

## OGDEN VALLEY PLANNING COMMISSION

### MEETING AGENDA

November 14, 2023

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



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

#### 1. Minutes:

##### 1.1 Comments from Planning Commission Chair

#### Petitions, Applications, and Public Hearings:

#### 2. Legislative Items:

**2.1 ZMA2023-09:** A public hearing to discuss and take action on an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone to the FB Zone. **Planner: Charlie Ewert**

**2.2 ZTA2023-03.1:** Action on proposed amendments to the architectural theme requirements and standards of the Form- Based Zone to allow a wider range of style options. **Planner: Charlie Ewert**

**2.3 ZDA 2022-02:** Consideration of an applicant driven request to amend the development agreement between Weber County and CW The Basin to allow short term rentals and transferrable development rights. Property located at 947 E Old Snow Basin Rd, Huntsville. **Planner: Steve Burton**

**2.4 ZTA2023-02:** 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**

#### 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**

#### Adjourn

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

& Via Zoom Video Conferencing at <https://webercountyutah.zoom.us/j/83247091304> Meeting ID: 832 4709 1304

**A Pre-Meeting will be held at 4:30 p.m.** The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open public meeting.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761***

## Meeting Procedures

### Outline of Meeting Procedures:

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

### Role of Staff:

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

### Role of the Applicant:

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

### Role of the Planning Commission:

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

### Public Comment:

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

### Planning Commission Action:

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

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

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

### Speak to the Point:

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

### Handouts:

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

### Remember Your Objective:

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



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** ZMA2023-09: A public hearing to discuss and take action on an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone to the FB Zone.

**Agenda Date:** Tuesday, November 14, 2022

**Applicant:** Eden Crossing L.L.C.,  
Representative: Brent Bateman, Dentons Durham Jones Pinegar P.C.

**File Number:** ZMA 2021-03

### Property Information

**Approximate Address:** 5204 East, HWY 166, Unincorporated Eden Area

**Current Zone(s):** Agricultural Valley (AV-3) Zone

**Proposed Zone(s):** Form-Based (FB) Zone

### Adjacent Land Use

<b>North:</b> Agriculture (Proposed Cobabe Subdivision)	<b>South:</b> Residential and Agriculture
<b>East:</b> Residential and Vacant	<b>West:</b> Residential and Agriculture

### Staff Information

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

**Report Reviewer:** RG

## Applicable Ordinances

§Title 104 (Zones) Chapter 22 (Form Based Zone)

## Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

## Summary and Background

This is an application for a rezone. The Planning Commission has held several work sessions and meetings to discuss the property in relation to amendments to the FB Zone's street regulating plan, but this is the first time the Planning Commission will be reviewing this requested rezone. A complete staff analysis of the proposal can be found herein.

*Request for final decision – 45 days.*

Under State law,<sup>1</sup> if a reasonable amount of time has lapsed since the submittal of an application the applicant may request a final decision be made within 45 days of the request for the decision. The County has received a request for final decision from this applicant. This request was received on October 28, 2023. This rezone application was initially received by the County on April 5, 2023 and the application fee was received April 20, 2023. At that time the applicant had another application also submitted, and requested that staff postpone review of this application until there was more clarity on the direction of the other application, as the two are related. In early October staff

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<sup>1</sup> UCA 17-27a-509.5

were informed of the applicant's desire for staff to conduct its review of this application and submit it to the Planning Commission for review. On October 6, 2023, the staff informed the applicant that this application is incomplete and not ready for substantive review. On the same day the applicant submitted a complete application. Given this history, the County had 22 calendar days to review the application prior to receiving the request for final decision.

If a valid request, the final decision on this rezone from the County Commission must be given by December 12, 2023. Given the Planning Commission's calendared meetings, in order to meet this 45-day period the Planning Commission will only have one meeting in which it can consider this item, so the decision on November 14th cannot result in the item being tabled.

## Policy Analysis

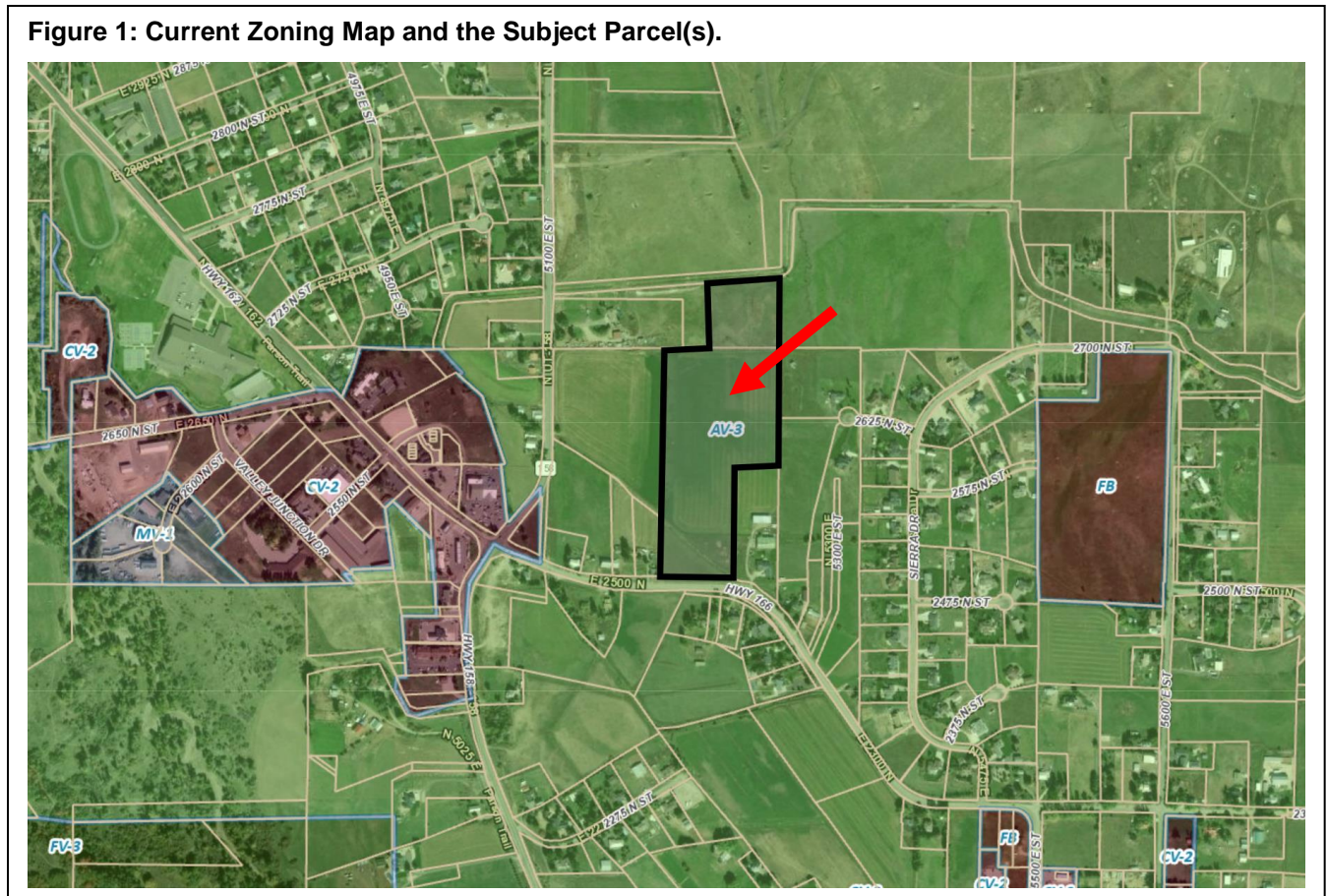
The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

### Zoning Analysis

The current zone of the subject property is AV-3. **Figure 1**<sup>2</sup> displays current zoning of the area of the subject property.

The purpose and intent of the AV-3 zone is:

*"Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern; set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and direct orderly low-density residential development in a continuing rural environment."*<sup>3</sup>



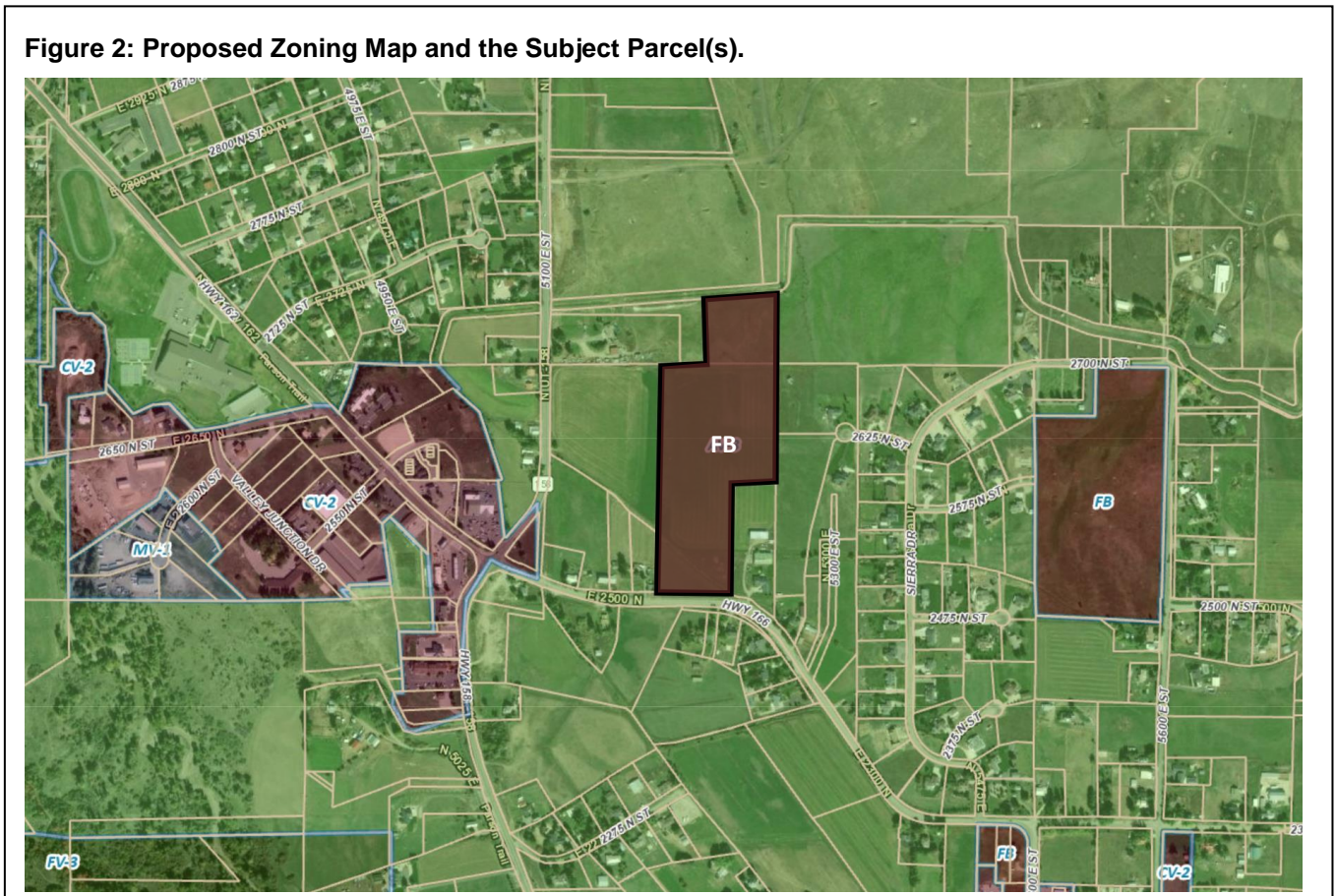
<sup>2</sup> See also [Exhibit B](#).

<sup>3</sup> Weber County Code Section 104-2-1.

The proposed zone for the subject property is the Form-Based (FB) Zone. The purpose of the FB Zone is:

*“to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally [,] the Form-Based Zone regulations are intended to carry out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-based small area zoning and transferable development rights. Each area affected by the Form-Based Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.”<sup>4</sup>*

The proposed rezone can be viewed in **Figure 2**<sup>5</sup>.



The FB Zone is unlike other zones in the Land Use Code. It contains a variety of what could be viewed as “subzones” within it. These so-called “subzones” are identified by the specific street types and delineated in a street regulating plan. If the FB Zone is approved for the subject property, all of those uses and development types prescribed by the specific street type should be anticipated in a future development thereon.

<sup>4</sup> Weber County Code Section 104-22-1.

<sup>5</sup> See also Exhibit C.

Figure 3 shows current street regulating plan as it relates to the subject property. Additionally, the applicant has

**Figure 3: Current Eden Area Street Regulating Plan**



requested that the county amend the current street regulating plan as depicted in Figure 4. Amendment of the street regulating plan is currently within the purview of the County Commission. It is not clear at this time if the street regulating plan amendment will be approved, but if it is it appears at this time as if it will be amended as provided in Figure 5.<sup>6</sup> For this reason, staff provide an analysis of this proposed rezone based on both the existing and the proposed street regulating plans.

As it relates to the subject property, the current street regulating plan shows the following street types:

***Vehicle-oriented commercial street.***

A vehicle-oriented commercial street or Alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed as described for a Mixed-Use Commercial Street. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

***Rural residential street.***

A rural residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that is at least an acre large.

***Estate lot residential street.***

An estate lot residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that contains multiple acres..

<sup>6</sup> See also Exhibit F.

**General open space street.**

A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

**Figure 4: Eden Area Street Regulating Plan being considered by County Commission.**



As it relates to the subject property, the street regulating plan amendment currently under consideration by the County Commission shows the following street types:

**Mixed-use commercial street.**

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial operations. Commercial and Multi-family residential uses are allowed above or behind first-floor street-level commercial space.

**Multi-family residential street.**

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are set back from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. Where possible, given terrain, first-floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. First-floor street-level commercial area is permitted, but not required. Commercial uses are not permitted above the first-floor street-level unless the first-floor street level is also occupied by a commercial space.

**Small-lot residential street.**

A small-lot residential street has street-front buildings that may be set back more than multi-family residential street facades, but are less likely to have a noticeable front yard area.

Weber County Code has six general decision criteria for determining whether a rezone is merited. They are as follows:

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- b. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.*
- c. *The extent to which the proposed amendment may adversely affect adjacent property.*
- d. *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, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- e. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- f. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

The following is an analysis of this proposal in the context of these criteria.

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

As a legislative decision, a rezone should advance the goals of the general plan, or at the very least, not be detrimental to them without good cause. The general plan is only a guiding document and not mandatory to follow, however, because it sets the desired ultimate outcome for the community, deviation from it should be done with caution.

The community character vision of the general plan, the vision to which all other visions and goals are oriented, reads as follows:

*"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; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character."<sup>7</sup>*

The vision is the filter through which all interpretation and understanding of the plan should be run. This will help reduce the appearance of inconsistencies within the plan by showing that more than one thing can be true at the same time.

There are a number of specific principles and implementation strategies within the entire plan that, when taken individually, appear to conflict with each other. However, when combined through the lens of this vision it can be understood that even most of the diverging interests can pull together to provide for this vision.

To be direct, the plan calls for the valley to be rural, but then guides the creation of commercial villages. Some have questioned how the valley can remain "rural" if there are small urbanized villages within it.

The inclusion of villages in the plan despite them not being definable as rural was deliberate, as further explained in this report.

**The Problem.**

In whole, the plan was designed to specifically avoid the outcome to which the current "rural" AV-3 zone is leading. If the current AV-3 zone, which requires a minimum lot size of three acres, and a minimum lot width of 150 feet, is allowed to develop at its highest and best use to full buildout, it will result in a future in which single-family residences line the remaining unbuilt land along existing and future new streets, each being about 150 feet apart. This large-lot suburban development pattern is not the "rural" that the general plan envisions preserving.

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<sup>7</sup> Ogden Valley General Plan (p. 4)



This pattern of development will replace the existing “open fields, agricultural lands,” natural spaces, and wildlife habitat with large back yards, many of which will be fenced if not manicured and few of which will be large enough to support agricultural uses. Throughout the valley, large-lot suburban development is likely to also disrupt and possibly obscure the “long views of the surrounding foothills and mountain background” that current residents enjoy. In this eventual AV-3 future, the Ogden Valley is very likely to become merely another large-lot suburb of Ogden, with most, if not all of its current character and charm stripped.

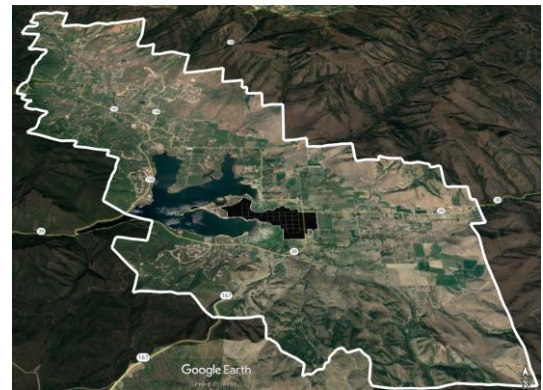
Preventing this eventuality under the AV-3 zone is the primary cornerstone of the plan. The plan was written to specifically drive a shift in the valley’s future away from the AV-3 zone’s outcome and toward an outcome that still has a future that includes these greater characteristics for all to enjoy.

A more complete presentation of the effect of the 3-acre zone can be found here: <https://www.webercountyutah.gov/planning/documents/2023-public-open-house-general-plan-review-and-current-trends.pdf>

Under the valley’s existing predominantly 3-acre zoning, more than 12,500 dwelling units can be expected on the floor of the Ogden Valley. Figure 5 depicts the Ogden Valley floor area. This number does not include another approximately 4700 dwelling units for the development plans of both Snowbasin and Powder Mountain. The Ogden Valley currently has approximately 4,000 existing dwelling units. Figure 6 depicts the locations of existing buildings. Figure 7 depicts the location of approved dwelling units that are not yet constructed. Figure 8 presents a general location of the remaining approximately 6,000 dwelling unit rights that are allowed by existing zoning but not yet platted or approved.

In other words, an additional approximately 8500 dwelling units are allowed to be constructed following the rules of existing zoning. When a proposed development follows the existing development rules adopted by Weber County, the decision is an administrative decision and as such the county has no choice but to approve the development permits. This means these 8500 or so dwelling units are, in effect, entitled to come to fruition at some point in the future. The county may, however, influence where they go to help avoid the outcome of suburban sprawl. That is precisely what the plan is designed to do. The plan states that:

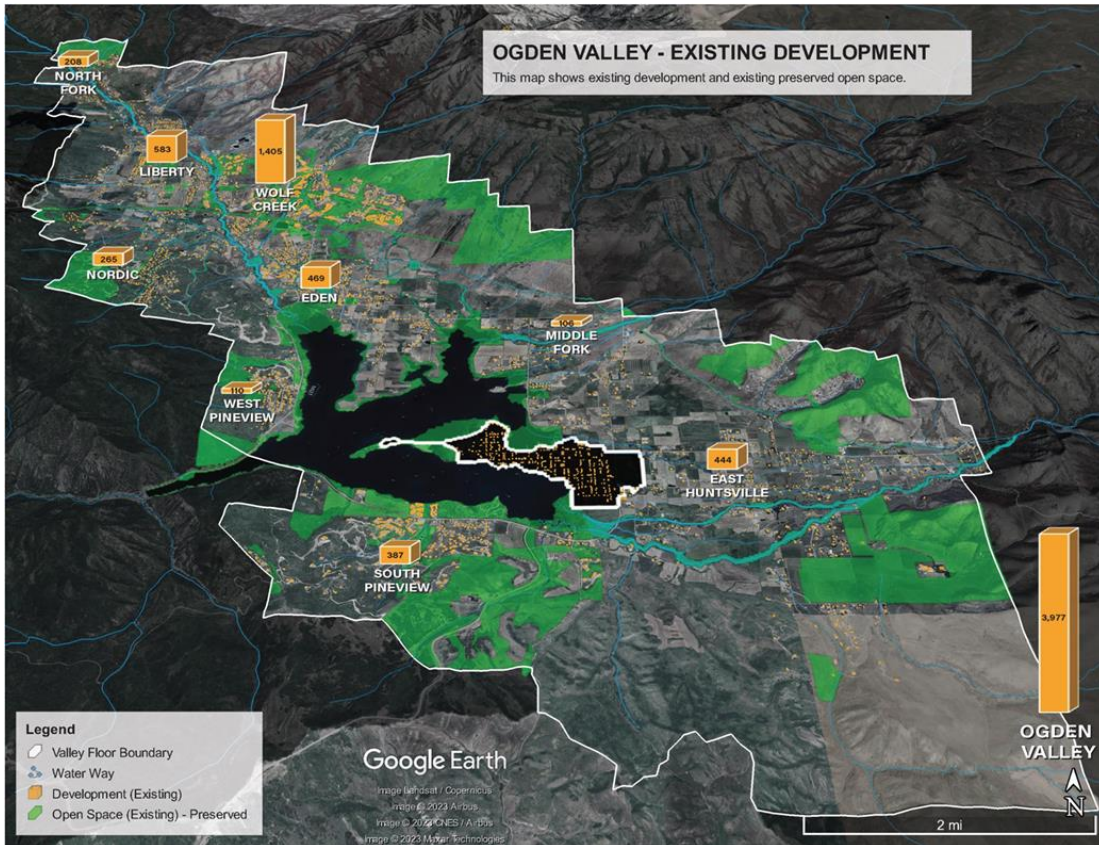
**Figure 5: Ogden Valley Floor Area.**



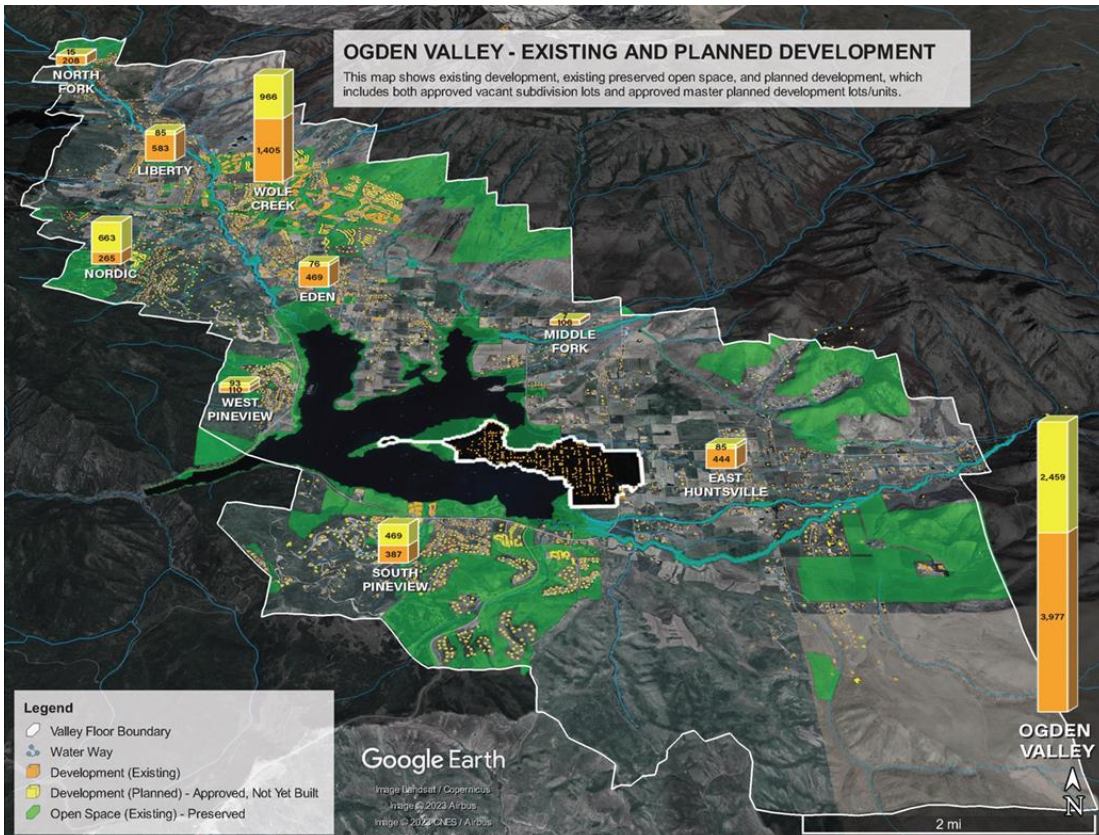
*“The presence of support services, in turn, makes these areas more attractive and more suitable for additional residential development. This pattern will likely continue without specific directives otherwise; thus, the goals, principles, and implementation of this General Plan are designed to provide voluntary measures for shifting motivation away from developing sensitive lands and prime agricultural or open-space lands... While broad mandatory downzoning is not supported [by the Ogden Valley public], voluntary methods to reduce overall development units, particularly in sensitive areas and prime open-space or agricultural areas, could mitigate overall development impacts.”<sup>8</sup>*

<sup>8</sup> Ogden Valley General Plan (p. 12)

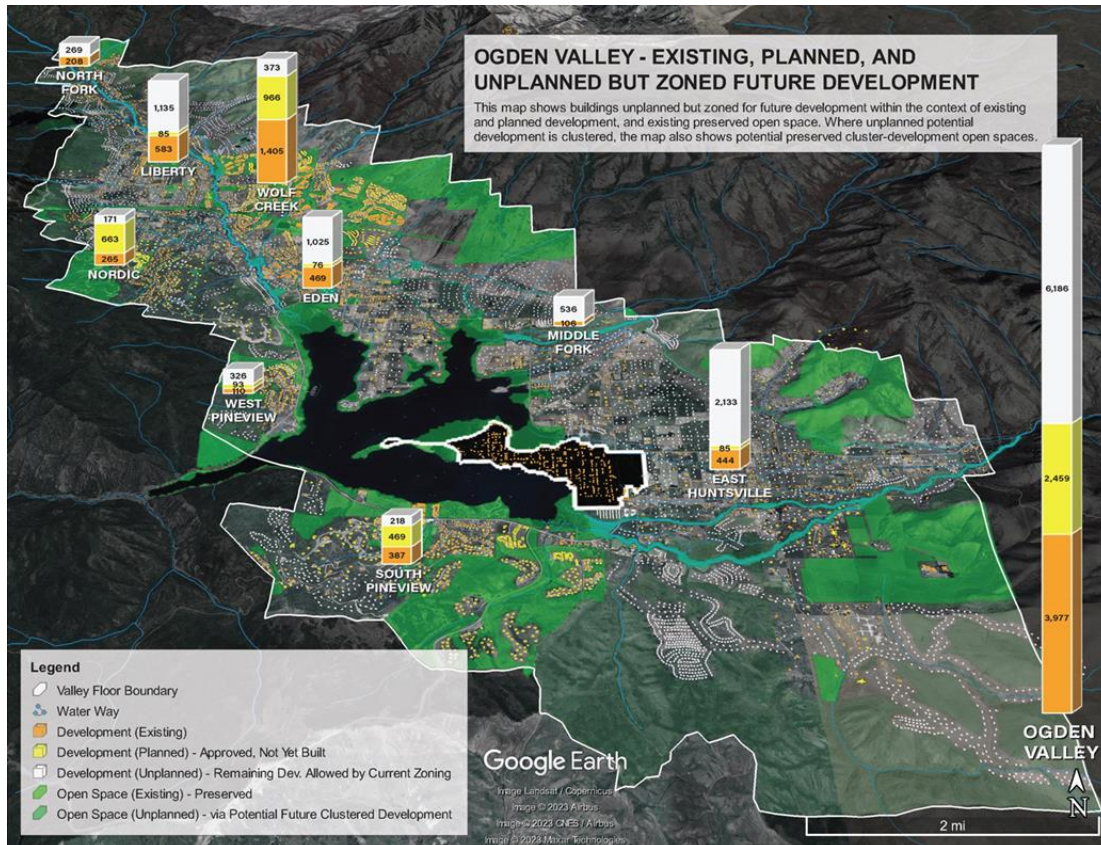
**Figure 6: Existing Buildings.**



**Figure 7: Approved Dwelling Units Not Yet Constructed.**



**Figure 8: Remaining Dwelling Units Allowed by Current Zoning.**



*The General Plan's Solution.*

To help the Ogden Valley not result in large-lot suburban sprawl, the plan recommends that the county use its development regulating powers to influence residential development rights in a manner that removes them from the lands on which they are currently entitled, and moves them into more urbanized growth centers. The plan prescribes eight of these growth centers, and calls them “villages.” The plan further prescribes additional growth to occur adjacent to the village areas where development infrastructure exists or can exist more easily and efficiently given economies of scale of the densities therein. Further, the plan suggests that these growth areas should be designed in a manner to “complement, not overwhelm or compete with, the rural character of the Valley.”<sup>9</sup>

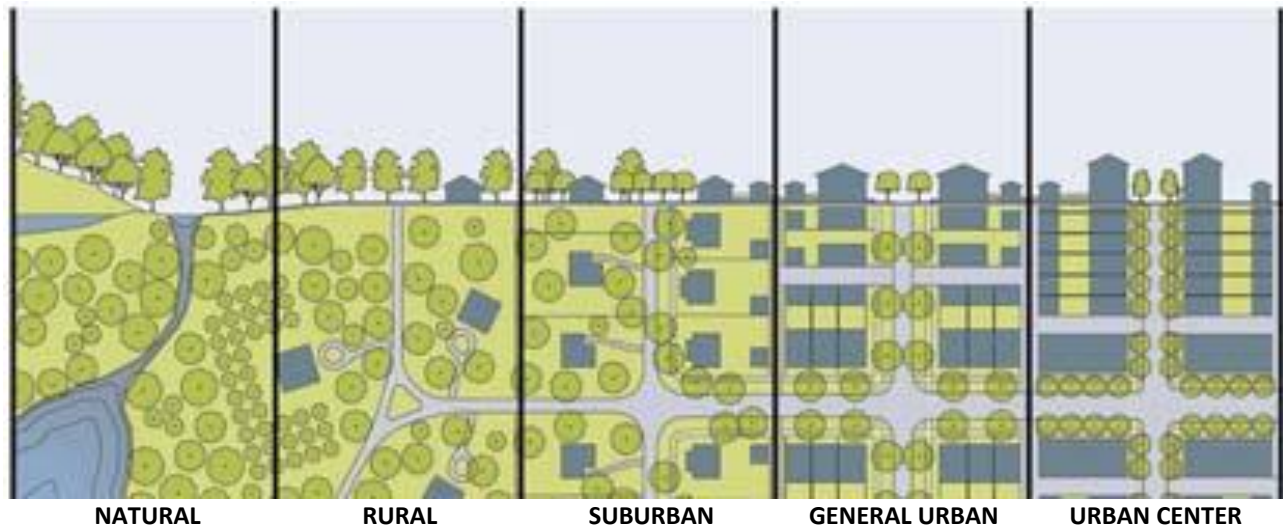
The plan is not entirely clear on how exactly to accomplish “small villages” that do not compete with adjoining rural areas. However, in 2022 the County Commission adopted the Form-Based village zone which is, in part, a zone intended to help shape the design of these growth areas in a manner that transitions density from very heavy in the centers of these growth areas, to rural at the edges/periphery of them. This type of transitional development pattern is called “transects.” Figure 9 provides a general example of transects. The Form-Based Zone is intended to provide for these transects.

If the FB zone is approved for the subject property, the applicant will be allowed to start creating what the above graphic depicts as the “urban center.” This is true regardless of how the Commission votes on the proposed street regulating plan amendments, as the current street regulating plan already depicts vehicle-oriented commercial for a part of the applicant’s frontage.

<sup>9</sup> See Community Character Vision, 2016 Ogden Valley General Plan, (p.4).

Staff is aware of public comments questioning the wisdom of enabling an urban center adjacent to existing single-family residential and agrarian land uses. While this concern is valid and worth noting, if an urban center is to be initiated, there are few locations in the valley at this time where it can be initiated without being in close proximity to single-family residential and rural land uses. If growth centers are going to start, they must start somewhere. In time, the street regulating plan of the FB zone is designed to provide these transitions as neighboring property owners decide to change their own land uses into conformance with the FB zone.

**Figure 9: Transect Development**



Additional Detailed General Plan Analysis.

The foregoing notwithstanding, it is important to not only review this rezone proposal in accordance with the overall context of the purpose of the plan, but also within the context of the details of the plan. The following provides an analysis of relevant parts of the general plan as it relates to this rezone. It can be observed herein that this proposed rezone both complements and contradicts various provisions in the plan. There is no requirement for a proposal to meet the absolute details of the general plan. This stands especially true when it's a plan that contains as many diverging interests as the Ogden Valley General Plan. If the County decides to approve an application that in some part runs contrary to the details of the plan, the County should do so with full understanding of the outcome(s) and have solid reasoning as to how the approval supports the overall intended effect(s) of the plan.

**Pros:**

**Gateways and Viewsheds Goal 3:** *A goal of Weber County is to protect key viewsheds throughout the Valley.*

**Gateways and Viewsheds Principle 3.1:** *Protect viewsheds throughout the Valley including views of the mountains and Pineview Reservoir.*

**Gateways and Viewsheds Principle 3.2:** *Avoid visually prominent structures, hillside cuts, and vegetation removal that alter the visual quality of the Valley's viewsheds. Ensure that all development minimizes site disturbance and lot coverage and requires effective site restoration, revegetation, and weed control.*

Development within the FB zone is required to follow the adopted transferable development rights regulations. While we do not know at this time the properties from where the applicant's density will come, we do know that they can only come from areas within the valley floor area. Thus, it can be found that this project could help remove potential development from visually prominent areas and move them into the growth center of Eden.

**Clean Air and Water Goal 1:** *A goal of Weber County is to protect the Valley's air and water quality. (See Residential Development Goal 3)*

**Clean Air and Water Principle 1.1:** *Promote energy-efficient & sustainable development practices to improve and protect air and water quality.*

***Gateways and Viewsheds Implementation 1.1.1:*** incorporate air and water quality protection considerations in the development review and approval process.

Clustering development into smaller areas, such as centrally located growth centers is a sustainable development practice. Sprawling development requires greater vehicle miles traveled, which leads to greater emissions, which contributes to less healthy local air quality. Additionally, the applicant's development will require a sewer system. Given the transferred density, this will likely result in the reduction of individual septic systems on which sprawling development patterns rely.

***Land Use Goal 1:*** A goal of Weber County is to reduce the overall amount and impact of future land development in the Ogden Valley planning area.

***Land Use Principle 1.1:*** in general, additional density should not be authorized in the Ogden Valley planning area above that allowed by current zoning. Minimal density bonuses (the exact amount to be determined by ordinance, master plan, development agreement, etc.) should only be allowed when they are granted to incentivize significant contribution to the advancement of the goals and principles found in this plan.

***Land Use Implementation 1.1.1:*** Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

The applicant is not requesting bonus density at this time and is only pursuing the right to transfer development rights as anticipated by Implementation 1.1.1. At this time the only transferable development rights available are residential development rights.

***Land Use Principle 1.4:*** Employ mechanisms such as TDRs to reallocate existing authorized development units from less suitable to more suitable locations.

***Land Use Implementation 1.4.3:*** Foster the creation of a TDR market by exploring ways for developers to benefit from purchasing TDRs. [...]

This implementation strategy provides an important clue to the puzzle regarding how we should help ensure the default provisions of the AV-3 zone do not ruin the valley's current character. The County should be finding ways to support a TDR open market and ways to help developers benefit from it. This cannot be initiated in the Ogden Valley unless sufficient area is zoned to the FB zone so that TDRs can start trading. The more opportunities the County creates for trades to occur, the higher the likelihood a free market will be established.

***Land Use Principle 1.5:*** Encourage new development to locate in areas where water and sewer service could be provided by a sewer system. Encourage residential cluster developments with smaller building lots and larger areas of open space for most subdivisions.

Directing growth into areas with sewer is imperative to the preservation of the current character of the Ogden Valley, as the proliferation of individual septic systems has been affecting ground water quality for some time now. Clustering transferred growth into sewered areas will help avoid sprawled growth in areas without, thereby either avoiding further harm to groundwater sources or expensive sewer line expansions that accommodate the sprawl.

***Rural Residential Development and Housing Vision:*** *The Ogden Valley community desires a variety of housing types to meet the needs of a diverse population of various income levels, ages and stages of life. Neighborhoods should have convenient access to community amenities and be designed in a manner that protects the valley's character. Residential development should be centered around villages and town centers and designed to provide open spaces and efficient uses of the land.*

The general plan has a "Rural Residential Development and Housing" chapter. The above paragraph is the vision for housing in the Ogden Valley. The application of all other provisions for housing within the plan should be run through the filter of this vision.

If applied literally and in totality, residential uses in the Ogden Valley should *only* be allowed when it is centered around the villages and town centers. However, because other provisions of this plan encourages voluntary TDR, PDR, and similar measures, we know this part of the vision is not intended to be applied literally, however, the strong encouragement should be noted in the County's decision making. The applicant's proposal does well to provide residential density adjacent to the New Town Eden village center and, if other landowners in the area follow suit, will result in housing centered around villages.

***Residential Development Goal 1:*** *A goal of Weber County is to provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in Ogden Valley.*

***Residential Development Principle 1.1:*** *Encourage residential development projects to incorporate a mix of housing sizes, types, and prices.*

A common misunderstanding about the FB zone is that its purpose is only to create commercial village areas. This is not accurate. Its purpose is to create village areas that are surrounded by residential development of various types.

Planning Commissioners and members of the public alike have expressed concerns about using the FB zone too far from village centers out of fear of creating village sprawl. However, the FB zone is designed to do exactly what is specified in the vision of the Rural Residential Development and Housing.

With TDRs, the goal is to keep the rural areas rural by creating growth areas that provide a variety of housing types.

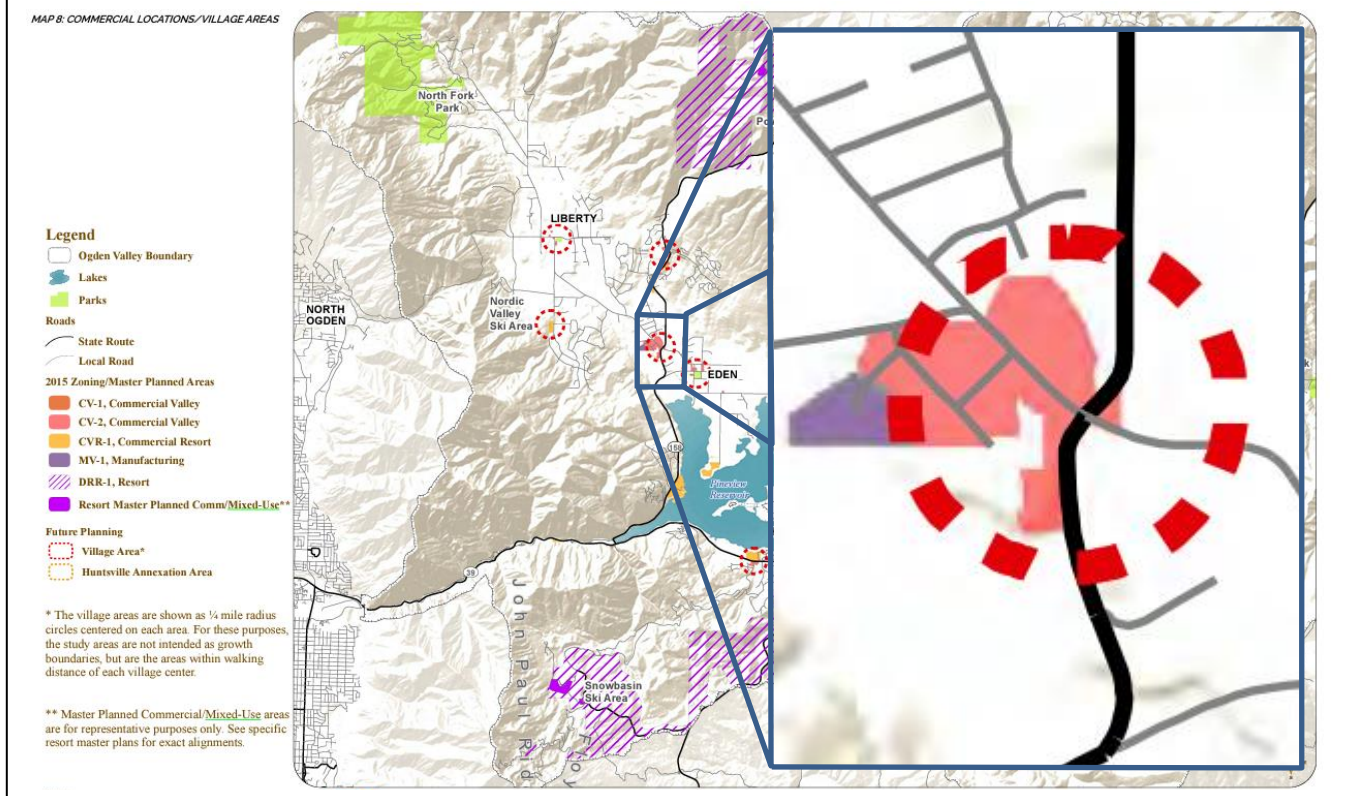
The applicant's proposal will provide a variety of housing options and sizes for current and future residents. The FB zone's existing workforce housing requirement will help provide for various levels of affordability as well.

If adopted, the proposed street regulating plan will allow multifamily stacked housing, townhomes, and single-family residential on various sizes of small lots. While market forces are unlikely to provide for affordable housing without government intervention, the reduced lot sizes will help provide housing that is more affordable than their 3-acre lot counterparts.

***Commercial Development Vision:*** *The Ogden Valley community desires sustainable and thriving local businesses in Ogden Valley. Ogden Valley capitalizes on recreational tourism to support its economic base. New commercial development should be focused in and near existing commercial areas and resorts. New commercial development should be designed to be compatible with the rural character of Ogden Valley.*

The Commercial Development chapter provides the above vision. All other commercial provisions within the plan should be interpreted through the filter of this vision. Figure 10 provides the general plan's map of commercial locations and village areas. This map illustrates with a red dashed line the center of a village area. The red-dashed line is not the boundary of the proposed village area, as seems to be commonly misunderstood. Both the text of the plan and this map explain otherwise. Each circle is a ¼ mile radius, representing typical desirable walking distances, and is intended to be centered on the village center, although some appear to be off center on the map. The village center of the New Town Eden area is intended to be the intersection of HWY 158 and 2500 N. Street. Figure 11 illustrates this circle in relation to the applicant's property.

**Figure 10: Ogden Valley General Plan Map 8, Commercial Locations and Villages**



**Commercial Development Goal 1:** A goal of Weber County is to ensure that the location of retail and commercial development is consistent with Ogden Valley’s rural character.

**Commercial Development Principle 1.1:** Limit all new commercial development in the Ogden Valley planning area to Huntsville, the resort areas, and the village areas, as shown on Map 8. Avoid scattered and strip commercial and retail development patterns in the Valley.

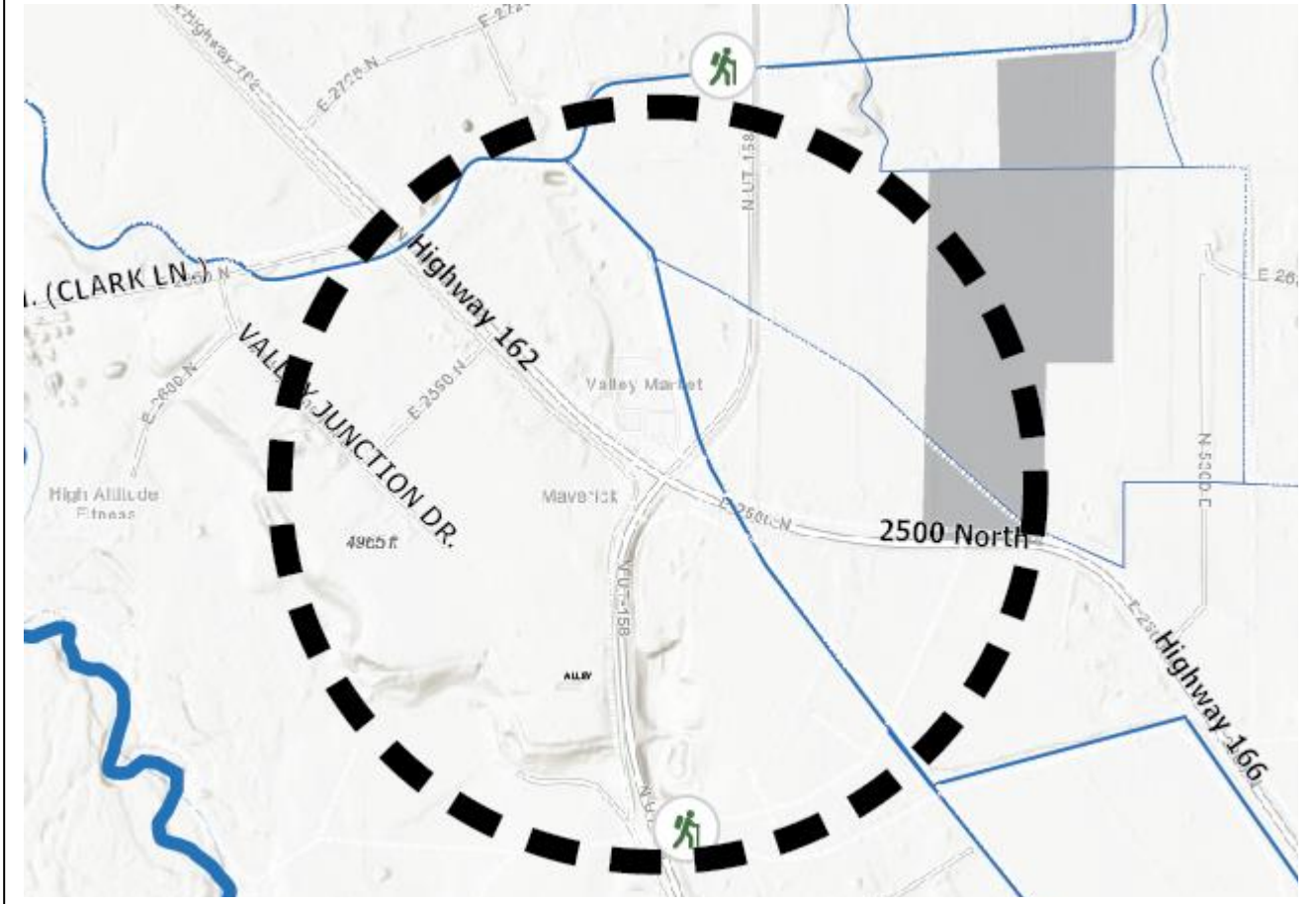
The above goal and principle further illustrate how the plan tries to balance rural areas versus village areas, and is further evidence of the overall intent of the plan.

**Commercial Development Implementation 1.1.1:** Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.). Small area plans should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multimodal and active transportation to and within each area, as may be appropriate. The village areas are shown as 1/4 mile radius circles centered on each area on Map 8. For these purposes, the study areas are not intended as growth boundaries, but are the areas within walking distance of each village center.

Breaking this implementation strategy into parts, the Planning Commission can find the following:

Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.).

**Figure 11: Quarter-Mile Radius Walking Distance (Black Circle) of New Town Eden Village Center in Relation to Applicant's Property**



The preparation of small area plans was accomplished for Old Town, New Town, and Nordic Valley areas through the FB code's street regulating plans. In order to realize these plans, all areas depicted in one of the street regulating plans should be rezoned to the FB zone (in time). The FB zone uses the plan-recommended highway oriented (FB zone calls this vehicle oriented), mixed-use (FB zone calls this mixed-use commercial). The small neighborhood commercial can also be accomplished through the mixed use commercial FB zone designation.

*Small area plans should identify defining attributes and appropriate design standards...*

The FB zone provides for the design standards of all three area to which a street regulating plan has been adopted (Old Town, New Town, and Nordic Valley). Each provide their own unique design theme.

*...identify future potential adjacent expansion areas...*

The FB zone not only provides for the existing commercial zones in each area, it goes further to identify where and how those commercial areas might expand. Further, in compliance with this provision, the street regulating plans go beyond the limits of commercial expansion to provide for the aforementioned new residential uses "...centered around villages and town centers..."

*... and plan for multimodal and active transportation to and within each area, as may be appropriate.*

The FB zone requires new development to provide for multiple transportation modes, including vehicle, bicycle, and pedestrian. At a later time when demand warrants it, amendments to the street standards should be expected to provide for transit facilities as well.



**Commercial Development Implementation 1.1.2:** *Require new commercial or mixed-use development to locate on property currently zoned for commercial uses. Avoid rezoning new property to commercial or manufacturing until such time that the community supports it. Future commercial or mixed-use rezoning should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and avoids strip commercial along highway corridors.*

The proposed rezone fails to meet this implementation strategy of the plan, at least in part of not in full. The nearest commercially zoned property is about 700 feet away from the subject property. In an ideal world this FB rezone proposal would be in an area already zoned commercial as recommended by this implementation strategy. It would be hard to define the proposal as "strip commercial," as advised against by this strategy, the proposal is a little removed from property currently zoned for commercial uses.

**Commercial Development Principle 1.2:** *Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.*

This rezone is likely to lead to the creation of a vibrant village area to which other landowners in the area can connect. Creating gather public gather spaces in village areas requires the initiation of the village.

**Utilities and Public Services Goal 2:** *A goal of Weber County is to encourage alternatives to septic drainfield systems.*

**Utilities and Public Services Principle 2.1:** *New developments in the village areas (reference Commercial Development Implementation 1.1.1) and the resort areas should connect to existing sewer facilities or provide limited-capacity sewage treatment facilities for identified service areas. The facilities should be designed to be expandable to accommodate additional development in the village or resort areas. New residential developments not proximate to existing sewer service areas should employ clustering and provide limited capacity advanced sewage treatment facilities.*

The proposed rezone will lend to the advent of sewer to the New Town Eden area. One of the reasons commercial development is lagging in the Eden area is lack of sewer availability. The cost to extend sewer to the area is too high to rest on any one landowner. The cost of a commercial-use septic system and the reservation of valuable land for a drainfield is likewise fairly cost prohibitive. This applicant has sufficient land and only one land owner as well as a number of other developments in the area, rendering an economy of scale that makes the extension of sewer to this area feasible. If sewer is extended to the area by the applicant, all of the various fragmented landowners in New Town Eden are far less cost-burdened to extend sewer to their own properties. In other words this applicant has the ability to stimulate other commercial and mixed use development in the New Town Eden Area. This, in turn, will help foster a more realistic TDR market which will result in a more realistic ability to start moving development rights from the areas of the valley less desirable for development.

**(b) Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.**

The rezone will lend to a development that has a different character than the surrounding large-lot residential and agricultural land use. As previously provided in this staff report, the question of compatibility should be view through the lens of the general plan rather than what is existing now. The plan directs the future of the area. What can be observed in Figure 11 is a great deal of the applicant's property is in the "1/4 mile walking distance" circle depicted on the commercial locations and village areas map of the plan. The plan also directs residential uses to be located on the perimeter of the village areas. Thus, it should be anticipated that at some point in time the applicant's desired use should be considered for the property. Whether now is the right time is for the Planning Commission to determine in their formulation of a recommendation to the County Commission.

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

When considering how this rezone might adversely affect adjacent property, there are a wide array of factors at play. These include impacts on private property rights and nuisances, as well as other factors such as impacts on a landowner's desires for their neighborhood and the intrinsic values they've imbued into that neighborhood.

First and foremost, the Planning Commission should prioritize fact-based adverse impacts. Then consider the perception-based impacts.

If rezoned, the development that the FB zone will allow (assuming if the County Commission acts on the proposed street regulating plan) is likely to significantly change the immediate area. Existing streets will need to be upgraded and new streets will be constructed. Commercial and multifamily buildings can be expected, as well as small-lot residential uses, condos, and townhomes. Each of these uses will change the visual nature of the area, traffic volumes and patterns, and noise potential. The potential uses are not expected to be greater than a typical small urbanized area. When developing, the applicant will be responsible for correcting any material degradation in services that the development might create for the area. Thus, other than potential noise nuisances, most of the fact-based effects will be required to be mitigated by the applicant.

When developments of this nature are located in similar areas, the property values of surrounding land usually increases. The increase may lead to a greater property tax burden, especially for those on fixed incomes, if any.

Current neighbors who have grown accustomed to the quiet rural nature of the immediate area may find the increase in intensity of uses unpleasant and contrary to the current reason they reside in the area. Even though residents in the area do not own a property right to ensure their neighborhood will not change, their desire for the future of their area might be upended by the proposal. This could result in their eventual self-determined displacement from the neighborhood.

If evaluation of detrimental effects is extended beyond adjacent property, it could be determined that the commercial development potential of this proposal may undercut the commercial development potential of other properties in the area already zoned for commercial. This is a challenging distinction to make, however, as the financial benefit the proposal will bring to those other land owners by way of sewer service might overwhelm the adverse economic effects. Sewer service will increase other land owner's opportunities to create a mixed use development in accordance with the FB zone.

***(d) 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, stormwater drainage systems, water supplies, wastewater, and refuse collection.***

The County's currently adopted development regulations, as well as the standards of the FB zone, are designed to specifically require the developer to address their impact of local levels of service. As aforementioned, the applicant will be responsible for mitigating any material degradation of level of service of each of these services.

Roadways/Traffic.

Traffic mitigation studies will be required when the property subdivides. The applicant will be responsible for providing the street cross sections adopted in the FB zone, which are intended to provide for adequate traffic mitigation. However, the traffic studies will assist us in verifying this.

Parks and Recreation Facilities

The applicant has not provided specific park and recreation facilities plans. The FB zone requires bike, trail, and sidewalk facilities throughout the development which will be installed as the development is installed. During development of the project the applicant should work with the Ogden Valley Parks District to verify adequacy of services.

Police and Fire Protection

Because the FB rezone is not anticipated to increase the overall density of the valley, police protection might be a zero-sum gain. Special events within the project, if any, will be required to obtain special event permits. Same with conditional uses. Both special events permits and conditional use permits enable coordination with the Sheriff's office to provide deputy resources, when needed.

The Weber Fire District has reviewed the rezone application. They will require sufficient fire suppression at the time of development.

Stormwater Drainage Systems

It should be anticipated that this rezone will yield significantly more stormwater management demand given the amount of hard surface likely to occur. Stormwater management will be addressed with the applicant as development applications are submitted.

#### Water Supply

The project is within the culinary water service area of Eden Water Works. The applicant is proposing to create a new secondary water company called "Eden Crossing Public Works Company for secondary water services.

As required by the County's adopted water concurrency ordinance, the developer will be required to prove access to water as part of a specific development application.

#### Wastewater

The applicant has indicated that the project will be connected to Wolf Creek Water and Sewer Improvement District's sewer service. This may not be a final plan as of the writing of this report, but if it is or becomes such, the applicant will provide a sewer lift station to lift effluent up to the Wolf Creek sewer reclamation facilities. Sewer service lines are shown in the applicant's proposed narrative (Exhibit A).

The applicant will be required to provide proof of sewer service and adequacy at the time of development review.

#### Refuse Collection

Refuse collection has not been specifically addressed for this rezone. However, identifying garbage services is a typical requirement of design review at the time a development is proposed and is not typically addressed during rezone.

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

Staff is unaware of specific natural or ecological resources or sensitive lands on the subject property.

#### ***(f) Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.***

As specified above, the applicant will be required to address traffic mitigation at the time a development application is submitted.

### **Staff Recommendation**

After reviewing the proposal within the intended context of the Ogden Valley General Plan, it is staff's opinion that this rezone will substantially advance the vision and goals of the general plan. Staff is recommending approval of the rezone. This recommendation is given to the Planning Commission with the following findings:

1. The proposal substantially advances the vision, goals, and objectives of the Ogden Valley General Plan.
2. Considering the direct context of the plan, the benefits that the proposal offers to the execution of the plan and to the long-term desirable community outcomes as specified in the plan overwhelm the proposal's conflict with Commercial Development Implementation Strategy 1.1.2.
3. The proposal will bring sewer to the Eden area, thereby creating further village and TDR opportunities for other landowners in the surrounding area in the future, further compounding the benefits of the proposal to the intended effects of the general plan.
4. The TDRs anticipated to be consumed by the a development within the proposed rezone, or the TDRs that might be consumed by other properties in the area will help remove development rights from the remaining areas in the community that are intended to remain rural.
5. The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Ogden Valley General Plan.

### **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 #ZMA2023-09, an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone to the FB Zone, as provided in Exhibit C.

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 #ZMA2023-09, an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone to the FB Zone, as provided in Exhibit C, **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 recommend denial:**

I move we forward a recommendation for **denial** to the County Commission for File #ZMA2023-09, an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone to the FB Zone, as provided in Exhibit C. **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**

Exhibit A: Application.

Exhibit B: Current Zone Map.

Exhibit C: Proposed Zone Map.

**Eden Crossing  
Rezone Application - Project Narrative  
October 2023**

Application Questions

**The vision for the proposed zone change and, if known, the proposed development.**

Eden Crossing is a proposed commercial, retail, multifamily and single family homesite development in the New Eden area of Ogden Valley. The rezone application is requesting the property be incorporated into the Form Based Zone land use code.

In accordance with the Ogden Valley General Plan, the development will obtain density entitlements via the Transfer of Development Rights (TDR) ordinance. The New Eden area has been identified as a village receiving area. The project consists of 20 acres of flat buildable land supporting approximately 325 units. Examples of the proposed building design is illustrated in the Architectural Exhibit.

Multiple entities will be providing wet utility service to the project. Culinary water is from Eden Water Works, secondary will come from Eden Crossing Public Works Company and sewer will be managed by the Wolf Creek Water and Sewer Improvement District. The transfer of water and sewer to Wolf Creek is aligned through the development as shown in the Utilities Exhibit.

The development will have a walkable, pedestrian friendly design. Pathways for recreational use will be incorporated into and will connect to adjacent properties. A community recreation center for Ogden Valley is being considered on the north end of the project.

**How the change is in compliance with the general plan, or if not, the public interest the change is intended to address.**

The general plan has identified the Eden Area as a village receiving area for TDRs. Supporting utilities go through the project which is also a key element of the community plan.

**Why the present zoning should be changed to allow the rezone.**

The street regulating plan of the Form Based Zone supports the land use code change request.

**How the change is in the best interest of the public.**

The development will provide services to the Ogden Valley community.

**The conditions and circumstances in the general area that have changed to warrant the rezone.**

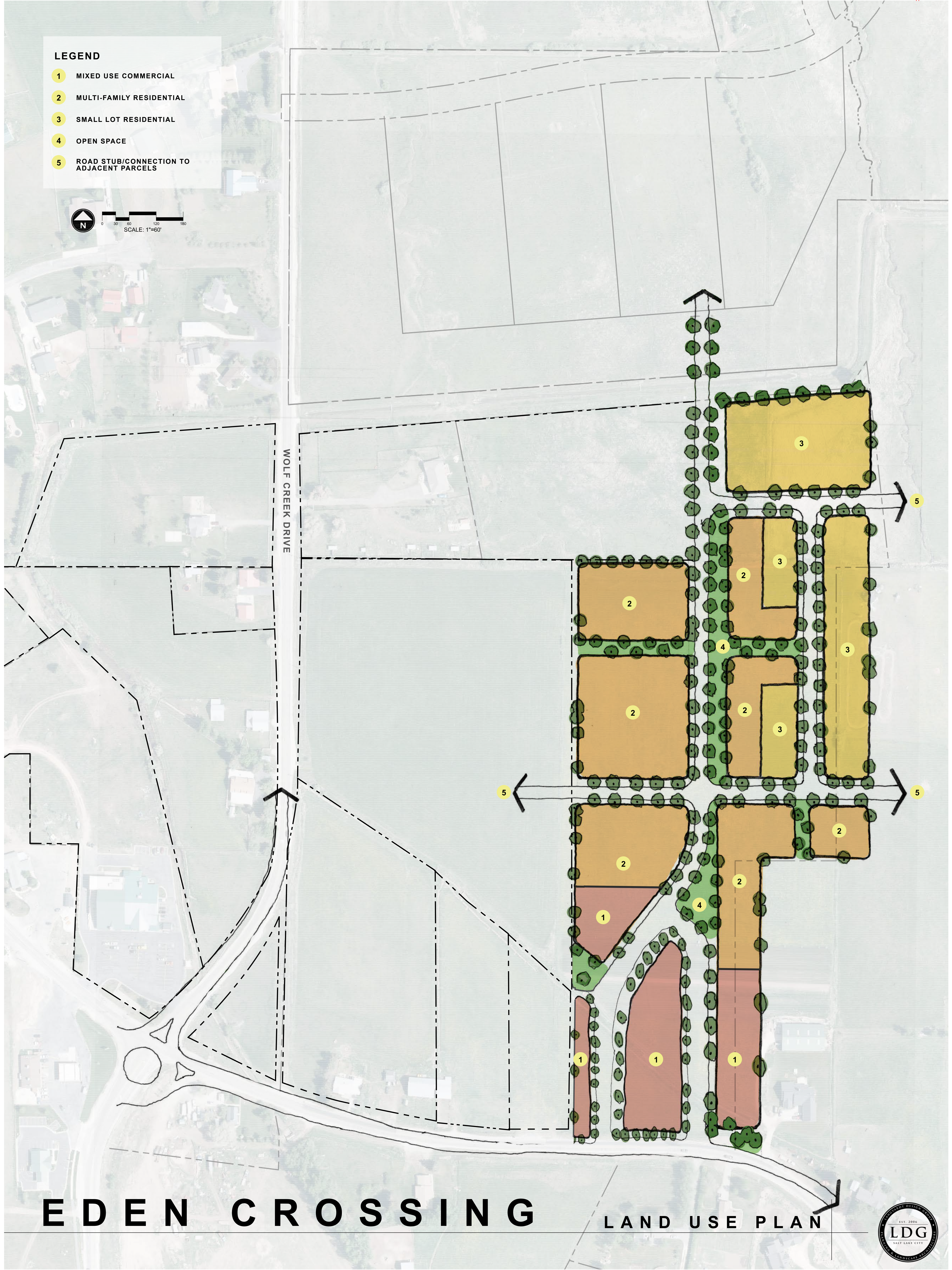
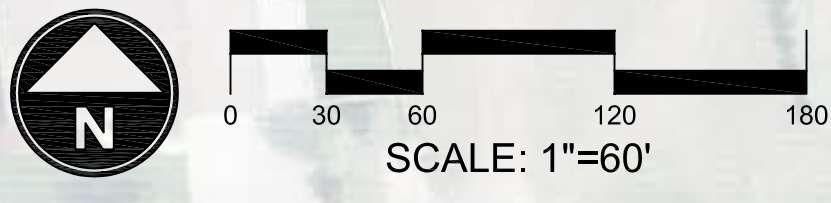
The adopted general plan supports clustered development in identified receiving villages areas.

**The reasons or ways the rezone will promote the health, safety and general welfare of the inhabitants of the county.**

All county codes and standards will be observed as the project is developed.

**LEGEND**

- 1 MIXED USE COMMERCIAL
- 2 MULTI-FAMILY RESIDENTIAL
- 3 SMALL LOT RESIDENTIAL
- 4 OPEN SPACE
- 5 ROAD STUB/CONNECTION TO ADJACENT PARCELS



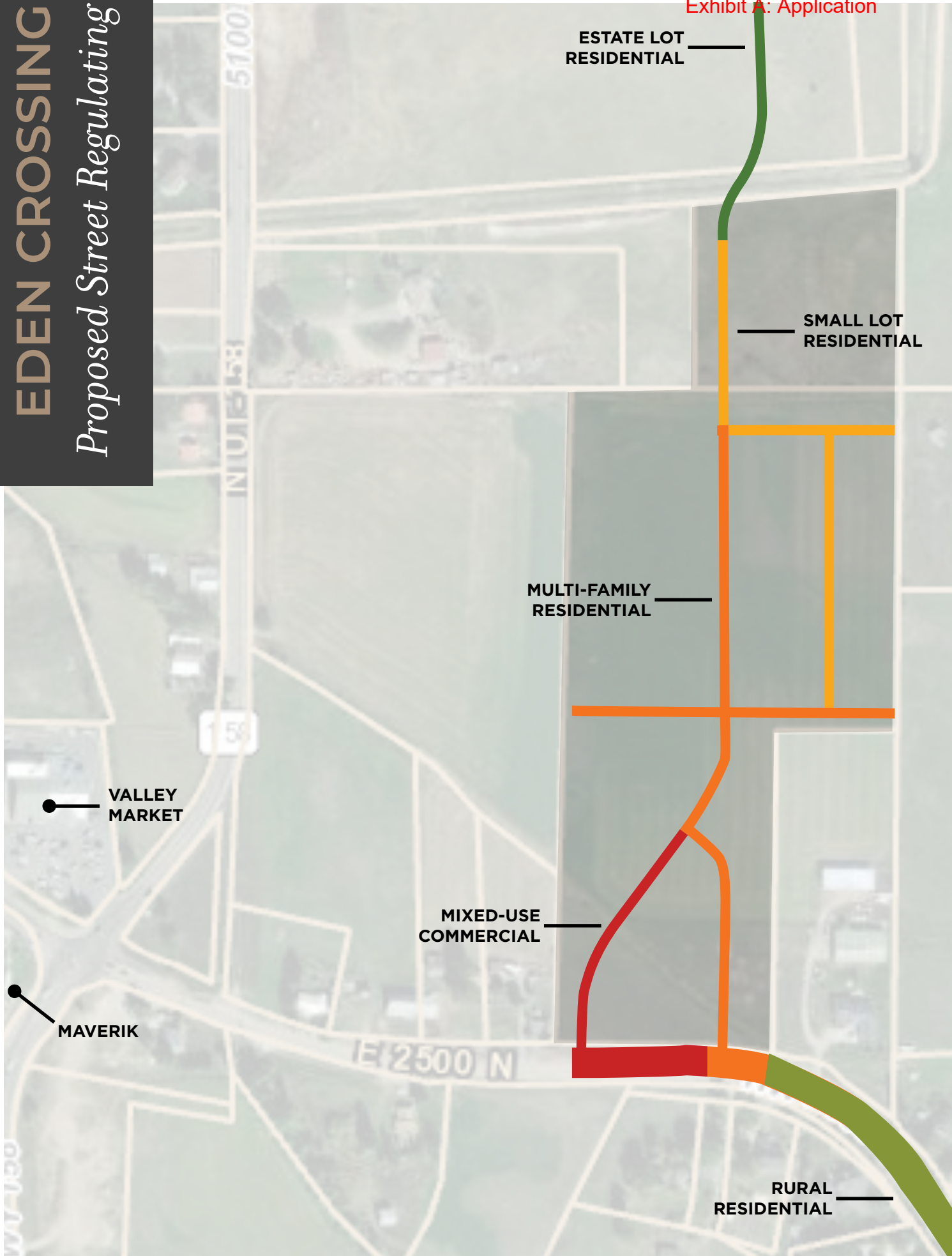
# EDEN CROSSING

## LAND USE PLAN



# EDEN CROSSING

*Proposed Street Regulating*



# EDEN CROSSING

*Infrastructure Alignment*





October 28, 2023

Via - [rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)

Rick Grover  
Weber County Planning Director  
2380 Washington Blvd., #240  
Ogden, Utah 84401

Dear Mr. Grover:

My law firm represents Eden Crossing, LLC ("Applicant") with respect to the development known as Eden Crossing in Eden Utah ("Property"). Presently my clients have applications in to the County for an amendment to the Zoning, and text amendments. Both applications comply with all applicable City Ordinances, and are therefore vested and entitled to approval.

Nevertheless, my client is experiencing unreasonable delays in processing these applications. Accordingly, please consider this letter as the Applicant's formal written request, in accordance with UTAH CODE § 10-9a-509.5(2)(b), that Weber County take final action on my client's applications within 45 days the date of this letter.

Note also that Utah Code requires the City, if it denies these applications, the denial must include the "reasons for denial in writing, on the record." UTAH CODE § 10-9a-509.5(2)(d). If the City believes that some ordinance requirements have not been met, please notify me immediately. Otherwise, please approve my client's application within 45 days, are required by the Utah Code. Thank you for your attention to this matter.

**DENTONS DURHAM JONES PINEGAR P.C.**



Brent N. Bateman

Figure 1: Current Zoning Map and the Subject Parcel(s).

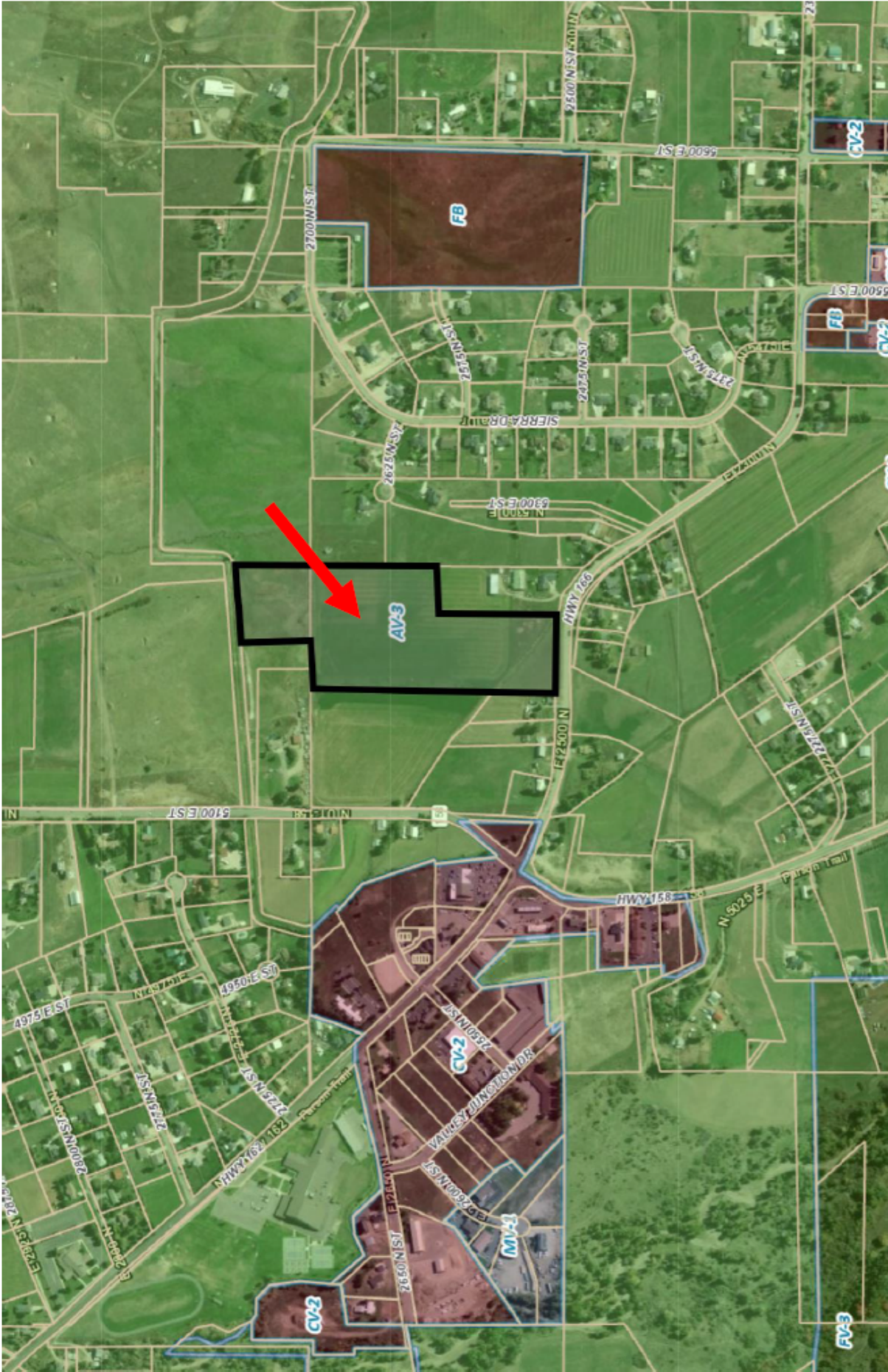
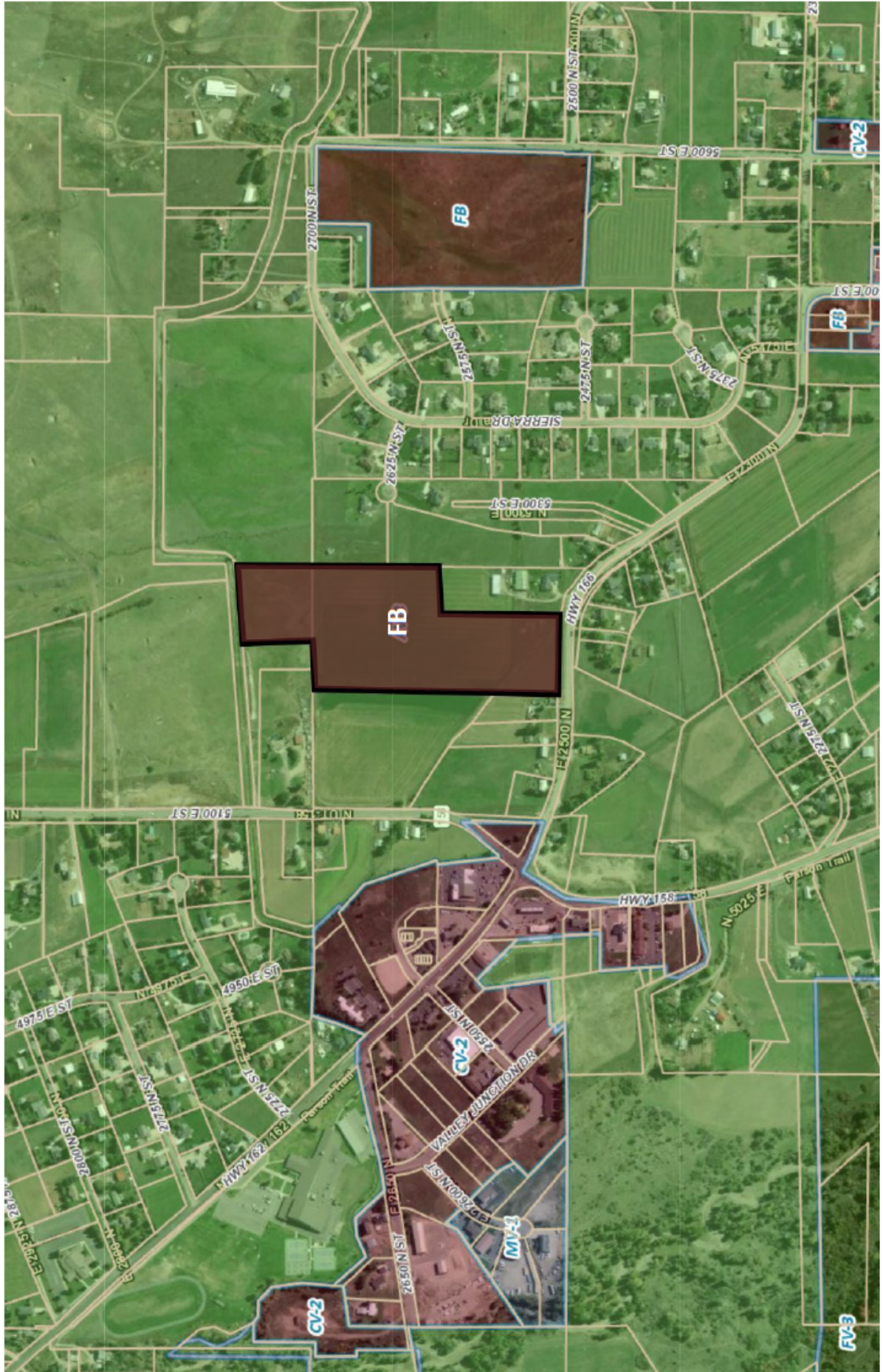


Figure 2: Proposed Zoning Map and the Subject Parcel(s).





# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** A public hearing and consideration of File ZTA2023-03, an applicant-initiated request to amend the Form-Based Zone ordinance to adjust provide alternative architectural design allowances.

**Applicant:** Eric Langvardt

**Agenda Date:** Tuesday, November 07, 2023

**File Number:** ZTA 2023-03

### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

## Applicable Ordinances

§104-22: Form-Based Zone (FB)

## 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 adopted a Form Based zone in January 2022. The applicant is requesting to amend the zone to allow architectural standards that are different than was adopted. The text amendment and proposed example images are provided herein.

The Planning Commission considered this item in work session on May 2, 2023. After due consideration, the Planning Commission desired to make larger amendments to the architectural standards of the FB zone. The amendments include allowance for the applicant's theme, but also extends additional design flexibility for others developing in the FB zone.

The Planning Commission then heard the item in a public hearing on May 23, 2023. At the time, this item was combined with a proposed amendment to New Town Eden's street regulating plan. The Planning Commission recommended denial of the proposal primarily based on the street regulating plan proposal.

On June 12, 2023, the County Commission considered the Planning Commission's negative recommendation. At that time, the County Commission requested the two components of the proposal be divided into two separate amendments. The County Commission then remanded the proposed architectural standards back to the Planning Commission for further consideration.

On August 22, 2023, the Planning Commission considered the architectural amendments again. In that meeting the Planning Commission desired to table it until after the street regulating plan amendments are made, if ever.

On October 8, 2023, the applicant, through a representative, requested a final decision on the proposed architectural standards.

Under State law,<sup>1</sup> if a reasonable amount of time has lapsed since the submittal of an application, then the applicant may request a final decision be made within 45 days of the request for the decision. The County has received a request for final decision from this applicant. This request was received on October 28, 2023. This text amendment application was initially received by the County on April 5, 2023 and the application fee was received on the same day. In other words, this application was received approximately seven months ago, which should be a reasonable amount of time to make a final decision.

As a result, the final decision on this rezone from the County Commission must be given by December 12, 2023. Given the Planning Commission's calendared meetings, in order to meet this 45-day period the Planning Commission will only have one meeting in which it can consider this item, so the decision on November 14th cannot result in the item being tabled.

## Policy Analysis

### Policy Considerations:

#### **Proposed Text Amendment (Exhibit A)**

The proposed text amendment is fairly straightforward, but the application of the amendment has broader effects on the New Town Eden Area.

#### *Proposed new architectural design theme.*

The applicant is proposing a second set of architectural design standards that can be used for commercial and multifamily buildings in the New Town Eden area. If approved, a landowner within the New Town Eden area can choose between the existing architectural theme (Agricultural) or the new theme (Mountain Modern). The applicant has suggested that a mix of these themes within one village area may make for an overall complimentary community outcome that celebrates the history of the area while also looking to the future; and doing so without inducing so many different themes that the community looks hodge-podge.

When reviewing the proposed new theme with the planning commission, it seemed the planning commission supported it. The planning commission also expressed concern over the current agricultural theme, suggesting perhaps that it is an ill-conceived style for street-front commercial buildings.

To explore a way to allow multiple themes within one area, staff assembled an architectural matrix. It is included in the attached proposal. In the matrix, each village area has at least one theme allowed. In the Eden area, staff is suggesting perhaps allowing multiple themes to blend. However, in certain areas, such as the square around Eden Park, the matrix only lists one theme as appropriate.

The matrix enables ease of amendment as new themes are considered in the future. It also allows multiple themes to be shared by multiple village areas.

In the proposal, staff included both the applicant's requested "mountain modern" theme as well as a new theme titled "mountain rustic." The differences between the two can be reviewed in the exhibit.

#### *Illustrations of the Mountain Modern design theme being proposed:*

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<sup>1</sup> UCA 17-27a-509.5





## General Plan Review

When reviewing the proposed amendments, it is important to keep the considerations within the context of the General Plan. The land-use vision written in the general plan is as follows:

\*\*\*

*Commercial Development Goal 2: A goal of Weber County is to ensure that the design of retail and commercial development is consistent with Ogden Valley’s rural character.*

*Commercial Development Principle 2.1: Require new commercial development to conform to community design standards to ensure compatibility with the character of Ogden Valley and to provide for aesthetic and functional transition to surrounding residential and agricultural areas.*

*Commercial Development Implementation 2.1.1: As part of small area planning, revise County design standards to adopt more detailed and specific commercial design standards that specify building materials, style elements, colors, dark sky lighting, walkability, landscaping, signage, open spaces, public features, and building height and orientation. Acceptable style elements may include agrarian architecture, Old West or mine-town architecture, or mountain rustic architecture elements that are prevalent in Ogden Valley (Figure 16).*

Implementation 2.1.1 specifically lists “agrarian, old west or mine-town, and mountain rustic architectural elements. Mountain modern is not listed on this list. It is also important to note that this sentence uses the permissive “may.” The Planning Commission should determine whether “may include” is intended to be permissive and open ended in this context, as in “may include, but may not be limited to…” Or if it should be restrictive, as in “may only include…”

## 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 #ZTA2023-03, an applicant-initiated request to amend the Form-Based zone, as provided in Exhibit A, specifically choosing Alternative D, staff recommendation, for the applicable Eden area street regulating plan. I do so with the following findings:

Example findings:

1. *The changes are supported by the Ogden Valley General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Ogden Valley General Plan*
3. *The changes will enhance the general health and welfare of Ogden Valley residents.*
4. *The changes are not detrimental to the general health, safety, and welfare of the public.*
5. [ \_\_\_\_\_ 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 #ZTA2023-03, an applicant-initiated request to amend the Form-Based zone, as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: On line number \_\_\_#, it should read: \_\_\_\_\_ state desired edits here \_\_\_\_\_.*
2. *Etc.*

I do so with the following findings:

Example findings:

1. *The changes are supported by the Ogden Valley General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Ogden Valley General Plan.*
3. *The changes will enhance the general health and welfare of Ogden Valley residents.*
4. *The changes are not detrimental to the general health, safety, and welfare of the public.*
5. *[Example: etc]*

**Motion to table:**

I move we **table** action on File #ZTA2023-03, an applicant-initiated request to amend the Form-Based zone, **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 we forward a recommendation for **denial** to the County Commission for File #ZTA2023-03, an applicant-initiated request to amend the Form-Based zone and related amendments. **I do so with the following findings:**

Examples 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 changes to be implemented.*
- [ \_\_\_\_\_ add any other desired findings here \_\_\_\_\_ ].

**Exhibits**



A. Proposed Amendments to the Form-Based (FB) zoning ordinance (Redlined Copy).

**WEBER COUNTY**  
**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**AN AMENDMENT TO THE FORM-BASED (FB) ZONE TO ADD ALLOWABLE ARCHITECTURAL STANDARDS**

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

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, on \_\_\_\_\_, 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 \_\_\_\_\_, 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 substantially advance many goals and objectives of the Western Weber General Plan and the Ogden Valley General Plan; and

**WHEREAS**, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development of neighborhoods and communities;

**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:

**Part II Land Use Code**

...

**TITLE 104 ZONES**

...

**Chapter 104-22 Form-Based Zone FB**

...

**Sec 104-22-6 Building Design Standards**

**Sec 104-22-6.010 Building Design Standards ~~Per~~ By Street Type**

~~Sec 104-22-6.020 Architecture Matrix Building Design Standards By Area~~  
~~Sec 104-22-6.030 Old West Town Eden Area Building Design Standards~~  
~~Sec 104-22-6.040 Agrarian New Town Eden Area Building Design Standards~~  
~~Sec 104-22-6.050 Mountain Modern Nordic Valley Area Building Design Standards~~

...

**Sec 104-22-6.020 Architecture Matrix Building Design Standards By Area**

(a) Architectural compliance required. Each building, ~~Except for single-family and two-family dwellings, three-family and four-family dwellings, the following regulations shall follow the architecture standards listed in this section. (Sections 104-22-6.3 through 104-22-6.5) are applicable to the architecture and design of buildings in each area.~~ Each area, as depicted in the applicable street regulating plan, has ~~a unique~~ one or more unique architectural theme(s) allowed as provided ~~herein~~ in the following table and in accordance with the following sections in this section.

(b) Licensed architect required. Each building, except those aforementioned in Subsection (a) of this section, is required to be designed by a licensed architect. After receiving recommendation from a licensed architect, the ~~planning commission~~ Land Use Authority may, but is not obligated to, allow minor modifications to the applicability of the standards in this section as long as it results in a design that better aligns with the intent of the design theme and blends well with the design features of adjacent buildings.

4-(c) Allowed architecture. The follow table lists the type of architecture that is allowed within a specific village area. The letter "A" represents a style that is allowed in the respective area. A "N" represents a style that is not allowed in that area.

			<u>Old West</u>	<u>Agrarian</u>	<u>Mountain Rustic</u>	<u>Mountain Modern</u>	<u>Modern Alpine</u>
<b>EDEN</b>	<b>OLD TOWN</b>	<u>5500 E and streets surrounding Old Town Eden Park.</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
		<u>The rest of Old Town.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>N</u>
	<b>NEW TOWN</b>	<u>Within 20 feet of public street<sup>1</sup></u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>N</u>
		<u>The rest of New Town.</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>
<b>NORDIC VALLEY</b>			<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>
<b>WEST WEBER VILLAGE</b>			<u>N</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>

<sup>1</sup> A public street in this case means any public street right-of-way, existing and planned.

...

**Sec 104-22-6.030 Old West Town Eden Area Building Design Standards**

~~In addition to applicable standards in this chapter, the following standards apply to all buildings in the Old Town Eden Area:~~

1-(a) Design theme. ~~All~~ b Buildings shall have architectural styling and materials that resemble historic commercial main-street buildings in the Western United States that were in existence between 1880 and 1910. Each new building shall provide diversity and variety in building design, architectural features, and building material that set each building apart from adjacent buildings.

2-(b) Building form. A building's street-facing façade shall be designed to have a base, body, and cap, each of varying design features and building material. The base of the building shall be no less than one-sixth and no greater than one-third the height of the building. The cap shall be no less than one-twentieth the height of the building.

3-(c) Rooflines. Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.

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- 4.(d) **Building massing.** The horizontal wall massing of building facades shall be broken at least every 20 feet with no less than a six-inch shift in the plain of adjacent walls. The building shall appear to be post and beam construction, with vertical columns rising from the base to the cap of the building, and with windows or other openings located to not interrupt the vertical rise of the columns. ~~Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.~~
- 5.(e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
- 6.(f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed. Other muted earth-tone ~~paints~~ colors generally visible from the site may be used as long as they complement the age period. No more than 70 percent of a building's facade shall be white.
- 7.(g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

...

**Sec 104-22-6.040 Agrarian New Town Eden Area Building Design Standards**

~~In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Area:~~

- 4.(a) **Design theme.** ~~All~~ b Buildings shall have architectural styling and materials that implement agrarian-style architecture. ~~Agrarian-style architecture~~ Each building shall incorporate at least two of the following four options:
- 1.(1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
  - 2.(2) ~~An attached shed roof at a 4/12 or greater slope that is not attached to the main roof structure.~~ A shed roof at a 4/12 or greater slope that is attached to the side of the building but not attached to the main roof structure.
  - 3.(3) A clerestory or cupola.
  - 4.(4) Gable-style dormer windows.
- 2.(b) **Building form.** ~~A building's~~ Each street-facing building façade shall be designed and constructed to have a building base, building body, and varying building roofline, each ~~of having~~ varying building materials or design techniques ~~design features and building material.~~ The base of the building shall be no less than one-tenth and no greater than one-third the height of the building.
- 3.(c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.
- 4.(d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls. ~~Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.~~
- 5.(e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
- 1.(1) Brick or stone may be used in place of wood if approved by the Land Use Authority.
  - 2.(2) Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.
- 6.(f) **Colors.** Muted earth-tone colors generally visible from the site are required. No more than 70 percent of a building's facade shall be white.

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~~7.(g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.~~

...

**Sec 104-22-6.050 Modern Alpine Nordic Valley Area Building Design Standards**

~~In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Valley Area:~~

~~4.(a) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of European alpine design. A modern interpretation of European alpine design includes a balance between modern alpine and classical European alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.~~

...

~~2.(b) **Colors.** Muted earth-tone colors generally visible from the site are required. No more than 30 percent of a building's facade shall be white.~~

...

**Sec 104-22-6.060 Mountain Modern Architecture**

~~(a) **Design theme.** All buildings shall have architectural styling and materials that implement mountain modern-style architecture. Mountain modern-style architecture shall incorporate at least three of the following five options:~~

~~(1) Either a gable roof at a 6/12 or greater slope, a flat roof, a shed roof, or a combination of the roof types.~~

~~(2) A shed-roof at a 2/12 or greater slope that is attached to the side of the building but not attached to the main roof structure.~~

~~(3) A prominent covered porch, deck element, chimney, or other unique architectural feature or features approved by the Land Use Authority.~~

~~(4) Vertical rectangular windows, single, paired, or in triples. Paired and tripled windows shall all be the same dimensions. The composition of all windows on a building's facade shall be balanced.~~

~~(5) Appurtenances such as exposed roof rafter tails, decorative kickers, and exposed beams or column detailing.~~

~~(b) **Building form.** Each street-facing facade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.~~

~~(c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.~~

~~(d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls. Each street-facing facade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.~~

~~(e) **Building material.** Building facade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building facade shall also be used on all other sides of the building.~~

~~(1) Brick or stone may be used in place of wood if approved by the Land Use Authority.~~

~~(2) Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.~~

~~(3) Stucco may be used as an accent material, but may not comprise more than 30% of a building's facade~~

~~(f) **Colors.** Warm muted earth-tone colors generally visible from the site are required. No more than 70 percent of a building's facade shall be white.~~

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4.(g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.



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**Sec 104-22-6.060 Mountain Rustic Architecture**

- (a) **Design theme.** All buildings shall have architectural styling and materials that implement mountain rustic architecture. Mountain rustic architecture shall incorporate the following
  - (1) A gabled roof at a 6/12 or greater slope. An attached shed roof is permissible at a lower slope if it covers a porch, patio, window pop-out, or similar.
  - (2) Exposed beams and columns made of large rough-cut timbers; the columns having a stone base.
  - (3) A prominent covered porch, deck, or balcony, or a large prominent stone chimney.
- (b) **Building form.** Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.
- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.
- (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls.
- (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. Building material shall appear distressed. The primary building material shall be either wood, log, or similar appearing siding, or natural stone. At least one of the building materials used on the building façade shall also be used on all other sides of the building.



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(1) The building's base shall be natural stone

(2) Metal accents or trim may be used if it has been aged to have a patina.

(f) Colors. Muted earth-tone colors generally visible from the site are required.

...

**PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS  
\_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 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



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration of an applicant driven request to amend the development agreement between Weber County and CW The Basin to allow short term rentals and transferrable development rights.
<b>Application Type:</b>	Legislative
<b>Agenda Date:</b>	Tuesday, November 14, 2023
<b>Applicant:</b>	CW The Basin
<b>File Number:</b>	ZDA 2022-02

### Property Information

<b>Approximate Address:</b>	947 E Old Snow Basin Rd
<b>Zoning:</b>	FR-3
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential

### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Residential
<b>East:</b>	Residential	<b>West:</b>	Residential

### Adjacent Land Use

<b>Report Presenter:</b>	Steve Burton <a href="mailto:sburton@webercountyutah.gov">sburton@webercountyutah.gov</a> 801-399-8766
<b>Report Reviewer:</b>	RG, CE

## Development History

On January 25, 2022, the CW Basin property was rezoned from CVR-1 to FR-3 through an ordinance and development agreement approved by the County Commission. The current development agreement restricts the use of the property to ten detached single family dwellings with short term rentals prohibited. Since the time the original development agreement was recorded, the property owner and a third party have discussed the possibility of transferring some of the development rights that would otherwise exist under the current FR-3 zoning, if the development agreement did not restrict the rights to ten. Under this proposal, the applicant proposes that the county acknowledge 54 development rights that can be transferred and the ability to have short term rentals on the 10 existing lots.

On September 27, 2022, the Ogden Valley Planning Commission tabled a decision on this item until such time that the county has implemented a TDR program. The TDR program currently exists by transferring development rights into MPD overlay zones and the Form-Based zones. The applicant has proposed to bring this back to the Planning Commission with this understanding.

## Summary

The request is to specify in the development agreement that the owner has 54 density rights that will be banked on a specific property, that the developer owns, that will be transferred to a third party. The third party has agreed to provide the county with the funds for the intersection improvements that are needed as a result of several recent developments. The 54 density rights are based off a density of 20 units per acre from the FR-3 zoning, which ended up totaling 64 units. Since the owner has already platted 10 units, they are requesting the ability to bank 54 units.

Recently, there have been public discussions about what the Utah State Code allows when it comes to transferable development rights. Section 17-27a-509.7 states the following:

- (1) A county may adopt an ordinance:

- (a) designating sending zones and receiving zones within the unincorporated area of the county; and
  - (b) allowing the transfer of a transferable development right from a sending zone to a receiving zone.
- (2) A county may not allow the use of a transferable development right unless the county adopts an ordinance described in Subsection (1).

Currently the county’s receiving zones are the areas zoned Master Planned Development Overlay and Form-Based zone. Sending zones are RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.

## Analysis

When legislative amendments such as development agreements, are proposed, the Planning Commission and County Commission should consider the goals and policies of the general plan as well as public benefits to such agreements.

When this property was rezoned from CVR-1 to FR-3 in early 2022, a finding was that the proposed area was designated as a village on the general plan village location map. The County Commission deemed the project to be a residential village, and the rezone from commercial to residential was approved. The County Commission restricted this portion of the village to only 10 detached single family dwellings. It is recommended that the Planning Commission and County Commission consider whether allowing a developer to bank their units, and not yet develop them, complies with the general plan.

The general plan states the following regarding TDRS.

*Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).*

The legislative body may find that, by originally restricting the CW subdivision to 10 lots, the county effectively decreased density in this area. If the developer can bank the 54 unused dwelling rights, they may be able to transfer them to a suitable area such as the areas with form based zoning.

The legislative body may also find that, the 54 units should remain in this village area and can be sent to the parcel to the east, as that parcel is zoned appropriately for a residential village and is currently undeveloped. Several nearby residents originally opposed the rezone to FR-3, but stated they support a village conceptually. If this area is intended to be a residential village, then the development rights should not be sent outside of this village.

## Summary of Planning Commission Considerations

In reviewing a proposed development agreement, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

1. Whether the proposal advances the goals and policies of the Ogden Valley General Plan.

The Ogden Valley General Plan supports the transfer of development rights to village areas (Form based and certain MPD overlay zones). The Ogden Valley General Plan also states that “additional density should not be authorized in the Ogden Valley Planning area above that allowed by current zoning” (pg. 15). Given the current zoning of FR-3 through a development agreement, the current density of the property is 10 development rights.

2. Public impacts and benefits.

The owner has worked with an individual interested in purchasing the proposed 54 development rights. The public benefit to this transaction would be an upgraded intersection at Old Snowbasin Road and Highway 39, paid for by a third party, not the taxpayers.

3. Adequacy in the provision of all necessary public infrastructure and services.

If the county acknowledges the owner's proposed 54 rights to be transferred, those units will need to be transferred to a different village area, because this current village area does not have the water, sewer, or street infrastructure to support the 54 rights.

4. Appropriateness and adequacy of environmental protection measures.

Staff does not feel that environmental protection measures are needed in denying or approving the proposal. If the county approves the proposed development agreement, the 54 development rights will need to be transferred to a village area. The county has already anticipated the location of village areas, and environmental protection measures should be implemented at a subdivision level within these village areas.

5. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

This proposal proposes no protections or enhancements to public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

## **Staff recommendation**

Staff recommends that the Planning Commission recommend denial of the proposed development agreement amendment, ZDA 2022-02. This recommendation is based on the following findings:

1. The original rezone and development agreement, restricting the development rights to 10, was the county acknowledging that no additional development rights existed to be transferred.
2. The original development agreement prohibited short term rentals and the landowner agreed to that restriction.

## 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 2022-02, an applicant driven request to amend the development agreement between Weber County and CW The Basin to allow short term rentals and transferrable development rights, property located at 947 E Old Snowbasin Road, Huntsville. **I do so with the following findings:**

Example findings:

- The proposal is supported by the General Plan.
- [\_\_\_\_\_ add any other desired findings here \_\_\_\_\_].

### Motion to **table**:

I move that we **table** action on File # ZDA 2022-02, an applicant driven request to amend the development agreement between Weber County and CW The Basin to allow short term rentals and transferrable development rights, property located at 947 E Old Snowbasin Road, Huntsville **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 2022-02, an applicant driven request to amend the development agreement between Weber County and CW The Basin to allow short term rentals and transferrable development rights, property located at 947 E Old Snowbasin Road, Huntsville. **I do so with the following findings:**

Examples of findings for denial:

- The findings in the staff recommendation.
- 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 Draft Development Agreement

**DEVELOPMENT AGREEMENT**

**Between**

**WEBER COUNTY, UTAH**

**and**

**CW THE BASIN, LLC,**

**List of Attachments**

Attachment A: Project Area Legal Description and Graphic Depiction

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## DEVELOPMENT AGREEMENT

### The Basin

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between Weber County, Utah ("County") and CW The Basin, LLC ("Developer"), known together herein as the "Parties."

### RECITALS

**WHEREAS**, The Project is currently zoned CVR-1 with a base density of 64 residential rights, and Developer desires to rezone the Project to the FR-3 zone, which carries an identical base density, consistent with the terms and provisions contained herein; and

**WHEREAS**, The Developer desires and intends to develop a residential subdivision (the "Project") in the unincorporated area of Weber County known as Huntsville. Key components of the Project include ten (10) detached single-family residential dwellings; and

**WHEREAS**, The ~~Developer's~~County's objective is to ~~cause Developer to develop and improve ten (10) single family lots that~~ensure the development of 10 (ten) single-family lots is complementary to the character of the community and is financially successful; and

**WHEREAS**, The Developer desires to reserve the residual residential development rights, equaling 54 rights, ~~(the "Residual Density")~~, for potential transfer to another receiving parcel(s) ~~should upon the County's enactment of the pending~~ land use mechanism to allow for such ~~transfer in the future~~transfers; and

**WHEREAS**, The County desires to timely draft, review, and approve the pending land use mechanism to allow for the transfer of the Residual Density to another receiving parcel(s); and

**WHEREAS**, The County, Developer, and at least one (1) other third-party developer have entered into preliminary discussions to finalize a structure by which the Residential residual Density can be transferred to another receiving parcel(s) and an intersection will be widened, in the interest of the general public's health and safety, at no cost to the County; and

**WHEREAS**, The County, Developer, and at least one (1) other third-party developer desires to realize the structure identified in the immediately preceding Recital; and

**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; 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 preliminary plan showing the general location and layout of the Project is contained in **Attachment B** Preliminary 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 last date upon which it is signed by any of the Parties hereto.
- 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.
- 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.
- 1.4. After the expiration or termination of this agreement, the development and use restrictions of Section 7 herein shall prevail as legislatively adopted land use restrictions. Typical legislative action, [pursuant to all applicable County and State codes, ordinances, and legislation](#), shall be required to make changes thereto.

**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 subdivision located to the South and West 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. **Base density.** "Base Density" means the number of dwelling units allowed in an area as measured by dividing the applicable lot or parcel's gross area by the minimum lot area standard as defined by the applicable zoning classification.
- 2.5. **County.** "County" means Weber County, Utah.
- 2.6. **Developer.** "Developer" means CW The Basin, LLC, or its Assignees as provided in Section 11 of this Agreement.
- 2.7. **Effective Date.** "Effective Date" has the meaning set forth in Section 1 of this Agreement.
- 2.8. **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.

- 2.9. Parties.** "Parties" means the Developer and the County.
- 2.10. Project.** "Project" means The Basin subdivision as set forth in the Attachment B hereto.
- 2.11. 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.
- 2.12. 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.
- 2.13. Short-Term Rental.** The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days.
- 2.14. Substantial Completion.** "Substantial Completion" means the Project is constructed, installed, and a valid business license has been obtained from the county.
- 2.15. Transferee.** A party to which the Project is transferred or assigned in part or in whole. "Assignee" shall also mean the same.

### **3. Omitted**

### **4. Project Description.**

Ten (10) detached single-family residential lots.

### **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.** Both County and Developer agree that the Base Density of the Project Site, upon rezone to the Forests Residential Zone (FR-3), equals 64 residential development rights. [Further the County](#)

and Developer agree that the Residual Density shall be transferred to one or more ~~an adjoining~~ parcel(s) on a one-to-one basis.

- 6.3.** Neither the County nor any department or agency of the County shall impose upon the Project (whether by initiative, or other means) any ordinance, resolution, rule, regulation, standard, directive, condition or other measure (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.
- 6.4.** 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.
- 6.5.** 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 Project Site and Project.

## **7. Development and Use Restrictions.**

- 7.1. Use of Property.** The use of the Project shall be limited to ten (10) detached single-family residential lots.
- 7.2. Use of Residual Development Rights.** The use of the ~~residual 54 residential development rights~~ Residual Density may not be developed on the Project Site, but may be land banked on the Project Site by Developer for ~~potential~~ transfer to another receiving parcel(s) ~~should~~ upon the County's enactment of the pending land use mechanism to allow for such ~~transfer in the future~~ transfers.
- 7.3. Short-Term Rentals.** Short-Term Rentals are expressly prohibited.

## **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 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 FR-3 rezone, 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 Project Site at the time of the execution of this Agreement, may sell, convey, reassign, or transfer the Project Site or Project to another entity at any time, provided any division of land, if applicable, complies with County Laws.
- 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:

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**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

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**If to Developer:**

CW The Basin, LLC  
1222 W. Legacy Crossing Blvd., STE 6  
Centerville, UT 84014

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**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**

**“County”**

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

By: \_\_\_\_\_

Scott K. Jenkins  
Chair, Weber County Commission

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Ricky D. Hatch, CPA  
Weber County Clerk/Auditor



“Developer”  
 CW The Basin, LLC

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**DATE:** \_\_\_\_\_

**Developer Acknowledgment**

State of Utah )  
 )ss.

County of Davis )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_, who being by me duly sworn, did say that he is the \_\_\_\_\_ of \_\_\_\_\_, 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.

\_\_\_\_\_  
 My Commission Expires:

\_\_\_\_\_  
 Notary Public, residing in

**Attachment A**

Project Area Legal Description and Graphic Depiction

PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

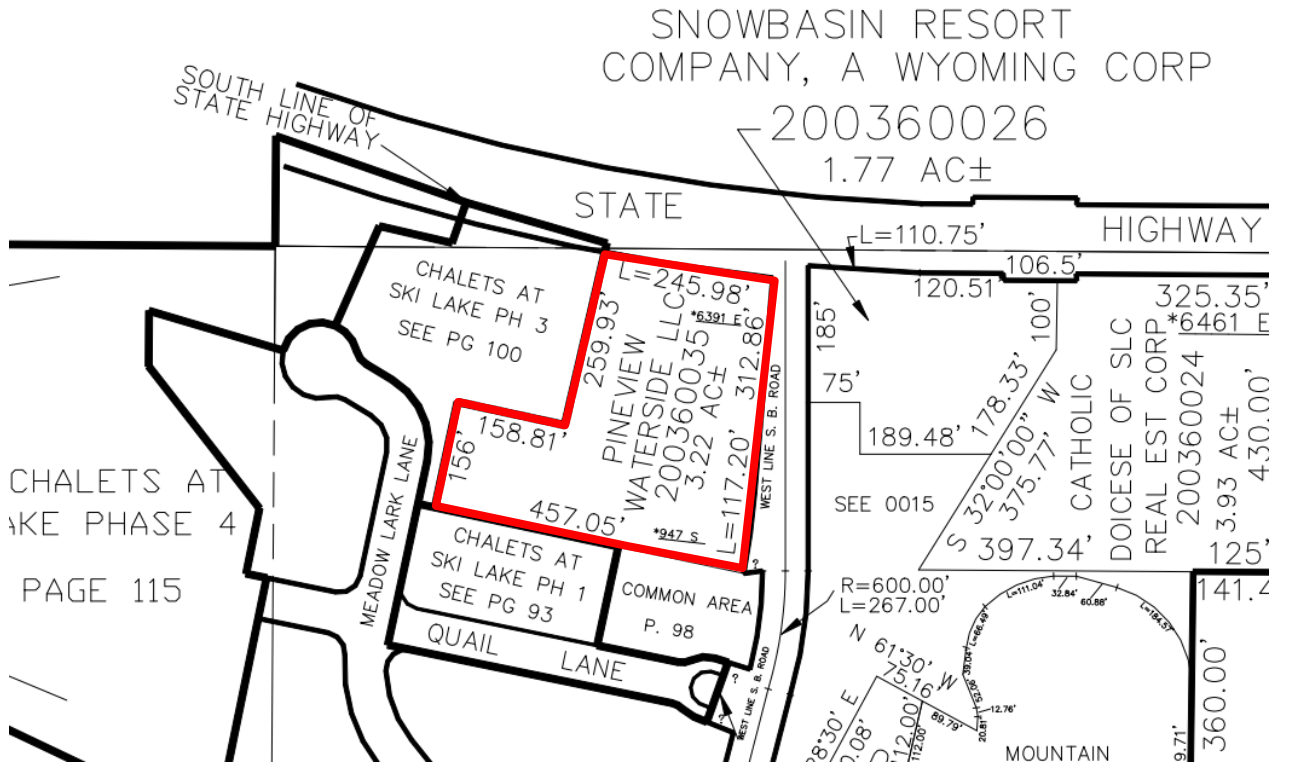
BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 39, SAID POINT BEING S89°36'46"E 477.61 FEET AND S00°23'14"W 2.34 FEET FROM THE FOUND MONUMENT AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE ALONG SAID SOUTHERLY LINE, A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 1959.86 FEET, AN ARC LENGTH OF 254.84 FEET, A DELTA ANGLE OF 07°27'01", A CHORD BEARING OF S80°41'48"E, AND A CHORD LENGTH OF 254.66 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF OLD SNOW BASIN ROAD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWO (2) COURSES: (1) S04°48'23"W 313.97 FEET; (2) ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 1134.18 FEET, AN ARC LENGTH OF 117.20 FEET, A DELTA ANGLE OF 05°55'15", A CHORD BEARING OF S07°46'00"W, AND A CHORD LENGTH OF 117.15 FEET TO THE NORTH LINE OF CHALETS AT SKI LAKE PHASE 1; THENCE ALONG SAID NORTH LINE THE FOLLOWING TWO (2) COURSES: (1) N77°56'06"W 194.61 FEET; (2) N77°56'13"W 271.39 FEET TO THE EAST LINE OF CHALETS AT SKI LAKE PHASE 3; THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES: (1) N12°03'47"E 156.02 FEET; (2) S77°56'13"E 158.81 FEET; (3) N13°01'42"E 260.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 39 AND TO THE POINT OF BEGINNING.

And also including half of the street right-of-way immediately adjacent to the legal description

CONTAINING 144,146 SQUARE FEET OR 3.309 ACRES MORE OR LESS.

Attachment A (Cont.)

Project Area Legal Description and Graphic Depiction





# Staff Report to the Western Weber and Ogden Valley Planning Commissions

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.~~

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

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.~~

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

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.~~

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

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.~~

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

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

167 ...

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
<b>Accessory building</b> , accessory and incidental to the use of a main building.	P	P	P	P	
<b>Accessory dwelling unit.</b>	P	P	P	P	See <u>Chapter 108-19</u> .
<b>Accessory use</b> , accessory and incidental to the main use.	P	P	P	P	
<b>Agricultural Produce Sales, Onsite.</b> <u>The sales of agricultural products produced onsite, accessory to an agricultural operation.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 104-2-4. 5-acre use.</u>
<b>Custom exempt meat cutting</b> , accessory to a residential use.	C	N	N	N	See <u>Section 104-2-4. 5-acre use.</u>
<b>Family food production</b> , accessory to a residential use.	P	P	P	P	See <u>Section 104-2-4.</u>
<b>Home occupation</b> , accessory to a residential use.	P	P	P	P	See <u>Chapter 108-13.</u>
<b>Household pets</b> , accessory to a residential use.	P	P	P	P	
<b>Main building</b> , designed or used to accommodate the main use.	P	P	P	P	
<b>Parking lot</b> , accessory to a main use allowed in the zone.	P	P	P	P	
<b>Parking of large vehicle</b> , accessory to residential use.	C	C	C	C	See <u>Section 104-2-4. 5-acre use.</u>
<b>Parking of construction vehicle.</b>	C	C	C	C	See <u>Section 104-2-4. 5-acre use.</u>
<b>Sugar beet loading or collection station.</b>	C	N	P	P	
<b>Sugar beet dump site.</b>	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~~  
 317 ~~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 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
<b>Accessory building,</b> accessory and incidental to the use of a main building.	P	P	
<b>Accessory dwelling unit.</b>	P	P	See Title 108, <u>Chapter 19</u>
<b>Accessory use,</b> accessory and incidental to the main use.	P	P	
<b>Family food production,</b> accessory to a residential use.	P	N	<u>See Section 104-8-4</u>
<b>Home occupation,</b> accessory to a residential use.	P	P	<u>See Chapter 108-13</u>
<b>Household pets,</b> accessory to a residential use.	P	P	-
<b>Lockout sleeping room,</b> accessory to a dwelling unit.	N	C	No more than two per dwelling unit.
<b>Main building,</b> designed or used to accommodate the main use.	P	P	
<b>Parking lot,</b> accessory to a main use allowed in the zone.	C	<u>P</u>	
<b>Temporary building or use,</b> 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.

	<a href="#">FR-1</a>	<a href="#">FR-3</a>	<a href="#">Special Regulations</a>
<b>Agriculture.</b>	P	N	
<b>Greenhouse and nursery.</b>	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.

	<a href="#">FR-1</a>	<a href="#">FR-3</a>	<a href="#">Special Regulations</a>
<b>Animal grazing.</b> Animal grazing, as defined in Section 101-2.	P	N	<a href="#">See Section 104-8-4</a>
<b>Apiary.</b>	P	N	-
<b>Aviary.</b>	P	N	-
<b>Corral, stable or building for keeping animals or fowl.</b>	P	N	<a href="#">See Section 104-8-4</a>
<b>Stable for horses, noncommercial.</b>	P	N	<a href="#">Horses shall be for noncommercial use only.</a> 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.

	<a href="#">FR-1</a>	<a href="#">FR-3</a>	<a href="#">Special Regulations</a>
<b>Conference or education center.</b>	N	C	
<b>Golf course,</b> except miniature golf course.	C	N	
<b>Ski resort.</b>	C	N	-

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

	<a href="#">FR-1</a>	<a href="#">FR-3</a>	<a href="#">Special Regulations</a>
--	----------------------	----------------------	-------------------------------------

<b>Church, synagogue, or similar building used for regular religious worship.</b>	C	N	
<b>Public building.</b>	C	C	
<b>Public school,</b> 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>
<b>Bed and breakfast dwelling.</b>	C	N	<a href="#">See Section 104-8-4</a>
<b>Bed and breakfast inn.</b>	C	C	<a href="#">See Section 104-8-4</a>
<b>Condominium</b> rental apartment (condo-tel), or timeshare building.	N	C	
<b>Dwelling, single-family.</b>	P	P	
<b>Dwelling, two-family.</b>	N	P	
<b>Dwelling, three-family.</b>	N	P	
<b>Dwelling, four-family.</b>	N	P	
<b>Dwelling, multi-family.</b>	N	C	
<b>Group dwelling.</b>	N	C	See Section 108-7-11
<b>Lodging house.</b>	N	C	<a href="#">See Section 104-8-4</a>
<b>Recreation lodge.</b>	N	C	
<b>Residential facility for disabled persons.</b>	P	P	See Section 108-7-13
<b>Short-term rental.</b>	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.

	<a href="#">FR-1</a>	<a href="#">FR-3</a>	<a href="#">Special Regulations</a>
<b>Private park, playground or recreation area.</b> No privately owned commercial amusement business.	C	C	
<b>Public park, recreation grounds</b> and associated buildings.	C	C	

407 (h) Utility uses.

	<a href="#">FR-1</a>	<a href="#">FR-3</a>	<a href="#">Special Regulations</a>
<b>Public utility substations.</b>	C	C	-
<b>Water storage reservoir,</b> 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>Septic<sup>1</sup></u>	<u>Sewer<sup>2</sup></u>
<b>Single-Family Dwelling.</b> The minimum Lot Area for a Single-Family Dwelling shall be:	1 acre	20,000 square feet <sup>5</sup>	6,000 square feet <sup>5</sup>
<b>Non-Single-Family Dwelling.</b> The minimum Lot Area for all Dwellings other than a Single-Family Dwelling:		20,000 square feet per building <sup>3,5</sup>	7,500 square feet per building <sup>4,5</sup>
<b>Other main building.</b> The minimum Lot Area for a main building other than a Dwelling:			

479 <sup>1</sup> For the purposes of this table, "septic" means an onsite individual wastewater system, such as a septic system.  
 480 <sup>2</sup> For the purposes of this table, "sewer" means an onsite community, group, or shared wastewater system, such as a  
 481 community sewer system.  
 482 <sup>3</sup> 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 <sup>4</sup> 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 <sup>5</sup> 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 <sup>1</sup>	60 feet

489 <sup>1</sup> 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 <sup>1</sup>	25 feet <sup>1</sup>

494 <sup>1</sup> 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 <sup>1</sup>
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 <sup>1</sup> 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 <sup>1</sup>	

<sup>1</sup> 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 <sup>1</sup>

<sup>1</sup> 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>
<b>Accessory building,</b> accessory and incidental to the use of a main building.	P	P	P	
<b>Accessory dwelling unit.</b>	P	P	P	See Title 108, <u>Chapter 19.</u>
<b>Accessory use,</b> accessory and incidental to the main use.	P	P	P	
<b>Family food production,</b> accessory to a residential use.	P	P	P	<u>See Section 104-9-4</u>
<b>Home occupation,</b> accessory to a residential use.	P	P	P	See <u>Chapter 108-13.</u>
<b>Household pets,</b> accessory to a residential use.	P	P	P	
<b>Main building,</b> designed or used to accommodate the main use.	P	P	P	

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

	<u><a href="#">F-5</a></u>	<u><a href="#">F-10</a></u>	<u><a href="#">F-40</a></u>	<u><a href="#">Special Regulations</a></u>
<b>Agriculture.</b>	P	P	P	
<u><a href="#">Aquaculture.</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></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><a href="#">F-5</a></u>	<u><a href="#">F-10</a></u>	<u><a href="#">F-40</a></u>	<u><a href="#">Special Regulations</a></u>
<b>Animal grazing.</b> Animal grazing, as defined in Section 101-2.	P	P	P	<u><a href="#">See Section 104-9-4.</a></u>
<u><a href="#">Apiary.</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	
<u><a href="#">Aquaculture, animal related.</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	
<u><a href="#">Aviary.</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	
<b>Corral, stable or building for keeping animals or fowl.</b>	P	P	P	<u><a href="#">See Section 104-9-4.</a></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><a href="#">F-5</a></u>	<u><a href="#">F-10</a></u>	<u><a href="#">F-40</a></u>	<u><a href="#">Special Regulations</a></u>
<b>Agritourism.</b>	C	<b>C</b>	<b>C</b>	<u><a href="#">See Chapter 108-21.</a></u>
<b>Campground and picnic area.</b>	C	C	C	<u><a href="#">See Title 108, Chapter 20.</a></u>
<b>Conference/education center.</b>	C	C	C	

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



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

574 (m) Institutional uses.

	<a href="#">F-5</a>	<a href="#">F-10</a>	<a href="#">F-40</a>	<a href="#">Special Regulations</a>
<b>Cemetery.</b>	C	C	C	
<b>Church, synagogue or similar building used for regular religious worship.</b>	C	C	C	

575 (n) Residential uses.

	<a href="#">F-5</a>	<a href="#">F-10</a>	<a href="#">F-40</a>	<a href="#">Special Regulations</a>
<b>Recreation lodge</b>	C	C	C	
<b>Single-family dwelling.</b>	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.

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

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

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

579 (q) Other uses.

	<a href="#">F-5</a>	<a href="#">F-10</a>	<a href="#">F-40</a>	<a href="#">Special Regulations</a>
<b>Heliport.</b>	N	N	C	<a href="#">See Section 104-9-4</a>
<b>Mines, quarries, gravel pits.</b>	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:**

<b>LOT AREA</b>	<b>F-5</b>	<b>F-10</b>	<b>F-40</b>
Minimum for all uses:	5 acres	10 acres	40 acres

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

<b>LOT WIDTH</b>	<b>F-5</b>	<b>F-10</b>	<b>F-40</b>
Minimum for all uses:	300 feet <sup>1</sup>	400 feet <sup>1</sup>	660 feet <sup>1</sup>

<sup>1</sup>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 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:**

<b>LOT WIDTH</b>	<b>F-5</b>	<b>F-10</b>	<b>F-40</b>

Minimum front yard setback:	30 feet <sup>1</sup>	50 feet <sup>1</sup>	75 feet <sup>1</sup>
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<sup>1</sup>See 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 <sup>1</sup>		

<sup>1</sup>Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

	<b>F-5 Zone</b>	<b>F-10 Zone</b>	<b>F-40 Zone</b>
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.

	<a href="#">S-1</a>	<a href="#">Special Regulations</a>
<b>Accessory building</b> , accessory and incidental to the use of a main building.	P	-
<b>Accessory dwelling unit.</b>	P	<a href="#">See Chapter 108-19.</a>
<b>Accessory use</b> , accessory and incidental to the main use.	P	-
<b>Family food production</b> , accessory to a residential use.	P	<a href="#">See Section 104-10-4</a>
<b>Home occupation</b> , accessory to a residential use.	P	<a href="#">See Chapter 108-13.</a>
<b>Household pets</b> , accessory to a residential use.	P	-
<b>Main building</b> , 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.](#)

	<a href="#">S-1</a>	<a href="#">Special Regulations</a>
<b>Agriculture.</b>	P	-
<a href="#">Aquaculture.</a>	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.

	<a href="#">S-1</a>	<a href="#">Special Regulations</a>
<b>Animal grazing.</b> Animal grazing, as defined in Section 101-2.	P	<a href="#">See Section 104-10-4.</a>
<a href="#">Apiary.</a>	P	-
<a href="#">Aquaculture, animal related.</a>	P	-
<b>Aviary.</b>	P	-
<a href="#">Corral, stable or building for keeping animals or fowl.</a>	P	<a href="#">See Section 104-10-4.</a>

**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.
<b>Golf course</b> , except miniature golf course.	P	-

Commented [E70]: Applicant's request

726 (e) Institutional uses.

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

730 (h) Utility uses.

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

	<a href="#">S-1</a>
Minimum for all uses:	5 acres

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

	<a href="#">S-1</a>
Minimum for all uses:	300 feet

781 **(m) Yard setback:**

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

	<a href="#">S-1</a>
Minimum front yard setback:	30 feet <sup>1</sup>

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

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

	<a href="#">S-1</a>
Minimum for all uses:	20 feet

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

	<a href="#">S-1</a>
Main building:	30 feet
Accessory building:	10 feet

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

	<a href="#">S-1</a>
Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet <sup>1</sup>

787 <sup>1</sup>Except 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><a href="#">Agricultural arts center:</a></u>	N	A	A	A	A	
<u><a href="#">Agricultural Product Processing and Packaging:</a></u>	N	A	A	A	A	<u><a href="#">Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.</a></u>
<u><a href="#">Agritourism Events Facility:</a></u>	N	A	A	A	A	
<u><a href="#">Agritourism Farm Tour:</a></u>	A	A	A	A	A	
<u><a href="#">Agritourism Fee Fishing:</a></u>	A	A	A	A	A	
<u><a href="#">Agritourism Health Farm:</a></u>	N	A	A	A	A	<u><a href="#">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.</a></u>
<u><a href="#">Agritourism Hunting Preserve</a></u>	N	N	N	N	A	<u><a href="#">See Section 108-21-7</a></u>
<u><a href="#">Agritourism You-Pick Operation:</a></u>	A	A	A	A	A	
<u><a href="#">Agro-ecology research and education center :</a></u>	N	A	A	A	A	<u><a href="#">Lodging, if any, is limited to accommodations for faculty, staff, and students.</a></u>
<u><a href="#">Barn dance:</a></u>	N	A	A	A	A	
<u><a href="#">Camping</a></u>	<u><a href="#">Glamorous camping area:</a></u>	N	N	A	A	<u><a href="#">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.</a></u>
	<u><a href="#">Recreational Vehicle area:</a></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.

<b>Store:</b>	<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)
<b>Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities</b>						
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*	*	*	*	*	*	*
<b>Agriculturally Related Uses/Activities</b>						
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	*	*	*	*	*	*
<b>Non-Agriculturally Related Uses/Activities</b>						

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*						*
<del>On-farm store/retail market, agri-tourism*</del>					*	*
Play area, agri-tourism		*	*	*	*	*
Restaurant featuring farm products*				*	*	*
Special event; as defined by title 38, special events	*	*	*	*	*	*
Health farm*				*	*	*
<del>Motor coach/caravan area, agri-tourism*</del>				*	*	*
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 feet<sup>1</sup></u>	<u>200 feet<sup>1</sup></u>	<u>Not applicable</u>	
<u>Agricultural Product processing and packaging:</u>	<u>100 feet<sup>1</sup></u>	<u>200 feet<sup>1</sup></u>	<u>200 square feet<sup>2</sup></u>	
<u>Camping:</u>	<u>Glamorous camping area:</u>	<u>300 feet<sup>1</sup></u>	<u>500 feet<sup>1</sup></u>	<u>Not applicable</u>
	<u>Recreational Vehicle area:</u>			
<u>Conference or education center:</u>	<u>300 feet<sup>1</sup></u>	<u>500 feet<sup>1</sup></u>	<u>Not applicable</u>	
<u>Educational classes:</u>	<u>100 feet<sup>1</sup></u>	<u>200 feet<sup>1</sup></u>	<u>Not applicable</u>	
<u>Food Prep:</u>	<u>Bakery or café:</u>	<u>200 feet<sup>1</sup></u>	<u>400 feet<sup>1</sup></u>	<u>Not applicable</u>
	<u>Restaurant</u>			
<u>Market, farmers:</u>	<u>200 feet<sup>1</sup></u>	<u>400 feet<sup>1</sup></u>	<u>Not applicable</u>	
<u>Lodging House:</u>	<u>2 guest rooms</u>	<u>100 feet<sup>1</sup></u>	<u>200 feet<sup>1</sup></u>	<u>Not applicable</u>
	<u>3 to 7 guest rooms</u>	<u>200 feet<sup>1</sup></u>	<u>400 feet<sup>1</sup></u>	
	<u>8 to 16 guest rooms</u>	<u>400 feet<sup>1</sup></u>	<u>600 feet<sup>1</sup></u>	
<u>Petting farm/zoo.</u>	<u>400 feet<sup>1</sup></u>	<u>600 feet<sup>1</sup></u>	<u>Not applicable</u>	
<u>Store:</u>	<u>Agricultural Produce Sales, Onsite:</u>	<u>100 feet<sup>1</sup></u>	<u>200 feet<sup>1</sup></u>	<u>0.025 Percent of the agricultural operation's gross acreage.</u>
	<u>Gift shop:</u>	<u>100 feet<sup>1</sup></u>	<u>200 feet<sup>1</sup></u>	
	<u>Market:</u>	<u>150 feet<sup>1</sup></u>	<u>300 feet<sup>1</sup></u>	

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



<sup>1</sup> 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).~~

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~~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.~~

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~~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.~~

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~~c. Value added Agricultural product processing and packaging (VAPPP).~~

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~~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.~~

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~~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.~~

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~~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:~~

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1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	<del>Small farm (10&lt;20 ac)</del>	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.

1253

~~g. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.~~

1254

~~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.~~

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**PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 16<sup>TH</sup> 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**

73 ...

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

75 ...

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

77 ...

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

111	<b>Temporary building or use</b> , accessory and incidental to onsite construction work.	P	P	P	P	
-----	--	---	---	---	---	--

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Agriculture.</b>	P	P	P	P	
<b>Agriculture, community-oriented.</b> 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	
<b>Agricultural experiment station.</b>	P	P	P	P	
<b>Aquaculture.</b>	P	P	P	P	
<b>Fruit and vegetable storage and packing plant</b> , for produce grown on premises.	P	P	N	N	5-acre use.
<b>Grain storage elevator.</b>	N	N	N	P	5-acre use.
<b>Greenhouse and nursery.</b> Sales are limited to plants produced on the premises.	P	P	P	P	
<b>Laboratory facility</b> , for agricultural products and soils testing.	C	C	C	C	
<b>Manure spreading, drying and sales.</b>	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
<b>Accessory building,</b> accessory and incidental to the use of a main building.	P	P	
<b>Accessory dwelling unit.</b>	P	P	See Title 108, <u>Chapter 19</u>
<b>Accessory use,</b> accessory and incidental to the main use.	P	P	
<b>Family food production,</b> accessory to a residential use.	P	N	See Section 104-8-4
<b>Home occupation,</b> accessory to a residential use.	P	P	See <u>Chapter 108-13</u>
<b>Household pets,</b> accessory to a residential use.	P	P	
<b>Lockout sleeping room,</b> accessory to a dwelling unit.	N	C	No more than two per dwelling unit.



<b>Main building</b> , designed or used to accommodate the main use.	P	P	
<b>Parking lot</b> , accessory to a main use allowed in the zone.	C	P	
<b>Temporary building or use</b> , 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
<b>Agriculture.</b>	P	N	
<b>Greenhouse and nursery.</b>	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
<b>Animal grazing.</b> Animal grazing, as defined in Section 101-2.	P	N	See Section 104-8-4
<b>Apiary.</b>	P	N	
<b>Aviary.</b>	P	N	
<b>Corral, stable or building for keeping animals or fowl.</b>	P	N	See <u>Section 104-8-4</u>
<b>Stable for horses, noncommercial.</b>	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
--	------	------	---------------------

<b>Conference or education center.</b>	N	C	
<b>Golf course</b> , except miniature golf course.	C	N	
<b>Ski resort.</b>	C	N	

211 (e) **Institutional uses.**

	FR-1	FR-3	Special Regulations
<b>Church, synagogue, or similar building used for regular religious worship.</b>	C	N	
<b>Public building.</b>	C	C	
<b>Public school</b> , 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
<b>Bed and breakfast dwelling.</b>	C	N	See Section 104-8-4
<b>Bed and breakfast inn.</b>	C	C	See Section 104-8-4
<b>Condominium</b> rental apartment (condo-tel), or timeshare building.	N	C	
<b>Dwelling, single-family.</b>	P	P	
<b>Dwelling, two-family.</b>	N	P	
<b>Dwelling, three-family.</b>	N	P	
<b>Dwelling, four-family.</b>	N	P	
<b>Dwelling, multi-family.</b>	N	C	

<b>Group dwelling.</b>	N	C	See Section 108-7-11
<b>Lodging house.</b>	N	C	See Section 104-8-4
<b>Recreation lodge.</b>	N	C	
<b>Residential facility for disabled persons.</b>	P	P	See Section 108-7-13
<b>Short-term rental.</b>	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
<b>Private park, playground or recreation area.</b> No privately owned commercial amusement business.	C	C	
<b>Public park, recreation grounds</b> and associated buildings.	C	C	

215 (h) **Utility uses.**

	FR-1	FR-3	Special Regulations
<b>Public utility substations.</b>	C	C	
<b>Water storage reservoir,</b> 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 <sup>1</sup>	Sewer <sup>2</sup>
<b>Single-Family Dwelling.</b> The minimum Lot Area for a Single-Family Dwelling shall be:	1 acre	20,000 square feet <sup>5</sup>	6,000 square feet <sup>5</sup>
<b>Non-Single-Family Dwelling.</b> The minimum Lot Area for all Dwellings other than a Single-Family Dwelling:		20,000 square feet per building <sup>3,5</sup>	7,500 square feet per building <sup>4,5</sup>
<b>Other main building.</b> The minimum Lot Area for a main building other than a Dwelling:			

281 <sup>1</sup> For the purposes of this table, "septic" means an onsite individual wastewater system, such as a septic system.  
 282 <sup>2</sup> For the purposes of this table, "sewer" means an offsite community, group, or shared wastewater system, such as a  
 283 community sewer system.  
 284 <sup>3</sup> 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 <sup>4</sup> 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 <sup>5</sup> 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 <sup>1</sup>	60 feet

291 <sup>1</sup> 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 <sup>1</sup>	25 feet <sup>1</sup>

296 <sup>1</sup> 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 <sup>1</sup>
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 <sup>1</sup> 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 <sup>1</sup>	

302 <sup>1</sup>Except 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 <sup>1</sup>

304 <sup>1</sup> 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
<b>Accessory building</b> , accessory and incidental to the use of a main building.	P	P	P	
<b>Accessory dwelling unit.</b>	P	P	P	See Title 108, <u>Chapter 19</u> .
<b>Accessory use</b> , accessory and incidental to the main use.	P	P	P	
<b>Family food production</b> , accessory to a residential use.	P	P	P	See Section 104-9-4
<b>Home occupation</b> , accessory to a residential use.	P	P	P	See <u>Chapter 108-13</u> .
<b>Household pets</b> , accessory to a residential use.	P	P	P	



<b>Main building</b> , designed or used to accommodate the main use.	P	P	P	
<b>Skeet or trap shooting</b> , 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
<b>Agriculture.</b>	P	P	P	
<b>Aquaculture.</b>	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
<b>Animal grazing.</b> Animal grazing, as defined in Section 101-2.	P	P	P	See Section 104-9-4.
<b>Apiary.</b>	P	P	P	
<b>Aquaculture, animal related.</b>	P	P	P	
<b>Aviary.</b>	P	P	P	
<b>Corral, stable or building for keeping animals or fowl.</b>	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
<b>Agritourism.</b>	C	C	C	See <u>Chapter 108-21.</u>
<b>Campground and picnic area.</b>	C	C	C	See Title 108, <u>Chapter 20.</u>

<b>Conference/education center.</b>	C	C	C	
<b>Forest industries.</b> Production of forest products.	C	C	C	
<b>Dude ranch.</b>	C	C	C	
<b>Golf course,</b> except miniature golf course.	P	P	P	
<b>Skeet or trap shooting range</b>	N	N	C	
<b>Ski resort.</b>	C	C	C	

332 (m) **Institutional uses.**

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

333 (n) **Residential uses.**

	F-5	F-10	F-40	Special Regulations
<b>Recreation lodge</b>	C	C	C	
<b>Single-family dwelling.</b>	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
<b>Recreational vehicle parking.</b>	P	P	P	See Section 104-9-4
<b>Private park, playground or recreation area.</b> No privately owned commercial amusement business.	C	C	C	

<b>Public campground and picnic area.</b>	P	P	P	See <u>Title 108, Chapter 20.</u>
<b>Public park, recreation grounds</b> and associated buildings.	P	P	P	

336 (p) **Utility uses.**

	F-5	F-10	F-40	Special Regulations
<b>Hydro-electric dam.</b>	C	C	C	
<b>Public utility substations.</b>	C	C	C	
<b>Radio or television station or tower.</b>	C	C	C	
<b>Wastewater treatment or disposal facilities</b>	C	C	C	
<b>Water storage reservoir,</b> 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
<b>Heliport.</b>	N	N	C	See Section 104-9-4
<b>Mines, quarries, gravel pits.</b>	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 <sup>1</sup>	400 feet <sup>1</sup>	660 feet <sup>1</sup>

387 <sup>1</sup>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,  
 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 <sup>1</sup>	50 feet <sup>1</sup>	75 feet <sup>1</sup>

392 <sup>1</sup>See 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 <sup>1</sup>		

396 <sup>1</sup>Except 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.

	<b>S-1</b>	<b>Special Regulations</b>
<b>Accessory building</b> , accessory and incidental to the use of a main building.	P	
<b>Accessory dwelling unit.</b>	P	See <u>Chapter 108-19</u> .
<b>Accessory use</b> , accessory and incidental to the main use.	P	
<b>Family food production</b> , accessory to a residential use.	P	See Section 104-10-4
<b>Home occupation</b> , accessory to a residential use.	P	See <u>Chapter 108-13</u> .
<b>Household pets</b> , accessory to a residential use.	P	

<b>Main building</b> , designed or used to accommodate the main use.	P	
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424 (b) **Agricultural uses, non-animal.**

	S-1	Special Regulations
<b>Agriculture.</b>	P	
<b>Aquaculture.</b>	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
<b>Animal grazing.</b> Animal grazing, as defined in Section 101-2.	P	See Section 104-10-4.
<b>Apiary.</b>	P	
<b>Aquaculture, animal related.</b>	P	
<b>Aviary.</b>	P	
<b>Corral, stable or building for keeping animals or fowl.</b>	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
<b>Agritourism.</b>	C	See <u>Chapter 108-21.</u>
<b>Golf course</b> , except miniature golf course.	P	

429 (e) **Institutional uses.**

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

430 (f) **Residential uses.**

	S-1	Special Regulations
<b>Single-family dwelling.</b>	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
<b>Private park, playground or recreation area.</b> No privately owned commercial amusement business.	C	
<b>Public campground and picnic area.</b>	P	See <a href="#">Chapter 108-20</a> .
<b>Public park, recreation grounds</b> and associated buildings.	P	

433 (h) **Utility uses.**

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

	<b>S-1</b>
Minimum for all uses:	5 acres

474 (l) **Lot width:**

	<b>S-1</b>
Minimum for all uses:	300 feet

475 (m) **Yard setback:**

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

	<b>S-1</b>
Minimum front yard setback:	30 feet <sup>1</sup>

477 <sup>1</sup>See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

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

	<b>S-1</b>
Minimum for all uses:	20 feet

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

	<b>S-1</b>
Main building:	30 feet
Accessory building:	10 feet

480 (n) **Building height:**

	<b>S-1</b>
Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet <sup>1</sup>

<sup>1</sup>Except 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	
<b>Agricultural arts center:</b>		N	A	A	A	A	
<b>Agricultural Product Processing and Packaging:</b>		N	A	A	A	A	Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.
<b>Agritourism Events Facility:</b>		N	A	A	A	A	
<b>Agritourism Farm Tour:</b>		A	A	A	A	A	
<b>Agritourism Fee Fishing:</b>		A	A	A	A	A	
<b>Agritourism Health Farm:</b>		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.
<b>Agritourism Hunting Preserve</b>		N	N	N	N	A	See Section 108-21-7
<b>Agritourism You-Pick Operation:</b>		A	A	A	A	A	
<b>Agro-ecology research and education center :</b>		N	A	A	A	A	Lodging, if any, is limited to accommodations for faculty, staff, and students.
<b>Barn dance:</b>		N	A	A	A	A	
<b>Camping</b>	<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	
<b>Conference or Education Center:</b>		N	A	A	A	A	Conferences and educational topics shall relate to agriculture, agritourism, vegetation management, or similar.

<b>Day Camp</b>		A	A	A	A	A	The camp shall be based on an agricultural theme and provide agriculturally related activities.
<b>Dude Ranch</b>		N	N	N	A	A	
<b>Educational classes:</b>		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.
<b>Farm museum:</b>		N	A	A	A	A	
<b>Farmers Market.</b> A farmer's market where multiple agricultural operators may sell their products:		N	N	A	A	A	
<b>Food Prep:</b>	<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.
<b>Greenhouse or Nursery:</b>		N	A	A	A	A	Sales are limited to plants produced on the premises.
<b>Lodging House:</b>	<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	
<b>Petting zoo:</b>		N	A	A	A	A	
<b>Rental garden or garden row(s).</b>		A	A	A	A	A	
<b>Seasonal amusement</b> such as haunted house, corn maze, hay stack slide or climbing area, and similar seasonal amusement uses:		N	A	A	A	A	
<b>Sleigh or hay ride:</b>		N	A	A	A	A	
<b>Store:</b>	<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	
<b><i>Agroecology Research and Education Center:</i></b>		100 feet <sup>1</sup>	200 feet <sup>1</sup>	Not applicable
<b><i>Agricultural Product processing and packaging:</i></b>		100 feet <sup>1</sup>	200 feet <sup>1</sup>	200 square feet <sup>2</sup>
<b><i>Camping:</i></b>	<i>Glamorous camping area:</i>	300 feet <sup>1</sup>	500 feet <sup>1</sup>	Not applicable
	<i>Recreational Vehicle area:</i>			
<b><i>Conference or education center:</i></b>		300 feet <sup>1</sup>	500 feet <sup>1</sup>	Not applicable
<b><i>Educational classes:</i></b>		100 feet <sup>1</sup>	200 feet <sup>1</sup>	Not applicable
<b><i>Food Prep:</i></b>	<i>Bakery or café:</i>	200 feet <sup>1</sup>	400 feet <sup>1</sup>	Not applicable
	<i>Restaurant</i>			
<b><i>Market, farmers:</i></b>		200 feet <sup>1</sup>	400 feet <sup>1</sup>	Not applicable
<b><i>Lodging House:</i></b>	<i>2 guest rooms</i>	100 feet <sup>1</sup>	200 feet <sup>1</sup>	Not applicable
	<i>3 to 7 guest rooms</i>	200 feet <sup>1</sup>	400 feet <sup>1</sup>	



	8 to 16 guest rooms	400 feet <sup>1</sup>	600 feet <sup>1</sup>	
<b>Petting zoo.</b>		400 feet <sup>1</sup>	600 feet <sup>1</sup>	Not applicable
<b>Store:</b>	<i>Agricultural Produce Sales, Onsite:</i>	100 feet <sup>1</sup>	200 feet <sup>1</sup>	0.025 Percent of the agricultural operation's gross acreage.
	<i>Gift shop:</i>	100 feet <sup>1</sup>	200 feet <sup>1</sup>	
	<i>Market:</i>	150 feet <sup>1</sup>	300 feet <sup>1</sup>	

627 <sup>1</sup> 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.





## Weber County Planning Division

### MEMORANDUM

To: Ogden Valley Planning Commission  
From: William Cobabe, Planning  
Date: November 14, 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.

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 engineerEngineer, 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