance. See lines 846 – 865.

55 **Agritourism You-Pick Operation.** The term "agritourism you-pick operation" means an agritourism use/
56 or activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from
57 the plant grown on a farm location.

Commented [E14]: Moved from elsewhere to here

58 ...

59 **Agricultural arts Arts centerCenter.** The term "agricultural arts center" means a facility designed for the
60 purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a
61 translation of concepts related to art, art history, and art theory. In a conducive agricultural setting, it acts
62 as a venue for the community to experience, appreciate, and consume art in a variety of forms, including,
63 but not limited to, visual or media art, literature, music, theatre, film, and/or dance. ~~An agricultural arts center~~
64 ~~does not provide accommodation for overnight lodging farm-stays; however, it may serve meals when~~
65 ~~served to event participants and/or guests.~~

Commented [E15]: Deleting non-definition-based standards from definitions. Proposed changes anticipate this change.

66 ...

67 **Agricultural Produce Sales, Onsite.** The phrase "Onsite Agricultural Produce Sales" means farm-produce
68 sales that are part of an onsite agricultural operation. Offerings for sale include agricultural products and
69 goods derived from the agricultural operation on which the store is located, and may include other farm-
70 produce derived from other agricultural operations in Weber County. An Onsite Agricultural Produce Sales
71 operation does not consist of multiple vendors.

Commented [E16]: This proposed definition goes along with the proposed addition in the table starting on line 236, and Lines 242 – 259.

72 ...

73 **Agroecology Research and Education Center.** The term "agroecology research and education center"
74 means a facility designed for the purpose of providing academic training in the techniques of agroecology
75 and sustainable agricultural systems. An Agroecology Research and Education Center conducts theoretical
76 and applied research and community outreach while offering academic education, practical experience,
77 training, and public service and instructional opportunities for audiences ranging from school children to
78 international agencies.

79 ~~**Agro-ecology-research-and-education-center (AREC).** The term "agro-ecology-research-and-education~~
80 ~~center (AREC)" means a facility designed for the purpose of providing academic training in the techniques~~
81 ~~of agro-ecology and sustainable agricultural systems. An AREC conducts (theoretical and applied) research~~
82 ~~and community outreach while offering academic education, practical experience/training and public~~
83 ~~service/instruction opportunities for audiences ranging from local school children to international agencies.~~
84 ~~Such a facility may afford meals and overnight lodging facilities for faculty, staff, and/or~~
85 ~~students/apprentices.~~

86 ...

87 **Sec 101-2-3 B Definitions**

88 ~~**Bed and breakfast (B&B) farm dwelling, agri-tourism.** The term "agri-tourism B&B farm dwelling" means~~
89 ~~an owner-occupied farm house further utilized for the purpose of providing overnight lodging~~
90 ~~accommodations and meals to overnight guests.~~

Commented [E17]: Unnecessary definition. Consolidated into "lodging house"

91 ~~**Bed and breakfast (B&B) farm retreat, agri-tourism.** The term "agri-tourism B&B farm retreat" means an~~
92 ~~owner-occupied farm house further utilized for the purpose of providing overnight lodging accommodations~~
93 ~~as well as meals to overnight guests and the visiting day-use public within an internally incorporated dining~~
94 ~~area.~~

Commented [E18]: Unnecessary definition. Consolidated into "lodging house"

95 ...

96 **Sec 101-2-5 D Definitions**

97 **Dude ranch.** The term "dude ranch" means a commercial vacation ranch operation that provides
98 activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and
99 which may also offer ~~short-term rental accommodations~~ a [lodging house](#) for guests engaged in these
100 activities.

Commented [E19]: See definition of lodging house on lines 155 – 158.

101 ...

102 **Sec 101-2-7 F Definitions**

103 ~~**Farm inn, agri-tourism.** The term "agri-tourism farm inn" means a farm building designed for the purpose~~
104 ~~of providing overnight lodging accommodations as well as meals to overnight guests and the visiting day-~~
105 ~~use public within an internally incorporated dining area.~~

Commented [E20]: Unnecessary definition. Consolidated into "lodging house"

106 ~~**Farm stay, agri-tourism.** The term "agri-tourism farm stay" means a general agri-tourism use/activity~~
107 ~~category that comprises a variety of overnight lodging accommodations made available at a working farm~~
108 ~~that is approved for an agri-tourism operation. A farm stay, for any group or individual, does not exceed 14~~
109 ~~(consecutive or non-consecutive) calendar days per month; however, farm stays may serve as an~~
110 ~~interactive recreational activity that offers agri-tourists, including children, opportunities to participate in~~
111 ~~feeding animals, collecting eggs, and/or learning how a farm functions through practical day-to-day~~
112 ~~experience. A farm stay may also consist of a retreat or be described as a work exchange, where the~~
113 ~~guests, for recreational purposes, work in exchange for free or discounted accommodations.~~

Commented [E21]: The proposed changes herein make this definition irrelevant.

Commented [E22]: This is a standard, not a definition

114 ~~**Farm tour, agri-tourism.** The term "agri-tourism farm tour" means an agri-tourism use/ or activity that~~
115 ~~offers opportunities for the "non-farm" public to learn how a farm functions and where and /how food, fiber,~~
116 ~~fuel, and other agricultural products are produced and/or packaged. Farm tours frequently highlight the~~
117 ~~history of the subject farm and, in general, foster a broader understanding of the importance of agriculture~~
118 ~~and educate the public as to current agricultural practices and technology.~~

Commented [E23]: Moved to lines 31-34.

119 ~~**Fee fishing, agri-tourism.** The term "agri-tourism fee fishing" means an agri-tourism use/activity, approved~~
120 ~~by the appropriate local, state and/or federal agency, which provides the opportunity for anglers to pay a~~
121 ~~fee for the right to fish on a farm. Fee fishing is a non-agriculturally related use unless provided as an~~
122 ~~accessory to a bona fide aquaculture operation.~~

Commented [E24]: Moved to lines 35-37.

123 ...

124 **Sec 101-2-8 G Definitions**

125 ...

126 ~~**Glamorous camping (glamping), agri-tourism.** The term "agri-tourism glamorous camping (glamping)"~~
127 ~~means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis,~~

Commented [E25]: Moved to lines 38-42.

128 fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts
129 offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited
130 to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

131 ...

132 **Sec 101-2-9 H Definitions**

133 ...

134 ~~**Harvest market, agri-tourism.** The term "agri-tourism harvest market" means an agri-tourism use/activity
135 that provides the opportunity for customers to purchase a wide variety of farm products at one farm location.
136 A harvest market does not consist of multiple farm vendors; however, it offers for sale, agricultural products
137 and goods derived from the farm on which the harvest market is located as well as other commonly owned
138 and/or independent or unaffiliated Weber County farms.~~

139 ...

140 ~~**Health farm, agri-tourism.** The term "agri-tourism health farm" means a farm building, including overnight
141 lodging facilities, designed for the purpose of providing proactive health and wellness education and/or
142 physical exercise and diet regimens that can, in a rural and spa-like environment, improve one's quality of
143 life in a rural and spa-like environment. Health and wellness opportunities may consist of, but are not limited
144 to, general and specialized exercise, wellness, and nutritional classes/consultations, organic cooking
145 classes or workshops, yoga, meditation, and massage therapy. A health farm may serve meals only when
146 served to participating clientele.~~

147 ...

148 ~~**Hunting preserve, agri-tourism.** The term "agri-tourism hunting preserve" means an agri-tourism use or
149 activity, approved by the appropriate local, state and/or federal agency, which provides the opportunity for
150 an individual or group to pay a fee for the right to hunt on a farm. A hunting preserve is a non-agriculturally
151 related use unless provided as an accessory to a bona fide agricultural operation.~~

152 ...

153 **Sec 101-2-13 Loc - Lod Definitions**

154 ...

155 ~~**Lodging House.** The term "Lodging House," also referred herein as "Boardinghouse," means a building
156 designed for temporary lodging for compensation, in which no provision is made for cooking in any
157 individual guest room or suite. Unless otherwise more specifically provided in this Land Use Code, a
158 Lodging House has between one and 15 guest rooms.~~

159 ~~**Lodging house/boardinghouse.** The term "lodging house/boardinghouse" means a building where
160 lodging only is provided for compensation in five or more guest rooms, but not exceeding 15 persons.~~

161 ...

162 **Sec 101-2-14 M Definitions**

163 ...

164 ~~**Motor coach/caravan area, agri-tourism.** The term "agri-tourism motor coach/caravan area" means an
165 area, within an approved agri-tourism operation, that provides individual sites for the temporary parking
166 and occupation of recreational vehicles (i.e., motor coach, camper van, trailer, etc.).~~

167 ...

Commented [E26]: Replacing with "onsite agricultural produce sales." See lines 67 – 71.

Commented [E27]: Moved to lines 43 – 47.

Commented [E28]: Moved to lines 48-50.

Commented [E29]: Revising this definition using similar language found in hotel. A hotel is defined this same way except has 16+ rooms.

Commented [E30]: Unnecessary and antiquated term. See "recreational vehicle or travel trailer," lines 202-206, instead.

168 **Sec 101-2-16 O Definitions**

169 ~~On-farm store/retail market, agri-tourism.~~ The term "agri-tourism on farm store/retail market" means an
170 agri-tourism use/activity that provides the opportunity for a farmer to sell retail quantities of agriculturally
171 related products and, in some cases, non-agriculturally related products directly to the consumer or agri-
172 tourist.

Commented [E31]: No longer needed. Revised code replaces this phrase with "market," which does not need a specialized definition outside of Merriam Webster.

173 ...

174 **Sec 101-2-17 P Definitions**

175 ...

176 ~~Play area, agri-tourism.~~ The term "agri-tourism play area" means an area within an agri-tourism
177 operation's activity center that is dedicated to open and informal play. The play area may include, but not
178 be limited to, conventional and unconventional playground equipment.

Commented [E32]: Unnecessary definition.

179 ...

180 ~~Product, agricultural.~~ The term "agricultural product" means any raw product which is derived from
181 agriculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock,
182 aquaculture products, water plants, horticultural specialties, and other similar products that can be broadly
183 classified as a food, fiber, fuel, or a raw material group. Specific foods may include cereals, fruits,
184 vegetables, and meat. Fibers may include cotton, wool, hemp, silk and flax. Raw materials may include
185 lumber and other plant products.

186 ~~Product, agriculturally related.~~ The term "agriculturally related product" means any item that is sold at a
187 specific farm, approved for agri-tourism, which attracts customers and promotes the sale of agricultural
188 products. Such items may include, but are not limited to, all agricultural products, baked goods, cheese, ice
189 cream and ice cream-based desserts and beverages, jams, honey, and other food stuffs or products that
190 feature ingredients produced on a specific farm, approved for agri-tourism, or other farm located within
191 Weber County. Additional agriculturally related products may consist of, but are not limited to, gift items,
192 clothing and other items that directly promote the specific farm and/or the agriculture industry in Weber
193 County.

Commented [E33]: The proposal steers away from this term, in favor of specifically stating that non-ag products can only be offered for sale if offered alongside product produced by the farm.

194 ~~Product, non-agriculturally related.~~ The term "non-agriculturally related product" means any item that is
195 sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from that
196 farm's operation or other farm located in Weber County. Non-agriculturally related products may include,
197 but are not limited to, novelty t-shirts or other clothing, crafts, knick-knacks and/or products imported from
198 other counties, states or countries.

Commented [E34]: Proposed amendments eliminates the need for this definition.

199 ...

200 **Sec 101-2-20 Sp Definitions**

201 ...

202 ~~Recreational vehicle or travel trailer.~~ The term "recreational vehicle," also known herein as "travel
203 trailer," means a vehicular unit, other than a mobile home, designed as a temporary dwelling for travel,
204 recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle
205 including, but not limited to: travel trailer, camp trailer, folding tent trailer, truck camper, or motor home,
206 but not including mobile or manufactured homes.

Commented [E35]: Using this instead of "motor coach/caravan" in lines 164-166.

207 ~~Recreational vehicle/travel trailer.~~ The term "recreational vehicle/travel trailer" means a vehicular unit,
208 other than a mobile home, designed as a temporary dwelling for travel, recreational, and vacation use,

209 which is either self-propelled or is mounted on or pulled by another vehicle including, but not limited to:
210 travel trailer, camp trailer, folding tent trailer, truck camper, or motor home.

211 ...

212 **Sec 101-2-20 S Definitions**

213 ...

214 ~~Special occasion, agri-tourism~~. The term "agri-tourism special occasion" means an agri-tourism use/ or
215 activity that provides the opportunity for agri-tourists to rent an area that can act as a venue for events,
216 including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and/or corporate
217 picnics/outings that do not constitute a special event as defined by title Title 38, special events

218 ...

219 **Sec 101-2-22 U Definitions**

220 ~~U-pick operation, agri-tourism~~. The term "agri-tourism u-pick operation" means an agri-tourism
221 use/activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from
222 the plant grown on a farm location.

223 ...

224

Commented [E36]: Replacing with "events facility"

Commented [E37]: Moving to lines 55-56.

225 **TITLE 104 ZONES**

226 ...

227 **CHAPTER 104-2 AGRICULTURAL ZONES**

228 ...

229 **Sec 104-2-3 Land Use Table**

230 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
 231 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
 232 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
 233 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.
 234

235 (a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the main
 236 use to which it is accessory.

	AV-3	A-1	A-2	A-3	Special Provisions
Accessory building , accessory and incidental to the use of a main building.	P	P	P	P	
Accessory dwelling unit.	P	P	P	P	See <u>Chapter 108-19</u> .
Accessory use , accessory and incidental to the main use.	P	P	P	P	
Agricultural Produce Sales, Onsite. <u>The sales of agricultural products produced onsite, accessory to an agricultural operation.</u>	P	P	P	P	See <u>Section 104-2-4. 5-acre use.</u>
Custom exempt meat cutting , accessory to a residential use.	C	N	N	N	See <u>Section 104-2-4. 5-acre use.</u>
Family food production , accessory to a residential use.	P	P	P	P	See <u>Section 104-2-4.</u>
Home occupation , accessory to a residential use.	P	P	P	P	See <u>Chapter 108-13.</u>
Household pets , accessory to a residential use.	P	P	P	P	
Main building , designed or used to accommodate the main use.	P	P	P	P	
Parking lot , accessory to a main use allowed in the zone.	P	P	P	P	
Parking of large vehicle , accessory to residential use.	C	C	C	C	See <u>Section 104-2-4. 5-acre use.</u>
Parking of construction vehicle.	C	C	C	C	See <u>Section 104-2-4. 5-acre use.</u>
Sugar beet loading or collection station.	C	N	P	P	
Sugar beet dump site.	N	N	P	P	

Commented [E38]: Adding this allowance to offset the stricter requirements of the agritourism revisions.

237

Temporary building or use, accessory and incidental to onsite construction work.	P	P	P	P	
	AV-3	A-1	A-2	A-3	Special Provisions
Agriculture.	P	P	P	P	
Agriculture, community-oriented. A crop production operation for use by the broader public, such as a community garden, rental row operation, or you-pick operation.	P	P	P	P	
Agricultural experiment station.	P	P	P	P	
Aquaculture.	P	P	P	P	
Fruit or vegetable stand, for produce grown on the premises only.	P	P	P	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.	P	P	N	N	5-acre use.
Grain storage elevator.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	P	P	
Laboratory facility, for agricultural products and soils testing.	C	C	C	C	
Manure spreading, drying and sales.	N	N	N	C	

Commented [E39]: Adding this allowance to offset the stricter requirements of the agritourism revisions.

Commented [E40]: The addition of Agricultural Produce Sales, Onsite accomplishes this.

238 ...

239 **Sec 104-2-4 Special Regulations**

240 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due
241 to the nature of the use, each shall be further regulated as follows:

- 242 (a) Agricultural Produce Sales, Onsite. The sales of onsite agricultural produce shall be governed as
243 follows:
- 244 (1) Onsite. For the purposes of this use, "onsite" shall mean on the same lot or parcel, or on a parcel
245 that is part of a larger group of contiguous parcels all under the same ownership, excluding
246 contiguity interrupted by a street right-of-way.
- 247 (2) Same owner/operator. The sales shall only be operated by the owner or manager of the onsite
248 agricultural operation.
- 249 (3) Limitation on items sold. Sales shall be limited to Agricultural Products, at least one of which
250 must be produced onsite and shall be continuously offered for sale during all times that offsite
251 produce is offered for sale.
- 252 (4) Allowed footprint. If sales occur within a building, the footprint of the building area used for sales
253 shall be limited to no more than 0.025 percent of the total area of the agricultural operation. If sales
254 occur outdoors, the footprint of the area used for sales shall be limited to no more than 1.0 percent
255 of the total area of the agricultural operation.

Commented [E41]: Qualifying the new allowed use so it does not grow too large so as to create a nuisance to adjacent owners.

256 (5) **Setback requirement.** Except warehousing and storage, all sales activities shall be conducted at
257 a minimum distance from an adjoining property. That distance shall be the greater of:

258 a. 10 feet, or

259 b. One foot for every 200 square feet of footprint used for the sales activities, up to 100 feet.

260 (a)(b) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
261 when in compliance with the following:

262 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
263 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

264 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40
265 head per acre of used land in the A-2 and A-3 zones.

266 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
267 parcel of land.

268 (b)(c) **Animal feeding operation.** This use may include supplemental or full feeding. However, it is
269 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not produced on
270 the premises. The following additional standards apply for hog feeding:

271 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

272 (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as
273 required by the local health department.

274 (e)(d) **Animal feeding operation, large concentrated.** A large concentrated animal feeding operation
275 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with another
276 zone in which this use is allowed. Additionally, the area of confinement devoted to the feeding of the
277 animals in any new large concentrated animal feeding operation shall be set back at least one quarter-
278 mile from every property boundary.

279 (e)(e) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than
280 100 feet from a public street and not less than 25 feet from any side or rear lot line.
281 **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more
282 livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite,
283 completely enclosed within a building with no outdoor storage, and located on and with access directly
284 from a collector or arterial street.

285 (f) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more
286 than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not
287 less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
288

289 (e)(g) **Family food production.**

290 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
291 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
292 turkeys, five ducks, five geese, or five pigeons.

293 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
294 40,000 square feet.

295 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
296 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
297 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
298 fowl may be kept per each additional acre greater than two.

299 (f)(h) **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction
300 vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the same
301 lot or parcel on which it is parked, or the owner or operator's employee. This use shall:

- 302 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- 303 (2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural
- 304 use;
- 305 (3) Include no more than one three-axle truck, and no pups.
- 306 ~~(g)~~(i) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound
- 307 GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt
- 308 from these restrictions.
- 309 ~~(h)~~(i) **Temporary building or use.** The building or use shall be removed upon completion or
- 310 abandonment of the construction work.
- 311 ...
- 312

313 **CHAPTER 104-~~8~~13 FOREST RESIDENTIAL ZONES**

314 **Sec 104-13~~8~~-1 Zone Character And Objectives Purpose and Intent**

315 The purpose of the forest residential zone is to provide area for residential development in a forest setting.

316 ~~(a) The FR-1 zone is intended to provide at a low density development, as well as to protect as much as possible the naturalistic environment of the development.~~

318 ~~(a)(b) The FR-3 zone is intended to provide medium density residential uses of apartment clusters or~~
 319 ~~condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities~~
 320 ~~in the mountain areas of Weber County on the basis that such medium density multiple-family housing~~
 321 ~~is an integral and normal part of a recreational resort complex catering to the needs of both tourists and~~
 322 ~~permanent home ownership. This zone is intended to be used in mountain locations in areas associated~~
 323 ~~with major recreational resorts.~~

324 **Sec 104-13-2 (Reserved) Permitted Uses**

325 ~~The following uses are permitted in the Forest Residential Zone FR-1:~~

- 326 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~
 327 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
 328 ~~incidental to a main use.~~
- 329 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 330 ~~(c) Agriculture.~~
- 331 ~~(d) Animals and fowl kept for family food production.~~
- 332 ~~(e) Cluster subdivision, in accordance with title 108, chapter 3.~~
- 333 ~~(f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less~~
 334 ~~than 100 feet from a public street, and not less than 25 feet from any side or rear lot line, 40 feet from~~
 335 ~~the residence and 75 feet from the nearest adjacent residence.~~
- 336 ~~(g) Greenhouse, noncommercial only.~~
- 337 ~~(h) Home occupations.~~
- 338 ~~(i) Horses for private use only, and provided that not more than two horses may be kept for each one acre~~
 339 ~~of land - exclusively devoted to the keeping of horses.~~
- 340 ~~(j) Household pets which do not constitute a kennel.~~
- 341 ~~(k) Single family dwelling.~~
- 342 ~~(l) Temporary building for use incidental to construction work. Such building shall be removed upon the~~
 343 ~~completion or abandonment of the construction work.~~
- 344 ~~(m) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.~~

345 **Sec 104-13-3 Conditional Uses**

346 ~~The following uses shall be permitted only when authorized by a conditional use permit obtained as~~
 347 ~~provided in title 108, chapter 4 of this Land Use Code:~~

- 348 ~~(a) Bed and breakfast dwelling, subject to the following standards:~~
 - 349 ~~(1) Two parking spaces shall be provided for the host family plus one space for each guest room;~~
 - 350 ~~(2) Proprietor or owner shall occupy the property;~~
 - 351 ~~(3) Meals shall only be served to overnight guests;~~
 - 352 ~~(4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per~~
 353 ~~dwelling;~~
 - 354 ~~(5) Not more than two guests sleeping rooms per dwelling;~~
 - 355 ~~(6) Allowed only in existing dwellings with no exterior additions nor change in residential character;~~
 356 ~~and~~
 - 357 ~~(7) Business license shall be obtained.~~
- 358 ~~(b) Bed and breakfast inn, subject to the following standards and criteria:~~
 - 359 ~~(1) Proprietor or owner shall occupy the premises;~~
 - 360 ~~(2) Not more than seven sleeping rooms per inn.~~

Commented [E42]:

This section reformats the FR zones to follow the same conventions as other zone sections. No substantive changes are intended. This change also does two things:

- Moves the FR-1 zone from Chapter 104-13 to Chapter 104-8
- Deletes the FR-3 zone from Chapter 104-17 and consolidates it into Chapter 104-8 alongside its FR-1 counterpart.

These changes are intended to be predominantly administrative in nature, with no or limit substantive changes to ensure all pieces fit together. The overall goal, as with many other reformattings, is to consolidate the fragmented ordinances back into one cohesive and well organized set of ordinances.

Changes to the FR-1 and FR-3 zone are inconsequential to the agritourism changes. If anything in this section is controversial, then these can be easily dropped from the proposal.

Commented [E43]: Being moved here from the FR-3 chapter.

- 361 (3) ~~The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in~~
362 ~~width;~~
363 (4) ~~The lot shall have frontage on a major street as shown on the county general plan (state highway~~
364 ~~or county major street);~~
365 (5) ~~The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose~~
366 ~~of a bed and breakfast inn;~~
367 (6) ~~The inn shall be at least 300 feet from the nearest existing dwelling;~~
368 (7) ~~Two parking spaces shall be provided for the host family plus one space for each guest sleeping~~
369 ~~room;~~
370 (8) ~~The guest parking shall be in the rear of the inn;~~
371 (9) ~~Meals shall be served to registered overnight guests only;~~
372 (10) ~~Signs are limited to one nameplate or one identification sign of not more than eight square feet in~~
373 ~~area;~~
374 (11) ~~The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape~~
375 ~~plan shall be submitted with site plan;~~
376 (12) ~~The inn shall be of a historic period or other distinguishable architectural style or design so as not~~
377 ~~to resemble the modern block motel appearance;~~
378 (13) ~~A business license shall be obtained;~~
379 (14) ~~All units to be in one building together with owner's residence.~~
380 (c) ~~Church, synagogue or similar permanent building used for regular religious worship.~~
381 (d) ~~Educational institution, with five acre minimum lot size.~~
382 (e) ~~Educational/institutional identification sign.~~
383 (f) ~~Golf course, except miniature golf.~~
384 (g) ~~Parking lot accessory to uses permitted in this zone.~~
385 (h) ~~Private park, playground or recreation area, but not including privately owned commercial amusement~~
386 ~~business.~~
387 (i) ~~Public building, public park, recreation grounds and associated buildings.~~
388 (j) ~~Ski resorts, including summer skateboard activities as an accessory use.~~
389 (k) ~~Water storage reservoir developed by a public agency.~~

390

391 **Sec 104-8-3 Land Use Table**

392 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
 393 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
 394 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
 395 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

396 (a) Accessory uses. An accessory use is prohibited unless located on the same lot or parcel as the
 397 main use to which it is accessory.

	FR-1	FR-3	Special Regulations
Accessory building, accessory and incidental to the use of a main building.	P	P	
Accessory dwelling unit.	P	P	See Title 108, <u>Chapter 19</u>
Accessory use, accessory and incidental to the main use.	P	P	
Family food production, accessory to a residential use.	P	N	<u>See Section 104-8-4</u>
Home occupation, accessory to a residential use.	P	P	<u>See Chapter 108-13</u>
Household pets, accessory to a residential use.	P	P	-
Lockout sleeping room, accessory to a dwelling unit.	N	C	No more than two per dwelling unit.
Main building, designed or used to accommodate the main use.	P	P	
Parking lot, accessory to a main use allowed in the zone.	C	<u>P</u>	
Temporary building or use, accessory and incidental to onsite construction work.	P	P	<u>See Section 104-8-4</u>

Commented [E44]: All of the blackline changes in the following tables are provisions that already exist in either the FR-1 or FR-3 zones.

398 (b) Agricultural uses, non-animal.

	FR-1	FR-3	Special Regulations
Agriculture.	P	N	
Greenhouse and nursery.	P	N	Onsite sales are limited to plants produced on the premises.

399 (c) [Animal-related noncommercial uses.](#) The following are animal-related uses that do not and shall not
400 typically generate customer-oriented traffic to the lot or parcel.

	FR-1	FR-3	Special Regulations
Animal grazing. Animal grazing, as defined in Section 101-2.	P	N	See Section 104-8-4
Apiary.	P	N	-
Aviary.	P	N	-
Corral, stable or building for keeping animals or fowl.	P	N	See Section 104-8-4
Stable for horses, noncommercial.	P	N	Horses shall be for noncommercial use only. No more than two horses shall be kept for each one acre of land used for the horses.

Commented [E45]: Corralling and stabling are currently allowed in the FR-1 zone, but for some reason grazing is not. Suggest adding.

Commented [E46]: Can't think of a reason why the FR-1 zone does not currently allow apiaries.

Commented [E47]: This use is currently combined into "Corral, stable or building for keeping animals or fowl..."

401 (d) [Commercial uses.](#) The following are uses that typically generate for-profit customer-oriented traffic to
402 the lot or parcel.

	FR-1	FR-3	Special Regulations
Conference or education center.	N	C	
Golf course, except miniature golf course.	C	N	
Ski resort.	C	N	-

403 (e) [Institutional uses.](#)

	FR-1	FR-3	Special Regulations
--	----------------------	----------------------	-------------------------------------

Church, synagogue, or similar building used for regular religious worship.	C	N	
Public building.	C	C	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	C	N	Five acre minimum use in FR-1 Zone.

404 (f) Residential uses.

	<u>FR-1</u>	<u>FR-3</u>	<u>Special Regulations</u>
Bed and breakfast dwelling.	C	N	See Section 104-8-4
Bed and breakfast inn.	C	C	See Section 104-8-4
Condominium rental apartment (condo-tel), or timeshare building.	N	C	
Dwelling, single-family.	P	P	
Dwelling, two-family.	N	P	
Dwelling, three-family.	N	P	
Dwelling, four-family.	N	P	
Dwelling, multi-family.	N	C	
Group dwelling.	N	C	See Section 108-7-11
Lodging house.	N	C	See Section 104-8-4
Recreation lodge.	N	C	
Residential facility for disabled persons.	P	P	See Section 108-7-13
Short-term rental.	N	P	See Title 108, Chapter 11

405 (g) Recreational noncommercial uses. The following are recreational uses that are typically owned or
 406 operated by a nonprofit or governmental entity.

	FR-1	FR-3	Special Regulations
Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	
Public park, recreation grounds and associated buildings.	C	C	

407 (h) Utility uses.

	FR-1	FR-3	Special Regulations
Public utility substations.	C	C	-
Water storage reservoir, when developed by a utility service provider.	C	N	See Title 108, Chapter 10

408

409 **Sec 104-13-4 Permitted Signs And Regulations**

410 ~~Signs shall meet requirements of chapter 32B, Valley Commercial Signs if located within the Ogden Canyon~~
 411 ~~or Ogden Valley area.~~

412 **Sec 104-8-4 Special Regulations**

413 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-8-3. Due
 414 to the nature of the use, each shall be further regulated as follows:

415 (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals, except
 416 when in compliance with the following:

417 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
 418 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

419 (2) It shall not exceed a density of 40 head per acre of used land.

420 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
 421 parcel of land.

422 (a)(b) Bed and breakfast dwelling. This use is subject to the following:

- 423 (1) Two parking spaces shall be provided for the owner plus one space for each guest room;
- 424 (2) Proprietor or owner shall occupy the property;
- 425 (3) Meals shall only be served to overnight guests;
- 426 (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per
 427 dwelling;
- 428 (5) Not more than two guests sleeping rooms per dwelling;
- 429 (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
 430 and

Commented [E48]: Pasting these regulations in from the corresponding section of the agricultural zones chapter. (For consistency)

Commented [E49]: A standard provision for this use in other zones that allow it.

431 (7) Business license shall be obtained.

432 ~~(b)~~(c) **Bed and breakfast inn or lodging house.** This use is subject to the following:

- 433 (1) Proprietor or owner shall occupy the premises.
- 434 (2) Two parking spaces shall be provided for the owner plus one space for each guest sleeping room.
- 435 (3) Meals shall be served to registered overnight guests only.
- 436 (4) Signs are limited to one nameplate or one identification sign.
- 437 (5) A business license shall be obtained.
- 438 (6) The following are additional standards applicable in the FR-1 zone:
 - 439 a. Not more than seven sleeping rooms allowed, with all located within the same building as the
 - 440 owner's residence.
 - 441 b. The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in
 - 442 width.
 - 443 c. The lot shall have frontage on a major street as shown on the county general plan (Arterial
 - 444 Street or Collector Street).
 - 445 d. The lot shall not be in a recorded subdivision unless the lot is specifically created for the
 - 446 purpose of a bed and breakfast inn.
 - 447 e. The inn shall be at least 300 feet from the nearest existing dwelling.
 - 448 f. The guest parking shall be in the rear of the inn.
 - 449 g. Signs are limited to one nameplate or one identification sign of not more than eight square feet
 - 450 in area.
 - 451 h. The site shall be landscaped to provide a visual and noise buffer to adjoining property; a
 - 452 landscape plan shall be submitted with site plan.
 - 453 i. The inn shall be of a historic period or other distinguishable architectural style or design so as
 - 454 not to resemble the modern block motel appearance.

455 (d) Corral, stable or building for keeping animals or fowl. This use shall be located no less than 100
456 feet from a public street and not less than 25 feet from any side or rear lot line.

457 (e) Family food production.

458 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
459 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
460 turkeys, five ducks, five geese, or five pigeons.

461 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
462 40,000 square feet.

463 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
464 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
465 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
466 fowl may be kept per each additional acre greater than two.

467 ~~(e)~~(f) **Group dwelling.** Group dwellings shall be considered as one building for the purpose of setback
468 requirements, with the entire group of dwellings as one unit requiring one front, one rear, and two side
469 yards as specified for dwellings. No two separate dwelling structures shall be closer than 30 feet.

470 (g) Lodging house. See bed and breakfast inn.

471 ~~(d)~~(h) **Temporary building or use.** The building or use shall be removed upon completion or
472 abandonment of the construction work.

473 **Sec 104-138-5 Site Development Standards**

474 The following site development standards apply to a lot or parcel in the Forest Residential Zones FR-1, and
475 FR-3, unless specified otherwise in this Land Use Code.

476

Commented [E50]: A standard provision for this use in other zones that allow it.

Commented [E51]: A standard provision for this use in other zones that allow it.

477

478 (a) Lot area:

<u>LOT AREA</u>	<u>FR-1</u>	<u>FR-3</u>	
		<u>Septic¹</u>	<u>Sewer²</u>
Single-Family Dwelling. The minimum Lot Area for a Single-Family Dwelling shall be:	1 acre	20,000 square feet ⁵	6,000 square feet ⁵
Non-Single-Family Dwelling. The minimum Lot Area for all Dwellings other than a Single-Family Dwelling:		20,000 square feet per building ^{3,5}	7,500 square feet per building ^{4,5}
Other main building. The minimum Lot Area for a main building other than a Dwelling:			

479 ¹ For the purposes of this table, "septic" means an onsite individual wastewater system, such as a septic system.
 480 ² For the purposes of this table, "sewer" means an onsite community, group, or shared wastewater system, such as a
 481 community sewer system.
 482 ³ An additional 8,000 square feet of Lot area is required for each Dwelling Unit in excess of one per building, and there shall
 483 not be more than 4 dwelling units per net developable acre.
 484 ⁴ An additional 2,000 square feet of Lot area is required for each Dwelling Unit in excess of two per building, and there shall
 485 not be more than 20 dwelling units per net developable acre.
 486 ⁵ An additional 500 square feet of Lot Area is required for each rental or Lockout Sleeping Room, and there shall not be
 487 more than 40 rental or Lockout Sleeping Rooms per net developable acre if on sewer, or eight if on septic.

488 (b) Lot width:

<u>LOT WIDTH</u>	<u>FR-1</u>	<u>FR-3</u>
Minimum for all uses:	150 feet ¹	60 feet

489 ¹ The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third as
 490 long as the required minimum lot width is provided when measured at a distance of 70 feet back from the front lot line in the
 491 FR-1 Zone.

492 (c) Yard setback:

493 (1) Front yard setback:

<u>YARD SETBACK</u>	<u>FR-1</u>	<u>FR-3</u>
Minimum front yard setback:	30 feet ¹	25 feet ¹

494 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

495 (2) Side yard setback:

<u>SIDE YARD SETBACK</u>	<u>FR-1</u>	<u>FR-3</u>
Main building:	20 feet	8 feet ¹
Accessory building:		8 feet, except one foot if located at least six feet in rear of main building.
Corner lot, side facing street:		20 feet

496 ¹ The combination of the two required side yards shall not be less than 18 feet, plus one additional foot on each
 497 side for each foot of building height greater than 35 feet.

498 (3) **Rear yard setback:**

<u>REAR YARD SETBACK</u>	<u>FR-1</u>	<u>FR-3</u>
Main building:	30 feet	30 feet
Accessory building:	10 feet	1 foot, except 8 feet when on a corner Lot and adjacent to the adjoining Lot's front-yard.

499 (e)(d) **Building height:**

<u>BUILDING HEIGHT</u>	<u>FR-1</u>	<u>FR-3</u>
Minimum main building height:	1 story	
Maximum main building height:	35 feet	
Maximum accessory building height:	25 feet ¹	

¹ Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

501 (e)(e) **Lot coverage:**

<u>LOT COVERAGE</u>	<u>FR-1</u>	<u>FR-3</u>
The maximum lot coverage of all buildings:	N/A	40 percent ¹

¹ At least 40 percent of the lot shall be left in open green space.

503 (e)(f) **Floor to area ratio:**

<u>FLOOR TO AREA RATIO</u>	<u>FR-1</u>	<u>FR-3</u>
The maximum ratio of total building floor-area to Lot area:	N/A	1:1

504
505 The following site development standards shall apply to the Forest Residential Zone FR-1:

Minimum lot area	1 acre
Minimum lot width	150 feet, except the width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the lot has the required lot width at a distance of 70 feet back from the front lot line
Minimum yard setbacks	
Front	30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width
Side	20 feet
Rear	

Main building	30 feet
Accessory building	40 feet
Main building height	
Minimum	1 story
Maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings

506 ...
507

508 **CHAPTER 104-9 FOREST ZONES F-5, F-10, AND F-40**

509 **Sec 104-9-1 Purpose**

510 (a) The intent of the forest zones is to protect and preserve the natural environment of those areas of the
511 county that are characterized by mountainous, forest or naturalistic land, and to permit development
512 compatible to the preservation of these areas.

513 (b) The objectives in establishing the forest zones are:

514 (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the
515 natural resources, vegetation and attractions;

516 (2) To reduce the hazards of flood and fire;

517 (3) To prevent sanitation and pollution problems and protect the watershed;

518 (4) To provide areas for private and public recreation and recreation resorts; and

519 (5) To provide areas for homes, summer homes, and summer camp sites.

520 **Sec 104-9-2 (Reserved) Permitted Uses**

521 ~~The following uses are permitted in Forest Zones F-5, F-10, and F-40:~~

522 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~
523 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
524 ~~incidental to a main use.~~

525 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~

526 ~~(c) Agriculture.~~

527 ~~(d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.~~

528 ~~(e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to~~
529 ~~the animal. The keeping of animals and fowl for family food production. Golf course, except miniature~~
530 ~~golf courses.~~

531 ~~(f) Home occupations.~~

532 ~~(g) Household pets.~~

533 ~~(h) Private stables, not to exceed one horse per acre.~~

534 ~~(i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements~~
535 ~~of the Forest Campground Ordinance of Weber County; public buildings.~~

536 ~~(j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less~~
537 ~~than 180 days for recreational use only and not for longer-term placement nor for full-time living. The~~
538 ~~following additional conditions shall apply:~~

539 (1) ~~The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-~~
540 ~~40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster~~
541 ~~subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this~~
542 ~~chapter.~~

543 (2) ~~County environmental health department approval as to waste disposal by an approved septic tank~~
544 ~~and drain field with approved connection to the R.V., and a land use permit from the county planning~~
545 ~~commission for each unit, which shall expire after 180 days from date of issue, and including only~~
546 ~~the following accessory uses: not more than one storage shed of not more than 200 square feet~~
547 ~~per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck~~
548 ~~of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace;~~
549 ~~picnic table and chairs and tent type screens.~~

Commented [E52]: This section reformats the F zones to follow the same conventions as other zone sections. No substantive changes are intended except to add agritourism as an allowed use in all forest zones.

550 ~~(3) A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or parcel as~~
551 ~~qualified in subsection (f)(2) of this section containing a minimum area of two acres excluding land~~
552 ~~known as common land and/or open space.~~

553 ~~(4) The following state and local division of health codes and requirements are complied with:~~

- 554 ~~a. International Utah Plumbing Code.~~
- 555 ~~b. Rules and regulations relating to public water supplies.~~
- 556 ~~c. Code of Waste Disposal Regulations.~~
- 557 ~~d. Code of Solid Waste Disposal Regulations.~~
- 558 ~~e. Recreation regulations.~~

559 ~~(k) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley~~
560 ~~area.~~

561 ~~(l) Single-family residences.~~

562 **Sec 104-9-3 Land Use Table Conditional Uses**

563 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
564 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
565 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
566 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

567 (i) Accessory uses. An accessory use is prohibited unless located on the same lot or parcel as the
568 main use to which it is accessory.

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Accessory building, accessory and incidental to the use of a main building.	P	P	P	
Accessory dwelling unit.	P	P	P	See Title 108, <u>Chapter 19.</u>
Accessory use, accessory and incidental to the main use.	P	P	P	
Family food production, accessory to a residential use.	P	P	P	<u>See Section 104-9-4</u>
Home occupation, accessory to a residential use.	P	P	P	See <u>Chapter 108-13.</u>
Household pets, accessory to a residential use.	P	P	P	
Main building, designed or used to accommodate the main use.	P	P	P	

Skeet or trap shooting , when accessory to a public or private camp.	C	C	C	
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569 (j) [Agricultural uses, non-animal.](#)

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Agriculture.	P	P	P	
<u>Aquaculture.</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Commented [E53]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use per other chapters.

570 (k) [Animal-related noncommercial uses.](#) The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

571

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Animal grazing. Animal grazing, as defined in Section 101-2.	P	P	P	<u>See Section 104-9-4.</u>
<u>Apiary.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Aquaculture, animal related.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Aviary.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Corral, stable or building for keeping animals or fowl.	P	P	P	<u>See Section 104-9-4.</u>

Commented [E54]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

Commented [E55]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

Commented [E56]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

572 (l) [Commercial uses.](#) The following are uses that typically generate for-profit customer-oriented traffic to the lot or parcel.

573

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Agritourism.	C	C	C	<u>See Chapter 108-21.</u>
Campground and picnic area.	C	C	C	<u>See Title 108, Chapter 20.</u>
Conference/education center.	C	C	C	

Commented [E57]: Adding the use to the F-10 and F-40 zones.

Forest industries. Production of forest products.	C	C	C	
Dude ranch.	C	C	C	
Golf course, except miniature golf course.	P	P	P	
Skeet or trap shooting range	N	N	C	
Ski resort.	C	C	C	

574 (m) Institutional uses.

	F-5	F-10	F-40	Special Regulations
Cemetery.	C	C	C	
Church, synagogue or similar building used for regular religious worship.	C	C	C	

575 (n) Residential uses.

	F-5	F-10	F-40	Special Regulations
Recreation lodge	C	C	C	
Single-family dwelling.	P	P	P	

576 (o) Recreational noncommercial uses. The following are recreational uses that are typically owned or operated by a nonprofit or governmental entity.

	F-5	F-10	F-40	Special Regulations
Recreational vehicle parking.	P	P	P	See Section 104-9-4
Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	C	-
Public campground and picnic area.	P	P	P	See Title 108, Chapter 20 .

Public park, recreation grounds and associated buildings.	P	P	P	
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578 (p) Utility uses.

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Hydro-electric dam.	C	C	C	
Public utility substations.	C	C	C	
Radio or television station or tower.	C	C	C	
Wastewater treatment or disposal facilities	C	C	C	
Water storage reservoir, when developed by a utility service provider.	C	C	C	See Title 108, Chapter 10.

579 (q) Other uses.

	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>	<u>Special Regulations</u>
Heliport.	N	N	C	See Section 104-9-4
Mines, quarries, gravel pits.	C	C	C	Compliance with the Weber County Excavation and Clean Fill Ordinance required.

580
581 ~~The following uses shall be permitted only when authorized by a conditional use permit obtained as~~
582 ~~provided in this Land Use Code:~~

583 ~~(a) Agri-tourism, in the Forest-5 Zone, subject to the requirements of the Weber County Agri-Tourism~~
584 ~~Ordinance.~~

585 ~~(b) Cemeteries, Churches.~~

586 ~~(c) Forest industries; production of forest products.~~

587 ~~(d) Dams.~~

588 ~~(e) Educational/Institutional identification sign.~~

589 ~~(f) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber~~
590 ~~County Excavation Ordinance.~~

591 ~~(g) Private parks and recreation grounds, Private campgrounds and picnic areas meeting the requirements~~
592 ~~of the Forest Campground Ordinance of Weber County. Dude ranches.~~

- 593 ~~(h) Public utility substations and transmission lines.~~
- 594 ~~(i) Radio and television towers.~~
- 595 ~~(j) Ski resorts.~~
- 596 ~~(k) Skeet and trap shooting ranges as an accessory use to public and/or private camps in the F-5 and F-~~
- 597 ~~40 Zones.~~
- 598 ~~(l) Skeet and trap shooting ranges in the F-40 Zones.~~
- 599 ~~(m) Water pumping plants and reservoirs.~~
- 600 ~~(n) Wastewater treatment or disposal facilities meeting the requirements of the Utah State Department of~~
- 601 ~~Environmental Quality Division of Water Quality but not including individual water disposal systems.~~
- 602 ~~(o) Recreation lodge.~~
- 603 ~~(p) Conference/education center.~~
- 604 ~~(q) Heliport in the F-40 Zone subject to the following standards:~~
- 605 ~~(1) A heliport must be located on a single parcel of record which is not less than 40 acres in area.~~
- 606 ~~(2) A heliport must be located at an elevation of at least 6,200 feet above sea level.~~
- 607 ~~(3) A heliport must be located at least 200 feet from any property line. The planning commission may~~
- 608 ~~grant exceptions to the setback requirement if it can be demonstrated that locating the heliport~~
- 609 ~~closer than 200 feet to the property line provides a more beneficial situation for purposes of safety,~~
- 610 ~~noise abatement, access, or other valid reasons as determined by the planning commission.~~
- 611 ~~(4) The heliport landing surface must be dust-proof and free from obstructions.~~
- 612 ~~(5) Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation~~
- 613 ~~Administration (FAA) is required, if necessary.~~
- 614 **Sec 104-9-4 Special Regulations**
- 615 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-9-3. Due
- 616 to the nature of the use, each shall be further regulated as follows:
- 617 (i) **Animal grazing.** No more than one horse or cow per acre of land exclusively devoted to the animal.
- 618 This use shall not include the supplementary or full feeding of the animals, except when in compliance
- 619 with the following:
- 620 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
- 621 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 622 (2) It shall not exceed a density of 40 head per acre of used land.
- 623 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
- 624 parcel of land.
- 625 (j) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100
- 626 feet from a public street and not less than 25 feet from any side or rear lot line.
- 627 (k) **Family food production.**
- 628 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
- 629 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
- 630 turkeys, five ducks, five geese, or five pigeons.
- 631 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
- 632 40,000 square feet.
- 633 ~~(1)~~(3) No more than six combined sets of Group A animals and sets of Group B animals or fowl
- 634 may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater

Commented [E58]: Pasting these regulations in from the corresponding section of the agricultural zone chapter. (For consistency)

Commented [E59]: A standard provision for this use in other zones that allow it.

Commented [E60]: A standard provision for this use in other zones that allow it.

Commented [E61]: A standard provision for this use in other zones that allow it.

than two acres, except that an additional six combined sets of Group A and sets of Group B animals or fowl may be kept per each additional acre greater than two.

(l) **Heliport.** This use shall comply with the following minimum standards:

- (1) It shall be located on a single parcel of record which is not less than 40 acres in area.
- (2) It shall be located at an elevation at least 6,200 feet above sea level.
- (3) It shall be located at least 200 feet from any property line. The Land Use Authority may grant exceptions to this setback if it can be demonstrated that locating the heliport closer than 200 feet to the property line provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the Land Use Authority.
- (4) The landing surface shall be dust proof and free from obstructions.
- (5) Prior to the issuance of a permit, written approval from the Federal Aviation Administration (FAA) is required, if necessary.

Commented [E62]: Already in current code. Just reformatting and moving here.

(m) **Recreational vehicle use.** One recreational vehicle shall be temporarily parked on a lot or parcel for periodic short-term intervals of 180 days or less and shall be limited to recreational use only and not for longer term placement or for full-time living. The use may be accompanied by no more than one storage shed no greater than 200 square feet and shall not include electrical or plumbing, one prepared recreational vehicle pad, one raised deck of no more than two feet in height adjacent to the recreational vehicle, one outdoor camp fireplace, and picnic table, chairs, tent-type screen. The following additional conditions shall apply:

- (1) The lot shall meet minimum lot requirements as specified in this Land Use Code, or be a nonconforming lot as specified in Title 108, Chapter 12.
- (2) Health department approval is required for waste disposal by an approved septic tank and drain field with approved connection to the recreation vehicle.

Commented [E63]: Already in current code. Just reformatting and moving here.

Sec 104-9-4.5 Site Development Standards Minimum Lot Area, Width And Yard Regulations

The following minimum lot areas, widths, and yard regulations apply to the Forest Zones F-5, F-10, and F-40:

The following site development standards apply to a lot or parcel in the Forest Zone F-5, F-10, and F-40, unless specified otherwise in this Land Use Code.

(f)(g) **Lot area:**

LOT AREA	F-5	F-10	F-40
Minimum for all uses:	5 acres	10 acres	40 acres

(g)(h) **Lot width:**

LOT WIDTH	F-5	F-10	F-40
Minimum for all uses:	300 feet ¹	400 feet ¹	660 feet ¹

¹The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the required minimum lot width is provided when measured at a distance of 100 feet back from the front lot line in the F-5 Zone; 140 feet in the F-10 Zone.

(i) **Yard setback:**

- (1) **Front yard setback:**

LOT WIDTH	F-5	F-10	F-40

Minimum front yard setback:	30 feet ¹	50 feet ¹	75 feet ¹
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¹See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

(2) Side yard setback:

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Minimum for all uses:	20 feet	20 feet	40 feet

(3) Rear yard setback:

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Main building:	30 feet		
Accessory building:	10 feet		

~~(h)~~(j) Building height:

<u>LOT WIDTH</u>	<u>F-5</u>	<u>F-10</u>	<u>F-40</u>
Minimum main building height:	1 story		
Maximum main building height:	35 feet		
Maximum accessory building height:	25 feet ¹		

¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

	F-5 Zone	F-10 Zone	F-40 Zone
Area	5 acres	10 acres	40 acres
Width	300 ft.*	400 ft.*	660 ft.*
**			
Yard, front	30 ft.+	50 ft.	75 ft.
Yard, side	20 ft.	20 ft.	40 ft.
Yard, rear	30 ft.	30 ft.	30 ft.

1)*The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the required minimum lot width is provided back from the front lot line at a distance of 100 feet in the F-5 Zone; 140 feet in the F-10 Zone.

2)**In the F-40 Zone where property lot lines follow a basic rectangular pattern based upon section lines or regular divisions of section lines, road frontage requirements may be reduced to a minimum of 100 feet for each lot, but this in no way permits a reduction in the minimum required lot width which must be maintained.

3) + In the F-5 Zone, front yard setbacks will be 50 feet on right-of-way of 80 feet or more.

4) Main building maximum height	35 ft.	35 ft.	35 ft.
5) Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings.		

678 ...

679

680 **CHAPTER 104-10 SHORELINE ZONE S-1**

681 **Sec 104-10-1 Purpose and Intent**

- 682 (a) The shoreline zone has been established as a district in which the primary use of the land is for farming
683 and for recreational purposes. In general, this zone covers the portion of the unincorporated area of
684 the county ~~which that~~ is occupied by Pineview Reservoir and shores adjacent thereto.
- 685 (b) This zone is characterized by farms and pasture lands situated adjacent to the shore of the Pineview
686 Reservoir and interspersed by dwellings, recreational camps, resorts and outdoor recreation facilities.
- 687 (c) The ~~purposes of objectives in establishing~~ the Shoreline Zone S-1 are:
- 688 (1) To promote the use of the land for agriculture and for fish, wildlife and recreational purposes both
689 public and private;
- 690 (2) To facilitate the conservation of water and other natural resources;
- 691 (3) To reduce hazards from floods and fires;
- 692 (4) To preserve open space, natural scenic attractions, natural vegetation, and other natural features
693 within the zone;
- 694 (5) To ensure adequate provision for water supply, domestic sewage disposal and sanitation.
- 695 (d) In order to accomplish these objectives and purposes and to protect the essential characteristics of the
696 zone, the following regulations shall apply in the Shoreline Zone S-1.

697 **Sec 104-10-2 (Reserved) Permitted Uses**

698 ~~The following uses are permitted in the Shoreline Zone S-1:~~

- 699 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to
700 accommodate the main use to which the premises are devoted; and accessory uses customarily
701 incidental to a main use.~~
- 702 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 703 ~~(c) Agriculture, grazing and pasturing of animals.~~
- 704 ~~(d) Boating.~~
- 705 ~~(e) Cemeteries.~~
- 706 ~~(f) Fishing.~~
- 707 ~~(g) Golf courses, excluding miniature golf courses.~~
- 708 ~~(h) Home occupations.~~
- 709 ~~(i) Keeping of animals and fowl for family food production.~~
- 710 ~~(j) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements
711 of the Forest Campground Ordinance of Weber County. Public buildings~~
- 712 ~~(k) Single-family dwelling. Signs.~~
- 713 ~~(l) Water skiing and other water recreation activities.~~

714 **Sec 104-10-3 Land Use Table Conditional Uses**

715 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
716 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
717 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
718 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

- 719 (a) Accessory uses. An accessory use is prohibited unless located on the same lot or parcel as the
720 main use to which it is accessory.

Commented [E64]: Consolidating into Land Use Tables.

	S-1	Special Regulations
Accessory building , accessory and incidental to the use of a main building.	P	-
Accessory dwelling unit.	P	See Chapter 108-19.
Accessory use , accessory and incidental to the main use.	P	-
Family food production , accessory to a residential use.	P	See Section 104-10-4
Home occupation , accessory to a residential use.	P	See Chapter 108-13.
Household pets , accessory to a residential use.	P	-
Main building , designed or used to accommodate the main use.	P	-

Commented [E65]: Other zones specifically list this as an accessory use. Omitting it here but specifically listing it elsewhere makes it not allowed in this zone by inference.

721 (b) [Agricultural uses, non-animal.](#)

	S-1	Special Regulations
Agriculture.	P	-
Aquaculture.	P	-

Commented [E66]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

722 (c) [Animal-related noncommercial uses.](#) The following are animal-related uses that do not and shall not
723 typically generate customer-oriented traffic to the lot or parcel.

	S-1	Special Regulations
Animal grazing. Animal grazing, as defined in Section 101-2.	P	See Section 104-10-4.
Apiary.	P	-
Aquaculture, animal related.	P	-
Aviary.	P	-
Corral, stable or building for keeping animals or fowl.	P	See Section 104-10-4.

Commented [E67]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

Commented [E68]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

Commented [E69]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

724 (d) Commercial uses. The following are uses that typically generate for-profit customer-oriented traffic to
 725 the lot or parcel.

	<u>S-1</u>	<u>Special Regulations</u>
<u>Agritourism.</u>	C	See Chapter 108-21.
Golf course , except miniature golf course.	P	-

Commented [E70]: Applicant's request

726 (e) Institutional uses.

	<u>S-1</u>	<u>Special Regulations</u>
Cemetery.	P	-
<u>Church, synagogue or similar building used for regular religious worship.</u>	P	-

727 (f) Residential uses.

	<u>S-1</u>	<u>Special Regulations</u>
Single-family dwelling.	P	-

728 (g) Recreational noncommercial uses. The following are recreational uses that are typically owned or
 729 operated by a nonprofit or governmental entity.

	<u>S-1</u>	<u>Special Regulations</u>
Private park, playground or recreation area. No privately owned commercial amusement business.	C	-
Public campground and picnic area.	P	See Chapter 108-20.
Public park, recreation grounds and associated buildings.	P	-

730 (h) Utility uses.

	<u>S-1</u>	<u>Special Regulations</u>
Hydro-electric dam.	C	-
Public utility substations.	C	-
Radio or television station or tower.	C	-

731 The following uses shall be permitted only when authorized by a conditional use permit as provided in title
732 108, chapter 4 of this Land Use Code:

- 733 (1) ~~Hydro electric dams.~~
- 734 (2) ~~Private parks and recreation grounds. Private campgrounds and picnic areas meeting the~~
735 ~~requirements of the Forest Campground Ordinance of Weber County. Public utility substations and~~
736 ~~transmission lines.~~
- 737 (3) ~~Public utility substations.~~
- 738 (4) ~~Radio and television towers.~~

739 **Sec 104-10-7.4 Special Regulations Provisions**

740 ~~(b)~~(a) General use regulations. The above specified uses shall be permitted only under the following
741 conditions:

- 742 (1) Public health requirements concerning domestic water supply and sewage disposal shall comply
743 with provisions of section 108-7-9.
- 744 (2) No building or structure shall be constructed within the boundaries of any public reservoir as
745 determined by the public agency having jurisdiction or within the boundaries of any natural
746 waterway or watercourse as determined by the county engineer wherein no buildings or structures
747 shall be constructed or land subdivided. Where buildings are to be constructed within 50 feet of the
748 exterior boundaries of a flood channel existing at the effective date of the ordinance from which this
749 chapter is derived, adequate measures must be taken as determined by the Weber County
750 Engineer so as to protect the building or structure from damage due to floods and so as not to
751 increase the hazard to surrounding lands and buildings.
- 752 (3) The required yard space shall be kept free of debris, refuse or other inflammable material which
753 may constitute a fire hazard.

754 ~~(4) Maximum height: 35 feet.~~

755 (b) Specific use regulations. The uses listed below correspond with certain uses listed in the Land Use
756 Table in Section 104-10-3. Due to the nature of the use, each shall be further regulated as follows:

757 (1) Animal grazing. This use shall not include the supplementary or full feeding of the animals, except
758 when in compliance with the following:

- 759 a. It may only be carried on during times that are reasonable and necessary due to lack of natural
760 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 761 b. It shall not exceed a density of 25 head per acre of used land.
- 762 c. It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
763 parcel of land.

764 (2) Corral, stable or building for keeping animals or fowl. This use shall be located no less than
765 100 feet from a public street and not less than 25 feet from any side or rear lot line.

766 (3) Family food production.

767 a. As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one
768 goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants,
769 five turkeys, five ducks, five geese, or five pigeons.

770 b. No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less
771 than 40,000 square feet.

772 c. No more than six combined sets of Group A animals and sets of Group B animals or fowl may
773 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater
774 than two acres, except that an additional six combined sets of Group A and sets of Group B
775 animals or fowl may be kept per each additional acre greater than two.

Commented [E71]: Redundant.

Commented [E72]: Pasting these regulations in from the corresponding section of the agricultural zones chapter. (For consistency)

Commented [E73]: A standard provision for this use in other zones that allow it.

Commented [E74]: A standard provision for this use in other zones that allow it.

Commented [E75]: A standard provision for this use in other zones that allow it.

776 **Sec 104-10-5 Site Development Standards ~~Front Yard Regulations~~**

777 [The following site development standards apply to a lot or parcel in the Shoreline zone, unless specified](#)
 778 [otherwise in this Land Use Code.](#)

779 ~~(k)~~ **Lot area:**

	S-1
Minimum for all uses:	5 acres

780 ~~(l)~~ **Lot width:**

	S-1
Minimum for all uses:	300 feet

781 **(m) Yard setback:**

782 (1) **Front yard setback:**

	S-1
Minimum front yard setback:	30 feet ¹

783 ¹See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

784 (2) **Side yard setback:**

	S-1
Minimum for all uses:	20 feet

785 (3) **Rear yard setback:**

	S-1
Main building:	30 feet
Accessory building:	10 feet

786 ~~(n)~~ **Building height:**

	S-1
Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet ¹

787 ¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

788 **Sec 104-10-4 Area Regulations Building Site Area Required**

789 The minimum lot and building site area shall be one recorded lot or parcel of land not less than five acres
790 and a minimum width of 300 feet for each dwelling or use.

791 **Sec 104-10-5 Front Yard Regulations**

792 The following front yard regulations shall apply in the Shoreline Zone S-1:

793 (a) 30 feet on streets of less than 80 feet in width;

794 (b) 100 feet on streets and highways of 80 feet or more in width.

795 **Sec 104-10-6 Side And Rear Yard Regulations**

796 Side and rear yard regulations shall be the same as for Forest Residential Zone FR-1.

797 ...

798 **CHAPTER 104-13 (RESERVED) FOREST RESIDENTIAL ZONES**

799 ...

800 **CHAPTER 104-17 (RESERVED) FOREST RESIDENTIAL ZONE FR-3**

801 ...

802 **TITLE 108 STANDARDS**

803 ...

804 **CHAPTER 108-21 AGRITOURISM**

805 **Sec 108-21-1 Purpose And Intent**

806 The County desires to create a culture that supports and celebrates its agrarian heritage and open spaces
807 in the unincorporated areas. This chapter's purpose is to do this by providing owners of agricultural
808 operations the ability to generate additional income from land uses that are not otherwise allowed in the
809 zone, provided those uses are accessory, incidental, and inextricably related to the an onsite agricultural
810 operation. The intent of this chapter is to create allowances and regulations that govern agriculture-oriented
811 land uses that cater to tourists and other visitors coming to the site for recreational, educational,
812 gastronomical, or similar agriculture-oriented attraction.

813 ~~The purpose of this chapter is to provide support and economically feasible land use alternatives to local~~
814 ~~and enterprising farm owners who are devoted to their land and are committed to providing authentic,~~
815 ~~agriculturally related products and experiences to the public. Agriculture is a very important contributor to~~
816 ~~Utah's economy and, observably, an integral and indispensable part of Weber County's rich cultural~~
817 ~~heritage; therefore, it is the county's desire to create an environment in which agriculture is not only~~
818 ~~encouraged but can thrive. It is intended to benefit farm owners and the residents of Weber County through~~
819 ~~its ability to generate supplementary farm income while promoting the preservation of agricultural open~~
820 ~~space and significantly enhancing leisure, recreational, educational, and gastronomic opportunities for those~~
821 ~~in pursuit of such experiences in a rural farmland setting.~~

822 **Sec 108-21-2 Applicability and Qualifications**

823 (a) Applicability. The standards found in this chapter shall apply to all agritourism operations. Application
824 and review provisions for an agritourism conditional use permit are set forth in Title 108, Chapter 4 of
825 this Land Use Code. Any additional detail required by this chapter shall supplement the conditional use
826 permit application. An agritourism event or activity that operates outside of expected hours of operation,
827 or that involves crowds in a number greater than that which can be served by existing facilities, shall
828 obtain a Special Event Permit pursuant to Title 38 of the Weber County Code.

Commented [E76]: Proposal moves the entire FR-3 Zone into Chapter 104-8.

Commented [E77]: This paragraph is intended to do the same thing while also eliminating fluff and subjective language.

829 agri-tourism applications/operations. Also, all agri-tourism operations are subject to title 108, chapter 4 of
830 this Land Use Code (conditional uses) which regulates the conditional use permit application and review
831 process. This process may include, but is not limited to, a review by the Weber County Planning Division,
832 Building Inspection Division, Engineering Division, and Sheriff's Office. Other review agencies may include
833 the Weber-Morgan Health Department, Weber Fire District, Utah State University Cooperative Extension,
834 and/or other various agencies. Agri-tourism events that operate outside of normal day-to-day hours and/or
835 involve spectators in a number greater than that which can be served by existing facilities shall be subject
836 to title 38, special events. Other ordinances, codes and/or regulations may apply; therefore, it shall be the
837 responsibility of the applicant to know and understand all applicable standards and agency requirements.

838 (b) **Primary use.** All agritourism operations shall clearly be accessory and incidental to a primary
839 agricultural use of the property. To this end, at no time shall the activity area of an agritourism operation
840 be greater than 20 percent of the agricultural operation's gross acreage, as described in Subsection (c)
841 of this Section 108-21-2. Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism
842 uses/activities shall be complementary and clearly accessory to the primary agricultural use. To
843 guarantee legitimacy and viability, an agri-tourism operation shall demonstrate that the subject property
844 has been qualified under the Farmland Assessment Act or that the subject property is currently, or will
845 be within the next growing season, producing an agricultural product in an amount that meets or
846 exceeds the production requirement as established by the Farmland Assessment Act. A farmer, whose
847 primary agricultural use is that of an apiary, shall be required to maintain two hives per acre with a ten-
848 hive minimum. No more than 20 hives shall be necessary when a farm exceeds ten acres.

849 (c) **Qualifications.** An agricultural operator seeking an agritourism permit shall demonstrate at the time of
850 application, as well as throughout the duration of the agritourism use, the following:

851 (1) **Ownership.** Demonstrate that the agricultural operator has owned the subject property for the last
852 two years.

853 (2) **Actively devoted to Agriculture.** Demonstrate that the agricultural operation's gross acreage has
854 been actively devoted to an agricultural use for at least the last two years. An agricultural
855 operation's gross acreage shall be determined to be the area actively devoted to an agricultural
856 use that is routinely maintained in an agriculturally productive manner, including barns and similar
857 buildings or structures intended to serve the agricultural operation.

858 (3) **Minimum acreage.** Demonstrate that the agricultural operation's gross acreage is equal to or
859 greater than is required for the specific agritourism use or uses being pursued, as specified in
860 Section 108-21-4 and Section 108-21-5. However if an apiary is the primary agricultural operation:

861 a. The subject property shall be at least three acres; and

862 b. The agritourism use associated to the apiary shall be limited to only that which is listed as
863 allowed for a Garden Operation, as specified in the Table in Section 108-21-5 herein.

864 (4) **Proof of production, if necessary.** If not already obvious to the Land Use Authority, demonstrate
865 that the agricultural operation's gross acreage being claimed to be actively devoted to an
866 agricultural use produces enough to meet or exceed either the production levels reported in the
867 current publication of the Utah Agricultural Statistics, or the current crop budgets developed and
868 published by Utah State University.

869 The agricultural operator has owned the subject property for the last two years.;

870 The agricultural operator has commercially sold an agricultural product that was produced on the
871 subject property for greater than one year

Commented [E78]: Most of these entities are already expected to be a part of the conditional use permit review process. Stating them here is redundant and may create conflict as codes evolve over time.

Commented [E79]: It is not advisable to have a non-county entity as a reviewing entity. Rather, the planner will solicit comment from other experts if necessary during the review process.

Commented [E80]: This section removes reliance on the state's Agricultural Assessment Act to qualify an agricultural operation for agritourism, and places objective qualifications directly into the county's Land Use Code instead.

Commented [E81]: This is the phrase the Agricultural Assessment Act uses.

872 ~~— The subject property Qualified under the Farmland Assessment Act is currently, or will be within~~
873 ~~the next growing season, producing an agricultural product in an amount that meets or exceeds~~
874 ~~the production requirement as established by the Farmland Assessment Act; or~~

875 (d) **Permit enforcement.** An agritourism permit includes all conditions of approval as may be applied by
876 the Land Use Authority. At no time shall an agritourism operation be conducted in a manner that
877 conflicts with the details of the agritourism permit application or the conditions of approval. If a condition
878 or finding of approval conflicts with any detail provided in the application, the condition or finding shall
879 prevail.

880 (e) **Supplemental application Narrative.** In addition to the application requirements listed in ~~title-Title~~
881 108, ~~chapter-Chapter~~ 4 of this Land Use Code ~~(conditional uses)~~, all agritourism applications shall be
882 accompanied by a ~~detailed~~ **concise** narrative describing the ~~farm~~ **agricultural operation** and the overall
883 vision for the proposed agritourism operation. The narrative shall also include the following:

884 (1) **History.** ~~farm-~~The history of the agricultural operation along with evidence that demonstrates the
885 operation meets the minimum qualifications herein.;

886 ~~— A description of the agricultural operation, its general functions, maintenance, product(s), and~~
887 ~~customer base; a description or plan for the general maintenance of its agricultural product(s);~~

888 (2) **Description of anticipated changes.** A description of any plans for changes to the agricultural
889 operation, its general functions, maintenance, product(s), and customer base.

890 (3) **Description of use's incidental and accessory nature.** A description of how the agritourism
891 operation is incidental and accessory to the agricultural operation, and a plan for how the owner
892 will ensure the agritourism operation remains incidental and accessory in perpetuity.

893 (4) **Description of new infrastructure and buildings.** A description of all intended new infrastructure,
894 including streets, driveways, parking lots, buildings, and utilities.

895 (5) **Description of operation.** An explanation or description of the agritourism operation including ~~and~~
896 ~~proposals for the following~~

897 Offerings for agriculturally related and non-agriculturally related p

898 a. **Products.** Products that will be sold onsite.

899 b. **Activities.** ~~and uses/a~~ Activities offered onsite.

900 c. **Intended customer base and typical anticipated behavior.** The type of customer or clientele
901 base that is expected to patronize the operation, categorized based on the intensity of their
902 visitation and the specific product or activity for which they are or will be visiting. For example,
903 the customer-base for onsite produce sales may be the general public with customers coming
904 and going many hours throughout the day; the clientele for a barn dance might be a private
905 party of a specified number of people that come and go once on the day of the party; and the
906 customers or clientele for a lodging house might be pre-registered or reserved individuals or
907 small groups.

908 d. **Facilities and equipment.** Agriculturally related and non-agriculturally related types of facilities
909 and equipment to be used and their maintenance plan(s).

910 e. **Vehicle accommodations.** Traffic, circulation, and parking plan that accommodates the
911 parking needs of both employees and patrons.

912 f. **Hours and visitor volume.** Hours of operation and number of patrons; ~~Time(s) of normal day-~~
913 ~~to-day o~~

- 914 1. Normal and routine hours of operation, and anticipated events, dates, and times, or
915 examples of anticipated events, dates, and times, that operations may go beyond those
916 normal and routine hours. ~~as referenced in title 38, special events~~
- 917 2. Anticipated number of normal and routine daily patrons and employees, and vehicles, and
918 anticipated number of patrons, employees, and vehicles at times or for events that go
919 beyond what is normal and routine.
- 920 3. For the purpose of this paragraph, the phrase “normal and routine” means the time or
921 amount specified in the application, or if different, the approval. If the application or
922 approval does not specify:
- 923 i. As it relates to time, this shall mean the hours of operation specified in Section 108-
924 21-3
- 925 ii. As it relates to patrons or employees, this phrase means 25 people or less, or ten
926 typical passenger vehicles onsite at any one time.

927 **Sec 108-21-3 General Development and Operational Standards**

928 The development standards imposed by this section do not alter, supersede or nullify any codes,
929 ordinances, statutes, or other applicable standards which may also regulate these same land
930 uses/activities.

931 ~~(b) **Lot of record (lawfully created lot).** Notwithstanding title 106, subdivisions, a landowner who meets~~
932 ~~the standards, as set forth by this chapter, may develop an agri-tourism operation and its associated~~
933 ~~uses (excluding a single family dwelling, B&B farm dwelling, and B&B farm retreat) as a lot of record.~~
934 ~~The parcel(s) shall be subject to the following:~~

935 ~~(1) The agri-tourism operation shall remain in compliance with approvals granted through further~~
936 ~~review and subsequent issuance of a conditional use permit.~~

937 ~~(2) The parcel and/or combination of all individual parcels shall consist of an area that is not less than~~
938 ~~twice the minimum lot area that is required by the zone in which the agri-tourism operation is~~
939 ~~located. For example an agri-tourism operation that lies in a zone that requires three acres as a~~
940 ~~minimum lot area shall be required to have at least a six-acre farm size. Parcels that are unable to~~
941 ~~meet this area requirement may pursue a legal (lot of record) status by demonstrating that the~~
942 ~~subject parcel(s) qualifies as lot of record through any other available means provided by the~~
943 ~~definition of a lot of record or by meeting the requirements of the Weber County Subdivision~~
944 ~~Ordinance.~~

945 (a) **Access and frontage.** ~~Notwithstanding section 108-7-31 (access to a lot/parcel using a private right-~~
946 ~~of-way/easement), an An~~ agritourism operation shall provide customers access from an Arterial Street
947 or Collector Street. It is not required to have actual frontage on a street, but the access from the Arterial
948 Street or Collector Street to the operation shall either by owned in fee or recorded easement by the
949 agricultural operation. The access from the public right-of-way to the operation shall meet the
950 requirements of Section 108-7-29 unless specified otherwise by the local fire authority. ~~or access~~
951 ~~directly off of a public or privately dedicated roadway. The Land Use Authority may allow access from~~
952 a Major Neighborhood Street or Minor Neighborhood Street as long as the street is public and as long
953 as the agritourism operation does not increase traffic beyond that which is typical for the type of street.
954 Evidence of this shall be submitted with the application.

955 (b) **General site and building design/layout.** An agritourism operation shall have a general design and
956 layout that concentrates all tourism uses and activities into distinct activity center(s). ~~The area within~~

957 an_ developed activity center_ or combined area of multiple activity centers, excluding productive agri-
958 tourism acreage, trail corridors, and/or a half-acre for a farmer's residence and any uses confined
959 thereto (i.e., home office, B&B, etc.), may consist of a total area that does shall not exceed 20 percent
960 of an farm's agricultural operation's overall gross acreage. The agricultural operation's gross acreage
961 shall be determined by the area that is routinely maintained in an agriculturally productive manner,
962 including barns and similar buildings or structures intended to serve the agricultural operation. The
963 remaining acreage, shown outside of all activity centers, shall be maintained in an agriculturally
964 productive manner that is consistent with the farm's main agricultural use(s). Acreage that is incapable
965 of being agriculturally productive due to a topographic condition, physical constraint, and/or
966 circumstance (i.e., wetlands, drainages, steep slopes, occupation by barn and/or farm equipment
967 storage structure(s) etc.) that physically interferes with farm production may be kept in its natural,
968 historic, or constructed state. Newly constructed buildings and facilities intended for agri-tourism
969 purposes and/or to serve the agritourism needs operation shall reflect an architectural vernacular that
970 is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if
971 found necessary, they shall be discretely incorporated into the agritourism operation and completely
972 screened from street and adjacent property view.

973 (c) **Ownership.** An agricultural operation to which an agritourism operation is accessory may consist of
974 multiple properties; however, all All properties shall have identical and common ownership and shall
975 be contiguous except where contiguity is interrupted by a public street right-of-way.

976 (d) **Production.** An agri-tourism operation shall, with exception of the winter season, actively and
977 continuously produce an agricultural product for sale and purchase. In the event that the agri-tourism
978 operation's agricultural operation's productivity ceases or becomes improperly maintained, as
979 determined by the planning commission Land Use Authority, the right to operate an agri-tourism
980 business operation's under a conditional use permit may be revoked.

981 **Agri-tourism uses/activities.** To ensure an appropriate balance and mixture of agriculturally related
982 and non-agriculturally related uses/activities, it shall be required that a minimum of one-half of all
983 uses/activities be agriculturally related as defined in section 401-1-7 of this Land Use Code. The
984 method, by which measurements are made, shall be based on one agriculturally related use/activity
985 being equal to one non-agriculturally related use/activity. Uses/activities involving the sale of any
986 products or goods shall be prohibited from selling motorized vehicles and/or equipment. Exceptions to
987 this standard are made for the occasional sale of farm equipment personally owned by the farm owner
988 and/or other farm equipment sales events approved through title 38, special events.

989 (e)(d) **Hours of operation.** Agri-tourism uses/activities, not Not including residential overnight lodging
990 accommodations, and unless specified otherwise in an approved application or other conditions of
991 approval, and/or those conducted within a completely enclosed building, the hours of operation shall
992 be limited to between operating during the daily hours of 8:00 a.m. and 8:00 p.m., except if the use or
993 activity is restricted to an area of the property that is at least 500 feet from an existing dwelling unit
994 located on another property. 10:00 p.m. The planning commission The Land Use Authority may, but is
995 not obligated to, consider a variation to this allow other hours of operation if the applicant can
996 demonstrate mitigation of detrimental effects. standard upon finding that a proposed use/activity is
997 reliant on and/or based on making observations that can only occur during hours otherwise not
998 permitted.

999 (f) **Development agreement.** An agri-tourism operation shall, prior to the construction of any structure
1000 intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial
1001 development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-
1002 tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of

1003 structures that qualify for an agricultural exemption are excepted from this standard when developed in
1004 accordance with the requirements found in the Weber County Land Use Code.

1005 **Sec 108-21-4 Agricultural Operation Designation**

1006 The following establishes a categorical designation for agricultural operations based on acreage. In all
1007 cases, the minimum area of the affected Lot or Parcel shall meet the minimum area requirements of this
1008 Land Use Code:

- 1009 (a) ~~Market-g~~ Garden agricultural operation includes an is when an agricultural operation's gross acreage,
1010 as described in Section 108-21-3(b), agriculturally productive property consisting of is between three
1011 two acres or more, but fewer than five and nine acres.
- 1012 (b) ~~Family farm~~ includes an agriculturally productive property consisting of five acres or more, but fewer
1013 ~~than ten acres.~~
- 1014 (e)(b) ~~Small farm~~ agricultural operation is when an agricultural operation's gross acreage, as described
1015 in Section 108-21-3(b), includes an agriculturally productive property consisting of ten is between nine
1016 acres or more, but fewer than and 20 acres.
- 1017 (e)(c) ~~Medium agricultural operation~~ farm is when an agricultural operation's gross acreage, as
1018 described in Section 108-21-3(b), includes an agriculturally productive property area consisting of is
1019 between 20 acres or more, but fewer than and 40 acres.
- 1020 (e)(d) ~~Large agricultural operation~~ farm is when an agricultural operation's gross acreage, as described
1021 in Section 108-21-3(b), includes an agriculturally productive property area consisting of is between 40
1022 acres or more, but fewer than and 80 acres.
- 1023 (f)(e) ~~Ranch~~ is when an agricultural operation's gross acreage, as described in Section 108-21-
1024 3(b), includes an agriculturally productive property area consisting of is 80 acres or more.

1025 **Sec 108-21-5 Permitted Uses and /Activities Table**

1026 If an applicant can demonstrate appropriate mitigation of detrimental effects, as specified in Chapter 108-
1027 4, the following uses and /activities have been determined desirable when thoughtfully incorporated into
1028 an approved shall be allowed for an agritourism operation when marked with an "A" under their
1029 corresponding agricultural operation designation. The use or activity is not allowed if marked with an "N."

1030 As stated above, these uses/activities may be subject to other requirements beyond those imposed by this
 1031 chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements
 1032 contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with
 1033 an asterisk (*) have additional design and/or limitation standards beyond any provided within other specific
 1034 codes, ordinances, statutes, or other applicable standards. See section 108-21-7 for these specific design
 1035 and/or limitation standards associated with each use/activity marked with an asterisk (*).

USES OR ACTIVITIES	AGRICULTURAL OPERATION DESIGNATION					SPECIAL REGULATIONS
	Garden	Small	Medium	Large	Ranch	
<u>Agricultural arts center:</u>	N	A	A	A	A	
<u>Agricultural Product Processing and Packaging:</u>	N	A	A	A	A	<u>Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.</u>
<u>Agritourism Events Facility:</u>	N	A	A	A	A	
<u>Agritourism Farm Tour:</u>	A	A	A	A	A	
<u>Agritourism Fee Fishing:</u>	A	A	A	A	A	
<u>Agritourism Health Farm:</u>	N	A	A	A	A	<u>Limited to wellness, nutrition, and cooking education, and exercise and yoga classes, and meditation, and massage therapy. A health farm may serve meals only when served to participating clientele.</u>
<u>Agritourism Hunting Preserve</u>	N	N	N	N	A	<u>See Section 108-21-7</u>
<u>Agritourism You-Pick Operation:</u>	A	A	A	A	A	
<u>Agro-ecology research and education center :</u>	N	A	A	A	A	<u>Lodging, if any, is limited to accommodations for faculty, staff, and students.</u>
<u>Barn dance:</u>	N	A	A	A	A	
<u>Camping</u>	<u>Glamorous camping area:</u>	N	N	A	A	<u>No more than two tents, cabins, recreational vehicles, or combination thereof, per each five acres of gross agricultural operation, and no more than six people per tent or cabin. Tent and cabin area shall be completely screened from the view of adjoining properties.</u>
	<u>Recreational Vehicle area:</u>	N	N	N	A	

Commented [E82]: Term changing from "special occasion"

<u>Conference or Education Center:</u>		N	A	A	A	A	<u>Conferences and educational topics shall relate to agriculture, agritourism, vegetation management, or similar.</u>
<u>Day Camp</u>		A	A	A	A	A	<u>The camp shall be based on an agricultural theme and provide agriculturally related activities.</u>
<u>Dude Ranch</u>		N	N	N	A	A	
<u>Educational classes:</u>		A	A	A	A	A	<u>All courses of study or subject matter shall incorporate and consist of an agricultural or ecological component related to an Agricultural Product produced onsite.</u>
<u>Farm museum:</u>		N	A	A	A	A	
<u>Farmers Market.</u> A farmer's market where multiple agricultural operators may sell their products:		N	N	A	A	A	
<u>Food Prep:</u>	<u>Bakery or café:</u>	N	A	A	A	A	<u>At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product.</u>
	<u>Food concessions stand:</u>	N	A	A	A	A	
	<u>Restaurant:</u>	N	N	A	A	A	<u>At least one type of the onsite agricultural operation's products shall be continuously offered for sale.</u>
<u>Greenhouse or Nursery:</u>		N	A	A	A	A	<u>Sales are limited to plants produced on the premises.</u>
<u>Lodging House:</u>	<u>with up to 2 guest rooms:</u>	N	N	A	A	A	<u>No more than two guest rooms per each acre of the agricultural operation.</u> <u>See Section 108-21-7</u>
	<u>with 3 to 7 guest rooms:</u>	N	N	A	A	A	
	<u>with 8 to 16 guest rooms:</u>	N	N	N	A	A	
<u>Petting zoo:</u>		N	A	A	A	A	
<u>Rental garden or garden row(s).</u>		A	A	A	A	A	
<u>Seasonal amusement</u> such as haunted house, corn maze, hay stack slide or climbing area, and similar seasonal amusement uses:		N	A	A	A	A	
<u>Sleigh or hay ride:</u>		N	A	A	A	A	

Commented [E83]: Adding this qualifier

Commented [E84]: Standard taken from agroecology research and education center and applied to all lodging houses. Seems generally applicable for all lodging.

Store:	<u>Agricultural Produce Sales, Onsite:</u>	A	A	A	A	A	<u>The sales shall only be operated by the owner or manager of the onsite agricultural operation, and is limited to Agricultural Products, at least one of which must be produced onsite.</u>
	<u>Gift shop:</u>	A	A	A	A	A	
	<u>Market:</u>	N	N	N	A	A	<u>At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product. Products shall be limited to those commonly offered by a small grocer.</u>

1036

Uses/Activities	Farm Designations					
	Market Garden (3—<5 acres)	Family Farm (5—<10 acres)	Small Farm (10—<20 acres)	Medium Farm (20—<40 acres)	Large Farm (40—<80 acres)	Ranch (=80 acres)
Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities						
Accessory dwelling unit*	*	*	*	*	*	*
Agro-ecology research and education center (AREC)*	*	*	*	*	*	*
B&B farm dwelling (2 room)*		*	*	*	*	*
B&B farm retreat (7 room)*	*	*	*	*	*	*
B&B farm inn (16 room)*				*	*	*
Glamorous camping (glamping)*	*	*	*	*	*	*
Conference/education center*			*	*	*	*
Single-family dwelling; a.k.a. Farm house*	*	*	*	*	*	*
Health farm*			*	*	*	*

Motor coach/caravan area, agri-tourism*	*	*	*	*	*	*
Agriculturally Related Uses/Activities						
Agro-ecology research and education center (AREC)*		*	*	*	*	*
Barn dance		*	*	*	*	*
Community garden/rent-a-row	*	*	*	*	*	*
Community-supported agriculture	*	*	*	*	*	*
Corn maze			*	*	*	*
Educational classes	*	*	*	*	*	*
Farm museum		*	*	*	*	*
Farm tour	*	*	*	*	*	*
Fee fishing (if aquaculture)		*	*	*	*	*
Harvest market*	*	*	*	*	*	*
Multi-farmer open air (farmer's) market, agri-tourism*				*	*	*
Nursery (plant cultivation)	*	*	*	*	*	*
Petting farm/zoo	*	*	*	*	*	*
Sleigh/hay ride			*	*	*	*
Special event; as defined by title 38, special events	*	*	*	*	*	*
Special occasion, agri-tourism			*	*	*	*
U-pick operation/pumpkin patch	*	*	*	*	*	*
Non-Agriculturally Related Uses/Activities						

Agricultural arts center			*	*	*	*
Bakery/cafe featuring farm products*				*	*	*
Conference/education center*					*	*
Fee fishing		*	*	*	*	*
Food concessions stand*			*	*	*	*
Gift shop (retail)*	*	*	*	*	*	*
Haunted house/hay stack/farm			*	*	*	*
Hunting preserve*						*
On-farm store/retail market, agri-tourism*					*	*
Play area, agri-tourism		*	*	*	*	*
Restaurant featuring farm products*				*	*	*
Special event; as defined by title 38, special events	*	*	*	*	*	*
Health farm*				*	*	*
Motor coach/caravan area, agri-tourism*				*	*	*
Value-added product processing*	*	*	*	*	*	*

1037 **Sec 108-21-6 Use/Activity Site Development Standards And Limitations Regulations**

1038 The following table contains certain uses listed in the Use or Activity Table in Section 108-21-5. Each use
 1039 shall comply with the development standards provided in the table.

1040 ~~To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses~~
 1041 ~~listed below shall be subject to additional standards beyond any provided within other, expressed and/or~~
 1042 ~~unexpressed, codes, ordinances, statutes, rules, or requirements. The uses listed below correspond with~~
 1043 ~~certain uses listed in the Use or Activity Table in Section 108-21-5. Due to their nature, each shall be further~~
 1044 ~~regulated as follows. One or more of these additional standards and/or limitations, restrictions may be~~
 1045 ~~waived by the Planning Commission Land Use Authority upon finding that either: a proposed use poses no~~
 1046 ~~detrimental effects to neighboring properties due to unique circumstances, or that a proposed use can be~~

1047 mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions
1048 that justify the use's or activity's approval.

		<u>SETBACK STANDARDS</u>		<u>MAXIMUM ALLOWED BUILDING FOOTPRINT</u>
		<u>From agricultural operation's exterior boundary</u>	<u>From existing dwelling on an adjacent lot</u>	
<u>Agroecology Research and Education Center:</u>		<u>100 feet¹</u>	<u>200 feet¹</u>	<u>Not applicable</u>
<u>Agricultural Product processing and packaging:</u>		<u>100 feet¹</u>	<u>200 feet¹</u>	<u>200 square feet²</u>
<u>Camping:</u>	<u>Glamorous camping area:</u>	<u>300 feet¹</u>	<u>500 feet¹</u>	<u>Not applicable</u>
	<u>Recreational Vehicle area:</u>			
<u>Conference or education center:</u>		<u>300 feet¹</u>	<u>500 feet¹</u>	<u>Not applicable</u>
<u>Educational classes:</u>		<u>100 feet¹</u>	<u>200 feet¹</u>	<u>Not applicable</u>
<u>Food Prep:</u>	<u>Bakery or café:</u>	<u>200 feet¹</u>	<u>400 feet¹</u>	<u>Not applicable</u>
	<u>Restaurant</u>			
<u>Market, farmers:</u>		<u>200 feet¹</u>	<u>400 feet¹</u>	<u>Not applicable</u>
<u>Lodging House:</u>	<u>2 guest rooms</u>	<u>100 feet¹</u>	<u>200 feet¹</u>	<u>Not applicable</u>
	<u>3 to 7 guest rooms</u>	<u>200 feet¹</u>	<u>400 feet¹</u>	
	<u>8 to 16 guest rooms</u>	<u>400 feet¹</u>	<u>600 feet¹</u>	
<u>Petting farm/zoo.</u>		<u>400 feet¹</u>	<u>600 feet¹</u>	<u>Not applicable</u>
<u>Store:</u>	<u>Agricultural Produce Sales, Onsite:</u>	<u>100 feet¹</u>	<u>200 feet¹</u>	<u>0.025 Percent of the agricultural operation's gross acreage.</u>
	<u>Gift shop:</u>	<u>100 feet¹</u>	<u>200 feet¹</u>	
	<u>Market:</u>	<u>150 feet¹</u>	<u>300 feet¹</u>	

Commented [E85]: Current code terms this "motor coach/caravan area."

¹ The setback distances listed in this table may be reduced by up to one-half when a six-foot high landscape berm is installed that screens the potential visual or audible impacts to neighboring properties.

Sec 108-21-7 Special Regulations.

The uses listed below correspond with certain uses listed in the Use or Activity Table in Section 108-21-5. Due to their nature, each shall be further regulated as follows.

Commented [E86]: Check ref.

(a) Agricultural product processing and packaging.

- a. Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products produced by the onsite agricultural operation.
- b. Agricultural Product processing and packaging shall be limited to and agricultural operation with a gross area, as provided herein, of five acres or greater. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the Agricultural Product processing and packaging will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the agricultural operation's property boundary.

(b) Agritourism Hunting pPreserve.

- a. Limited to the Western Weber County Planning Area.
- b. Limited to upland game and waterfowl hunting only.
- c. Subject to Utah Division of Wildlife Resource standards.

(c) Lodging House. For an agritourism operation, a Lodging House is governed as follows:

- (1) The Lodging House shall be owned and managed by the same owner or manager as the agritourism operation.
- (2) The agritourism operator or manager shall be onsite at all times that Lodging House guests are onsite.
- (3) Despite the definition of "Lodging House" in Title 101, Chapter 2, a Lodging House that is part of an Agritourism operation may have as little as one guest room or suite.
- (4) In addition to providing lodging to customers and clients of the agritourism operation in general, a Lodging House may provide lodging for an Agroecology Research and Education Center, a Conference or Education Center, ~~or~~ a Health Farm, or a Dude Ranch conducted as part of the agritourism operation.
- (5) No more than one Lodging House shall be operated on an agritourism operation.

~~Farm stay (residential and overnight lodging accommodation) uses/activities.~~

~~Agro-ecology research and education center (AREC).~~

~~An AREC shall be limited to providing overnight lodging accommodations for faculty, staff, and/or students/apprentices only.~~

~~An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms that does not exceed two rooms per one gross acre.~~

1088 ~~A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall~~
1089 ~~be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a~~
1090 ~~single family dwelling.~~

1091 ~~An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line~~
1092 ~~and in no case located closer than 100 feet to an existing dwelling on an adjacent lot/parcel. These~~
1093 ~~standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a~~
1094 ~~minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible~~
1095 ~~impacts to neighboring property.~~

1096 ~~B&B farm dwelling (two guest rooms).~~

1097

1098 ~~An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)~~
1099 ~~conference/education center, or health farm.~~

1100 ~~A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.~~

1101 ~~A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title~~
1102 ~~106, subdivision.~~

1103 ~~B&B farm retreat (seven guest rooms).~~

1104 ~~An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)~~
1105 ~~conference/education center, or health farm.~~

1106 ~~A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.~~

1107 ~~A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter~~
1108 ~~boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent~~
1109 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1110 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1111 ~~visual and/or audible impacts to neighboring property.~~

1112 ~~A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106,~~
1113 ~~subdivision.~~

1114 ~~B&B farm inn (16 guest rooms).~~

1115 ~~An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)~~
1116 ~~conference/education center, or health farm.~~

1117 ~~A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.~~

1118 ~~The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter~~
1119 ~~boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
1120 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1121 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1122 ~~visual and/or audible impacts to neighboring property.~~

1123 ~~Luxury camping (glamping).~~

1124 ~~Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does~~
1125 ~~not exceed two tents or cabins per five gross acres.~~

1126 ~~Occupancy shall not exceed six persons per tent or cabin.~~

1127 ~~Meals shall only be served to overnight guests.~~

1128 ~~Glamping area(s) shall be completely screened from street view.~~

1129 ~~Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter~~
1130 ~~boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
1131 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1132 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1133 ~~visual and/or audible impacts to neighboring property.~~

1134 ~~Accessory dwelling unit.~~

1135 ~~An agritourism operation may have one or more accessory dwelling units onsite. The number of~~
1136 ~~accessory dwelling units shall not exceed the following calculation: net developable acreage of the parcel~~
1137 ~~upon which an accessory dwelling unit is located, divided by the minimum lot area required by the zone in~~
1138 ~~which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot~~
1139 ~~area) x 20 percent = Maximum number of accessory dwelling units at an approved agri-tourism operation.~~

1140 ~~Meals shall only be served to overnight guests.~~

1141 ~~An accessory dwelling unit shall not be located closer than 150 feet to the agri-tourism operation's~~
1142 ~~exterior boundary, and in no case located closer than 300 feet from an existing dwelling on an adjacent~~
1143 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1144 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1145 ~~visual and/or audible impacts to neighboring property.~~

1146 ~~Conference/education center.~~

1147 ~~An agri-tourism operation shall be limited to one conference/education center.~~

1148 ~~A conference/education center shall be limited to a maximum of 20 guest units/rooms.~~

1149 ~~Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's~~
1150 ~~perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
1151 ~~lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape~~
1152 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential~~
1153 ~~visual and/or audible impacts to neighboring property.~~

1154 ~~Health farm.~~

1155 ~~An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or~~
1156 ~~hotel).~~

1157 ~~A health farm shall be limited to a maximum of ten guest units/rooms.~~

1158 ~~A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary~~
1159 ~~line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These~~
1160 ~~standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a~~
1161 ~~minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible~~
1162 ~~impacts to neighboring property.~~

1163 ~~Motor coach/caravan area.~~

1164 ~~A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number~~
1165 ~~of individual sites that does not exceed one site per five gross acres. In no case shall a motor~~
1166 ~~coach/caravan area or combination of areas exceed 20 sites.~~

1167 ~~A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's~~
1168 ~~perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~

1169 lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape
1170 screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential
1171 visual and/or audible impacts to neighboring property.

1172 Single-family dwelling; a.k.a. farm house.

1173 An agri-tourism operation shall be limited to one single-family dwelling/farm house and is subject to the
1174 Weber County zoning and platting requirements of title 106, subdivision.

1175 Agriculturally-related uses/activities.

1176 Argo-ecology research and education center (AREC).

1177 See section 108-21-6(a)(1).

1178 Educational classes. All courses of study or subject matter shall incorporate and consist of an agricultural
1179 and/or ecological component.

1180 Harvest market. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.

1181 Multi-farmer open air (farmer's) market.

1182 The operation of a multi-farmer open air (farmer's) market shall be limited to the months of June through
1183 December.

1184 A multi-farmer open air (farmer's) market shall not be located closer than 200 feet to any agri-tourism
1185 operation's perimeter boundary line, excepting the front property line, and in no case located closer than
1186 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-
1187 half when a substantial natural landscape screen, standing at a minimum of six feet in height for a
1188 majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

1189 Petting farm/zoo. Limited to parcels with access provided by a collector or arterial road when located
1190 within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation
1191 information.

1192 Non-Agriculturally Related Uses/Activities.

1193 Bakery/cafe featuring farm product(s).

1194 Not less than one agricultural product, offered at a bakery/cafe featuring farm product(s), shall be
1195 raised/cultivated and/or produced by the farm on which the bakery/cafe featuring farm product(s) is
1196 operated.

1197 A bakery/cafe shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary
1198 line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling
1199 on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural
1200 landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to
1201 mitigate potential visual and/or audible impacts to neighboring property.

1202 Farm stay.

1203 See section 108-21-6(a).

1204 Gift shop (retail).

1205 A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to the
1206 following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

a. ~~Hunting preserve.~~

~~(a) **Hunting preserve.**~~

~~b. a. Limited to the Western Weber County Planning Area.~~

~~c. a. Limited to upland game and waterfowl hunting only.~~

~~(b) **Subject to Utah Division of Wildlife Resource standards.**~~

~~(1) **Motor coach/caravan area.**~~

~~a. See section 108-21-6(a)(1).~~

~~(2) **On farm store/retail market.**~~

~~a. Not less than one agricultural product, offered at an on farm store/retail market, shall be raised/cultivated and/or produced by the farm on which the on farm store/retail market is operated.~~

~~b. An on farm store/retail market and its outdoor display area or on farm store/retail market area within a multi-use building shall be limited to the following size standards:~~

1.	Large farm (40<80 ac)	600 square feet maximum.
2.	Ranch (>80 ac)	800 square feet maximum.

~~c. Products made available at an on farm store/retail market shall be limited to those commonly offered by a small-scale neighborhood grocer.~~

~~d. An on farm store/retail market shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.~~

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(3) ~~Restaurant featuring farm product(s).~~

- a. ~~Not less than one agricultural product, offered at a restaurant featuring farm product(s), shall be raised/cultivated and/or produced by the farm upon which the restaurant featuring farm product(s) is operated.~~
- b. ~~A restaurant shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.~~
- c. ~~Value added Agricultural product processing and packaging (VAPPP).~~
- d. ~~VAPPP Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm produced by the onsite agricultural operation, upon which the processing and packaging is taking place.~~
- e. ~~VAPPP, related to the products listed immediately above, Agricultural Product processing and packaging shall be limited to and agricultural operation with a gross area, as provided herein, of five acres or greater, agri-tourism operations and parcels consisting of five acres or more. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the Agricultural Product processing and packaging VAPPP will take place in a completely enclosed building and will omit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the agricultural operation's subject farm's property boundary.~~
- f. ~~An Agricultural Product processing and packaging VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:~~

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

- g. ~~Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.~~
- h. ~~The structure building in which VAPPP takes place shall in no case be located closer than 200 feet to an existing single family dwelling on an adjacent lot/parcel.~~

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 16TH DAY OF MAY, 2023.

AYE NAY ABSENT ABSTAIN

Gage Froerer

Jim "H" Harvery

Sharon Arrington Bolos

Presiding Officer

Attest

Gage Froerer, Chair

Ricky D. Hatch, CPA, Clerk/Auditor

WEBER COUNTY

ORDINANCE NUMBER 2023-

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO THE SHORELINE (S-1) ZONE TO ENABLE AGRITOURISM AS A CONDITIONAL USE.

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, those land use ordinances contain various zones, each with a specific purpose and intent, and each with a variety of uses; and

WHEREAS, Agritourism is a listed use, permitted by conditional use permit in certain zones, and regulated by specific regulations in the land use regulations; and

WHEREAS, Agritourism is not currently listed as allowed in the Shoreline (S-1) Zone; and

WHEREAS, The Board of Weber County Commissioners has received an application to amend the land use regulations to also allow agritourism to occur in the Shoreline (S-1) Zone; and

WHEREAS, After thorough consideration, the Ogden Valley Planning Commission desires specific changes to the agritourism regulations to avoid potential abuse and unintended consequences; and

WHEREAS, After thorough consideration, the Western Weber Planning Commission desires specific changes to the Agricultural Zones (A-1, A-2, A-3, and AV-3) to make certain types of agricultural sales permissible without the need for an Agritourism permit; and

WHEREAS, As part of a longstanding effort to reorganize the land use regulations to enhance efficiencies and application, both planning commissions are recommending approval of other land use regulation amendments as proposed herein; and

WHEREAS, on October 14, 2023, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on October 7, 2023, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein advance goals and objectives of the Ogden Valley General Plan; and

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

1 **TITLE 101 GENERAL PROVISIONS**

2 ...

3 **CHAPTER 101-2 DEFINITIONS**

4 **Sec 101-2-2 A Definitions**

5 ***Acreage, gross.*** The term "gross acreage" means a total of all acreage that lies within a project boundary.

6 ***Acreage, net developable.*** The phrase "net developable acreage" means the total acreage within a project
7 boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise
8 provided in this Land Use Code. When calculating net developable acreage, the area encumbered or
9 proposed to be encumbered by a street right-of-way or other required right-of-way providing primary access
10 to a lot is considered area unsuitable for development. The term "net developable area" shall have the
11 same meaning, unless the context clearly indicates otherwise.

12 ...

13 ***Agritourism.*** The term "agritourism" means a use, accessory to an agricultural use, which can provide a
14 means of diversifying agricultural income through broadening an agricultural operation's offerings with an
15 agriculture-oriented tourism attraction. An agritourism use provides product, activities, and other uses that
16 are clearly related and incidental to the agricultural operation to which it is accessory.

17 ***Agritourism Events Facility.*** The term "agritourism events facility" means an agritourism use or activity
18 that provides the opportunity for agritourists to rent an area that can act as a venue for events, including,
19 but not limited to, birthdays, weddings, family reunions, small scale fundraisers, or corporate picnics or
20 outings that do not constitute a special event as defined by Title 38.

21 ***Agritourism Farm Tour.*** The term "agritourism farm tour" means an agritourism use or activity that offers
22 opportunities for the public to learn how a farm functions and where and how food, fiber, fuel, and other
23 agricultural products are produced. Farm tours frequently highlight the history of the subject farm and, in
24 general, educate the public about agricultural practices and technology.

25 ***Agritourism Fee Fishing.*** The term "agritourism fee fishing" means an agritourism use or activity,
26 approved by the appropriate local, state and federal agency, which provides the opportunity for anglers to
27 pay a fee for the right to fish on a farm.

28 ***Agritourism Glamorous Camping.*** The term "agritourism glamorous camping" means an agritourism use
29 or activity that provides the opportunity for agritourists to rent, on a nightly basis, fully furnished tents or
30 rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury
31 hotel room. Furnishings, amenities, and comforts may include but are not limited to luxurious decor, beds,
32 linens, baths, veranda, spa services, concierge, dining, and chef.

33 ***Agritourism Health Farm.*** The term "agritourism health farm" means a farm building designed for the
34 purpose of providing proactive health and wellness education or physical exercise and diet regimens that
35 can improve one's quality of life in a rural or spa-like environment. Health and wellness opportunities may
36 consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes and
37 consultations, organic cooking classes or workshops, yoga, meditation, and massage therapy.

38 ***Agritourism Hunting Preserve.*** The term "agritourism hunting preserve" means an agritourism use or
39 activity, approved by the appropriate local, state and federal agency, which provides the opportunity for an
40 individual or group to pay a fee for the right to hunt on a farm.

41

42 ***Agritourism You-Pick Operation.*** The term "agritourism you-pick operation" means an agritourism use
43 or activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from
44 the plant grown on a farm location.

45 ...

46 ***Agricultural Arts Center.*** The term "agricultural arts center" means a facility designed for the purpose of
47 offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of
48 concepts related to art, art history, and art theory. In a conducive agricultural setting, it acts as a venue for
49 the community to experience, appreciate, and consume art in a variety of forms, including, but not limited
50 to, visual or media art, literature, music, theatre, film, or dance.

51 ...

52 ***Agricultural Produce Sales, Onsite.*** The phrase "Onsite Agricultural Produce Sales" means farm-produce
53 sales that are part of an onsite agricultural operation. Offerings for sale include agricultural products and
54 goods derived from the agricultural operation on which the store is located, and may include other farm-
55 produce derived from other agricultural operations in Weber County. An Onsite Agricultural Produce Sales
56 operation does not consist of multiple vendors.

57 ...

58 ***Agroecology Research and Education Center.*** The term "agroecology research and education center"
59 means a facility designed for the purpose of providing academic training in the techniques of agroecology
60 and sustainable agricultural systems. An Agroecology Research and Education Center conducts theoretical
61 and applied research and community outreach while offering academic education, practical experience,
62 training, and public service and instructional opportunities for audiences ranging from school children to
63 international agencies.

64 ...

65 **Sec 101-2-3 B Definitions**

66 ...

67 **Sec 101-2-5 D Definitions**

68 ***Dude ranch.*** The term "dude ranch" means a commercial vacation ranch operation that provides
69 activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and
70 which may also offer a lodging house for guests engaged in these activities.

71 ...

72 **Sec 101-2-7 F Definitions**

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74 **Sec 101-2-8 G Definitions**

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76 **Sec 101-2-9 H Definitions**

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78 **Sec 101-2-13 Loc - Lod Definitions**

79 ...

80 ***Lodging House.*** The term "Lodging House," also referred herein as "Boardinghouse," means a building
81 designed for temporary lodging for compensation, in which no provision is made for cooking in any
82 individual guest room or suite. Unless otherwise more specifically provided in this Land Use Code, a
83 Lodging House has between one and 15 guest rooms.

84 ...

85 **Sec 101-2-17 P Definitions**

86 ...

87 ***Product, Agricultural.*** The term "Agricultural Product" means any raw product which is derived from
88 agriculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock,
89 aquaculture, water plants, horticulture, and other similar products that can be broadly classified as a food,
90 fiber, fuel, or a raw material group. Specific foods may include cereals, fruits, vegetables, and meat. Fibers
91 may include cotton, wool, hemp, silk and flax. Raw materials may include lumber and other plant products.

92 ...

93 **Sec 101-2-20 Sp Definitions**

94 ...

95 ***Recreational vehicle or travel trailer.*** The term "recreational vehicle," also known herein as "travel
96 trailer," means a vehicular unit, other than a mobile home, designed as a temporary dwelling for travel,
97 recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle
98 including, but not limited to: travel trailer, camp trailer, folding tent trailer, truck camper, or motor home,
99 but not including mobile or manufactured homes.

100 **TITLE 104 ZONES**

101 ...

102 **CHAPTER 104-2 AGRICULTURAL ZONES**

103 ...

104 **Sec 104-2-3 Land Use Table**

105 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
 106 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
 107 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
 108 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

109 (a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the main
 110 use to which it is accessory.

	AV-3	A-1	A-2	A-3	Special Provisions
Accessory building , accessory and incidental to the use of a main building.	P	P	P	P	
Accessory dwelling unit.	P	P	P	P	See <u>Chapter 108-19</u> .
Accessory use , accessory and incidental to the main use.	P	P	P	P	
Agricultural Produce Sales, Onsite. The sales of agricultural products produced onsite, accessory to an agricultural operation.	P	P	P	P	See <u>Section 104-2-4. 5-acre use.</u>
Custom exempt meat cutting , accessory to a residential use.	C	N	N	N	See <u>Section 104-2-4. 5-acre use.</u>
Family food production , accessory to a residential use.	P	P	P	P	See <u>Section 104-2-4.</u>
Home occupation , accessory to a residential use.	P	P	P	P	See <u>Chapter 108-13.</u>
Household pets , accessory to a residential use.	P	P	P	P	
Main building , designed or used to accommodate the main use.	P	P	P	P	
Parking lot , accessory to a main use allowed in the zone.	P	P	P	P	
Parking of large vehicle , accessory to residential use.	C	C	C	C	See <u>Section 104-2-4. 5-acre use.</u>
Parking of construction vehicle.	C	C	C	C	See <u>Section 104-2-4. 5-acre use.</u>
Sugar beet loading or collection station.	C	N	P	P	
Sugar beet dump site.	N	N	P	P	

Temporary building or use, accessory and incidental to onsite construction work.	P	P	P	P	
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	AV-3	A-1	A-2	A-3	Special Provisions
Agriculture.	P	P	P	P	
Agriculture, community-oriented. A crop production operation for use by the broader public, such as a community garden, rental row operation, or you-pick operation.	P	P	P	P	
Agricultural experiment station.	P	P	P	P	
Aquaculture.	P	P	P	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.	P	P	N	N	5-acre use.
Grain storage elevator.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	P	P	
Laboratory facility, for agricultural products and soils testing.	C	C	C	C	
Manure spreading, drying and sales.	N	N	N	C	

112 ...

113 **Sec 104-2-4 Special Regulations**

114 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due
115 to the nature of the use, each shall be further regulated as follows:

116 (a) **Agricultural Produce Sales, Onsite.** The sales of onsite agricultural produce shall be governed as
117 follows:

118 (1) **Onsite.** For the purposes of this use, "onsite" shall mean on the same lot or parcel, or on a parcel
119 that is part of a larger group of contiguous parcels all under the same ownership, excluding
120 contiguity interrupted by a street right-of-way.

121 (2) **Same owner/operator.** The sales shall only be operated by the owner or manager of the onsite
122 agricultural operation.

123 (3) **Limitation on items sold.** Sales shall be limited to Agricultural Products, at least one of which
124 must be produced onsite and shall be continuously offered for sale during all times that onsite
125 produce is offered for sale.

126 (4) **Allowed footprint.** If sales occur within a building, the footprint of the building area used for sales
127 shall be limited to no more than 0.025 percent of the total area of the agricultural operation. If sales
128 occur outdoors, the footprint of the area used for sales shall be limited to no more than 1.0 percent
129 of the total area of the agricultural operation.

- 130 (5) **Setback requirement.** Except warehousing and storage, all sales activities shall be conducted at
131 a minimum distance from an adjoining property. That distance shall be the greater of:
- 132 a. 10 feet; or
- 133 b. One foot for every 200 square feet of footprint used for the sales activities, up to 100 feet.
- 134 (b) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
135 when in compliance with the following:
- 136 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
137 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 138 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40
139 head per acre of used land in the A-2 and A-3 zones.
- 140 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
141 parcel of land.
- 142 (c) **Animal feeding operation.** This use may include supplemental or full feeding. However, it is prohibited
143 to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the
144 premises. The following additional standards apply for hog feeding:
- 145 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.
- 146 (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as
147 required by the local health department.
- 148 (d) **Animal feeding operation, large concentrated.** A large concentrated animal feeding operation shall
149 not be located within a half-mile of a zone boundary, unless the boundary is shared with another zone
150 in which this use is allowed. Additionally, the area of confinement devoted to the feeding of the animals
151 in any new large concentrated animal feeding operation shall be set back at least one quarter-mile from
152 every property boundary.
- 153 (e) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100
154 feet from a public street and not less than 25 feet from any side or rear lot line.
155 **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more
156 livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite,
157 completely enclosed within a building with no outdoor storage, and located on and with access directly
158 from a collector or arterial street.
- 159 (f) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more
160 than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not
161 less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
162
- 163 (g) **Family food production.**
- 164 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
165 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
166 turkeys, five ducks, five geese, or five pigeons.
- 167 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
168 40,000 square feet.
- 169 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
170 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
171 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
172 fowl may be kept per each additional acre greater than two.
- 173 (h) **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction vehicle
174 shall be restricted to the owner or operator of an actively operating agricultural use on the same lot or
175 parcel on which it is parked, or the owner or operator's employee. This use shall:

- 176 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- 177 (2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural
- 178 use;
- 179 (3) Include no more than one three-axle truck, and no pups.
- 180 (i) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound
- 181 GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt
- 182 from these restrictions.
- 183 (j) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
- 184 of the construction work.
- 185 ...
- 186

187 **CHAPTER 104-8 FOREST RESIDENTIAL ZONES**

188 **Sec 104-8-1 Purpose and Intent**

189 The purpose of the forest residential zone is to provide area for residential development in a forest setting.

190 (a) The FR-1 zone is intended to provide low density development, as well as to protect as much as
191 possible the naturalistic environment of the development.

192 (b) The FR-3 zone is intended to provide medium density residential uses of apartment clusters or condo-
193 tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the
194 mountain areas of Weber County on the basis that such medium density multiple-family housing is an
195 integral and normal part of a recreational resort complex catering to the needs of both tourists and
196 permanent home ownership. This zone is intended to be used in mountain locations in areas associated
197 with major recreational resorts.

198 **Sec 104-13-2 (Reserved)**

199 **Sec 104-8-3 Land Use Table**

200 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
201 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
202 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
203 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

204 (a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the
205 main use to which it is accessory.

	FR-1	FR-3	Special Regulations
Accessory building, accessory and incidental to the use of a main building.	P	P	
Accessory dwelling unit.	P	P	See Title 108, <u>Chapter 19</u>
Accessory use, accessory and incidental to the main use.	P	P	
Family food production, accessory to a residential use.	P	N	See Section 104-8-4
Home occupation, accessory to a residential use.	P	P	See <u>Chapter 108-13</u>
Household pets, accessory to a residential use.	P	P	
Lockout sleeping room, accessory to a dwelling unit.	N	C	No more than two per dwelling unit.

Main building , designed or used to accommodate the main use.	P	P	
Parking lot , accessory to a main use allowed in the zone.	C	P	
Temporary building or use , accessory and incidental to onsite construction work.	P	P	See Section 104-8-4

206 (b) **Agricultural uses, non-animal.**

	FR-1	FR-3	Special Regulations
Agriculture.	P	N	
Greenhouse and nursery.	P	N	Onsite sales are limited to plants produced on the premises.

207 (c) **Animal-related noncommercial uses.** The following are animal-related uses that do not and shall not
 208 typically generate customer-oriented traffic to the lot or parcel.

	FR-1	FR-3	Special Regulations
Animal grazing. Animal grazing, as defined in Section 101-2.	P	N	See Section 104-8-4
Apiary.	P	N	
Aviary.	P	N	
Corral, stable or building for keeping animals or fowl.	P	N	See <u>Section 104-8-4</u>
Stable for horses, noncommercial.	P	N	Horses shall be for noncommercial use only. No more than two horses shall be kept for each one acre of land used for the horses.

209 (d) **Commercial uses.** The following are uses that typically generate for-profit customer-oriented traffic to
 210 the lot or parcel.

	FR-1	FR-3	Special Regulations
--	------	------	---------------------

Conference or education center.	N	C	
Golf course , except miniature golf course.	C	N	
Ski resort.	C	N	

211 (e) **Institutional uses.**

	FR-1	FR-3	Special Regulations
Church, synagogue, or similar building used for regular religious worship.	C	N	
Public building.	C	C	
Public school , or private educational institution having a curriculum similar to that ordinarily given in public schools.	C	N	Five acre minimum use in FR-1 Zone.

212 (f) **Residential uses.**

	FR-1	FR-3	Special Regulations
Bed and breakfast dwelling.	C	N	See Section 104-8-4
Bed and breakfast inn.	C	C	See Section 104-8-4
Condominium rental apartment (condo-tel), or timeshare building.	N	C	
Dwelling, single-family.	P	P	
Dwelling, two-family.	N	P	
Dwelling, three-family.	N	P	
Dwelling, four-family.	N	P	
Dwelling, multi-family.	N	C	

Group dwelling.	N	C	See Section 108-7-11
Lodging house.	N	C	See Section 104-8-4
Recreation lodge.	N	C	
Residential facility for disabled persons.	P	P	See Section 108-7-13
Short-term rental.	N	P	See Title 108, Chapter 11

213 (g) **Recreational noncommercial uses.** The following are recreational uses that are typically owned or
 214 operated by a nonprofit or governmental entity.

	FR-1	FR-3	Special Regulations
Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	
Public park, recreation grounds and associated buildings.	C	C	

215 (h) **Utility uses.**

	FR-1	FR-3	Special Regulations
Public utility substations.	C	C	
Water storage reservoir, when developed by a utility service provider.	C	N	See Title 108, Chapter 10

216 **Sec 104-8-4 Special Regulations**

217 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-8-3. Due
 218 to the nature of the use, each shall be further regulated as follows:

- 219 (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
 220 when in compliance with the following:
- 221 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
 222 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
 - 223 (2) It shall not exceed a density of 40 head per acre of used land.
 - 224 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
 225 parcel of land.

- 226 (b) **Bed and breakfast dwelling.** This use is subject to the following:
- 227 (1) Two parking spaces shall be provided for the owner plus one space for each guest room;
- 228 (2) Proprietor or owner shall occupy the property;
- 229 (3) Meals shall only be served to overnight guests;
- 230 (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per
- 231 dwelling;
- 232 (5) Not more than two guests sleeping rooms per dwelling;
- 233 (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
- 234 and
- 235 (7) Business license shall be obtained.
- 236 (c) **Bed and breakfast inn or lodging house.** This use is subject to the following:
- 237 (1) Proprietor or owner shall occupy the premises.
- 238 (2) Two parking spaces shall be provided for the owner plus one space for each guest sleeping room.
- 239 (3) Meals shall be served to registered overnight guests only.
- 240 (4) Signs are limited to one nameplate or one identification sign.
- 241 (5) A business license shall be obtained.
- 242 (6) The following are additional standards applicable in the FR-1 zone:
- 243 a. Not more than seven sleeping rooms allowed, with all located within the same building as the
- 244 owner's residence.
- 245 b. The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in
- 246 width.
- 247 c. The lot shall have frontage on a major street as shown on the county general plan (Arterial
- 248 Street or Collector Street).
- 249 d. The lot shall not be in a recorded subdivision unless the lot is specifically created for the
- 250 purpose of a bed and breakfast inn.
- 251 e. The inn shall be at least 300 feet from the nearest existing dwelling.
- 252 f. The guest parking shall be in the rear of the inn.
- 253 g. Signs are limited to one nameplate or one identification sign of not more than eight square feet
- 254 in area.
- 255 h. The site shall be landscaped to provide a visual and noise buffer to adjoining property; a
- 256 landscape plan shall be submitted with site plan.
- 257 i. The inn shall be of a historic period or other distinguishable architectural style or design so as
- 258 not to resemble the modern block motel appearance.
- 259 (d) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100
- 260 feet from a public street and not less than 25 feet from any side or rear lot line.
- 261 (e) **Family food production.**
- 262 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
- 263 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
- 264 turkeys, five ducks, five geese, or five pigeons.
- 265 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
- 266 40,000 square feet.
- 267 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
- 268 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
- 269 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
- 270 fowl may be kept per each additional acre greater than two.
- 271 (f) **Group dwelling.** Group dwellings shall be considered as one building for the purpose of setback
- 272 requirements, with the entire group of dwellings as one unit requiring one front, one rear, and two side
- 273 yards as specified for dwellings. No two separate dwelling structures shall be closer than 30 feet.
- 274 (g) **Lodging house.** See bed and breakfast inn.

275 (h) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
276 of the construction work.

277 **Sec 104-8-5 Site Development Standards**

278 The following site development standards apply to a lot or parcel in the Forest Residential Zones FR-1, and
279 FR-3, unless specified otherwise in this Land Use Code.

280 (a) **Lot area:**

LOT AREA	FR-1	FR-3	
		Septic ¹	Sewer ²
Single-Family Dwelling. The minimum Lot Area for a Single-Family Dwelling shall be:	1 acre	20,000 square feet ⁵	6,000 square feet ⁵
Non-Single-Family Dwelling. The minimum Lot Area for all Dwellings other than a Single-Family Dwelling:		20,000 square feet per building ^{3,5}	7,500 square feet per building ^{4,5}
Other main building. The minimum Lot Area for a main building other than a Dwelling:			

281 ¹ For the purposes of this table, "septic" means an onsite individual wastewater system, such as a septic system.
 282 ² For the purposes of this table, "sewer" means an offsite community, group, or shared wastewater system, such as a
 283 community sewer system.
 284 ³ An additional 8,000 square feet of Lot area is required for each Dwelling Unit in excess of one per building, and there shall
 285 not be more than 4 dwelling units per net developable acre.
 286 ⁴ An additional 2,000 square feet of Lot area is required for each Dwelling Unit in excess of two per building, and there shall
 287 not be more than 20 dwelling units per net developable acre.
 288 ⁵ An additional 500 square feet of Lot Area is required for each rental or Lockout Sleeping Room, and there shall not be
 289 more than 40 rental or Lockout Sleeping Rooms per net developable acre if on sewer, or eight if on septic.

290 (b) **Lot width:**

LOT WIDTH	FR-1	FR-3
Minimum for all uses:	150 feet ¹	60 feet

291 ¹ The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third as
 292 long as the required minimum lot width is provided when measured at a distance of 70 feet back from the front lot line in the
 293 FR-1 Zone.

294 (c) **Yard setback:**

295 (1) **Front yard setback:**

YARD SETBACK	FR-1	FR-3
Minimum front yard setback:	30 feet ¹	25 feet ¹

296 ¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

297 (2) **Side yard setback:**

SIDE YARD SETBACK	FR-1	FR-3
Main building:	20 feet	8 feet ¹
Accessory building:		8 feet, except one foot if located at least six feet in rear of main building.
Corner lot, side facing street:		20 feet

298 ¹ The combination of the two required side yards shall not be less than 18 feet, plus one additional foot on each
 299 side for each foot of building height greater than 35 feet.

300 (3) **Rear yard setback:**

REAR YARD SETBACK	FR-1	FR-3
Main building:	30 feet	30 feet
Accessory building:	10 feet	1 foot, except 8 feet when on a corner Lot and adjacent to the adjoining Lot's front-yard.

301 (d) **Building height:**

BUILDING HEIGHT	FR-1	FR-3
Minimum main building height:	1 story	
Maximum main building height:	35 feet	
Maximum accessory building height:	25 feet ¹	

302 ¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

303 (e) **Lot coverage:**

LOT COVERAGE	FR-1	FR-3
The maximum lot coverage of all buildings:	N/A	40 percent ¹

304 ¹ At least 40 percent of the lot shall be left in open green space.

305 (f) **Floor to area ratio:**

FLOOR TO AREA RATIO	FR-1	FR-3
The maximum ratio of total building floor-area to Lot area:	N/A	1:1

306 ...

307 **CHAPTER 104-9 FOREST ZONES**

308 **Sec 104-9-1 Purpose**

309 (a) The intent of the forest zones is to protect and preserve the natural environment of those areas of the
 310 county that are characterized by mountainous, forest or naturalistic land, and to permit development
 311 compatible to the preservation of these areas.

312 (b) The objectives in establishing the forest zones are:

313 (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the
 314 natural resources, vegetation and attractions;

315 (2) To reduce the hazards of flood and fire;

316 (3) To prevent sanitation and pollution problems and protect the watershed;

317 (4) To provide areas for private and public recreation and recreation resorts; and

318 (5) To provide areas for homes, summer homes, and summer camp sites.

319 **Sec 104-9-2 (Reserved)**

320 **Sec 104-9-3 Land Use Table**

321 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
 322 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
 323 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
 324 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

325 (i) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the
 326 main use to which it is accessory.

	F-5	F-10	F-40	Special Regulations
Accessory building , accessory and incidental to the use of a main building.	P	P	P	
Accessory dwelling unit.	P	P	P	See Title 108, <u>Chapter 19</u> .
Accessory use , accessory and incidental to the main use.	P	P	P	
Family food production , accessory to a residential use.	P	P	P	See Section 104-9-4
Home occupation , accessory to a residential use.	P	P	P	See <u>Chapter 108-13</u> .
Household pets , accessory to a residential use.	P	P	P	

Main building , designed or used to accommodate the main use.	P	P	P	
Skeet or trap shooting , when accessory to a public or private camp.	C	C	C	

327 (j) **Agricultural uses, non-animal.**

	F-5	F-10	F-40	Special Regulations
Agriculture.	P	P	P	
Aquaculture.	P	P	P	

328 (k) **Animal-related noncommercial uses.** The following are animal-related uses that do not and shall not
329 typically generate customer-oriented traffic to the lot or parcel.

	F-5	F-10	F-40	Special Regulations
Animal grazing. Animal grazing, as defined in Section 101-2.	P	P	P	See Section 104-9-4.
Apiary.	P	P	P	
Aquaculture, animal related.	P	P	P	
Aviary.	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	See <u>Section 104-9-4.</u>

330 (l) **Commercial uses.** The following are uses that typically generate for-profit customer-oriented traffic to
331 the lot or parcel.

	F-5	F-10	F-40	Special Regulations
Agritourism.	C	C	C	See <u>Chapter 108-21.</u>
Campground and picnic area.	C	C	C	See Title 108, <u>Chapter 20.</u>

Conference/education center.	C	C	C	
Forest industries. Production of forest products.	C	C	C	
Dude ranch.	C	C	C	
Golf course, except miniature golf course.	P	P	P	
Skeet or trap shooting range	N	N	C	
Ski resort.	C	C	C	

332 (m) **Institutional uses.**

	F-5	F-10	F-40	Special Regulations
Cemetery.	C	C	C	
Church, synagogue or similar building used for regular religious worship.	C	C	C	

333 (n) **Residential uses.**

	F-5	F-10	F-40	Special Regulations
Recreation lodge	C	C	C	
Single-family dwelling.	P	P	P	

334 (o) **Recreational noncommercial uses.** The following are recreational uses that are typically owned or
 335 operated by a nonprofit or governmental entity.

	F-5	F-10	F-40	Special Regulations
Recreational vehicle parking.	P	P	P	See Section 104-9-4
Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	C	

Public campground and picnic area.	P	P	P	See <u>Title 108, Chapter 20.</u>
Public park, recreation grounds and associated buildings.	P	P	P	

336 (p) **Utility uses.**

	F-5	F-10	F-40	Special Regulations
Hydro-electric dam.	C	C	C	
Public utility substations.	C	C	C	
Radio or television station or tower.	C	C	C	
Wastewater treatment or disposal facilities	C	C	C	
Water storage reservoir, when developed by a utility service provider.	C	C	C	See Title 108, Chapter 10.

337 (q) **Other uses.**

	F-5	F-10	F-40	Special Regulations
Heliport.	N	N	C	See Section 104-9-4
Mines, quarries, gravel pits.	C	C	C	Compliance with the Weber County Excavation and Clean Fill Ordinance required.

338 **Sec 104-9-4 Special Regulations**

339 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-9-3. Due
340 to the nature of the use, each shall be further regulated as follows:

- 341 (i) **Animal grazing.** No more than one horse or cow per acre of land exclusively devoted to the animal.
342 This use shall not include the supplementary or full feeding of the animals, except when in compliance
343 with the following:
- 344 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural
345 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
 - 346 (2) It shall not exceed a density of 40 head per acre of used land.
 - 347 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
348 parcel of land.

349 (j) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100
 350 feet from a public street and not less than 25 feet from any side or rear lot line.

351 (k) **Family food production.**

352 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
 353 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
 354 turkeys, five ducks, five geese, or five pigeons.

355 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
 356 40,000 square feet.

357 (3) No more than six combined sets of Group A animals and sets of Group B animals or fowl may be
 358 kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than
 359 two acres, except that an additional six combined sets of Group A and sets of Group B animals or
 360 fowl may be kept per each additional acre greater than two.

361 (l) **Heliport.** This use shall comply with the following minimum standards:

362 (1) It shall be located on a single parcel of record which is not less than 40 acres in area.

363 (2) It shall be located at an elevation at least 6,200 feet above sea level.

364 (3) It shall be located at least 200 feet from any property line. The Land Use Authority may grant
 365 exceptions to this setback if it can be demonstrated that locating the heliport closer than 200 feet
 366 to the property line provides a more beneficial situation for purposes of safety, noise abatement,
 367 access, or other valid reasons as determined by the Land Use Authority.

368 (4) The landing surface shall be dust proof and free from obstructions.

369 (5) Prior to the issuance of a permit, written approval from the Federal Aviation Administration (FAA)
 370 is required, if necessary.

371 (m) **Recreational vehicle use.** One recreational vehicle shall be temporarily parked on a lot or parcel for
 372 periodic short-term intervals of 180 days or less and shall be limited to recreational use only and not
 373 for longer term placement or for full-time living. The use may be accompanied by no more than one
 374 storage shed no greater than 200 square feet and shall not include electrical or plumbing, one prepared
 375 recreational vehicle pad, one raised deck of no more than two feet in height adjacent to the recreational
 376 vehicle, one outdoor camp fireplace, and picnic table, chairs, tent-type screen. The following additional
 377 conditions shall apply:

378 (1) The lot shall meet minimum lot requirements as specified in this Land Use Code, or be a
 379 nonconforming lot as specified in Title 108, Chapter 12.

380 (2) Health department approval is required for waste disposal by an approved septic tank and drain
 381 field with approved connection to the recreation vehicle.

382 **Sec 104-9-5 Site Development Standards**

383 The following site development standards apply to a lot or parcel in the Forest Zone F-5, F-10, and F-40,
 384 unless specified otherwise in this Land Use Code.

385 (g) **Lot area:**

LOT AREA	F-5	F-10	F-40
Minimum for all uses:	5 acres	10 acres	40 acres

386 (h) **Lot width:**

LOT WIDTH	F-5	F-10	F-40
Minimum for all uses:	300 feet ¹	400 feet ¹	660 feet ¹

387 ¹The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third,
 388 provided the required minimum lot width is provided when measured at a distance of 100 feet back from the front lot line in
 389 the F-5 Zone; 140 feet in the F-10 Zone.

390 (i) **Yard setback:**

391 (1) Front yard setback:

LOT WIDTH	F-5	F-10	F-40
Minimum front yard setback:	30 feet ¹	50 feet ¹	75 feet ¹

392 ¹See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

393 (2) Side yard setback:

LOT WIDTH	F-5	F-10	F-40
Minimum for all uses:	20 feet	20 feet	40 feet

394 (3) Rear yard setback:

LOT WIDTH	F-5	F-10	F-40
Main building:	30 feet		
Accessory building:	10 feet		

395 (j) **Building height:**

LOT WIDTH	F-5	F-10	F-40
Minimum main building height:	1 story		
Maximum main building height:	35 feet		
Maximum accessory building height:	25 feet ¹		

396 ¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

398 ...

399 **CHAPTER 104-10 SHORELINE ZONE S-1**

400 **Sec 104-10-1 Purpose and Intent**

- 401 (a) The shoreline zone has been established as a district in which the primary use of the land is for farming
 402 and for recreational purposes. In general, this zone covers the portion of the unincorporated area of
 403 the county that is occupied by Pineview Reservoir and shores adjacent thereto.
- 404 (b) This zone is characterized by farms and pasture lands situated adjacent to the shore of the Pineview
 405 Reservoir and interspersed by dwellings, recreational camps, resorts and outdoor recreation facilities.
- 406 (c) The purposes of the Shoreline Zone S-1 are:
- 407 (1) To promote the use of the land for agriculture and for fish, wildlife and recreational purposes both
 408 public and private;
- 409 (2) To facilitate the conservation of water and other natural resources;
- 410 (3) To reduce hazards from floods and fires;
- 411 (4) To preserve open space, natural scenic attractions, natural vegetation, and other natural features
 412 within the zone;
- 413 (5) To ensure adequate provision for water supply, domestic sewage disposal and sanitation.
- 414 (d) In order to accomplish these objectives and purposes and to protect the essential characteristics of the
 415 zone, the following regulations shall apply in the Shoreline Zone S-1.

416 **Sec 104-10-2 (Reserved)**

417 **Sec 104-10-3 Land Use Table**

418 The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural
 419 zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a
 420 conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that
 421 is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

- 422 (a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the
 423 main use to which it is accessory.

	S-1	Special Regulations
Accessory building , accessory and incidental to the use of a main building.	P	
Accessory dwelling unit.	P	See <u>Chapter 108-19</u> .
Accessory use , accessory and incidental to the main use.	P	
Family food production , accessory to a residential use.	P	See Section 104-10-4
Home occupation , accessory to a residential use.	P	See <u>Chapter 108-13</u> .
Household pets , accessory to a residential use.	P	

Main building , designed or used to accommodate the main use.	P	
--	---	--

424 (b) **Agricultural uses, non-animal.**

	S-1	Special Regulations
Agriculture.	P	
Aquaculture.	P	

425 (c) **Animal-related noncommercial uses.** The following are animal-related uses that do not and shall not
426 typically generate customer-oriented traffic to the lot or parcel.

	S-1	Special Regulations
Animal grazing. Animal grazing, as defined in Section 101-2.	P	See Section 104-10-4.
Apiary.	P	
Aquaculture, animal related.	P	
Aviary.	P	
Corral, stable or building for keeping animals or fowl.	P	See <u>Section 104-10-4.</u>

427 (d) **Commercial uses.** The following are uses that typically generate for-profit customer-oriented traffic to
428 the lot or parcel.

	S-1	Special Regulations
Agritourism.	C	See <u>Chapter 108-21.</u>
Golf course , except miniature golf course.	P	

429 (e) **Institutional uses.**

	S-1	Special Regulations
Cemetery.	P	
Church, synagogue or similar building used for regular religious worship.	P	

430 (f) **Residential uses.**

	S-1	Special Regulations
<i>Single-family dwelling.</i>	P	

431 (g) **Recreational noncommercial uses.** The following are recreational uses that are typically owned or
432 operated by a nonprofit or governmental entity.

	S-1	Special Regulations
<i>Private park, playground or recreation area.</i> No privately owned commercial amusement business.	C	
<i>Public campground and picnic area.</i>	P	See <u>Chapter 108-20.</u>
<i>Public park, recreation grounds</i> and associated buildings.	P	

433 (h) **Utility uses.**

	S-1	Special Regulations
<i>Hydro-electric dam.</i>	C	
<i>Public utility substations.</i>	C	
<i>Radio or television station or tower.</i>	C	

434 **Sec 104-10-4 Special Regulations**

435 (a) **General use regulations.** The above specified uses shall be permitted only under the following
436 conditions:

437 (1) Public health requirements concerning domestic water supply and sewage disposal shall comply
438 with provisions of section 108-7-9.

439 (2) No building or structure shall be constructed within the boundaries of any public reservoir as
440 determined by the public agency having jurisdiction or within the boundaries of any natural
441 waterway or watercourse as determined by the county engineer wherein no buildings or structures
442 shall be constructed or land subdivided. Where buildings are to be constructed within 50 feet of the
443 exterior boundaries of a flood channel existing at the effective date of the ordinance from which this
444 chapter is derived, adequate measures must be taken as determined by the Weber County
445 Engineer so as to protect the building or structure from damage due to floods and so as not to
446 increase the hazard to surrounding lands and buildings.

447 (3) The required yard space shall be kept free of debris, refuse or other inflammable material which
448 may constitute a fire hazard.

449 (b) **Specific use regulations.** The uses listed below correspond with certain uses listed in the Land Use
450 Table in Section 104-10-3. Due to the nature of the use, each shall be further regulated as follows:

451 (1) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
452 when in compliance with the following:

- 453 a. It may only be carried on during times that are reasonable and necessary due to lack of natural
 454 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 455 b. It shall not exceed a density of 25 head per acre of used land.
- 456 c. It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
 457 parcel of land.
- 458 (2) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than
 459 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- 460 (3) **Family food production.**
- 461 a. As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one
 462 goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants,
 463 five turkeys, five ducks, five geese, or five pigeons.
- 464 b. No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less
 465 than 40,000 square feet.
- 466 c. No more than six combined sets of Group A animals and sets of Group B animals or fowl may
 467 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater
 468 than two acres, except that an additional six combined sets of Group A and sets of Group B
 469 animals or fowl may be kept per each additional acre greater than two.

470 **Sec 104-10-5 Site Development Standards**

471 The following site development standards apply to a lot or parcel in the Shoreline zone, unless specified
 472 otherwise in this Land Use Code.

473 (k) **Lot area:**

	S-1
Minimum for all uses:	5 acres

474 (l) **Lot width:**

	S-1
Minimum for all uses:	300 feet

475 (m) **Yard setback:**

476 (1) **Front yard setback:**

	S-1
Minimum front yard setback:	30 feet ¹

477 ¹See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

478 (2) **Side yard setback:**

	S-1
Minimum for all uses:	20 feet

479 (3) **Rear yard setback:**

	S-1
Main building:	30 feet
Accessory building:	10 feet

480 (n) **Building height:**

	S-1
Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet ¹

¹Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

481

482

483 ...

484 **CHAPTER 104-13 (RESERVED)**

485 ...

486 Chapter 104-17 (Reserved)...

487 **TITLE 108 STANDARDS**

488 ...

489 **CHAPTER 108-21 AGRITOURISM**

490 **Sec 108-21-1 Purpose And Intent**

491 The County desires to create a culture that supports and celebrates its agrarian heritage and open spaces
 492 in the unincorporated areas. This chapter's purpose is to do this by providing owners of agricultural
 493 operations the ability to generate additional income from land uses that are not otherwise allowed in the
 494 zone, provided those uses are accessory, incidental, and inextricably related to the an onsite agricultural
 495 operation. The intent of this chapter is to create allowances and regulations that govern agriculture-oriented
 496 land uses that cater to tourists and other visitors coming to the site for recreational, educational,
 497 gastronomical, or similar agriculture-oriented attraction.

498 **Sec 108-21-2 Applicability and Qualifications**

499 (a) **Applicability.** The standards found in this chapter shall apply to all agritourism operations. Application
 500 and review provisions for an agritourism conditional use permit are set forth in Title 108, Chapter 4 of
 501 this Land Use Code. Any additional detail required by this chapter shall supplement the conditional use
 502 permit application. An agritourism event or activity that operates outside of expected hours of operation,
 503 or that involves crowds in a number greater than that which can be served by existing facilities, shall
 504 obtain a Special Event Permit pursuant to Title 38 of the Weber County Code.

505

506 (b) **Primary use.** All agritourism operations shall clearly be accessory and incidental to a primary
507 agricultural use of the property. To this end, at no time shall the activity area of an agritourism operation
508 be greater than 20 percent of the agricultural operation's gross acreage, as described in Subsection (c)
509 of this Section 108-21-2.

510 (c) **Qualifications.** An agricultural operator seeking an agritourism permit shall demonstrate at the time of
511 application, as well as throughout the duration of the agritourism use, the following:

512 (1) **Ownership.** Demonstrate that the agricultural operator has owned the subject property for the last
513 two years.

514 (2) **Actively devoted to Agriculture.** Demonstrate that the agricultural operation's gross acreage has
515 been actively devoted to an agricultural use for at least the last two years. An agricultural
516 operation's gross acreage shall be determined to be the area actively devoted to an agricultural
517 use that is routinely maintained in an agriculturally productive manner, including barns and similar
518 buildings or structures intended to serve the agricultural operation.

519 (3) **Minimum acreage.** Demonstrate that the agricultural operation's gross acreage is equal to or
520 greater than is required for the specific agritourism use or uses being pursued, as specified in
521 Section 108-21-4 and Section 108-21-5. However if an apiary is the primary agricultural operation:

522 a. The subject property shall be at least three acres; and

523 b. The agritourism use associated to the apiary shall be limited to only that which is listed as
524 allowed for a Garden Operation, as specified in the Table in Section 108-21-5 herein.

525 (4) **Proof of production, if necessary.** If not already obvious to the Land Use Authority, demonstrate
526 that the agricultural operation's gross acreage being claimed to be actively devoted to an
527 agricultural use produces enough to meet or exceed either the production levels reported in the
528 current publication of the Utah Agricultural Statistics, or the current crop budgets developed and
529 published by Utah State University.

530 (d) **Permit enforcement.** An agritourism permit includes all conditions of approval as may be applied by
531 the Land Use Authority. At no time shall an agritourism operation be conducted in a manner that
532 conflicts with the details of the agritourism permit application or the conditions of approval. If a condition
533 or finding of approval conflicts with any detail provided in the application, the condition or finding shall
534 prevail.

535 (e) **Supplemental application narrative.** In addition to the application requirements listed in Title 108,
536 Chapter 4 of this Land Use Code, all agritourism applications shall be accompanied by a detailed
537 narrative describing the agricultural operation and the overall vision for the proposed agritourism
538 operation. The narrative shall also include the following:

539 (1) **History.** The history of the agricultural operation along with evidence that demonstrates the
540 operation meets the minimum qualifications herein.

541 (2) **Description of anticipated changes.** A description of any plans for changes to the agricultural
542 operation, its general functions, maintenance, product(s), and customer base.

543 (3) **Description of use's incidental and accessory nature.** A description of how the agritourism
544 operation is incidental and accessory to the agricultural operation, and a plan for how the owner
545 will ensure the agritourism operation remains incidental and accessory in perpetuity.

546 (4) **Description of new infrastructure and buildings.** A description of all intended new infrastructure,
547 including streets, driveways, parking lots, buildings, and utilities.

- 548 (5) **Description of operation.** An explanation or description of the agritourism operation including:
- 549 a. **Products.** Products that will be sold onsite.
- 550 b. **Activites.** Activities offered onsite.
- 551 c. **Intended customer base and typical anticipated behavior.** The type of customer or clientele
- 552 base that is expected to patronize the operation, categorized based on the intensity of their
- 553 visitation and the specific product or activity for which they are or will be visiting. For example,
- 554 the customer-base for onsite produce sales may be the general public with customers coming
- 555 and going many hours throughout the day; the clientele for a barn dance might be a private
- 556 party of a specified number of people that come and go once on the day of the party; and the
- 557 customers or clientele for a lodging house might be pre-registered or reserved individuals or
- 558 small groups.
- 559 d. **Facilities and equipment.** Agriculturally related and non-agriculturally related types of facilities
- 560 and equipment to be used and their maintenance plan(s).
- 561 e. **Vehicle accommodations.** Traffic, circulation, and parking plan that accommodates the
- 562 parking needs of both employees and patrons.
- 563 f. **Hours and visitor volume.** Hours of operation and number of patrons:
- 564 1. Normal and routine hours of operation, and anticipated events, dates, and times, or
- 565 examples of anticipated events, dates, and times, that operations may go beyond those
- 566 normal and routine hours.
- 567 2. Anticipated number of normal and routine daily patrons, employees, and vehicles, and
- 568 anticipated number of patrons, employees, and vehicles at times or for events that go
- 569 beyond what is normal and routine.
- 570 3. For the purpose of this paragraph, the phrase “normal and routine” means the time or
- 571 amount specified in the application, or if different, the approval. If the application or
- 572 approval does not specify;
- 573 i. As it relates to time, this shall mean the hours of operation specified in Section 108-
- 574 21-3
- 575 ii. As it relates to patrons or employees, this phrase means 25 people or less, or ten
- 576 typical passenger vehicles onsite at any one time.

577 **Sec 108-21-3 General Development and Operational Standards**

- 578 (a) The development standards imposed by this section do not alter, supersede or nullify any codes,
- 579 ordinances, statutes, or other applicable standards which may also regulate these same land uses.
- 580 **Access and frontage.** An agritourism operation shall provide customers access from an Arterial Street
- 581 or Collector Street. It is not required to have actual frontage on a street, but the access from the Arterial
- 582 Street or Collector Street to the operation shall either by owned in fee or recorded easement by the
- 583 agricultural operation. The access from the public right-of-way to the operation shall meet the
- 584 requirements of Section 108-7-29 unless specified otherwise by the local fire authority. The Land Use
- 585 Authority may allow access from a Major Neighborhood Street or Minor Neighborhood Street as long
- 586 as the street is public and as long as the agritourism operation does not increase traffic beyond that
- 587 which is typical for the type of street. Evidence of this shall be submitted with the application.
- 588 (b) **General site and building design/layout.** An agritourism operation shall have a general design and
- 589 layout that concentrates all tourism uses and activities into distinct activity center(s). Newly constructed

590 buildings and facilities intended to serve the agritourism operation shall reflect an architectural
591 vernacular that is consistent with the area's rural character. Temporary sanitary facilities are
592 discouraged; however, if found necessary, they shall be discretely incorporated into the agritourism
593 operation and completely screened from street and adjacent property view.

594 (c) **Ownership.** An agricultural operation to which an agritourism operation is accessory may consist of
595 multiple properties. All properties shall have identical and common ownership and shall be contiguous
596 except where contiguity is interrupted by a public street right-of-way.

597 (d) **Hours of operation.** Not including residential overnight lodging accommodations, and unless specified
598 otherwise in an approved application or other conditions of approval, the hours of operation shall be
599 limited to between 8:00 a.m. and 8:00 p.m., except if the use or activity is restricted to an area of the
600 property that is at least 500 feet from an existing dwelling unit located on another property. The Land
601 Use Authority may, but is not obligated to, allow other hours of operation if the applicant can
602 demonstrate mitigation of detrimental effects.

603 **Sec 108-21-4 Agricultural Operation Designation**

604 The following establishes a categorical designation for agricultural operations based on acreage. In all
605 cases, the minimum area of the affected Lot or Parcel shall meet the minimum area requirements of this
606 Land Use Code:

607 (a) **Garden agricultural operation** is when an agricultural operation's gross acreage, as described in
608 Section 108-21-3(b), is between two and nine acres.

609 (b) **Small agricultural operation** is when an agricultural operation's gross acreage, as described in
610 Section 108-21-3(b), is between nine and 20 acres.

611 (c) **Medium agricultural operation** is when an agricultural operation's gross acreage, as described in
612 Section 108-21-3(b), is between 20 and 40 acres.

613 (d) **Large agricultural operation** is when an agricultural operation's gross acreage, as described in
614 Section 108-21-3(b), is between 40 and 80 acres.

615 (e) **Ranch** is when an agricultural operation's gross acreage, as described in Section 108-21-3(b), is 80
616 acres or more.

617 **Sec 108-21-5 Use and Activity Table**

618 If an applicant can demonstrate appropriate mitigation of detrimental effects, as specified in Chapter 108-
619 4, the following uses and activities shall be allowed for an agritourism operation when marked with an "A"
620 under their corresponding agricultural operation designation. The use or activity is not allowed if marked
621 with an "N."

USES OR ACTIVITIES		AGRICULTURAL OPERATION DESIGNATION					SPECIAL REGULATIONS
		Garden	Small	Medium	Large	Ranch	
Agricultural arts center:		N	A	A	A	A	
Agricultural Product Processing and Packaging:		N	A	A	A	A	Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.
Agritourism Events Facility:		N	A	A	A	A	
Agritourism Farm Tour:		A	A	A	A	A	
Agritourism Fee Fishing:		A	A	A	A	A	
Agritourism Health Farm:		N	A	A	A	A	Limited to wellness, nutrition, and cooking education, and exercise and yoga classes, and meditation, and massage therapy. A health farm may serve meals only when served to participating clientele.
Agritourism Hunting Preserve		N	N	N	N	A	See Section 108-21-7
Agritourism You-Pick Operation:		A	A	A	A	A	
Agro-ecology research and education center :		N	A	A	A	A	Lodging, if any, is limited to accommodations for faculty, staff, and students.
Barn dance:		N	A	A	A	A	
Camping	<i>Glamorous camping area:</i>	N	N	A	A	A	No more than two tents, cabins, recreational vehicles, or combination thereof, per each five acres of gross agricultural operation, and no more than six people per tent or cabin. Tent and cabin area shall be completely screened from the view of adjoining properties.
	<i>Recreational Vehicle area:</i>	N	N	N	A	A	
Conference or Education Center:		N	A	A	A	A	Conferences and educational topics shall relate to agriculture, agritourism, vegetation management, or similar.

Day Camp		A	A	A	A	A	The camp shall be based on an agricultural theme and provide agriculturally related activities.
Dude Ranch		N	N	N	A	A	
Educational classes:		A	A	A	A	A	All courses of study or subject matter shall incorporate and consist of an agricultural or ecological component related to an Agricultural Product produced onsite.
Farm museum:		N	A	A	A	A	
Farmers Market. A farmer's market where multiple agricultural operators may sell their products:		N	N	A	A	A	
Food Prep:	<i>Bakery or café:</i>	N	A	A	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product.
	<i>Food concessions stand:</i>	N	A	A	A	A	
	<i>Restaurant:</i>	N	N	A	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale.
Greenhouse or Nursery:		N	A	A	A	A	Sales are limited to plants produced on the premises.
Lodging House:	<i>with up to 2 guest rooms:</i>	N	N	A	A	A	No more than two guest rooms per each acre of the agricultural operation. See Section 108-21-7
	<i>with 3 to 7 guest rooms:</i>	N	N	A	A	A	
	<i>with 8 to 16 guest rooms:</i>	N	N	N	A	A	
Petting zoo:		N	A	A	A	A	
Rental garden or garden row(s).		A	A	A	A	A	
Seasonal amusement such as haunted house, corn maze, hay stack slide or climbing area, and similar seasonal amusement uses:		N	A	A	A	A	
Sleigh or hay ride:		N	A	A	A	A	
Store:	<i>Agricultural Produce Sales, Onsite:</i>	A	A	A	A	A	The sales shall only be operated by the owner or manager of the onsite agricultural operation, and is limited to Agricultural Products, at least one of which must be produced onsite.

	<i>Gift shop:</i>	A	A	A	A	A	
	<i>Market:</i>	N	N	N	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product. Products shall be limited to those commonly offered by a small grocer.

623 **Sec 108-21-6 Site Development Standards**

624 The following table contains certain uses listed in the Use or Activity Table in Section 108-21-5. Each use
625 shall comply with the development standards provided in the table.

		SETBACK STANDARDS		MAXIMUM ALLOWED BUILDING FOOTPRINT
		From agricultural operation's exterior boundary	From existing dwelling on an adjacent lot	
<i>Agroecology Research and Education Center:</i>		100 feet ¹	200 feet ¹	Not applicable
<i>Agricultural Product processing and packaging:</i>		100 feet ¹	200 feet ¹	200 square feet ²
<i>Camping:</i>	<i>Glamorous camping area:</i>	300 feet ¹	500 feet ¹	Not applicable
	<i>Recreational Vehicle area:</i>			
<i>Conference or education center:</i>		300 feet ¹	500 feet ¹	Not applicable
<i>Educational classes:</i>		100 feet ¹	200 feet ¹	Not applicable
<i>Food Prep:</i>	<i>Bakery or café:</i>	200 feet ¹	400 feet ¹	Not applicable
	<i>Restaurant</i>			
<i>Market, farmers:</i>		200 feet ¹	400 feet ¹	Not applicable
<i>Lodging House:</i>	<i>2 guest rooms</i>	100 feet ¹	200 feet ¹	Not applicable
	<i>3 to 7 guest rooms</i>	200 feet ¹	400 feet ¹	

	8 to 16 guest rooms	400 feet ¹	600 feet ¹	
Petting zoo.		400 feet ¹	600 feet ¹	Not applicable
Store:	<i>Agricultural Produce Sales, Onsite:</i>	100 feet ¹	200 feet ¹	0.025 Percent of the agricultural operation's gross acreage.
	<i>Gift shop:</i>	100 feet ¹	200 feet ¹	
	<i>Market:</i>	150 feet ¹	300 feet ¹	

627 ¹ The setback distances listed in this table may be reduced by up to one-half when a six-foot high landscape
628 berm is installed that screens the potential visual or audible impacts to neighboring properties.

629 **Sec 108-21-7 Special Regulations.**

630 The uses listed below correspond with certain uses listed in the Use or Activity Table in Section 108-21-5.
631 Due to their nature, each shall be further regulated as follows.

632 (a) ***Agricultural product processing and packaging.***

633 a. Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy,
634 apiculture, aquaculture, and botanical products produced by the onsite agricultural operation.

635 b. Agricultural Product processing and packaging shall be limited to and agricultural operation
636 with a gross area, as provided herein, of five acres or greater. The planning commission may
637 allow up to a two-acre reduction to this limitation if it is found that the Agricultural Product
638 processing and packaging will take place in a completely enclosed building and will emit no
639 perceivable smoke, dust, vibration, noise, or objectionable smell at the agricultural operation's
640 property boundary.

641 (b) ***Agritourism Hunting Preserve.***

642 a. Limited to the Western Weber County Planning Area.

643 b. Limited to upland game and waterfowl hunting only.

644 c. Subject to Utah Division of Wildlife Resource standards.

645 (c) ***Lodging House.*** For an agritourism operation, a Lodging House is governed as follows:

646 (1) The Lodging House shall be owned and managed by the same owner or manager as the
647 agritourism operation.

648 (2) The agritourism operator or manager shall be onsite at all times that Lodging House guests are
649 onsite.

650 (3) Despite the definition of "Lodging House" in Title 101, Chapter 2, a Lodging House that is part of
651 an Agritourism operation may have as little as one guest room or suite.

652 (4) In addition to providing lodging to customers and clients of the agritourism operation in general, a
653 Lodging House may provide lodging for an Agroecology Research and Education Center, a
654 Conference or Education Center, a Health Farm, or a Dude Ranch conducted as part of the
655 agritourism operation.

656 (5) No more than one Lodging House shall be operated on an agritourism operation.

MEMO

Date: November 7, 2023

To: Western Weber Planning Commission

From: Felix Lleverino

Re: Zoning Map Amendment Application – Longhorn Estates and Vaquero Village rezone from Agricultural (A-1 and A-2) to Residential Estates (R1-15).

On October 17th, 2023 the Western Weber Planning Commission held a work session to discuss development agreement standards that will be included with the zoning map amendment of 76 acres of undeveloped land that will be known as Longhorn Estates.

As a means to remedy the issues that exist within the Vaquero Village Cluster Subdivision, the planning staff made a recommendation that the zoning map amendment include both developments. This would allow for the Vaquero Village residents to amend their subdivision plat and re-configure their lots in a fashion that would absorb the common area known as Parcel B, and remove the subdivision perimeter and midblock pathway easements from the Vaquero Village plat. A rezone to R1-15 of the Vaquero Village Subdivision is appropriate because the lot sizes are not less than 15,000 square feet.

The staff has prepared this memo to include Exhibits A through G and to present additional development standards that will be inserted into the development agreement.

Exhibit A shows what will generally be written into the development agreement. The staff has taken suggestions from the interested parties involved.

The latest concept plan, in Exhibit B, shows public right-of-way alignments and pathway locations. The planning staff will require a pathway that runs parallel to the canal and the appropriate right-of-way widths to conform to the general plan.

The ability to serve letter from West Warren-Warren Water District, in Exhibit C, states the district has the capacity to serve only culinary water and that the secondary water pond must be built to their specifications.

The secondary water plan, in Exhibit D, shows the pond expansion area that will be designed with an impervious membrane lining the secondary water storage pond.

The will-serve letter from the Little Mountain Service Area District, in Exhibit E, states the district requirements for annexation and connection.

Exhibit F contains a development agreement created by the West Warren Parks District. The amount of \$7,500 per lot is not the final amount. Further negotiations may take place and the type of contribution could change. The planning staff recommends that the language included with the development agreement and the staff's recommendation be used to allow for further negotiations.

The planning staff has prepared several recommendations in the form of model motions in Exhibit G for the request to rezone the combined 76-acre parcels that make up the Longhorn Estates and the 17-acre Vaquero Village Cluster Subdivision. The total amount of land included in this proposal is approximately 93 acres.



Exhibit A

7. Development Standards and Use Restrictions

7.1 Public Improvements Required within Vaquero Village Phase 1

7.1.1 Street right-of-way improvements

1. A ten-foot wide concrete sidewalk is installed on the east side of 7100 West Street.
2. The ten-foot wide sidewalk that is grade separated from the street and ADA compliant as shown on the Vaquero Village Cluster Subdivision 1st Amendment plat is installed.
3. A bond for the ten-foot wide concrete sidewalk and the ten-foot pathway is created with the Weber County Engineering Department as part of the Longhorn Estates.

7.1.2 Secondary water system

1. The secondary water system shall conform to all requirements of section 106-4-2.010 of the Weber County Code.
2. The secondary water system is redesigned to conform to the private water system industry standards and approved by the County Engineer and the culinary water authority.
3. A bond for the cost of the secondary water system upgrades is created with the Weber County Engineering Department as part of the Longhorn Estates.

7.1.3 Stormwater detention and management

1. Drainage canals are made to prevent water from pooling on the west and east edges of the subdivision.
2. Drainage canals designed to move water from the west and east edge of the Vaquero Village subdivision and are connected to a functioning drainage that is connected to the larger regional drainage canal.

7.1.4 Escrow

1. A full escrow for all incomplete items for Vaquero Village Cluster Subdivision is provided or all incomplete items are completed prior to conditional acceptance of improvements in Longhorn Estates.

7.1.5 Landscaping

1. The landscaping of Parcel A of Vaquero Village Cluster Subdivision shall be escrowed and completed in accordance with the landscape plan originally approved for Vaquero Village and is completed prior to conditional acceptance of improvements in Longhorn Estates.

7.2 Public Improvements Required in Longhorn Estates

7.2.1 Street right-of-way improvements

1. Improve the east half of 7500 West to the 80' right-of-way width public works specifications or otherwise voluntarily comply with the county's substandard street ordinance in Section 106-2-2.040 (c).
2. 7100 West Street is dedicated as an 80' right-of-way and extends to the northern property line.

3. A pathway is dedicated and constructed on or adjacent to the canal property.
4. A street connection is made to the east subdivision boundary
5. Street adjacent pathways and mid-block pathways are dedicated and constructed to conform to section 106-2-3.
6. Downward-directed and fully shielded street lights are placed on both corners at the entrance of 7100 West Street and 900 South Street.
7. A push-button activated crosswalk shall be placed at the intersection of 7100 West Street and 900 South Street.

7.2.2 Landscaping

1. The developer shall create a landscape guide in accordance with the water-wise landscaping and irrigation system design of the Weber Basin Water Conservancy District.
2. All lots within the development will implement water-wise landscaping measures.
3. Each lot owner shall submit a landscape plan with the building permit application for the primary structure.
4. The developer agrees to create an HOA. The association shall be given the responsibility and authority to review and approve all final landscape proposals and shall enforce the same. The HOA shall also be responsible for landscape maintenance along all pathway easements.

7.3 Parks and Open Space

7.3.1 Voluntary Contributions

1. The Parties agree that as part of the mutual consideration of this agreement and the rezone to which it is linked, the Developer will make a donation to the local park district before the final plat recordation. This donation may be actual funds, in-kind contribution, or any other equitable arrangement as mutually agreeable by the park district and developer, as evidenced in writing to the County from the park district.

7.4 Developer Performance

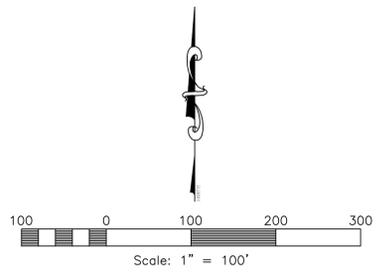
7.4.1 Subdivision Improvements Completion

1. All unfinished and inoperable subdivision improvements within the Vaquero Village Cluster Subdivision Phase 1 are completed and made operable before building permits are issued. This restriction shall not apply to the lots within the Vaquero Village Cluster Subdivision.
2. As a result of default, the zoning classification will be reverted back to its previous classification.

7.4.2 Subdivision Plat Amendment of Vaquero Village Cluster Subdivision

1. It shall be the responsibility of the developer of the land called Longhorn Estates to hire a surveyor who will create the subdivision plat and pay all subdivision fees to amend the Vaquero Village Cluster Subdivision Phase 1 plat.

Exhibit B



7500 West Street

7100 West Street

Longhorn Estates

Weber County, Utah

Developer:
 Pat Burns
 Lync Development
 1407 N Mtn. Rd
 Ogden, UT. 84404
 (801) 710-2234

Reeve & Associates, Inc.
 5160 S. 1500 W. RIVERDALE, UTAH 84405
 TEL: (801) 621-3100 FAX: (801) 621-2666 www.reeve-assoc.com
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
 TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS



REVISIONS	DESCRIPTION

Longhorn Estates
 PART OF THE SE 1/4 OF SECTION 14 T.6N, R.3W, S.LB & M., U.S. SURVEY
 WEBER COUNTY, UTAH

Concept Plan

DATE	DESCRIPTION

PROJECT INFO
Engineer: N. Reeve
Planner: C. Cove
Date: 3-16-23
Name: LONGHORN ESTATES
Number: 6298-23

SHEET	1
1	1

Revised: June 20, 2023

Exhibit C

West Warren-Warren Water Improvement District
1561 S. 7500 W.
Ogden, UT 84404
801-259-7614
westwarrentwtr@gmail.com

October 5, 2023

To Whom it May Concern:

RE: WATER AVAILABILITY LETTER FOR Pat Burns, Long Horn Development (Previously Known as Vaquero Village Phase 2)

This proposed development is located approximately 7100 W and slightly North of 900 S. The West Warren-Warren Water Improvement District (hereafter the District) does have culinary water available for this proposed development.

This letter only states that the above-mentioned project is in the boundaries of the District and water may be made available if the conditions previously discussed with Pat Burns are met. The previous conditions include, but are not limited to, the following issues, all secondary water issues must be resolved affecting both this proposed development as well as the first phase of the Vaquero Village development and a secondary water pond must be built to the specifications of the District with the ability to provide a pressurized secondary water system to both phase one and phase two of the development phases.

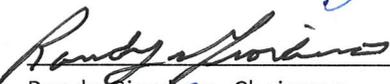
This letter is the first of two letters that will be issued for this development. When the previously stated issues and any other necessary additional conditions are met, the District will issue the Will-Serve Letter.

Should you have clerical questions or comments, please contact the district clerk. Please direct questions regarding water systems, materials, etc., to (801-791-7368) Randy Giordano, Chairman of the WWWID Board. This letter expires 1 year from the day it is issued.

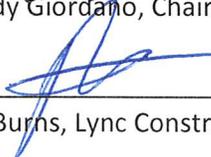
Sincerely,



Melissa Murray, Clerk

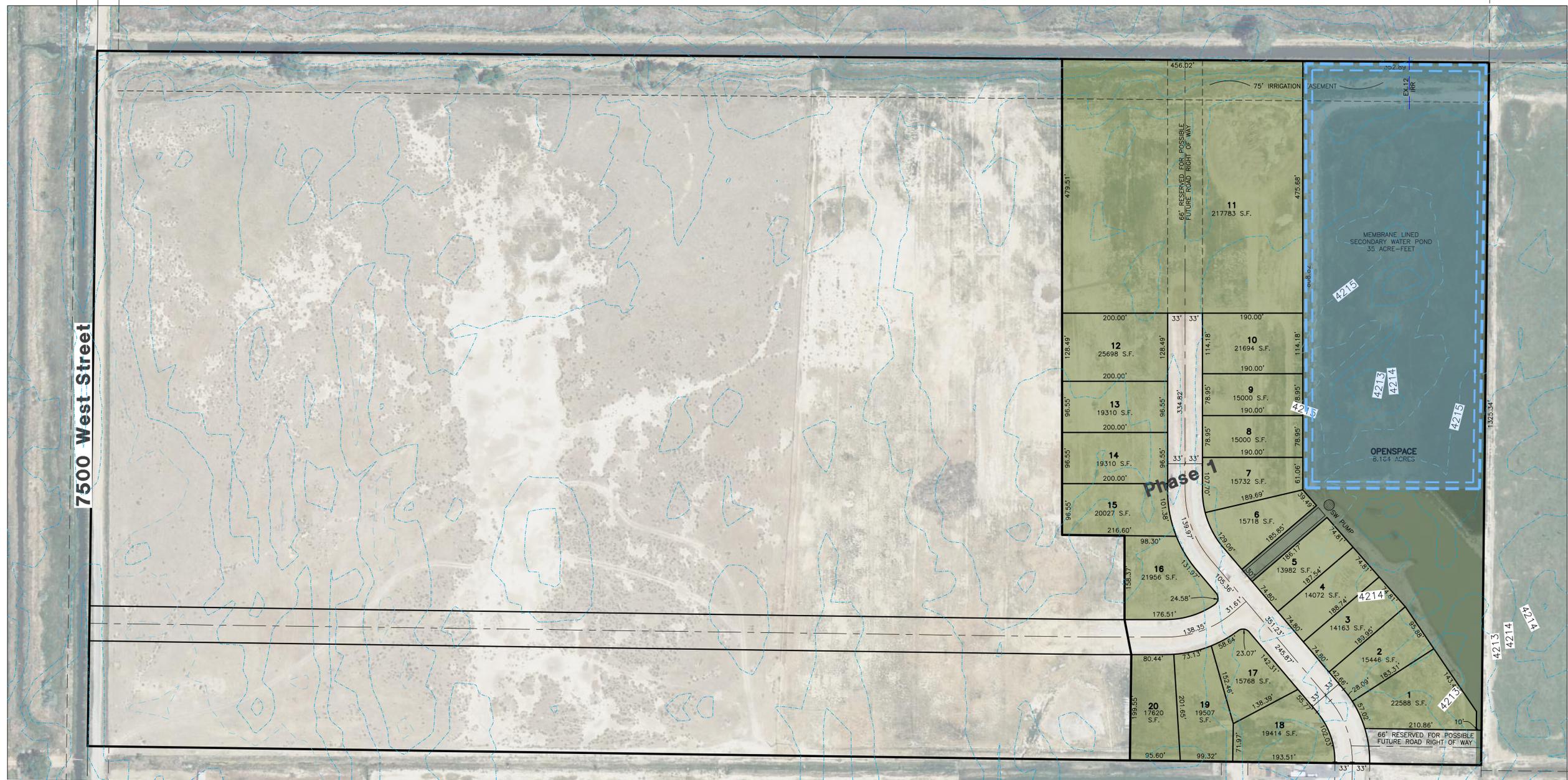


Randy Giordano, Chairman



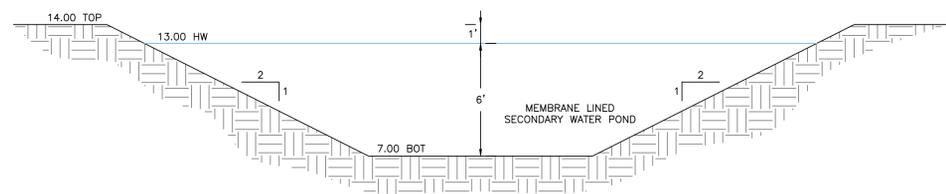
Pat Burns, Lync Construction

Exhibit D



7500 West Street

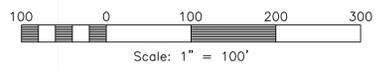
7100 West Street



Secondary Pond Detail
SCALE: NO SCALE



VICINITY MAP
NO SCALE



Longhorn Estates

Weber County, Utah

Developer:
Pat Burns
Lync Development
1407 N Mtn. Rd
Ogden, UT. 84404
(801) 710-2234

Revised: June 20, 2023

Reeve & Associates, Inc.
5160 S. 1500 W. RIVERDALE, UTAH 84405
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REVISIONS	DESCRIPTION
DATE	

Longhorn Estates
PART OF THE SE 1/4 OF SECTION 14 T.6N, R.3W, S.LB & M., U.S. SURVEY
WEBER COUNTY, UTAH

Concept Plan

Project Info.
Engineer: N. Reeve
Planner: C. Cove
Date: 3-16-23
Name: LONGHORN ESTATES
Number: 6298-23

Sheet	1
1	Sheets



LITTLE MOUNTAIN SERVICE AREA DISTRICT (LMSA) WASTEWATER WILL-SERVE LETTER

October 30, 2023
Weber County Planning Office
2380 Washington Blvd #240, Ogden Utah 84401

SUBJECT: Will-Serve Letter (Conditional, pending annexation)

At the request of Pat Burns, the LMSA board of Directors has reviewed an application for will-serve for the Longhorn Estates subdivision. This project is currently not located in the LMSA sanitary sewer service district, but is currently being evaluated for annexation.

1. LMSA has the capacity to treat the sanitary sewer flow from this subdivision.
2. If any connection is made directly into LMSA's line, the connection must be inspected by LMSA while the work is being done. A minimum of 48-hour notice for inspection shall be given to LMSA prior to any work associated with the connection commencing.
3. LMSA will not take ownership or responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. LMSA's Wastewater Control Rules and Regulations state:
5. Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.
6. The entire parcel of property to be served will need to be annexed into the District prior to any connection to the District's line. This annexation must be complete before the sale of any lots in the subdivision.
7. Impact fees will need to be paid to LMSA no later than the issuance of any building permits.

If you have any further questions or need additional information, please let us know.

Best Regards,

A handwritten signature in black ink, appearing to read "Stephanie Russell".

Stephanie Russell
Little Mountain Service Area, Board Manager

CC: John Price, LMSA Board Chair

Exhibit F

DEVELOPMENT FEE AGREEMENT

This Development Fee and Services (“**Agreement**”) is made and entered into on the date of execution below (“**Contract Date**”), by and between the **WEBER COUNTY SERVICE AREA #6/WEST WARREN PARK DISTRICT**, a political subdivision within the state of Utah (“**District**”), and **LYNC CONSTRUCTION**, a Utah corporation (“**Developer**”). District and Developer are referred to herein as the “**Parties**” and sometimes individually as a “**Party**.”

RECITALS

- A.** The District owns Parcel No’s. 100440013 100440058, which is located at 7100 West 900 South within the District’s boundaries and within unincorporated Weber County (“**Park Property**”).
- B.** The Developer has applied for a development agreement with Weber County.
- C.** As part of the application process, the Developer has entered into an agreement with West Warren Park District as required by Weber County’s Master Plan.
- D.** The Developer is willing to pay to the District a per-lot fee.
- E.** Developers shall pay to the District \$7,500 (seventy five hundred dollars) for each lot that Weber County approves for development in the Developer’s development agreement (the “**Development Fee**”). Developer is currently seeking approval for 107 lots, and therefore the Development Fee equals \$802,500. If Weber County otherwise approves more or fewer than 107 lots, then the Development Fee shall be adjusted to equal \$7,500 multiplied by the final number of lots approved for residential development. Prior to each development phase construction, West Warren Park requires payment of the full amount due (\$7,500 X total homes in that phase) before the phase begins.

Article II

TERM AND TERMINATION

- A. Term.** The term of this agreement is one year. The term shall begin upon the day of execution.
- B.** The contract between Lync Construction/Marriot Properties Longhorn Subdivision will require a yearly review as well as with each phase by the West Warren Park Board and Pat Burns. The park board has the right to amend the amount with each review.
- C.** If the Developer, sales any piece of the property currently outlined in the attached rezone application, our agreement goes with it.
- D. Termination.** This agreement may be terminated before the term expires upon mutual written and signed consent of both parties. Developers shall pay the District any outstanding Development Fee within 60 days of early termination.

ARTICLE III
MISCELLANEOUS

- A. Indemnification.** Developer shall indemnify and hold harmless District and its agents and employees from and against any and all claims, damages, losses, and costs, whether direct, indirect, or consequential, arising out of or resulting from Developer's negligent acts or omissions related to this agreement. Developer's negligent acts or omissions shall also include negligent acts or omissions by any subDeveloper, any person or organization directly or indirectly employed by Developer or any subDeveloper to perform or furnish any of the In-Lieu Services, or anyone for whose acts any of them may be liable. Developer's obligation to indemnify District is not limited or waived in any way by Developer's insurance coverage limits. Developer will be required to indemnify District to the fullest extent allowed by law, regardless of whether District has sufficient insurance to cover this obligation.
- B. Governing Law.** The provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of Utah.
- C. Severability.** If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the extent permitted by applicable law, unless the invalidation of the term materially alters this Agreement. If the invalidation of the term materially alters the Agreement, then the Parties shall negotiate in good faith to modify the Agreement to match, as closely as possible, the original intent of the Parties.
- D. Whole Agreement.** This Agreement sets forth the entire understanding of the Parties with respect to the subject matter hereof, and all prior negotiations, understandings, representations, inducements, and agreements, whether oral or written and whether made by a party hereto or by anyone acting on behalf of a Party, shall be deemed to be merged in this Agreement and shall be of no further force or effect.
- E. Effect of Non-Enforcement.** The failure of either Party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as subsequently waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

SIGNATURES

FOR: **Weber County Service Area #6/West Warren Park District**

Joe Giordano, Chair

ATTEST

Calene Ingram, Clerk

FOR: _____

Name/Title: _____

Exhibit G

Model Motion

The model motions herein are only intended to help the planning commissioners 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 planning 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 we forward a positive recommendation to the County Commission for File #ZMA2023-04, a developer-initiated application to amend the Weber County Zoning Map to rezone a total of 93-acres located at 640 South 7500 West and all of the Vaquero Village Cluster Subdivision Phase 1 from the A-1 and A-2 Zones to the R1-15 Zone. I do so with the following findings:

Example findings:

1. *The zoning map amendment are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health and welfare of Western Weber residents.*
4. [_____ *add any other desired findings here* _____].

Motion for positive recommendation **with changes**

I move we forward a positive recommendation to the County Commission for File #ZMA2023-04, a developer-initiated application to amend the Weber County Zoning Map to rezone a total of 93-acres located at 640 South 7500 West and all of the Vaquero Village Cluster Subdivision Phase 1 from the A-1 and A-2 Zones to the R1-15 Zone. I do so with the following findings:

1. The development standards, or some variation of these standards, contained within Exhibit A of this memo are included with the final development agreement.
2. The concept plan includes the appropriate ROW widths as indicated by the Future Streets and Transportation Map of the 2022 Western Weber General Plan.
3. The concept plan shall display conformity with the staff-recommended ROW alignments and the planned ROW alignments within the 2022 Western Weber General Plan.
4. That the concept plan includes a pathway parallel to the canal.
5. The number of lots shall not exceed the gross area divided by a 1/3 acre (minimum lot size for a 'Medium-size' lot).
6. The final layout of streets and pathways shall generally conform to the County Commission-approved concept plan and applicable code requirements.
7. The developer shall create a landscape guide and an HOA to enforce the implementation of water-wise landscaping design for the lots within the Longhorn Estates.
8. All artificial outdoor lighting for residential purposes shall conform to the Weber County Outdoor Lighting Code.

Findings:

1. The proposal implements certain goals and policies of the West Central Weber General Plan.
2. The development is not detrimental to the overall health, safety, and welfare of the community.

Motion to table

I move we table action on File #ZMA2023-04, a developer-initiated application to amend the Weber County Zoning Map to rezone total of 93-acres located at 640 South 7500 West and all of the Vaquero Village Cluster Subdivision Phase 1 from the A-1 and A-2 Zones to the R1-15 Zone to [_____ *state a date certain* _____], so that:

Examples of reasons to table:

1. *We have more time to review the proposal.*

2. *Staff can get us more information on secondary, culinary, and sewer services.*
3. *The applicant can get us more information on traffic impacts to 900 South Street.*
4. *More public noticing or outreach has occurred.*
5. [_____ *add any other desired reason here* _____].

Motion to recommend denial:

I move we forward a recommendation for denial to the County Commission for File #ZMA2023-04, a developer-initiated application to amend the Weber County Zoning Map to rezone a total of 93 acres located at 640 South 7500 West and all of the Vaquero Village Cluster Subdivision Phase 1 from the A-1 and A-2 Zones to the R1-15 Zone. I do so with the following findings

Examples findings for denial:

1. *The proposal is not adequately supported by the General Plan.*
2. *The appropriate Ability to Server letters are not provided*
3. *The area is not yet ready for the proposed changes to be implemented.*
4. [_____ *add any other desired findings here* _____].





Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: William Cobabe, Planning
Date: November 7, 2023
Subject: Proposed Subdivision Code Text Amendments

Planning Commissioners,

This memo is to inform you of several changes that are being proposed to the subdivision code (Title 106). These sections of the Code are being revised in response to new State law requirements, and other changes to the Code as seems reasonable and appropriate at this time. In summary, the proposed changes are for:

1. Section 106-1 regarding the designation of an "Administrative Land Use Authority" to review and approve subdivision plats, together with other changes required by State law.
2. Section 106-4-1 (d) regarding the required improvements to be installed prior to issuance of permits and a financial guarantee.
3. Section 106-4-2 regarding specific requirements for improvement, including driveway aprons, and sidewalks and pathways.
4. Section 106-4-3 regarding financial guarantee of improvements, including financial guarantee cost estimates, financial guarantee expiration and default, partial releases of financial guarantees, warranty guarantees (at conditional acceptance), and final acceptance of guarantees and release of the warranty guarantee. A new provision is added to allow for the authority of the County to use remaining funding to bring the subdivision improvements into compliance with the requirements.³

Please feel free to contact me with any questions.

Best,

William Cobabe
Planner III
801-399-8772

1 **Title 106 Subdivisions**

2 [Chapter 106-1 General Provisions](#)

3 [Chapter 106-2 Subdivision Standards](#)

4 [Chapter 106-3 Condominium Projects](#)

5 [Chapter 106-4 Subdivision Improvements Required](#)

6 [Chapter 106-5 Enforcement And Permits](#)

7 [Chapter 106-6 Penalty, Validity And Repealer](#)

8 [Chapter 106-7 Owner's Dedication](#)

9 [Chapter 106-8 Signature Blocks](#)

10
11
12 **State Law reference**—County Land Use, Development, and Management Act subdivision ordinances,
13 U.C.A. 1953, § 17-27a-601 et seq.

14 **Chapter 106-1 General Provisions**

15 [Sec 106-1-1 Purpose And Intent](#)

16 [Sec 106-1-2 \(Reserved\)](#)

17 [Sec 106-1-3 Applicability](#)

18 [Sec 106-1-4 Subdivision Application Requirements](#)

19 [Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure](#)

20 [Sec 106-1-6 \(Reserved\)](#)

21 [Sec 106-1-7 Subdivision Time Limitations](#)

22 [Sec 106-1-8 Final Plat Requirements And Approval Procedure](#)

23
24 ...

25
26 **Sec 106-1-5.20 Agency Review**

27 *Agency review.* The Planning Division shall distribute copies of the preliminary plan to other county
28 divisions or departments, or other non-county agencies or organizations, as authorized by State Law, that
29 it deems necessary to ensure thorough review of the proposed plan. The reviewing agencies shall have ~~30~~
30 ~~days~~20 business days (or is it 15 days – see subsection 4b and 5e) to review the preliminary plans and
31 return applicable information and recommendations to the planning division. The County shall not require
32 more than four review cycles, as outlined in Utah State Code Section 17-27a-604.2.

33 *UDOT corridor review.* A subdivision proposed within a designated UDOT corridor preservation area
34 shall be sent to the UDOT regional office for review and comment.

35 HISTORY

36 *Adopted by Ord. [2021-23](#) on 7/6/2021*

37 **Sec 106-1-5.30 Approval Procedure**

- 38 1. *Subdivision approval.* After the applicable staff and agency reviews, the preliminary plan/plat,
39 including the phasing plan, shall be presented to the Land Use Authority. The Land Use
40 Authority shall review the preliminary plan/plat to verify compliance with applicable ordinances.
41 After determining compliance with applicable ordinances, or determining compliance after
42 adding conditions of approval to ensure compliance with applicable laws, the Land Use Authority
43 shall approve the preliminary plan/plat. When considering conditions of approval, the Land Use
44 Authority shall follow the decision requirements found in [Section 108-4-4](#) of this Land Use Code,
45 and the conditional use standards of [Section 108-4-5](#). A decision on a subdivision that includes
46 conditions of approval shall not constitute a conditional use or require a conditional use permit.

47 2. *Small subdivision review.* Preliminary plan/plat approval of a small subdivision, as defined in
48 [Section 101-2-20](#) of this Land Use Code, is not required. The preliminary plan/plat required in
49 this section shall be reviewed simultaneously with the final plat.

50 *Administrative Land Use Authority designated.* The [Administrative](#) Land Use Authority for preliminary
51 plan/plat approval of a subdivision other than a small subdivision, as defined in [Section 101-2-20](#) of this
52 Land Use Code, is the applicable planning area Planning Commission. The [Administrative](#) Land Use
53 Authority for preliminary plan/plat approval of a small subdivision

54 ...

55
56 **Sec 106-1-8 Final Plat Requirements And Approval Procedure**

57 [Sec 106-1-8.10 Final Plat Required](#)

58 [Sec 106-1-8.20 Final Plat Requirements](#)

59 [Sec 106-1-8.30 Final Plat Approval Process](#)

60 [Sec 106-1-8.40 Final Plat Recordation](#)

61

62 (Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No.
63 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-
64 2017)

65 HISTORY

66 Amended by Ord. [2021-17](#) on 5/25/2021

67 Amended by Ord. [2021-23](#) on 7/6/2021

68 **Sec 106-1-8.10 Final Plat Required**

69 1. After compliance with the preliminary plan/plat provisions of [Section 106-1-5](#), the applicant shall
70 digitally submit a draft final plat and draft improvement plans, meeting the remaining
71 requirements of this Title and any additional conditions set by the [Administrative](#) Land Use
72 Authority. The registered land surveyor's certification on such plats shall indicate all lots meet the
73 requirements of the Land Use Code.

74 2. The final plat and accompanying information shall be submitted to the planning division at least
75 45 days prior to a regularly scheduled [Administrative](#) Land Use Authority meeting.
76

77 HISTORY

78 Adopted by Ord. [2021-23](#) on 7/6/2021

79 **Sec 106-1-8.20 Final Plat Requirements**

80 The following are requirements for final plat consideration:

81 ...

82

83 1. *Signature block.* A signature block conforming to State Code and county ordinances
84 shall be included on the plat for the following:

85 1. Private licensed land surveyor's "certificate of survey";

86 2. Owner's dedication certificate;

87 3. Notary public's acknowledgment;

88 4. County [Administrative](#) Land Use Authority's certificate of approval, to be signed
89 by the ~~planning director~~ [Planning Director](#) or designee;

90 5. County Engineer's certificate of approval;

- 91 6. County Attorney's certificate of approval;
- 92 7. Board of County Commissioners' certificate of acceptance;
- 93 8. County Clerk's certificate of attest;
- 94 9. County Surveyor's certificate of approval;
- 95 10. Local health department certificate of approval, if required by the local health
- 96 department;
- 97 11. Culinary water authority certificate of approval, if not the local health
- 98 department; and
- 99 12. Sanitary sewer authority certificate of approval, if not the local health
- 100 department.
- 101 13. In lieu of a signature block on the final plat for the culinary water authority or
- 102 sanitary sewer authority, the applicant may furnish a final plat approval letter
- 103 from either or both of these entities, if applicable. The final plat approval letter
- 104 shall indicate the water or sewer authority's unconditioned approval of the final
- 105 plat and the proposed improvements for their respective facilities, and shall
- 106 include a copy of the final plat and final improvement drawings for which they
- 107 are granting approval. A conditional letter of approval is not allowed.
- 108 2. **Recorder's block.** A three-inch by three-inch space in the lower right-hand corner of the
- 109 drawing for recording information.
- 110 3. **Subdivision boundary.** The subdivision boundary corners, lot corners and centerline
- 111 street monuments shall be noted on the final plat in conformance with county ordinances.
- 112 4. **Map narrative.** A map narrative that complies with [U.C.A. 1953, § 17-23-17](#) and [Section](#)
- 113 [45-3-4](#) of the Weber County Code of Ordinances.
- 114 5. **Occupation lines.** All evidence of occupation such as fence lines, walls, curbs, etc. shall
- 115 be shown on the dedication plat, as directed by the County Surveyor.
- 116 6. **Easements.** All easements observed, recorded in the Office of the County Recorder, or
- 117 included in a preliminary title report unless legally vacated by all easement holders.

118 ...

119

120 **Sec 106-1-8.30 Final Plat Approval Process**

121

- 122 1. **Final subdivision approval.** After the applicable staff and agency reviews, the final plat shall be
- 123 presented to the Land Use Authority. The Land Use Authority shall review the final plat to verify
- 124 compliance with applicable ordinances. After determining compliance with applicable
- 125 ordinances, or determining compliance after adding conditions of approval to ensure compliance
- 126 with applicable laws, the Land Use Authority shall approve the final plat. If applicable, when
- 127 considering conditions of approval, the Land Use Authority shall follow the decision
- 128 requirements found in [Section 108-4-4](#) of this Land Use Code, and the conditional use standards
- 129 found in [Section 108-4-5](#). A decision on a subdivision that includes conditions of approval shall
- 130 not constitute a conditional use or require a conditional use permit.
- 131 2. **Land Use Authority designated.** The **Administrative** Land Use Authority for final plat approval
- 132 of a subdivision other than a small subdivision, as defined in [Section 101-2-20](#) of this Land Use
- 133 Code, is the County Commission, after recommendation from the applicable planning area
- 134 Planning Commission. The Land Use Authority for final plat approval of a small subdivision is
- 135 the County Planning Division Director.
- 136 3. **Submittal of final plat and final improvement plans.** After approval of the final plat, the
- 137 applicant shall submit a final plat printed on a 24-inch by 36-inch mylar sheet that includes the
- 138 required signatures of all non-county employees. With the mylar, the applicant shall submit final

139 improvement plans to the County Engineer for final approval, pursuant to [Title 106, Chapter 4](#).
140 After the final plat mylar has all required official approval signatures, and after the final
141 improvement plans have received final approval by the County Engineer, the final plat may be
142 recorded in the Office of the County Recorder, at the expense of the applicant.
143 4. **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the
144 land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the
145 land have been paid.

146 **Record of survey.** A copy of the subdivision mylar shall be filed as a record of survey in the county
147 surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.
148

1 Title 106 Subdivisions

2 ...

3 Chapter 106-4 Subdivision Improvements Required

4 ...

5 Sec 106-4-1 General Requirements

6 ...

7 ~~(d) **Improvements to be installed prior to issuance of permits.** All required subdivision~~
8 ~~improvements shall be installed and pass inspection, pursuant to , prior to issuance of any land~~
9 ~~use permit in a subdivision. This shall not apply to street trees or other required landscaping the~~
10 ~~asphalt, chip and seal, landscaping, street monuments, or curb, gutter, and sidewalk as long as a~~
11 ~~sufficient financial guarantee of improvements exists or is provided as required by for the~~
12 ~~incomplete improvements. A certificate of occupancy shall not be issued until the missing~~
13 ~~improvements are installed and pass inspection.~~

14 ~~(d) **Improvements to be installed prior to issuance of permits.**~~

15 (1) All required subdivision improvements shall be installed and pass inspection, pursuant to
16 Section 106-4-3, prior to issuance of any land use permit in a subdivision. This shall not apply
17 to the required asphalt, chip and seal, landscaping, street monuments, or curb, gutter, and
18 sidewalk, street trees, and other required landscaping as long as a sufficient financial
19 guarantee of improvements exists or is provided as required by Section 106-4-3 for the
20 incomplete improvements.

21 (2) For offsite improvements that are a part of a joint funding partnership between the developer
22 and the County and, if applicable, a local district, the County Commission may, in its sole
23 discretion, allow permits for the installation of building footings and foundation as long as:

24 a. The improvements are installed simultaneous to the construction of building footings and
25 foundation.

26 b. A development agreement is executed to provide for the specifics of the situation.

27 c. Complete engineering plans for the offsite improvements are first submitted, reviewed,
28 and approved by the County Engineer and, if applicable, the district.

29 d. Sufficient evidence exists that the offsite improvements can be installed, be functional,
30 and pass inspection prior to footing and foundation inspection of any building that will be
31 served by the infrastructure.

32 e. A sufficient financial guarantee exists, as provided for in Subsection (a). The guarantee
33 shall be reassessed and increased annually to reflect cost increases, if any.

34 a. A notice shall be recorded to each lot within the subdivision that specifies that no
35 inspection shall occur for footing or foundation until after these improvements are
36 installed, functional, and passed inspection.

37 (3) A certificate of occupancy shall not be issued until the missing improvements are installed
38 and pass inspection.

39
40 Sec 106-4-2 Specific Requirements

41 ...

42 Sec 106-4-2.050 Curbs And Gutters

43 (a) **Curb and gutter.** Curbs and gutters shall be installed on existing and proposed streets by the
44 applicant. The County Engineer may allow curb and gutter to be deferred to a later time if it is in
45 the best interest of the street system. Deferrals shall be documented by recorded agreement, in a
46 form as approved by the County Attorney, between the County and the owner. Curb and gutter
47 shall be installed by the applicant in subdivisions along abutting Utah State Highways unless
48 specified in writing by the Utah State Department of Transportation.

49 (b) **Driveway aprons.** The applicant shall install driveway aprons to each Lot that has a Lot Width of
50 60 feet or less. These driveway aprons shall be provided on construction drawings. No such
51 driveway apron shall be of greater width than 25-20 feet and no lot shall have more than one
52 driveway apron. Driveway aprons shall be constructed of concrete. Installation of a driveway apron
53 for a Lot that has a Lot Width greater than 60 feet may be postponed until after the approval of a
54 site plan.

55 **Sec 106-4-2.060 Sidewalks and Pathways**

56 (a) **Sidewalk.** Five foot wide sidewalks are required on both sides of the street, unless specified
57 otherwise in this Land Use Code or other adopted street right-of-way standard. Where no sidewalk
58 currently exists in the area, or where a subdivision's required sidewalk is premature given existing
59 conditions, the required sidewalk may, at the sole discretion of the County Engineer, be deferred
60 to a later time by recording a deferral agreement to each lot in a form as approved by the County
61 Attorney, County Engineer, and County Planning Director.

62 ~~(a)~~(b) **Pathway.** A pathway, either paved or concrete as determined by the County Engineer
63 given site conditions, shall be substituted for a sidewalks along routes that are delineated on an
64 adopted trail or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at
65 the option of the developer, a pathway may be substituted for a sidewalk as long as it is constructed
66 of a material as determined by the County Engineer.

67 ...

68 **Sec 106-4-3 Guarantee of Improvements**

69 (a) **Financial guarantee for the completion of improvements.** An applicant who desires to record any
70 subdivision plat prior to the completion of subdivision improvements shall provide a financial
71 guarantee to assure for the completion of incomplete the improvements within a two year period.

72 (1) **Financial guarantee cost estimate.** The applicant shall furnish and file with the county an
73 escrow agreement or a letter of credit in an amount equal to 110-100 percent of the
74 estimated future cost of the installation of incomplete the improvements, plus a 10 percent
75 warranty guarantee. at the termination of the two year improvement completion period,
76 The estimated future cost shall include a 10 percent construction contingency that is
77 separate from the 10 percent warranty guarantee. The estimated cost shall be as estimated
78 provided by the applicant's engineer and verified by the county engineer, to assure the
79 installation of improvements within two years.

80 ~~(1)~~(2) **Financial guarantee expiration and default.** If the subdivision is not complete
81 within two years, the financial guarantee is in default unless an extension of the financial
82 guarantee is requested, in writing, by the applicant and approved by the County Engineer.
83 An extension shall not be granted unless the applicant provides an updated estimated
84 future cost for remaining improvements to be installed. At this time the financial guarantee
85 shall be reassessed and increased to reflect cost increases, if any.

86 ~~(2)~~(3) **Allowed financial guarantees.**

87 a. **Escrow agreement.** An escrow agreement, and the associated funds, requires
88 the approval of the County Engineer and County Attorney. Escrow funds shall be
89 deposited with the County Treasurer at the time the escrow agreement is
90 executed.

91 b. **Letter of credit.** An applicant may only use a letter of credit if the following
92 conditions are met:

- 93 1. The engineer's cost estimate for installation of the improvements exceeds
94 \$54,000,000.00;
- 95 2. The applicant and, if applicable, the applicant's subsidiaries and the
96 applicant's members or shareholders has a history of positive

97 performance, with no incidences of negative performance, in its
98 development related contractual obligations in the State of Utah, and has
99 a history of positive performance, with no incidences of negative
100 performance, in completing developments in the State of Utah. The
101 Planning Director or County Engineer may require the applicant to provide
102 a performance history from other jurisdictions;

- 103 3. The applicant's financial institution has a history of positive performance
104 in fulfilling its financial obligations, as determined by the county treasurer
105 and based on typical conventions of the financial industry;
- 106 4. The applicant's financial institution provides the letter of credit on a
107 standard letter of credit form supplied by Weber County or in a form that
108 provides equal or greater financial protection to the county, as determined
109 by the County Attorney;
- 110 5. The County Attorney, County Treasurer, and County Engineer approve
111 the letter of credit, which they shall do if all of the conditions above are met
112 unless they have reasonable, objective indications of a substantial risk that
113 either the applicant or the applicant's financial institution will not fulfill its
114 obligations related to the completion of improvements or the financial
115 guarantee; and
- 116 6. A cash escrow is deposited with the county treasurer at the time the letter
117 of credit is executed equal to the full cost to revegetate any removed
118 vegetation in the event the applicant, his successors or heirs, or his
119 financial institution fails to perform.

120 (2) **Acceptance of financial guarantee.** A financial guarantee under this section is accepted
121 when the County Engineer signs a standard subdivision improvement agreement and an
122 escrow agreement or letter of credit. After the subdivision improvement agreement is
123 approved and executed, the applicant may record the subdivision, as long as all other
124 recording requirements have been met. The recording of the subdivision will allow the
125 developer to sell the lots, but not allow building and/or land use permits to be issued until
126 all improvements are installed, except as listed in this Title.

127 (b) **Partial release of financial guarantee.** Unless otherwise specified by the terms of the subdivision
128 improvement agreement, the county is only obligated to offer a partial release of the financial
129 guarantee for an independent improvement system, ~~including but not limited to those specified in~~
130 ~~section 106-4-2,~~ that is completed to the satisfaction of the County Engineer. An independent
131 improvement system includes but is not limited to those improvements specified in Section 106-4-
132 2. At no time shall the balance of the financial guarantee be reduced below the actual cost to
133 complete an incomplete improvement system, regardless of the engineer's cost estimate. If, in the
134 opinion of the County Engineer, costs are increasing or have increased greater than anticipated by
135 the initial engineer's cost estimate, the guarantee shall be reassessed and increased to reflect cost
136 increases, if any.

137 (c) ~~W~~**Warranty guarantee, and conditional acceptance of improvements.**

138 (1) Upon satisfactory completion of all improvements, as determined by the County Engineer,
139 the improvements shall enter a conditional acceptance period. At this time, remaining
140 financial guarantee funds may be released, except those necessary for the warranty
141 guarantee, as specified in Subsection (c)(2) of this section. If street trees or other required
142 landscaping, or driveway aprons for Lots with a Lot Width greater than 60 feet, are not
143 installed by the time the rest of all other required improvements meet satisfactory
144 completion, then, at the discretion of the County Engineer, all other improvements may
145 enter the conditional acceptance period.

146 ~~(+)~~(2) Ten percent of the approved estimated cost of all improvements, using current
147 market costs as approved by the County Engineer, financial guarantee shall be remitted or
148 retained by the county for an improvement warranty guarantee, for a period as defined by
149 U.C.A. 1953, § 17-27a-103. If any improvement fails within the warrantee guarantee period,
150 the failure shall be remediated by the developer, and the warrantee guarantee period shall
151 restart. At the discretion of the county County engineer Engineer, the warranty guarantee
152 period, and conditional acceptance, may be restarted for any individual improvements

153 needing replacement or repairs, rather than restarting the entire warranty guarantee period.
154 prior to the end of the conditional acceptance period.

155 ~~(e)~~(d) ***Final acceptance of improvements.*** After the warranty guarantee period has expired, if
156 the improvements have performed to the County Engineer's satisfaction, the County Engineer shall
157 release the remainder of the financial warranty guarantee. At this time the County Engineer may
158 also offer final acceptance of the improvements. Final acceptance may be withheld if circumstances
159 unforeseen at the time of conditional acceptance become known that expose the county or the
160 public to unreasonable financial or safety risk. The county is not responsible for operations or
161 maintenance of public improvements that have not received final acceptance. At the time of final
162 acceptance of all other improvements, if street trees or other required landscaping is not
163 satisfactorily installed or has not satisfactorily performed through the minimum warrantee period,
164 then the appropriate amount of financial guarantee shall be retained by the County in an amount
165 sufficient to satisfactorily install the trees or other landscaping, and to ensure proper performance
166 of the trees or other required landscaping through the duration of the minimum required warrantee
167 period.

168 (e) ***County's authority under default.*** If a financial guarantee authorized by this section is defaulted,
169 the County shall have the authority, in its sole discretion, to use the remaining defaulted funds to
170 make whatever improvements the County deems necessary to bring the subdivision into or closer
171 to compliance with the requirements of this Land Use Code. For any subdivision that has a
172 defaulted financial guarantee, the County is authorized, but not obligated, to release financial
173 guarantee funds to a third party that performs the work that the County has deemed necessary.
174