



BOARD OF ADJUSTMENT

MEETING AGENDA

Thursday, March 27, 2025

4:30 p.m.

- Pledge of Allegiance
- Roll Call

Regular Agenda Items

1. **BOA 2024-08:** Consideration and action on a request for a 15-foot variance to the minimum 50-foot stream corridor setback on the west side of the proposed building site and a 10-foot variance to the minimum 20 foot side yard setback to the east of the proposed building site. This property is a lot of record located in the FV-3 zone, located at 4116 East, 4100 North, Liberty, UT, 84310.
Staff Presenter: Tammy Aydelotte, Planner
- BOA 2024-09:** Request for consideration and action on an appeal of a conditional use permit determination made 11/19/2024.
2. **Staff Presenter: Tammy Aydelotte, Planner**

Adjourn

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

Join Zoom Meeting

<https://webercountyutah.zoom.us/j/88498162731> Meeting ID: 884 9816 2731

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



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for a 15-foot variance to the minimum 50-foot stream corridor setback on the west side of the proposed building site and a 10-foot variance to the minimum 20 foot side yard setback to the east of the proposed building site. This property is a lot of record located in the FV-3 zone, located at 4116 East, 4100 North, Liberty, UT, 84310.

Agenda Date: Thursday, March 27, 2025

Applicant: Robert Heslop

File Number: BOA 2024-08

Property Information

Approximate Address: 4116 East 4100 North, Liberty, UT, 84310

Project Area: 1.40 acres

Zoning: Forest Valley (FV-3)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-015-0084

Township, Range, Section: T7N, R1E, Section 21, NW 1/4

Adjacent Land Use

North:	Residential	South:	4100 North St
East:	Vacant	West:	Forest

Staff Information

Report Presenter: Tammy Aydelotte
tayelotte@webercountyutah.gov
801-399-8794

Report Reviewer: FL

Applicable Codes

- Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Title 104 (Zones) Chapter 17 (Forest Residential Zone FR-3)

Background

In September of 2022, this parcel was deemed a lot of record. A document was recorded to title reflecting this determination.

The applicant is requesting a 15' variance to the minimum 50' stream corridor and a 10' variance to the minimum 20' side setback in the FV-3 Zone. The applicant feels that a variance is necessary to build their desired home. The applicant explains that the current zoning setbacks, the limited space for the septic system, and the seasonal stream that runs through a portion of the lot, make it challenging to construct a single-level, ADA compliant home. The applicant's narrative is included as **Exhibit B**. The County Engineer, who determines the high-water mark of these stream corridors, has outlined suggestions for the applicant to help mitigate concerns from the County Engineer regarding this variance request. These include locating the home right to the front setback line (50'), to avoid additional encroachment into the stream setback, a front-facing garage, to avoid having a portion of the driveway encroach into the stream setback, as well as fill and retaining walls. If the applicant follows suggestions from County Engineering, then there are no concerns from the County Engineer. The County Engineer has reviewed the applicants' latest site plan and feels this is the best way to mitigate concerns from Weber County Engineering.

The applicant has provided a site plan to help visualize applicable setbacks and encumbrances to the property. The only location possible for the septic system is within the front setback. The second page of **Exhibit B** shows encroachment of the proposed building into side setback of 10 feet, side adjacent to a street of 20 feet, and a front setback of 50 feet, where the proposed right-of-way is 80' or more. It should be noted that on the first page of Exhibit B, the front setback should be shown

at 50 feet, further reducing the area within the triangle. Pages 3 and 5 of Exhibit B show where a 1050 square foot house could be located on the lot, should the BOA grant the variance.

Summary of Board of Adjustment Considerations

LUC §102-3 states that one of the duties and powers of the Board of Adjustment is to hear and decide variances from the requirements of the Weber County Land Use Code. For a variance to be granted it must be shown that all of the following criteria have been met:

- a. *Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Land Use Code.*
 1. *In determining whether or not literal enforcement of the land-use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.*
- b. *In determining whether or not literal enforcement of the land-use code would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.*
 1. *In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relating to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.*
- c. *Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.*
- d. *The variance will not substantially affect the general plan and will not be contrary to the public interest.*
- e. *The spirit of the land use ordinance is observed and substantial justice is done.*

Staff Analysis

Below is staff analysis:

- a. Literal enforcement would prevent the property owner from enjoying a substantial property right and developing this parcel in accordance with the Ogden Valley General Plan.
- b. Special circumstances surrounding this lot of record include a stream runoff area that cuts across the lot. The location of this stream, the configuration of this lot, and the setbacks standards for the FV-3 zone, create a unique challenge in developing this lot.
- c. The applicant's narrative indicates that granting a variance is needed in order to enjoy a substantial property right that includes construction of a home that meets unique needs.
- d. The General Plan indicates that this area should be developed as is planned and zoned. The applicant states that a variance to the setback will allow the construction of a home that is coherent to the neighborhood, and will not be a detriment to adjacent property owners.
- e. The applicant is exhausting their remedies, under the land use code, for the potential of a lesser setback and is requesting that substantial justice be done, considering the unique conditions of the lot.

Conformance to the General Plan

Single-family dwellings are allowed as a permitted use in the FV-3 zone. If the requested variance is granted, it will not have a negative impact on the goals and policies of the Ogden Valley General Plan.

Exhibits

- A. 2024 Recorder's Plat
- B. Applicant-written Narrative and Site Plans

Area Map

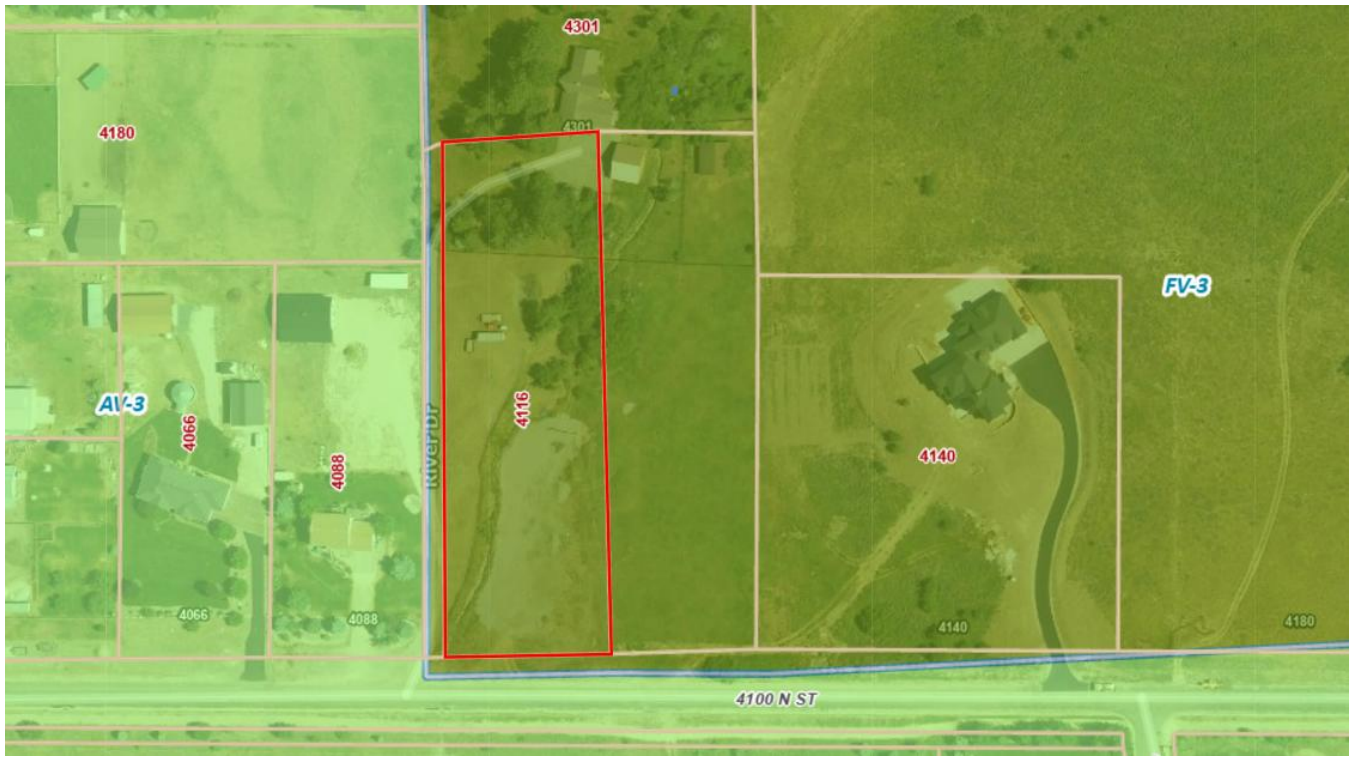


Exhibit A - Recorder's Plat

5/9.11

ROBERT HESLOP ET 220150083 7,860 SQ FT

426.00'

155.00'

ROBERT HESLOP &
ALEXIS HESLOP

4116 E

155.00'

550.00

220150084 1.40 AC±

426.00'

Exhibit B- Application and Request

Heslop -Robert -Board of Adjustment

[+ Add Follower](#)[Change Status](#)[Change Review Due Date](#)[Edit Project](#)

Address: 4116 E 4100 N , Liberty , UT, 84310
Maps: [County Map](#), [Google Maps](#)
Project Type: Board of Adjustment
Sub Type: Board of Adjustment
Created By: [robert heslop](#)
Created On: 10/25/2024

Project Status: Accepted
Status Date: 10/30/2024
File Number: BOA-2024-08
Project Manager: [Tammy Aydelotte](#)

[Application](#)[Documents 6](#)[Comments 1](#)[Reviews 1](#)[Followers 9](#)[History](#)[Reminder 0](#)[Payments 1](#)[Internal 0](#)

Application

[+ Add Building](#)[+ Add Parcel](#)[+ Add a Contractor](#)[Edit Application](#)[Print](#)[Building Permit](#)

Project Description Single Family Dwelling Unit

Property Address 4116 E 4100 N
Liberty , UT, 84310

Property Owner Robert Heslop
801-430-1456
robert@all-proelectric.net

Accessory Dwelling Unit	False
Current Zoning	R-1-10
Subdivision Name	
Number of new lots being created	0
Lot Number	
Lot Size	1.5 acre
Frontage	155'
Culinary Water Authority	Health Department (Well)
Secondary Water Provider	
Sanitary Sewer Authority	Health Department (Septic)
Nearest Hydrant Address	41.333487,-111.849290
Signed By	Owner, Robert Heslop

Parcel Number

[✕ Remove](#) 220150084 - [County Map](#)

Heslop Residence Narrative

The purpose of this narrative is to explain the reason a variance is being requested for Parcel #220150084 located in the Ogden Valley. If you refer to the provided documents you will see that there is a seasonal run off stream that divides this parcel into two. The stream itself isn't what is causing the hardship but actually the county code. County Code Sec 104-28-2 Stream Corridors, Wetlands, and Shorelines states.

(b) Development Standards

(1) Setbacks. No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the Weber County engineer.

c. Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark of a natural ephemeral stream.

Every piece of property and streams are unique yet this code reads as if all are the same. It gives no reference to size of stream, topography, or any sort of location based on flow. By definition an Ephemeral Stream is one that only flows briefly after it rains or snows. I'm sure there are some streams 50' is well needed and some that a few feet from it would be safe. Unfortunately the only thing talked about is the county engineer being able to determine the high water mark. Also grade of a property can play a significant role but yet isn't discussed and there no options to help with possible compliance.

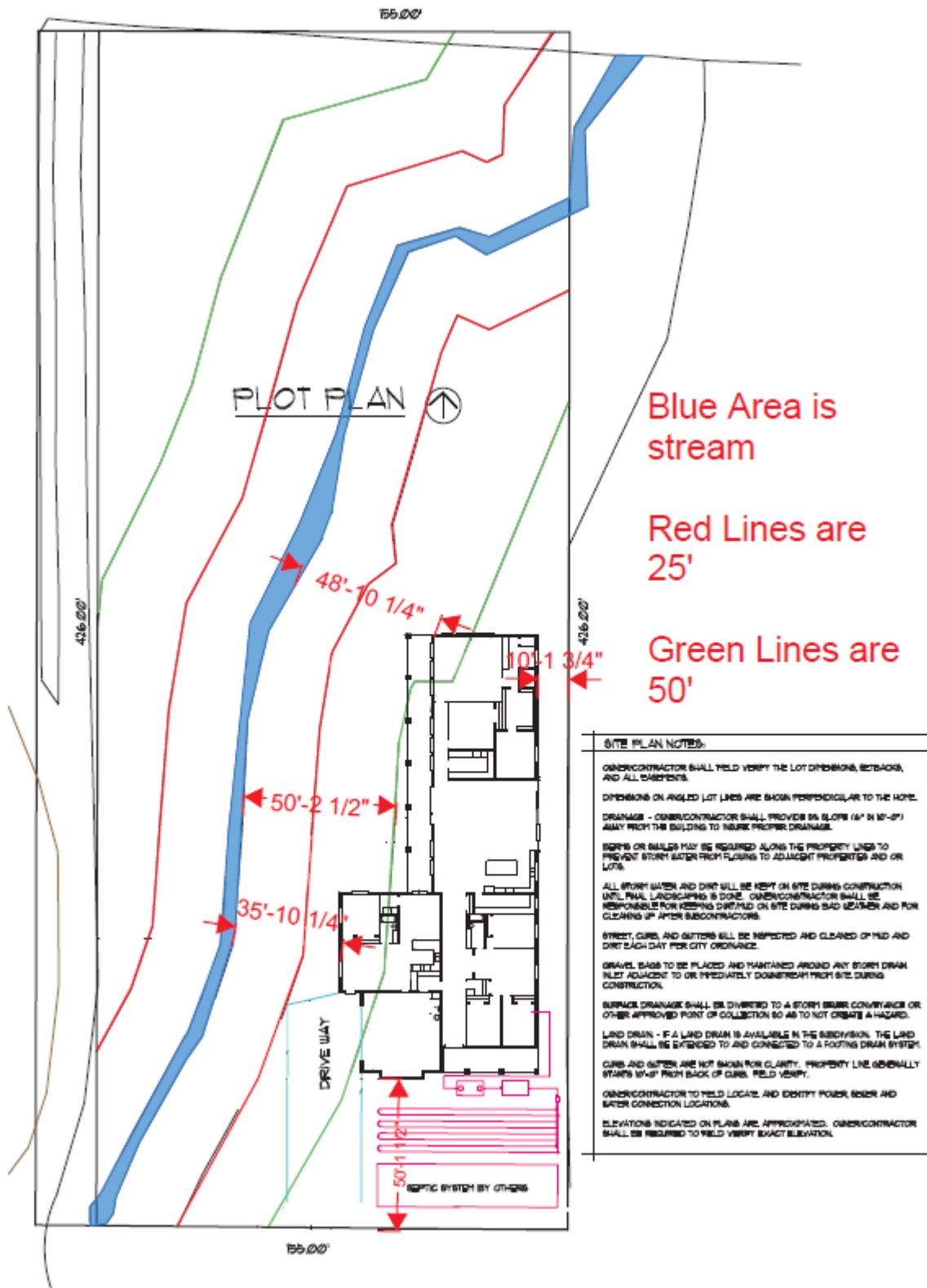
When this code was brought to my attention I met with the county engineer and we discussed some options that could possibly eliminate any risk to the property and also the stream. A residence with no basement or crawlspace and slope grade the home up just enough so that it sat above any risk areas. I hope that you will see all of the effort that was put into this for such a unique property and situation to try and meet all of the requirements necessary.

I am asking for a variance to the stream corridor set back from a 50' to a 35' for a difference of 15'. This is located to the west of the structure. I am also asking for a side set back variance from 20' to 10' for a difference of 10' on the east side of the structure.

In the attached documents you will see that I have removed any bump outs that were previously on the east side of the home and redesigned the septic system to allow for the whole house to be closer, giving the west side additional space from the stream. Also the property to the east is not a current building lot and doesn't meet the 3 acre minimum to become one. Therefore it will not inconvenience anyone or anything to the east to do so.

By doing this you will also see (in the attachments) that most of the house is now 50' away from the stream and only a portion of the mother-in-law space is inside this space.

I have also included an elevation view showing slope grade.



Blue Area is stream

Red Lines are 25'

Green Lines are 50'

SITE PLAN NOTES:	
OWNER/CONTRACTOR SHALL FIELD VERIFY THE LOT DIMENSIONS, SETBACKS, AND ALL DIMENSIONS.	
DIMENSIONS ON ANGLED LOT LINES ARE SHOWN PERPENDICULAR TO THE HOME.	
<p>DRAINAGE - OWNER/CONTRACTOR SHALL PROVIDE 5% SLOPE (1" IN 20'-0") AWAY FROM THE BUILDING TO INSURE PROPER DRAINAGE.</p> <p>SEDS OR BARRIERS MAY BE REQUIRED ALONG THE PROPERTY LINES TO PREVENT STORM WATER FROM FLOWING TO ADJACENT PROPERTIES AND OR LOTS.</p> <p>ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE. OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING DIRT/SLUD ON SITE DURING RAIN SEASONS AND FOR CLEANING UP AFTER SUBCONTRACTORS.</p> <p>STREET, CURB, AND GUTTERS WILL BE INSPECTED AND CLEANED OF MUD AND DIRT EACH DAY PER CITY ORDINANCE.</p> <p>GRAVEL BAGS TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN INLET ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION.</p> <p>SURFACE DRAINAGE SHALL BE DIVERTED TO A STORM DRAIN CONDUIT OR OTHER APPROVED POINT OF COLLECTION SO AS TO NOT CREATE A HAZARD.</p> <p>LAND DRAIN - IF A LAND DRAIN IS AVAILABLE IN THE SUBDIVISION, THE LAND DRAIN SHALL BE EXTENDED TO AND CONNECTED TO A FOOTING DRAIN SYSTEM.</p> <p>CURB AND GUTTERS ARE NOT SHOWN FOR CLARITY. PROPERTY LINE GENERALLY STARTS 10'-0" FROM BACK OF CURB. FIELD VERIFY.</p> <p>OWNER/CONTRACTOR TO FIELD LOCATE AND IDENTIFY POWER, SEWER AND WATER CONNECTION LOCATIONS.</p> <p>ELEVATIONS INDICATED ON PLANS ARE APPROXIMATED. OWNER/CONTRACTOR SHALL BE REQUIRED TO FIELD VERIFY EXACT ELEVATION.</p>	

4100 NORTH STREET
 SCALE 1" = 30' 4116 EAST
 TYPE B GRADING 5% GRADE 10' AWAY FROM HOUSE

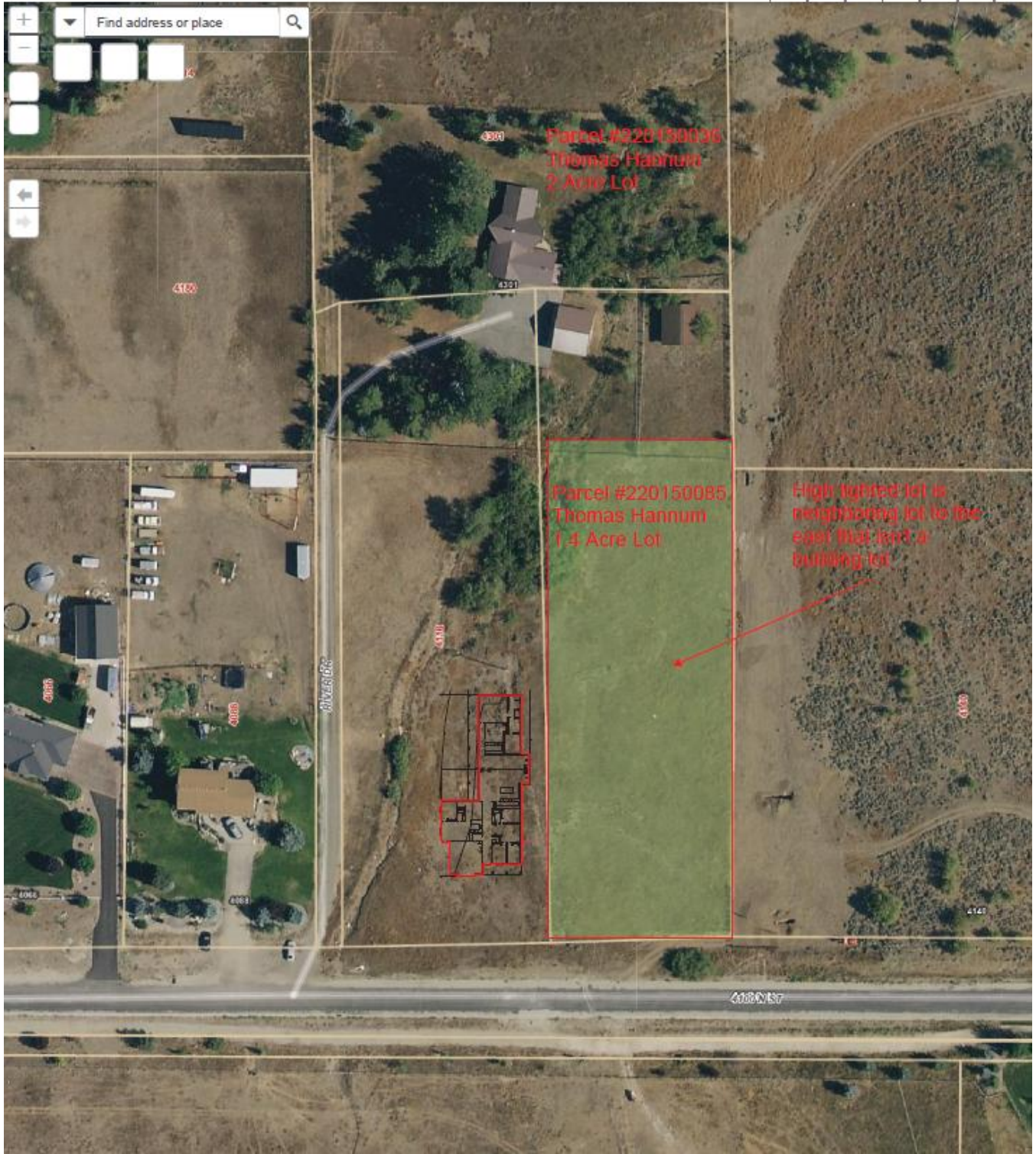
Find address or place

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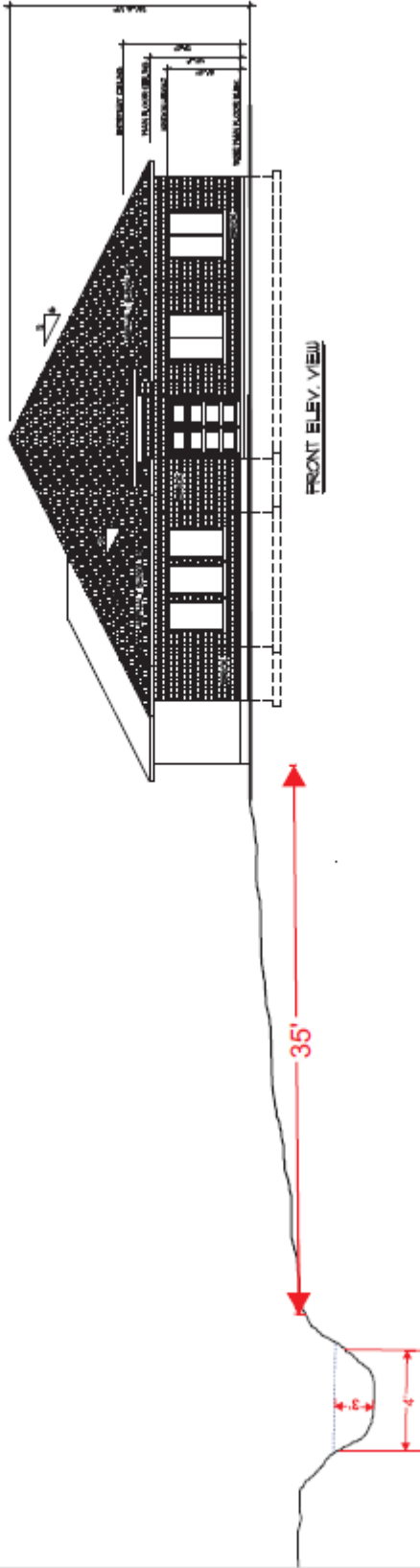
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4116 E 4100 N
LIBERTY, UT. 84310

- PLAN SHOWS THE DRAIN TO THE AT LOW LIES FROM
- TO THE SECOND (1546) GALLONS PER MINUTE
- PLANT TO BE INSTALLED WITH A 1/2" BUMP COLLECT
- PLANT
- A 15' CLEARANCE IS REQUIRED UNDER THE
- STREET TO BE SURE OF PROPER
- A 15' CLEARANCE IS REQUIRED UNDER THE
- STREET.





Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for consideration and action on an appeal of a conditional use permit determination made 11/19/2024.

Agenda Date: Thursday, March 27, 2025

Applicant: Jason Fuller

File Number: BOA 2024-09

Property Information

Approximate Address: 4661 Creekview Drive, Eden, UT, 84310

Parcel ID: 22-218-0001

Staff Information

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

Report Reviewer: FL

Applicable Codes

- Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Title 101 (General Provisions) Chapter 2 (Definitions)

Background

This appeal request was submitted on December 4, 2024. The applicant had applied for a conditional use permit (5/21/2023). The applicant had requested approval of an agritourism operation in the FV-3 zone. This application was received under the previous agritourism ordinance, and was therefore reviewed against the ordinance previously in place before it was amended in December 2023. The applicant's property, at 4.61 acres, falls under the "market garden agricultural operation" which includes an agriculturally productive property consisting of three acres or more but fewer than five acres. The applicant grows produce on the property, in gardens and greenhouses. The proposal includes a glamping cabin, which is a permitted use under a market garden designation of the agritourism operation. Currently, the applicant proposes the following uses under agritourism:

*Community Garden/Community supported agriculture, U-pick operation, **glamping cabin**.*

Though the Planning Commission acknowledged latitude in mitigating nuisance issues related to setbacks requirements (see attached minutes from the meeting), and possibly allowing the glamping cabin use on site, ultimately, they followed staff recommendations to approve all uses except the glamping cabin.

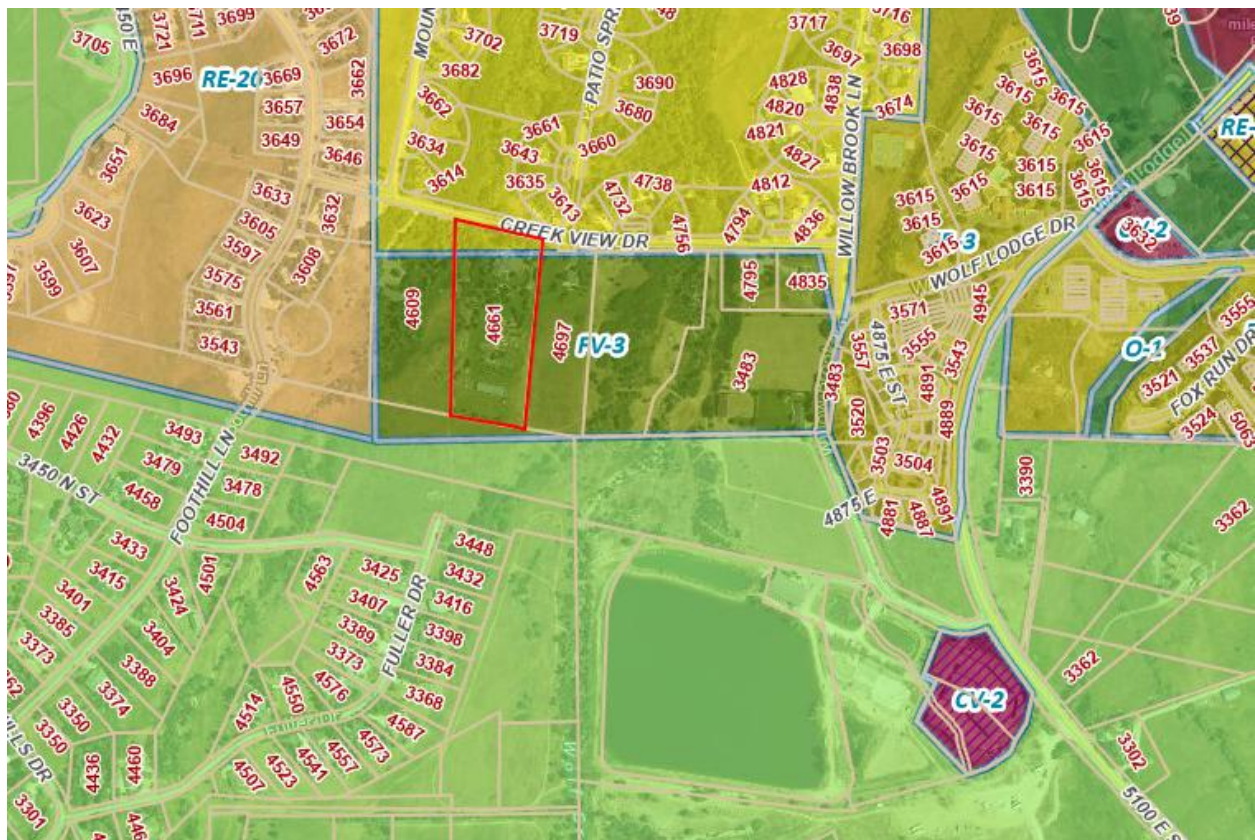
The applicant is appealing denial of the glamping cabin use as part of his agritourism use.

Summary of Board of Adjustment Considerations

LUC §102-3 states that one of the duties and powers of the Board of Adjustment is to hear and decide appeals from decisions applying and interpreting the Land Use Code and Zoning Maps.

1. The board of adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Land Use Code and Zoning Maps.
2. The board of adjustment may hear only those decisions in which the land use authority has applied the Land Use Code or Zoning Maps to a particular application, person, or parcel.
3. The appellant has the burden of proof that the land use authority erred.
4. All appeals to the board of adjustment shall be filed with the planning division not more than 15 calendar days after the date of the written decision of the land use authority.
5. Appeals to the board of adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

Area Map



Exhibits

- A. Appeal application
- B. Staff Report for the Conditional Use Permit request & Notice of Decision
- C. Minutes from the 11/19/2024 Ogden Valley Planning Commission

Exhibits A – Appeal Application

Fuller-Jason-Board of Adjustment

[+ Add Follower](#) [Change Status](#) [Change Review Due Date](#) [Edit Project](#)

Address: 4661 East Creekview Drive, Eden, UT, 84310	Project Status: Accepted
Maps: County Map , Google Maps	Status Date: 12/4/2024
Project Type: Board of Adjustment	File Number: BOA2024-09
Sub Type: Board of Adjustment	Project Manager: Tammy Aydelotte
Created By: Jason Fuller	
Created On: 12/3/2024	

[Application](#) [Documents 2](#) [Comments 0](#) [Reviews 0](#) [Followers 5](#) [History](#) [Reminder 0](#) [Payments 1](#)
[Internal 0](#)

Application

[+ Add Building](#) [+ Add Parcel](#) [+ Add a Contractor](#) [Edit Application](#) [Print](#) [Building Permit](#)

Project Description

Agritourism CUP- CUP 2023-07 This is an appeal to the decision not to allow a tiny, two- person glamping cabin to my approved agritourism farm/business.

Property Address

4661 East Creekview Drive
Eden, UT, 84310

Property Owner

Jason Fuller
801-725-3903
fullerjason64@gmail.com

Representative

--

Accessory Dwelling Unit

False

Current Zoning

FV-3

Subdivision Name

Number of new lots being created

0

Lot Number

Lot Size

Frontage

Culinary Water Authority

Secondary Water Provider

Sanitary Sewer Authority

Nearest Hydrant Address

Signed By

Owner, Jason Fuller

Parcel Number

[Remove](#) 222180001 - [County Map](#)

Exhibits B – Staff Report for the Conditional Use Permit Request & Notice of Decision

See following pages.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden
Agenda Date:	November 19 th , 2024
Type of Decision:	Administrative
Applicant:	Jason Fuller
File Number:	CUP# 2023-07

Property Information

Approximate Address:	4661 Creek View Drive, Eden
Project Area:	4.61 acres
Zoning:	FV-3, RE-15
Existing Land Use:	Residential, Agricultural
Proposed Land Use:	Agricultural tourism
Parcel ID:	22-218-0001

Adjacent Land Use

North:	Residential	South:	UP&L Corridor
East:	Residential	West:	Residential

Staff Information

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

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Definitions
- Title 104, Chapter 3, Residential Estates Zones RE-15
- Title 104, Chapter 14, Forest Valley Zone FV-3
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses

Summary and Background

The applicant is requesting approval of an agritourism operation in the FV-3 zone. This application was received under the previous agritourism ordinance, and is therefore bound by the ordinance previously in place before it was amended in December 2023. The applicant's property, at 4.61 acres, falls under the "market garden agricultural operation" which includes an agriculturally productive property consisting of three acres or more but fewer than five acres. The applicant grows produce on the property, in gardens and greenhouses. The proposal includes a glamping cabin, which is a permitted use under a market garden designation of the agritourism operation. Currently, the applicant proposes the following uses under agritourism:

Community Garden/Community supported agriculture, U-pick operation, glamping cabin.

Analysis

General Plan: The "Community Character" chapter of the Ogden Valley General Plan states that "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" (2016 Ogden Valley General Plan, Page 5). If the Planning Commission considers the site a viable agricultural operation, the commission could determine that the proposal is not contrary to the goals and policies of the general plan.

Zoning: The subject property is split by zone boundary between the RE-15 and FV-3 zone. The majority of the property is in the FV-3 zone, and all of the agricultural operations and agritourism activities are in the FV-3 zone. Agritourism is listed as a conditional use in the FV-3 zone. LUC 104-14-1 lists the purpose of the FV-3 zone, as follows:

The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The following is an analysis of the application reviewed against the applicable conditional use standards:

Standards relating to safety for persons and property: The proposal is not anticipated to cause any concerns of safety for persons and property. The Weber Fire District reviewed and approved the project on June 6, 2023 with no conditions of approval. The applicant has voluntarily agreed, in their narrative, to inform emergency services during special events.

The site plan shows designated parking, located several hundred feet from Creekview Drive.

Standards relating to infrastructure, amenities, and services: The property receives irrigation water from a private on-site well. The applicant has submitted proof of irrigation water rights to water 17 acres. Currently, 1.5 acres is dedicated solely for agriculture. The property is currently served by Wolf Creek Water and Sewer Improvement District for sanitary sewer and culinary water services. The applicant has submitted will serve letter addressing additional connection to the District's water and sewer line.

The applicant does not anticipate more than occasional light traffic, and a maximum number of about 8 individuals is expected to be on site during normal operations.

Standards relating to the environment: A seasonal stream runs along the northwest portion of the property. There are no wetlands mapped on the property. The subject property is lot 1 of Raspberry Hills Subdivision. The subdivision plat and proposed site plan shows a nonbuildable area on this lot due to floodplain. The proposal does not include any improvements within the nonbuildable area.

Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan: The Ogden Valley General Plan, as mentioned earlier in this report, promotes the continuation of viable agricultural operations. The proposal, with conditions, can blend in to the surrounding area's qualities and characteristics. There are existing evergreen trees that can provide screening and buffering to adjacent properties for the uses proposed.

Standards generally:

Sec 108-21-3 of the agritourism chapter requires the following:

To ensure an appropriate balance and mixture of agriculturally related and non-agriculturally related uses/activities, it shall be required that a minimum of one-half of all uses/activities be agriculturally related as defined in section 101-1-7 of this Land Use Code. The method, by which measurements are made, shall be based on one agriculturally related use/activity being equal to one non-agriculturally related use/activity.

The following list breaks down the proposed uses to agriculturally related and non-agriculturally related.

Proposed agriculturally related uses	Proposed non-agriculturally related uses
Upick operation	Glamping Cabin
Organic Produce and Flowers grown and sold on site, or delivered from the site	
Community Supported Agriculture - CSA	

The following standards apply to the luxury glamping (glamping cabin), per LUC 108-21-6(a)(5) (previous agritourism

ordinance attached as Exhibit C):

“(5) Luxury camping (glamping).

- a. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two tents or cabins per five gross acres.*
- b. Occupancy shall not exceed six persons per tent or cabin.*
- c. Meals shall only be served to overnight guests.*
- d. Glamping area(s) shall be completely screened from street view.*
- e. Glamping areas shall not be located closer than **300** feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 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.”*

The submitted site plan shows the proposed glamping cabin approximately 110' from the agritourism operation's perimeter boundary and 228.55' from an existing dwelling on an adjacent lot/parcel. Weber County Planning staff cannot recommend approval for the glamping cabin component of this proposed use.

Review Agencies: The Weber Fire District, Weber-Morgan Health Department (private well-culinary water) and the county Engineering Division have reviewed and approved the project on the county's review website. Weber County Code Enforcement has reviewed, but not yet approved of this application. Weber-Morgan Health Department will still need to review the plan for restroom facilities for this proposed commercial use.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2023-02. This recommendation is subject to all review agency requirements and the following conditions:

1. The proposed glamping (existing structure) cabin not be approved as part of this application as it doesn't meet the minimum development standards (setbacks).
2. A business license shall be obtained through Weber County.

This recommendation is based on the following findings:

1. This recommendation is based upon the proposed glamping cabin not meeting minimum setbacks as outlined in Weber County LUC 108-21-6-(a)(5).The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will not be detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

Exhibits

- A. Narrative and Site plan
- B. Will Serve Letter from Wolf Creek Water and Sewer
- C. Previous Agritourism Ordinance

Area Map



Exhibit A – Narrative and Site Plan

Proposed uses would only include CSA / community supported agriculture and U pick for vegetables and flowers.

Currently, I operate a CSA in which I pick and deliver fresh organic vegetables and often flowers weekly for my customers. I have been delivering but would like to soon have customers come and pick up their orders. My deliveries are on Saturday and I would keep the pick up time on Saturdays as well from 12 -7 pm. One car would arrive at a time for 2-3 minutes. I currently on a weekly basis have 6-10 orders and would like to increase that to 20-25 orders as the farm grows. IMPORTANT NOTE: I will often take my produce to a market location and have my customers pick up their orders from me there- which means there would be no one picking up from the farm.

IMPORTANT NOTE: In the winter months and often in the regular market season I grow and provide microgreens for my customers and restaurants as well.

Current acreage solely for agriculture: Approximate 1.5 acres

People and vehicles on site:

- Maximum 2 people (one car) for current cabin
- U pick possibly 2-4 people and 1 or 2 cars in main house parking
- Delivery pick up: 1 or 2 people on Saturdays 1 car at a time for 2-3 minutes



Exhibit B - Will Serve Letter from Wolf Creek Water and Sewer



August 9, 2024

Weber County

RE: Wolf Creek Water and Sewer Improvement District services to Address(s):

Patio Springs Gardens LLC

4661 E. Creekview Dr.

Eden, UT

To whom it may concern,

This letter confirms that Wolf Creek Water and Sewer Improvement District has reviewed the capacity of its resources, and determined it will provide culinary water, and sewer services to the above-referenced address(s). This Can and Will Serve commitment applies to the above-referenced address only and is non-transferable.

Commercial services to be provided:

- Culinary water will be provided under water right E6310, with associated underlying contracts from Weber Basin Conservancy District. Culinary water shall be used for culinary and fire suppression (fire hydrant) uses. ~~The District prohibits the use of culinary water for outdoor uses.~~
- Secondary Water for landscape and outdoor uses will not be provided.
- Sewer services are delivered through connection to the main sewer lines of the District, leading to the Willow Brook Lane MBR Wastewater Treatment Plant and disposal system.

Plans submitted to Weber County for a building permit shall be consistent with developments approved by the Ogden Valley Planning Commission and Weber County Planning Department. The plans must meet all zoning and building requirements for detached Accessory Dwelling Units.

Submission of the plans at the Weber County Building and Inspections Office shall be completed within 12 months from the date of this notice. If the plans have not been submitted and a building permit issued, this Can and Will Serve commitment is considered expired.

Service is subject to scheduled maintenance and construction, power failures, natural disasters, and unforeseen circumstances.

Water and sewer services will be provided in accordance with applicable federal, state, and local statutes, laws, rules, regulations, ordinances, and standards.

Culinary water and Sewer services to the above address(s) are subject to and contingent on the following:

1. Compliance with the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies and procedures may change from time to time. No secondary water will be provided, due to private well supplies.
2. Natural fluctuations in water supplies.
3. Subsequent decisions and regulations by local government, the Utah State Engineer, Utah Division of Water Resources, the United States Department of the Interior, or any other applicable governmental agency.
4. Payment of hook-up costs, as specified here, and standard billings for service. Failure to pay these costs and billings will result in temporary suspension and/or permanent cessation of service. 100% Culinary Water Connection Fee \$1,100.00, 50% Sewer Impact Fee \$2,306.50, and 100% Sewer Connection Fee \$915.00.
5. The owner of the property will need to provide through transfer to the District, $\frac{1}{4}$ of a Wolf Creek Irrigation Water Share. (prorated $\frac{1}{2}$ equivalent residential unit - commercial service).
6. Signature of the current District Service Agreement for billing and services.
7. Inspections on all water and sewer lines must be conducted by the District employees prior to completion of laying the lines.

As the recipient of said service, you agree to the above terms and to the terms set forth in the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies may change from time to time.

any questions regarding the contents of this letter, please contact the office at (801) 745-3435.

Creek Water and Sewer Improvement District

Annette Ames
Annette Ames, Controller

Date: Aug, 8, 2024

Exhibit C – Previous Agritourism Ordinance

See following pages

Chapter 108-21 Agri-Tourism

Sec 108-21-1 Purpose And Intent

Sec 108-21-2 Applicability

Sec 108-21-3 General Development Standards

Sec 108-21-4 Agricultural Operation Designation

Sec 108-21-5 Permitted Uses/Activities Table

Sec 108-21-6 Use/Activity Standards And Limitations

Sec 108-21-7 Signs

Sec 108-21-1 Purpose And Intent

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

(Ord. No. 2012-19, pt. 1(§ 46-1), 12-18-2012)

Sec 108-21-2 Applicability

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

(Ord. No. 2012-19, pt. 1(§ 46-2), 12-18-2012)

Sec 108-21-3 General Development Standards

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

- (a) **Primary use.** Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism uses/activities shall be complementary and clearly accessory to the primary agricultural use. To guarantee legitimacy and viability, an agri-tourism operation shall demonstrate that the subject property has been qualified under the Farmland Assessment Act or that the subject property is currently, or will be within the next growing season, producing an agricultural product in an amount that meets or exceeds the production requirement as established by the Farmland Assessment Act. A farmer, whose primary agricultural use is that of an apiary, shall be required to maintain two hives per acre with a ten-hive minimum. No more than 20 hives shall be necessary when a farm exceeds ten acres.

- (b) **Lot of record (lawfully created lot).** Notwithstanding title 106, subdivisions, a landowner who meets the standards, as set forth by this chapter, may develop an agri-tourism operation and its associated uses (excluding a single-family dwelling, B&B farm dwelling, and B&B farm retreat) as a lot of record. The parcel(s) shall be subject to the following:
- (1) The agri-tourism operation shall remain in compliance with approvals granted through further review and subsequent issuance of a conditional use permit.
 - (2) The parcel and/or combination of all individual parcels shall consist of an area that is not less than twice the minimum lot area that is required by the zone in which the agri-tourism operation is located. For example an agri-tourism operation that lies in a zone that requires three acres as a minimum lot area shall be required to have at least a six-acre farm size. Parcels that are unable to meet this area requirement may pursue a legal (lot of record) status by demonstrating that the subject parcel(s) qualifies as lot of record through any other available means provided by the definition of a lot of record or by meeting the requirements of the Weber County Subdivision Ordinance.
- (c) **Narrative.** In addition to the requirements listed in title 108, chapter 4 of this Land Use Code (conditional uses), all agri-tourism applications shall be accompanied by a concise narrative describing the farm and the overall vision for the proposed agri-tourism operation. The narrative shall include farm history, a description or plan for the general maintenance of its agricultural product(s), and proposals for the following:
- (1) Offerings for agriculturally related and non-agriculturally related products and uses/activities.
 - (2) Agriculturally related and non-agriculturally related types of facilities and equipment.
 - (3) Time(s) of normal day-to-day operation as referenced in title 38, special events.
 - (4) Anticipated number of daily patrons and employees.
 - (5) Parking needs.
- (d) **Access.** Notwithstanding section 108-7-31 (access to a lot/parcel using a private right-of-way/easement), an agri-tourism operation is not required to have frontage or access directly off of a public or privately dedicated roadway.
- (e) **General site and building design/layout.** An agri-tourism operation shall have a general design and layout that concentrates all tourism uses and activities into a distinct activity center(s). The area within a developed activity center or combined area of multiple activity centers, excluding productive agri-tourism acreage, trail corridors, and/or a half-acre for a farmer's residence and any uses confined thereto (i.e., home office, B&B, etc.), may consist of a total area that does not exceed 20 percent of a farm's overall gross acreage. The remaining acreage, shown outside of all activity centers, shall be maintained in an agriculturally productive manner that is consistent with the farm's main agricultural use(s). Acreage that is incapable of being agriculturally productive due to a topographic condition, physical constraint, and/or circumstance (i.e., wetlands, drainages, steep slopes, occupation by barn and/or farm equipment storage structure(s) etc.) that physically interferes with farm production may be kept in its natural, historic, or constructed state.
- Newly constructed buildings and facilities intended for agri-tourism purposes and/or to serve agri-tourism needs shall reflect an architectural vernacular that is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if found necessary, they shall be discretely incorporated into the agri-tourism operation and completely screened from street and adjacent property view.

- (f) **Ownership.** An agri-tourism operation may consist of multiple properties; however, all properties shall have identical and common ownership.
- (g) **Production.** An agri-tourism operation shall, with exception of the winter season, actively and continuously produce an agricultural product for sale and purchase. In the event that the agri-tourism operation's agricultural productivity ceases or becomes improperly maintained, as determined by the planning commission, the right to operate an agri-tourism business under a conditional use permit may be revoked.
- (h) **Agri-tourism uses/activities.** To ensure an appropriate balance and mixture of agriculturally related and non-agriculturally related uses/activities, it shall be required that a minimum of one-half of all uses/activities be agriculturally related as defined in section 101-1-7 of this Land Use Code. The method, by which measurements are made, shall be based on one agriculturally related use/activity being equal to one non-agriculturally related use/activity.
Uses/activities involving the sale of any products or goods shall be prohibited from selling motorized vehicles and/or equipment. Exceptions to this standard are made for the occasional sale of farm equipment personally owned by the farm owner and/or other farm equipment sales events approved through title 38, special events.
- (i) **Hours of operation.** Agri-tourism uses/activities, not including residential overnight lodging accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00 a.m. and 10:00 p.m. The planning commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
- (j) **Development agreement.** An agri-tourism operation shall, prior to the construction of any structure intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of structures that qualify for an agricultural exemption are excepted from this standard when developed in accordance with the requirements found in the Weber County Land Use Code.

(Ord. No. 2012-19, pt. 1(§ 46-3), 12-18-2012)

HISTORY

Amended by Ord. [2023-01](#) on 1/10/2023

Sec 108-21-4 Agricultural Operation Designation

The following establishes a categorical designation for agricultural operations based on acreage:

- (a) Market garden includes an agriculturally productive property consisting of three acres or more, but fewer than five acres.
- (b) Family farm includes an agriculturally productive property consisting of five acres or more, but fewer than ten acres.
- (c) Small farm includes an agriculturally productive property consisting of ten acres or more, but fewer than 20 acres.
- (d) Medium farm includes an agriculturally productive property consisting of 20 acres or more, but fewer than 40 acres.
- (e) Large farm includes an agriculturally productive property consisting of 40 acres or more, but fewer than 80 acres.
- (f) Ranch includes an agriculturally productive property consisting of 80 acres or more.

Sec 108-21-5 Permitted Uses/Activities Table

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See section 108-21-7 for these specific design and/or limitation standards associated with each use/activity marked with an asterisk (*).

Uses/Activities	Farm Designations					
	Market Garden (3—<5 acres)	Family Farm (5—<10 acres)	Small Farm (10—<20 acres)	Medium Farm (20—<40 acres)	Large Farm (40—<80 acres)	Ranch (=80 acres)
Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities						
Accessory dwelling unit*	•	•	•	•	•	•
Agro-ecology research and education center (AREC)*	•	•	•	•	•	•
B&B farm dwelling (2 room)*		•	•	•	•	•
B&B farm retreat (7 room)*	•	•	•	•	•	•
B&B farm inn (16 room)*				•	•	•
Glamorous camping (glamping)*	•	•	•	•	•	•
Conference/education center*			•	•	•	•
Single-family dwelling; a.k.a. Farm house*	•	•	•	•	•	•
Health farm*			•	•	•	•
Motor coach/caravan area, agri-tourism*	•	•	•	•	•	•
Agriculturally Related Uses/Activities						
Agro-ecology research and education center (AREC)*		•	•	•	•	•
Barn dance		•	•	•	•	•
Community garden/rent-a-row	•	•	•	•	•	•
Community supported agriculture	•	•	•	•	•	•
Corn maze			•	•	•	•
Educational classes	•	•	•	•	•	•
Farm museum		•	•	•	•	•
Farm tour	•	•	•	•	•	•

Fee fishing (if aquaculture)		.	.	.	.	.
Harvest-market*	.	.	.	.	.	.
Multi-farmer open air (farmer's) market, agri-tourism*				.	.	.
Nursery (plant cultivation)	.	.	.	.	.	.
Petting farm/zoo	.	.	.	.	.	.
Sleigh/hay ride			.	.	.	.
Special event; as defined by title 38, special events	.	.	.	.	.	.
Special occasion, agri-tourism			.	.	.	.
U-pick operation/pumpkin patch	.	.	.	.	.	.
Non-Agriculturally Related Uses/Activities						
Agricultural arts center			.	.	.	.
Bakery/cafe featuring farm products*				.	.	.
Conference/education center*					.	.
Fee fishing		.	.	.	.	.
Food concessions stand*			.	.	.	.
Gift shop (retail)*	.	.	.	.	.	.
Haunted house/hay stack/farm			.	.	.	.
Hunting preserve*						.
On-farm store/retail market, agri-tourism*					.	.
Play area, agri-tourism		.	.	.	.	.
Restaurant featuring farm products*				.	.	.
Special event; as defined by title 38, special events	.	.	.	.	.	.
Health farm*				.	.	.
Motor coach/caravan area, agri-tourism*				.	.	.
Value added product processing*	.	.	.	.	.	.

(Ord. No. 2012-19, pt. 1(§ 46-5), 12-18-2012)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

Amended by Ord. [2023-01](#) on 1/10/2023

Sec 108-21-6 Use/Activity Standards And Limitations

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

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

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

- a. An AREC shall be limited to providing overnight lodging accommodations for faculty, staff, and/or students/apprentices only.
- b. 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.
- c. A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a single-family dwelling.
- d. An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 100 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.

(2) B&B farm dwelling (two guest rooms).

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.
- c. A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title 106, subdivision.

(3) B&B farm retreat (seven guest rooms).

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.
- c. A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter boundary 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.
- d. A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106, subdivision.

(4) B&B farm inn (16 guest rooms).

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.
- c. The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 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.

(5) Luxury camping (glamping).

- a. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two tents or cabins per five gross acres.
- b. Occupancy shall not exceed six persons per tent or cabin.
- c. Meals shall only be served to overnight guests.
- d. Glamping area(s) shall be completely screened from street view.
- e. Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 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.

(6) Accessory dwelling unit.

- a. An agritourism operation may have one or more accessory dwelling units onsite. The number of accessory dwelling units shall not exceed the following calculation: net developable acreage of the parcel upon which an accessory dwelling unit is located, divided by the minimum lot area required by the zone in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot area) × 20 percent = Maximum number of accessory dwelling units at an approved agri-tourism operation.
- b. Meals shall only be served to overnight guests.
- c. An accessory dwelling unit shall not be located closer than 150 feet to the agri-tourism operation's exterior boundary, and in no case located closer than 300 feet from 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.

(7) Conference/education center.

- a. An agri-tourism operation shall be limited to one conference/education center.
- b. A conference/education center shall be limited to a maximum of 20 guest units/rooms.
- c. Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 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.

(8) Health farm.

- a. An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or hotel).
- b. A health farm shall be limited to a maximum of ten guest units/rooms.
- c. A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary 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.

(9) Motor coach/caravan area.

- a. A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number of individual sites that does not exceed one site per five gross acres. In no case shall a motor coach/caravan area or combination of areas exceed 20 sites.
- b. A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 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.

(10) Single-family dwelling; a.k.a. farm house.

- a. An agri-tourism operation shall be limited to one single-family dwelling/farm house and is subject to the Weber County zoning and platting requirements of title 106, subdivision.

(b) *Agriculturally related uses/activities.*

(1) Argo-ecology research and education center (AREC).

- a. See section 108-21-6(a)(1).

(2) Educational classes.

- a. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.

(3) Harvest-market.

- a. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.

(4) Multi-farmer open air (farmer's) market.

- a. The operation of a multi-farmer open air (farmer's) market shall be limited to the months of June through December.

- b. A multi-farmer open air (farmer's) market shall not be located closer than 200 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.

(5) Petting farm/zoo.

- a. Limited to parcels with access provided by a collector or arterial road when located within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation information.

(c) Non-Agriculturally Related Uses/Activities.

(1) Bakery/cafe featuring farm product(s).

- a. Not less than one agricultural product, offered at a bakery/cafe featuring farm product(s), shall be raised/cultivated and/or produced by the farm on which the bakery/cafe featuring farm product(s) is operated.
- b. A bakery/cafe 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.

(2) Farm stay.

- a. See section 108-21-6(a).

(3) Gift shop (retail).

- a. A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

(4) Hunting preserve.

- 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.

(5) Motor coach/caravan area.

a. See section 108-21-6(a)(1).

(6) 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.

(7) Restaurant featuring farm product(s).

a. Not less than one agricultural product, offered at a restaurant featuring farm product(s), shall be raised/cultivated and/or produced by the farm upon which the restaurant featuring farm product(s) is operated.

b. A restaurant shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) Value added product processing and packaging (VAPPP).

a. VAPPP shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm upon which the processing and packaging is taking place.

b. VAPPP, related to the products listed immediately above, shall be limited to 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 VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's property boundary.

- c. A VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

- d. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
- e. The structure 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.

(Ord. No. 2012-19, pt. 1(§ 46-6), 12-18-2012; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2018-6, Exh. A, 5-8-2018)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

Amended by Ord. [2023-01](#) on 1/10/2023

Sec 108-21-7 Signs

Signs shall be regulated according to the requirements found in Title 110 of this Land Use Code.

(Ord. No. 2012-19, pt. 1(§ 46-7), 12-18-2012)

Ogden Valley Planning Commission
NOTICE OF DECISION

November 29, 2024

Jason Fuller
4661 Creekview Drive
Eden, UT, 84310

Case No.: Conditional Use Permit 2023-07

You are notified that the Ogden Valley Planning Commission held a meeting to take action on a request for approval of a conditional use permit to construct a filtration and chlorination shed for the Cole Canyon Water Company. The public meeting was held on November 19th, 2024.

The Ogden Valley Planning Commission renders the following decision:

Approved based on the following conditions:

1. The proposed glamping (existing structure) cabin not be approved as part of this application as it doesn't meet the minimum development standards (setbacks).
2. A business license shall be obtained through Weber County.

This decision is based on the following findings:

1. This recommendation is based upon the proposed glamping cabin not meeting minimum setbacks as outlined in Weber County LUC 108-21-6-(a)(5).
2. The proposed use conforms to the Ogden Valley General Plan.
3. The proposed use will not be detrimental to public health, safety, or welfare.
4. The proposed use complies with applicable County ordinances.
5. The proposed use will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

Weber County Planning Division
2380 Washington BLVD, Suite 240
Ogden, Utah

Tammy Aydelotte
801-399-8794
taydelotte@webercountyutah.gov

The decision of the Planning Commission may be appealed to the Board of Adjustment by filing such appeal within 15 days after the date of the notice of decision.

2.2 CUP 2023-07: Consideration and action on a request for a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden. Staff Presenter: Tammy Aydelotte

A staff memo from Planner Aydelotte explained the applicant is requesting approval of an agritourism operation in the FV-3 zone. This application was received under the previous agritourism ordinance and is therefore bound by the ordinance previously in place before it was amended in December 2023. The applicant's property, at 4.61 acres, falls under the "market garden agricultural operation" which includes an agriculturally productive property consisting of three acres or more but fewer than five acres. The applicant grows produce on the property, in gardens and greenhouses. The proposal includes a glamping cabin, which is a permitted use under a market garden designation of the agritourism operation. Currently, the applicant proposes the following uses under agritourism: *Community Garden/Community supported agriculture, U-pick operation, glamping cabin.*

Ms. Aydelotte reviewed her staff memo and summarized staff's analysis of the application to determine conformance with the following:

- General Plan;
- Zoning guidelines;
- Conditional use standards;
- Standards relating to safety for persons and property;
- Standards relating to infrastructure, amenities, and services;
- Standards relating to environmental;
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the General Plan; and
- Input from review agencies.

Ms. Aydelotte highlighted some confusion in the County's land use code (LUC) regarding permitted and conditional uses in the FV-3 zone, as well as the definition of a 'lot of record'; staff believes that the subject property is a lot of record that meets the minimum zoning requirements for the zone. However, if the determination is made that the subject property is not a lot of record, the acreage would need to be twice the minimum acreage requirements for the FV-3 zone. Staff has not applied the double acreage requirement to this property because the subdivision in which the property is located has been recorded with the County and the property is a lot of record. The uses requested by the applicant are considered permitted uses, but the third use of 'glamping' does not meet the minimum development standards under the agritourism ordinance.

Ms. Aydelotte concluded the Planning Division recommends approval of file# CUP 2023-02. This recommendation is subject to all review agency requirements and the following conditions:

1. The proposed glamping (existing structure) cabin not be approved as part of this application as it doesn't meet the minimum development standards (setbacks).
2. A business license shall be obtained through Weber County.

This recommendation is based on the following findings:

1. This recommendation is based upon the proposed glamping cabin not meeting minimum setbacks as outlined in Weber County LUC 108-21-6-(a)(5). The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will not be detrimental to public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

Commissioner Schweppe referenced the statement that the glamping use does not meet setback requirements of 120 feet from the perimeter of the property, and 250 feet from the closest building. Ms. Aydelotte stated those are minimum setbacks if the applicant is able to install a screen that is at least six-feet tall along the majority of the boundary between the glamping use and the adjacent home. He has indicated he can provide a 100-foot setback from the perimeter of the property and just 228 feet from the nearest structure. This led to continued discussion and review of the development standards Planning staff has applied to the application; Ms. Aydelotte referenced the section of the staff report that provides a brief description of why each of the uses that have previously been requested by the applicant are not allowed.

Chair Wampler invited input from the applicant.

Applicant Jason Fuller stated that he would like to include the glamping use and he does not consider that to the same as a typical short-term rental (STR) use. He feels the glamping use is appropriate and fits with the surrounding uses. He provided an analysis of other types of uses that provide for over-night stays and compared the setbacks for those uses with the setbacks for glamping. He provided photographs taken from several different angles and locations on his property to illustrate the privacy of the area where the glamping use would be located; landscape design of the property will provide proper screening and will actually enhance the beauty and value of other properties in the area. He also discussed the history of the application process for this project, which has involved the purchase of additional water for the property and designing the tiny house/glamping cabin for the property. He received some guidance from a Planning employee who later left his employment with the County, and he later began working with Ms. Aydelotte and learned of some issues with his proposal. He is not sure if the delays imposed on his application are intentional, but he is concerned about the current situation and the status of his application. He stressed that he is not applying for approval of an STR; the glamping would be open to no more than two people per tent unit and he will always be located on-site to monitor activity at the property. Chair Wampler clarified that Mr. Fuller has applied for a glamping CUP. Mr. Fuller stated that is correct, but he would consider the use to a 'farm stay' rather than a STR or glamping.

Commissioner Schweppe asked if there is an existing cabin on the property. Mr. Fuller answered yes; he relocated a shed to the property that he has converted to a cabin. It meets building codes, but an engineer has recommended that he install footings under the building, and he intends to do that in the next year.

Chair Wampler asked Mr. Fuller if he currently operates a community supported agriculture (CSA) use on the property, to which Mr. Fuller answered yes. Chair Wampler asked if one element of the application is that customers of the CSA would pick-up their vegetables from the subject property. Mr. Fuller answered yes; he has previously delivered vegetable purchases, but as his business grows it will be more efficient to have customers come to his property for pick-up. He would create a defined pick-up timeframe to restrict business traffic to a specific time of day/day of week. Chair Wampler inquired as the maximum number of customers the business could serve based upon his current operations. Mr. Fuller stated that he could expand his offerings significantly, which would also result in a significant increase in his customer base. Chair Wampler stated she is looking for a projection of customers in order to determine the impacts the business could have on the area. Mr. Fuller stated that he does not want to grow beyond 20 to 25 customers that would pick up products each week. Chris Fuller approached and added she has never had more than four or five people at the property at one time to pick up product; it is 'silly' to think that selling vegetables from the little farm will have a negative impact on the neighborhood.

Commissioner Burton referenced a handout that Mr. Fuller provided to each Commissioner prior to the start of tonight's meeting; the handout proposes that the bed and breakfast (B&B) farm retreat and agricultural research education center (AREC) be allowed to have reduced setback requirements. He asked Mr. Fuller if he is suggesting the required setbacks for the use, he desires to pursue are too restrictive and that the other uses allow for a reduced setback and that is why he is pursuing those now. Mr. Fuller stated that was not his intent, but it is odd to him that a more intense use, such as a B&B or AREC have lower setbacks than a glamping use. This led to high level discussion of the differences between several types of overnight stay uses listed in the County's LUC, after which Commissioner Burton asked if the shed that will be used as a cabin can be moved to another location on the property in order for it to meet minimum setback requirements. Mr. Fuller stated that may be an option, but it would be very expensive.

Chair Wampler invited public input; she stressed that public comment or public clamor should not influence the Commission's decision this type of application Administrative applications should be weighed against the County's land use ordinance to determine whether it should be approved.

Carolyn Robertson stated she lives at 3448 Fuller Drive. She noted Ms. Aydelotte was very helpful in her explanation of the lot of record issue for the subject property. She added that in the past, Mr. Fuller has included the Eden Hills Subdivision as an entrance point to his operation; traffic entering and exiting Mr. Fuller's property would also cross the power corridor line, but they do not have a permit for that. She stated that there was previously a tree farm around Mr. Fuller's property, and it served as a nice buffer between the Fuller property and adjacent properties, but most of those trees have been removed and the buffer is much less dense. She has also performed her own measurement of the setbacks in the event the glamping cabin were relocated to another area, and the minimum setback requirement still would not be satisfied.

There were no additional persons appearing to be heard.

Commissioner Burton addressed Ms. Aydelotte; he inquired as to what Planning staff's recommendation would be if this application were evaluated according to the current agri-tourism ordinance. Ms. Aydelotte stated she has not performed a review of the application using the current ordinance because the current ordinance is not applicable. She suspects the property does not meet the minimum acreage requirement for the current agri-tourism ordinance. She noted that staff's responsibility when evaluating a conditional use application is to determine if the application meets the ordinance; any recommendation from staff is based upon that evaluation.

Commissioner Burton addressed Legal Counsel Erickson; he noted Mr. Fuller has suggested the Planning Commission has some latitude in providing an exception to any setback requirement and he asked if that is correct. Mr. Erickson stated that would only be correct if such an exception were provided for in the ordinance. If the ordinance does not provide any flexibility, the Planning Commission does not have the discretion to waive or adjust the setback requirements. Mr. Fuller stated that the handout he provided to the Planning Commission provides a code citation for the ordinance that his property is grandfathered under; it states the Planning Commission has the ability to waive one or more of the requirements of the ordinance under certain circumstances. Mr. Erickson took a moment to review the ordinance language cited by Mr. Fuller.

Commissioner Barber asked Mr. Fuller if his property qualifies for the Farmland Assessment Act. Mr. Fuller stated he is working with someone who has dealt with the Farmland Assessment Act to determine if his property would qualify for assistance. He noted he does not qualify for greenbelt tax reduction status.

Mr. Erickson then stated that LUC 108-21-6 states "the uses listed below are subject to additional standards beyond any provided within other codes and one or more of the additional standards may be waived by the Planning Commission upon finding that either a proposed use proposes no detrimental effects to neighboring properties due to unique circumstances or it can be mitigated to an acceptable level due to the imposition of other or appropriate site specific conditions that justify the use". He concluded the Commission does appear to have some flexibility to offer an exception if they make one of the two findings listed in the ordinance text. Mr. Fuller stated that his glamping use would be for couples only and he would not tolerate noise, traffic, or light that would be a nuisance to adjacent properties.

The Commission engaged in philosophical discussion and debate of the intent of the setback requirements included in the ordinance and whether the perceived impacts of reduced setbacks could be mitigated. Commissioner Burton stated he is comfortable considering a reduction of the setback requirements so long as it is possible to establish conditions that can appropriately mitigate the potential negative impacts; however, he felt it appropriate to table any action on the application until staff has time to perform an analysis of the additional information presented tonight and assist the

Planning Commission on crafting conditions that would mitigate the detrimental effects. Planning Director Grover indicated staff can provide optional conditions that may provide reasonable mitigation, but the Planning Commission is ultimately responsible for determining final conditions of approval.

Commissioner Shuman stated that his discomfort comes from the fact that this application does not comply with the current version of the agri-tourism ordinance. Commissioner Burton agreed but noted that the setback requirements included in the previous version of the agri-tourism ordinance are arbitrary and not based upon any scientific factors.

Commissioner Barber moved to deny application CUP 2023-07, a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden, based upon the following findings:

- After well over a year, the applicant has totally ignored the primary premise of the agri-tourism ordinance, which is to comply with the farmland assessment act; and
- The location is inside of a fairly dense subdivision, and he has seen and heard of traffic coming to and from the property that will ultimately create a public safety issue for the neighborhood.

Commissioner Shuman seconded the motion.

Commissioner Burton stated that staff has explained that the farmland assessment act does not apply to this property because it is in the FV-3 zone rather than an agricultural zone. Ms. Aydelotte clarified the ordinance is not clear as to how to apply the farmland assessment act in a forest zone. Commissioner Burton given the lack of clear direction in the ordinance, the Planning Commission is charged with considering the application in a light that is most favorable to the applicant. Ms. Aydelotte stated that is correct. Mr. Erickson stated that the State Code indicates that if a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the applicant. In this case, relative to the farmland assessment act, he is of the opinion that that there is some ambiguity as Ms. Aydelotte has expressed. Commissioner Barber stated the LUC indicates that all agri-tourism activities shall be complimentary to the primary agricultural use, and it also carries on to discuss the farmland assessment act. He stated that it is his interpretation that all agri-tourism operations must comply with the farmland assessment act. Mr. Erickson stated that is a valid interpretation, but due to the ambiguity in the ordinance, other interpretations have also been made and it is ultimately up to the Planning Commission to make their own interpretation. Commissioner Barber stated his motion stands based upon the findings he communicated.

Commissioner Burton stated that he does not believe there is significant density around the subject property that would be impacted by a slight increase in traffic associated with the proposed use. He also does not believe current traffic levels are significant to warrant concerns regarding public safety and it is likely that the Halloween trick-or-treating traffic is higher than the traffic generated by the agricultural operation. He agreed with Mr. Erickson's interpretation of the ordinance regarding the ambiguity of the requirement to comply with the farmland assessment act. For these reasons, he would prefer to table the application rather than deny it.

Commissioners Barber and Burton debated current traffic levels as well as the potential increase to traffic as a result of approval of this application;

Chair Wampler called for a vote on the motion to deny the application. Commissioners Barber and Shuman voted aye.. Commissioners Burton, Froerer, Morby, Schweppe, and Wampler voted nay. (Motion failed on a vote of 5-2).

Commissioner Burton moved to table application CUP 2023-07, a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden, directing Planning staff to further research the potential detrimental effects that would occur if the setbacks were waived or reduced as provided for in section 108-21-6 of the LUC. Commissioner Froerer seconded the motion.

Commissioners Burton, Morby, and Schweppe voted aye. Commissioners Barber, Froerer, Shuman, and Wampler voted nay. (Motion failed on a vote of 3-4).

Commissioner Shuman moved to approve application CUP 2023-07, a conditional use permit for an agritourism operation located at 4661 Creek View Drive, Eden, based on the review agency requirement and findings, and subject to the conditions listed in the staff report. Commissioner Schweppe seconded the motion. Commissioners Barber, Burton, Froerer, Morby, Shuman, Schweppe, and Wampler voted aye. (Motion carried on a vote of 7-0).