

WESTERN WEBER PLANNING COMMISSION

AMENDED MEETING AGENDA

October 13, 2020

5:00 p.m

Join Zoom Meeting

<https://us02web.zoom.us/j/83316965312>

Meeting ID: 833 1696 5312

One tap mobile

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

1. Minutes: September 15, 2020

2.1 LVW0922-2020: Consideration and action on Winston Park Subdivision, a 36-lot subdivision, a lot-averaged subdivision located in the A-1 zone at approximately 3900 W 1800 S, Ogden UT.

Staff Presenter: Tammy Aydelotte

2.2 DR 2020-05: Consideration and action on an application for outdoor recreational vehicle storage in the M-1 zone, located at 2250 N 1500 W, Ogden UT.

Staff Presenter: Tammy Aydelotte

2.3 LVS071320: Request for final approval for Summerset Farms Phase 2, consisting of 17 lots in the A-1 zone, located at approximately 3875 W 2375 S, Ogden UT. This is a phase in a lot-averaged subdivision.

Staff Presenter: Tammy Aydelotte

2.4 SPE092120: A discussion for a sketch plan endorsement request for Vaquero Village Cluster Subdivision Phase 2.

Staff Presenter : Felix Llleverino

3. Petitions, Applications, and Public Hearings:

Legislative items

3.1 Discussion to review revisions to proposed Accessory Dwelling Unit Ordinance

Staff Presenter: Tammy Aydelotte

4. Public Comment for Items not on the Agenda:

5. Remarks from Planning Commissioners:

6. Planning Director Report:

7. Remarks from Legal Counsel:

Adjourn to Work Session

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

&

Via Zoom Video Conferencing at the link listed above.

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 801-399-8791

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 shall be left with the Planning Commission.

Remember Your Objective:

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

Minutes for the Western Weber Planning Commission meeting of September 15, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 pm & Via Zoom Video Conferencing

Members Present: **Greg Bell-Acting Chair**
 Bren Edwards
 Sarah Wichern
 Wayne Andreotti
 Andrew Favero
 Jed McCormick

Members Excused: **Bruce Nilson**

Staff Present: **Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Scott Perkes, Planner II, Matt Wilson, Legal Counsel; Marta Borchert, Secretary**

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

Approval of minutes for September 10, 2019, October 8, 2019, and August 11, 2020. Minutes approved as presented.

LVB112219: Consideration and action on a request for final approval of Bridger Butler Subdivision consisting of 4 lots located at approximately 2843 S 4700 W in Taylor.

Scott Perkes states that the item was approved for preliminary approval about six months ago, in the time since the applicant has been working with UDOT to get access approval for 4700 W, which they have since received and submitted to the satisfaction of the conditions of preliminary approval. The project area is a little over five acres. 2843 South 4700 West is in the A-1 Zone. The applicant is creating 4 lots. This is being provided by an access easement. There was some limitation on the frontage on 4700 W to be able to provide a full county vacated road for that reason they were granted an alternate access exemption access to the four lots provided an access easement. Staff recommends the approval of the subdivision subject to the conditions and findings in the staff report. Mr. Perkes asks if there are any questions on this project. There are none.

Chair Bell asks if there is anything the applicant wants to share or discuss. There are none.

Mr. Perkes states that he has been chatting with Commissioner Favero between preliminary and final approval concerning the storm drain question for this project. To satisfy those concerns the applicant has been working with the Engineering Department to ensure that the storm drain water that is intended to flow off of lots 1 through 4 towards the West is intended to be maintained on the remainder parcel, they will be working on those improvement plans with the engineers before the improvement plans are finalized. All the water that is anticipated to drain off of this project will be maintained on the remainder parcel to the West. There is also a question as to an irrigation line that traverses the subject property from the North to the South, he notes that they had the applicant's engineer identify that location. They have provided a 15 ft. irrigation easement along the Eastern boundary of lot 4 the easement also traverses the access easement and it runs North and South in the road dedication area that can be seen in the plat the irrigation line is now protected by the easement and will be maintained in that location.

MOTION: Commissioner Wichern moves to approve LVB112219 consideration and action on a request for final approval of Bridger Butler Subdivision consisting of 4 lots located at approximately 2843 S 4700 W in Taylor based on the following conditions. 1. Resolution to the three existing boundary line discrepancies identified in the submitted title report will be required simultaneously with the recording of the final plat. 2. Before recording the final plat, approved by the County Engineer. 3. Before recording the final plat, approved improvements will either need to be installed or a financial guarantee will need to be approved and submitted. Should the applicant desire to submit a financial guarantee for improvement that exceeds \$25,000, such a guarantee will need to be approved by the County Commission. 4. Before recording the final plat, the proposed right-of-way dedication will need to be approved and accepted by the County Commission. 5. Application review fees were collected based on a 3 lot subdivision. However, with the subdivision consisting of 4 lots, additional review fees will need to be submitted in the amount of \$75.00 (\$25.00 Planning, \$25.00 Engineering, & \$25.00 Surveying). 6. At the time the final plat is recorded, the owner will also be required to record the following agreements or covenants: A. Declaration of Deed Covenant Concerning Provision of Irrigation Water. B. Onsite Wastewater Disposal Systems Deed Covenant and Restrictions. C. Deferral of Public Improvement Agreement for the curb, gutter, and sidewalk along the subdivision's frontage of the 4700 West. D. Alternate Access Equitable Servitude and Covenant. 7. Final approval letters from Taylor-West Weber Water and Hooper Irrigation will need to be submitted before recording the final plat. This recommendation is based on the following findings: 1. The proposed subdivision on forms to the Western Weber General Plan. 2. The proposed subdivision complies with applicable County ordinances. Commissioner Andreotti seconds. Motion carries (4-1) Commissioner Jed McCormick did not respond when asked what his vote was. Commissioner Bren Edwards was not present for this motion.

3. Public Comment for Items not on the Agenda: none

4. Remarks from Planning Commissioners: none

5. Planning Director Report: none

6. Remarks from Legal Counsel: none

Adjourn to Work Session: 5:15 PM

WS1: Discussion regarding a proposed accessory dwelling unit ordinance.

Mr. Ewert states that currently the County has an ordinance that allows accessory apartments, the rules for that is it's got to be part of the main dwelling it's got to be part of the building itself, it's got to share a common wall with the livable area between both the accessory apartment and the primary dwelling. It's also going to have a way to pass through from the primary dwelling into the accessory apartment without going outside. The main door to the accessory apartment has to be on this side of the rear of the dwelling. There are several different requirements involved in our accessory apartment ordinance. He states that they are proposing that they delete the accessory apartment ordinance or at least take that over, and this entails calling an accessory apartment an accessory dwelling unit. What that does is it allows them to not just allow accessory apartments that are attached but also accessory dwelling units that are detached. A dwelling unit is a building that has sanitation facilities cooking facilities and sleeping facilities that are essentially how a dwelling unit as defined. If there is a barn in someone's backyard, but those three facilities are in that barn technically it is a dwelling unit. He notes that they may know someone who has or have themselves an accessory building with bonus rooms or maybe even a kitchenette. He notes that what they have done in the past is say if they don't have cooking facilities if they don't have a range of 220 range or a gas range in your kitchen. He notes that they have been allowing those types of buildings to go in with kitchenettes for example, but they're still not allowed to be rented out or permanently occupied unless it's attached to a primary dwelling. He states that this will change that and will allow those to be rented out. It could help provide affordable housing opportunity for several people, especially since there are quite a few people who asked us regularly whether or not they can do a

mother in law apartment for their mother in law or someone who is aging, and take care of them through their end of term care. There are a lot of people who have children who are getting older and ready to move on, but still can't afford to get their place yet and so accessory dwelling units could help provide for them. Looking at the biggest changes that this is going to provide for the County accessory apartments are currently allowed by a conditional use permit. He adds that they are proposing that they be allowed as accessory dwelling units as a permitted use. There are some standards that he will go through. There's no reason to go through the CUP process with all these if they can nail down what standards they want to apply. They are going to be removing some definitions for example the definition Carriage House, which is an accessory dwelling unit. It is one of the same it's just a fancy way of saying it.

This will allow for one accessory dwelling unit on a parcel with this current proposal. The owner must occupy either the accessory dwelling unit or the main dwelling. There are some size limitations they can't do short term rental. They want to make sure that these accessory dwelling units are not freely available in the market for short term rentals because that's all they would be there's just so much more money you can earn on flipping it every four or five days, as opposed to having somebody in there permanently. Keeping these open for affordable housing would be essentially in the best interest of those who need housing affordability. If it's attached, the main building needs to appear as a single-family dwelling and not a duplex. They just want single-family zones to appear as if they are single-family zones. And if there happens to be a dwelling unit that is an accessory building it should look like an accessory building, even though somebody is living there. He asks if there are any questions.

Mr. Ewert goes through all the changes as listed in the staff report.

Mr. Ewert states that sec. 108-19-2 Applicability there is a provision in the Ogden Valley code which would make some accessory dwelling units a little less affordable but would be less expensive than buying a 3-acre lot and put a house on it. This is because they do not want to see a single density point added to their area above and beyond what the current zoning allows.

Commissioner Wichern states that she saw this section. She asks why it has not been added to the rest of Weber County. Mr. Ewert states that there is a lot of people especially in the Uintah Highlands area where they would have the same opinion. He notes that this has been proposed to the Ogden Valley because it states no new density above and beyond what is there. The Western Weber General Plan does not say this. It also states that they need to provide as required by states law affordable housing. He notes that when reading that section of the code affordable is being made less affordable and when going to the County Commission if this section stays as it is there will be a discussion with the County Commission about the dichotomy of interest that is in their General Plan and they will try to flesh out what the policymakers feel is most important. He notes that when it comes to applying this to Western Weber County it is a discussion that can be had if there is interest. It puts a damper on housing affordability if they are trying to make accessory apartments affordable someone has to go out and do a transferable development right or have a large parcel to put an accessory dwelling on their lot. Commissioner Wichern states that she has some concerns about having an accessory dwelling units in the R-1-10 area. Mr. Ewert states that they can go in a determine if it is allowed or not with additional acreage.

Mr. Ewert state that the floor area of an accessory dwelling unit shall not be less than 400 square feet and shall not exceed 1,000 square feet. In no case shall the floor area of the accessory dwelling unit exceed 40 percent of the gross livable area of the main dwelling, except that if the accessory dwelling unit is entirely located in a basement, the entire basement area may be used for the accessory dwelling unit. In the accessory apartment ordinance currently, there is a limit on the size of the accessory apartment to 800 sq. ft. He states that they bumped it up to 1000 sq. ft. because they felt 800 sq. ft. wasn't enough. He notes that if 1000 is not big enough it can be bumped up. He adds that he likes the idea of having ratios but they will likely run into issues with the smaller lots, in R-1-10 with 9000 sq. ft. lots. He states that they stuck 1000 because they were able to draw out a 9000 sq. ft. lot with a modest 2000 sq. ft. foot building print that could be a 4000 sq. ft. home and taking the rest of that 9000 sq. ft. rear yard they could sketch in a 5000 sq ft footprint that had two floors with only 1000 sq. ft. he notes that if it is not ridiculous it is more compact but it is possible to make that happen in a way that is not wall to wall building. Commissioner Wichern states that she does like the idea of limiting the accessory dwelling units, and she believes conserving the appearance is important but there needs to be a balance

making it possible. She states that her concern with the 1000 sq. ft. is that it may be too small for some and too large for others. She states that she likes the 40 percent ratio and the other thing she saw in some areas is a percentage of the back yard that can be covered by an accessory dwelling unit. It might be better to allow for a certain percentage of the backyard to be covered and it needs to be 40 percent of the gross floor area. She asks that it be balanced out so that there can be a large estate with a large pool house and not allow areas with smaller lots to have the 1000 sq. ft. because it might dwarf the yard. Mr. Ewert states that he likes that and one thing that they haven't limited accessory dwelling units to existing only in the back yard. They can exist on the side yard and they can even exist in the front yard in the same way any accessory building could. If they are on the side or in the front they have to meet the primary dwelling setbacks. Commissioner Wichern states that she is okay with that but she would like to see an overall land percentage. Mr. Ewert states that he will run some math to figure out what it should be. It might be different per zone but he will get in there to figure that out. Chair Bell states that he would rather limit it to a percentage of a gross area more than setting set square footage. He notes that he has a lot of the same concerns as Commissioner Wichern. If there is a cluster subdivision with a 6000 sq. ft. lot there may not be room for an accessory dwelling unit there if they can't meet the requirements. Although it might be allowed because of the shape and size of the house on the cluster and lot. Mr. Ewert asks if a 40 percent gross floor area sounds like a good number. Commissioner Bell states that his concern is if they have a full basement and they want to rent out the basement, would they have to limit the renters to a certain percentage of the basement instead of giving them the whole basement. Mr. Ewert states that this would not be the case the basement is the exception. The accessory apartment currently says no more than 25 percent or 800 as a maximum of 400 as a minimum of the dwelling can be used for an accessory dwelling but it also gives a provision for the basement. Commissioner Bell asks if this would be more along the lines of an external ADU. Mr. Ewert state that it would be external as well, but looking at it it would be 800 sq. ft. or 25 percent of the dwelling would not provide enough area for a small family to live in, he notes that they wanted to bump it up to 40 percent and a 1000 sq. ft. He notes that those numbers were just selected trying to look at was would be reasonable. Looking the 100 sq. ft. and the gross floor area, it can be changed to say the footprint can be no greater than 1000 sq. ft. that is a potentially 3000 sq. ft. home if it has 3 levels. Commissioner Favero asks if the minimum is going to be changed from 400 sq. ft., the minimum will remain the same. Mr. Ewert states that this is correct. He notes that there are 1000 sq. ft. area home they are going to get by with the 40 percent and there is going to be barely enough room for the ADU. Commissioner Wichern states that concerning parking if they are going to allow larger than 800sq. ft. living area they should require anything larger than 800 sq. ft. to have 2 parking spaces. She states that this is where it will affect the community the homes with vehicles on the street. She is okay with the 40 percent but she would rather see the yard cover limits. She notes that she does not want to put too many restrictions on something when it could be aesthetically pleasing. She states that 40 percent seems reasonable. If they base it on the footprint it would make it more difficult for the people to arrange it when they may come up with something that may look nice. The yard coverage is what is going to stand out, and possibly a height limit, it can't exceed the height of the main dwelling. Mr. Ewert asks how much shorter it should be as compared to the main dwelling. Should be equal or less? Chair Bell states that it should be equal or less. He notes that out west there are people building shops and they are the same height as their home, and they could be putting a mother-in-law apartment at the top of that shop. He has seen this happen. Mr. Ewert asks what happens if the shop is already taller than the main home. Chair Bell states that if it already an existing dwelling they should allow provisions for that. Commissioner Wichern states that Chair Bell is correct in an agricultural zone a barn in the back that is taller probably won't look bad. Commissioner Favero states that they would have to do this by zone. It would work in zones that can be lumped together. Commissioner Wichern states that it could be done by size. Sometimes there are larger parcels within smaller zoned areas. Mr. Ewert asks if the smaller lots should be equal. Chair Bell states yes because of the A-1 lots they could still end up with a home and a 9000 sq. ft. cluster. Mr. Ewert agrees and states that it should not be smaller than a 9000 sq. ft. clusters. Commissioner Wichern states that anything smaller than an acre would be subject to the height requirement. Mr. Ewert states that smaller lots where there are buildings closer together his preference would be to see the main dwelling taller than the other building on the lot. He would say less than some percentage of the main building. If the Planning Commissioners feel differently and would like to see equal or shorter he can add that. Commissioner Favero asks what happens if the property owner wants to add a two-story building to make it large enough to maximize what they can put there and it exceeds the height of the house. Mr. Ewert agrees and states that for example if someone would build a garage and they put an apartment on top, but they only have a single-story home. He notes that this is a very real possibility even with a smaller home. Chair Bell states that he would like see it be kept equal because they are already limiting the square footage of it, it is still going to be a smaller footprint, but it

should not exceed the height of the house. Mr. Ewert asks if the minimum height requirement for a single-family dwelling in general for all of these zones can't go taller than 35 ft. for accessory dwelling units. Commissioner Wichern states that she feels that it should be equal. She agrees that aesthetically she would like to see them shorter than the main house in a cluster subdivision and she doesn't want to see it taller. Chair Bell states that he would be okay with setting a limit at 80 percent. Commissioner Wichern agrees and states that she would be okay with 90 percent. Chair Bell states that they should be able to build a two-story accessory dwelling unit. Mr. Ewert states that this would be in the smaller lots, which are less than an acre. He states that as the lots get bigger they are okay with the ADU's being taller. He asks if the Planning Commissioners have any opposition. Scott Perkes asks if that would be 90 percent of a single-story building. Would it be shorter than a single story? Mr. Ewert states that looking at a single-story building the 90 percent could be referring to the footprint, or the top of the gable could be lower. Chair Bell states that he could compromise and go to 90 percent. Bring up the point with the single-family dwelling if there were a single-family dwelling he would like to see it be the same height. Mr. Ewert states that putting this into a different context they could build a garage that is 35 ft. tall. There could be a house that is 35 ft. tall and they could build a garage right next to it that is 35 ft. tall as a large accessory building. He states that maybe they do want to say equal or less. Commissioner Wichern states that her concern is looking at two-story homes, it seems funny to have a small 2 story tower. Mr. Ewert states that he will look at some other codes from other jurisdictions. Commissioner Wichern asks if there are limits for accessory garages. Mr. Ewert states that it is just the size of the home. Zones that have yard coverage requirements are the ones that have really small lots such as the F-zones. He notes that he is not sure why the F-zones have a yard coverage. Chair Bell asks if there is any way to set a requirement for the width to height ratio. Mr. Ewert states that they can set a requirement for this.

Mr. Ewert continues to go through the change as listed in the staff report.

Chair Bell states that the biggest holdup for him, in general, is the enforcement area. He states that there is ADU's all over the place out in his area and not one of them meets the standards. He asks how do to make it so that people are more willing to declare that they have an ADU He asks how do they monitor it if they don't. Looking at the presentation from that third party that would go out and enforces short-term rentals is there anything similar to that where they are monitoring postings for basement rentals or monitor apartment rental. Mr. Ewert states that short-term rentals are being specifically monitored through short-term rental sites, but if they were listed through KSL classics or Craig's List it probably wouldn't catch it. This is the primary area where the ADU rentals are going to be listed, other than real estate listings for rentals. He notes that they could ask the third party enforcers to comb through real estate rentals but it is uncommon. He asks if it is causing a problem today, having the illegal ADU's. Is there a problem that needs to be addressed? Chair Bell states that the ones that he is aware of aren't concerning but he is concerned with whether or not they are meeting the median income housing. The whole point of this is to meet the median income housing and those ADU's are not being listed as meeting that. Mr. Ewert states that looking at rentals through census data it does capture most if not all of that of the rental regardless of whether or not they were lawfully permitted. Looking at American Community Survey as it is updated throughout the decade it will extrapolate using the 2020 census data once it is available. It will show what those rentals are. He notes that they are not just tracking them just because they have a license. They will be able to calculate what the affordable housing ability is, based on census data and department of workforce data along with several other resources. It is not perfect data but it is enough to indicate whether or not the County is succeeding in their efforts. Director Grover states that with short term rentals state law limits the ability to enforce just based on listing, with ADU's there is nothing that restricts that, it is going to be a lot easier to enforce. It is easier with ADU's to enforce than short term rentals. Commissioner Wichern states that she is seeing some issues in Uintah Highland, in her neighborhood, some homes were built with full kitchens in the basement. She notes that she can think of some areas where the street parking is the primary parking for those units. She adds that the owners could be made to provide parking off the street. She notes that since this is not a requirement this is starting to become a problem. She states that they are at a tipping point where homes are expensive and people are renting out basements and if not regulated they might not put the money or effort into following the requirements. Mr. Ewert states that he appreciates that perspective. He states that currently, the County is enforcing based on complaints. It is challenging to know if there is an illegal rental. He notes that they can go

through different records if they want to get very serious about who lives where and whether or not they are accessory dwelling unit rentals. This is something that the County Assessor would want to know because they are losing out on a tax base. There are ways to find that information but it is not always readily available to staff and right now they are just doing complaint-based. He adds that they can look at finding other mechanisms for enforcement. Commissioner Wichern states that the other question is can they afford to enforce, this is the problem with the short term rentals. She notes that the apartments that she mentioned never hit Craig's list because they are so desirable and people want to live in a nice neighborhood. She states that this process is important and people will be very open to it. Commissioner Bell states that he wishes there was something they could do to make it an easy process for people to become a registered ADU. Mr. Ewert states that it would not be easy to resolve that issue by changing it from a conditional use permit, where they have to go to the Planning Commission and the neighbors need to be notified to a permitted use where it would be just staff review. There are still challenges and hurdles to jump through. It is much easier to build the accessory dwelling unit in the basement and hope nobody finds out. Chair Bell states that there does have to be inspections and standards. He adds that he wants to think of a way to encourage people to have the ADU's registered. Mr. Ewert states that one thing that Ogden City does is on a few of their permits there is no cost, they would just need to submit the information. He notes that this is a hard sell because a lot of the Planning Division and other services being offered under community development were funded from a fund that needs those fees. There would need to be some internal discussions with the County Commission before they could commit a permit-free. Chair Bell states that it would be interesting to see the fee on the tax base that is recouped versus the money lost in requiring a permit. Mr. Ewert states that this would be a worthy conversation to have with the Tax Assessor.

WS2: Discussion regarding short-term rental regulation scenarios

Scott Perkes states the last time this was discussed was in a joint work session. There was some discussion about some potential regulation scenarios and, the preferences from the Planning Commissioners for directions to go in. There was a discussion about what some communities have done and what might work for Weber County and there were a couple of regulation variables discussed. He notes that there was not a full quorum for Western Weber in attendance at that meeting. To follow up on that conversation there was some discussion on enforcement, and what enforcement looks like under a potential new regulation or a new ordinance and how would that all kind of work together. He notes that he would like to provide a little bit of an update on some statistics for short term rentals in Weber County. In the unincorporated area, data was pulled by one of these third-party companies who was scraping all these websites and helping staff understand just how many listings are there. How many of them were unique, he notes that this can help give a pulse on what's going on in the actual world. He goes through the updates statistic as listed in the staff report noting that in the time between May and September 2020 in the unincorporated area there has been an increase of 134 listings. He notes that these are unique listings that have been identified. It represents a 22 percent increase in short term rentals in the last 5 months. He notes that they do not have year over year data and they are sure what it looked like in the last year if there is a cyclical nature where the number of listings drops off in the off-seasons or if they can ramp up before holidays and or the winter in the Valley. He states if they had access to this data they could see if this was a normal increase or if there is more at play. It is possible that some people could be putting their homes up for rent to provide relief during the economic downturn. Several factors could be at play here, the staff is not sure about the exact reasoning behind this. He notes that they have reached out to some of the third party companies to see if they have some insight regarding this increase.

There was one thing he wants to make sure he understood from the Western Weber Planning Commission moving forward with presenting a preferred ordinance. One thing that staff thought would differ between Western Weber and the Ogden Valley was the question of where should short-term rentals be allowed, or potentially be opened up to. The consensus was that they wanted to keep current regulation intact. And the current regulation under the land-use code section, 108-7-25 reads that nightly rentals are allowed only when listed as either permitted or conditional use in a specific zone or when approved as part of planned residential unit development. He asks if this still something they want to uphold as far as the recommendation was concerned. Is there a different opinion based on their location? He asks if there are any other thoughts on this other than what was discussed in the last meeting. Chair Bell states that he would like to keep it the same, but he knows that Commission Jenkins had some issues with it. He asks if they would still be able to get the current language approved if Commissioner Jenkins thinks it should be regulated based on

the zoning. Mr. Perkes states that the current language is already in place, and the consensus from the joint work session was that it should not be changed. The County Commissioners have indicated that they are curious and think it would be a good idea to open it up to Countywide in all residential areas as a way to get everyone on the same page. He notes that staff is not sure exactly where this will land, they are looking for a recommendation from the Planning Commissions to the County Commission.

Mr. Wilson states that there was a discussion with Commissioner Jenkins to go over the law and in the legislative section and the intent during the legislative session the legislature did discuss that their intent was not to take away the power of Counties or municipalities to regulate short term rentals. He notes that they had a discussion with Commission Jenkins and he is more amenable to that. Chair Bell states that would like to keep the language the way it is. Commissioner Wichern states that she was at that meeting with the other Commissioners, she understands wanting to keep the ordinance but she has some concern regarding the area. She states that is not sure if she is against it opening up Countywide, but the areas where it is allowed are very restricted and there are a lot of rentals operating outside of those areas. She states that her concern is not about the ordinance but there was a resident that lives by North Fork Canyon which is a recreational area and she is not sure if his property allowed for nightly rentals. She states that she is concerned that they are still too restricted in what areas allow nightly rentals. Mr. Perkes states that there are an awful lot of nightly rentals that are currently operating in areas where they are not allowed. He states that those numbers are increasing there is a lot of individuals in areas that are not in the allowed zoned that would like the opportunity to operate a short term rental and that goes back to the idea of opening it up for everybody to be allowed to use their property in that way but with specifics standards and operational requirements. He asks if anyone else wants to weigh in on where short term rentals should be allowed. There were no comments on this.

Chair Bell states that in Western Weber County there were two short term rentals. Mr. Perkes states that this is correct there is a couple in the Uintah Highlands area. Chair Bell states that the reason he feels that it should be left as it is that it doesn't affect the Western Weber area as much as the Ogden Valley. He states that he would like to keep it to an area where all the recreation is happening instead of bringing it to everybody's neighborhoods.

Mr. Perkes goes over Enforcement stating that currently there is one code enforcement officer who is operating on a reactive complaint-based system. There are no operational standards, no noise ordinance, and no parking requirements. He notes that the fine structure is based on the land-use code enforcement section.

He states that he wants to give them an overview of what it might cost if the County were to implement a third-party enforcement company. He states that he has been talking to two companies, it's a very small niche service that is provided by only a couple of companies. He notes that they are still working out the bugs and trying to get their bids and their costs and trying to make sure that they've got comparable pricing between the two. One of the Companies cost more than the other one.

Company A annually is looking to be about \$22,000 a year for their software on their service. Company B is about \$60,757 for a similar service. The cost to operate this type of a third party company is part of the enforcement program. Right now there are 731 unique listings, both companies claim that they're able to achieve a 90% or plus 95% compliance rate within the first year of implementation. To be cautious, if they were to calculate that they could get 95 or 90% of all those who are operating rental to become licensed, this is in a scenario if they were to open it up for all areas to become licensed they would have around 658 licenses which is 90% of the 731, 658 people that come through and become licensed pay a licensing fee. The cost for Company A would be \$33.53 cents per license to support that cost. It's a theoretical calculation. Under the current licensing business license system, they would need to weed out exactly who's operating a short term rental because there is a lot of people who label themselves as a real estate holding companies or have different names that may or may not be a short term rental they're not always clear. He notes that they believe there are somewhere between 28 and 60 short term rental licenses and it kind of depends on exactly how they label themselves. Looking at the low end 28 licenses, that is who is licensed right now. The cost to support Company A would be about \$788 a year. He states that they know they a lot more short term rentals that are operating in illegal areas. If the ordinance is changed to open it up for everyone there is a lot more that would theoretically become licensed and that would drive that cost down.

Looking at the two scenarios if it is opened it up, they could have to close to 700 licenses that are paying for the whole system and everybody's going to pull in that load. It's quite affordable \$33 a license. But if everybody who is in an area where it's currently allowed all to become licensed. The cost of the small area of short term rentals currently allowed in the County is going to be quite a bit more. There are just fewer licenses to spread the cost between. Using company B which is three times more expensive the cost is going to be quite a bit higher. He notes that he wants to give an overview of some preliminary cost figures for implementing an ordinance, to try to crack down on short-term rentals but also use third-party enforcement to help augment enforcement capabilities. And it could be pretty affordable but it also could be pretty expensive depending on how and what happens from the number of licenses that are processed. The one other takeaway from this is that, looking at the cost of company A \$22,000 a year. The County can't pay another enforcement officer on that type of salary. They represent some pretty good value, even at \$60,000 a year, between a fully benefited full-time employee. He adds that this should be taken a grain of salt, they are still working on getting final pricing. This is the cost of a third-party enforcement company at a high level, and the asterisk at the bottom indicates that there's still additional cost such as postage because they would be sending out a lot of letters and notifications to try to get people to either become licensed or notify them that they're operating illegal rental and they need to cease. He notes that they could also be getting income from violation fines that may also help to offset some of the cost. But it's hard to tell exactly how much would be pulled in from those fines, it's hard to budget.

He goes over some of the keys to enforcement.

Updated STR Ordinances, he states that it needs to be self-sustaining, augmented and mitigate the impact.

Licensing is important to get everybody on the same playing level. It would help track data, educate the owners on operational standards, and facilitate tax remittance and capture fees to pay the enforcement program.

Inspections are the key to enforcement at the beginning of the licensing process before they're given a license it allows them to ensure that a particular property is meeting all of the operational requirements and if any maintenance standards need to be enforced and they can make sure that the property is compliant. And it helps to establish what the maximum occupancy should be for a particular property based on its unique characteristics within its bedrooms or septic systems or parking. It helps ensure that the parking plan that they've submitted as part of their license application is actually in place and that they're not showing something different on the site. It also helps to establish a parking capacity so when they're licensed, and make sure that they do not advertise more parking space than that. They should not be parking on the street or in landscape areas. Inspections also ensure that there is safe environments for tenants but also for residents and neighbors.

Responsible agents, every licensed property would be responsible to designate a responsible agent. There has to be somebody who is directly responsible for that property. It would be deputizing an enforcement officer for every property. If there are hundreds of short-term rentals then there are hundreds of individuals who are primary contacts. If there are any issues, they would be called right away and they would be specifically responsible for being the point person and resolving any issue that may be occurring at the property. They would have to be available 24/7 anytime that a property is occupied by a tenant. They must be able to respond within a certain amount of time and be going back and forth on the amount of time at about 60 minutes. They need to respond within 60 minutes if they don't, then it would be a failure to respond. They would be penalized momentarily and then it would also be a risk of possible revocation of their permit or license.

Third-party enforcement specializes in scraping many of the major and minors websites and the smaller websites such as classifieds were like Facebook Marketplace. He states that in general, these companies do a good job of scraping all major, and many of the minor websites that would have the listings for short term rentals. They're able to scrape these websites multiple times a day so they are immediately aware of any new postings and to know exactly where they are and are able to pair a particular property to a specific address and that help immediately determine whether or not they're in an area where it would be illegal or illegal. But it also helps to immediately issue a notice to the individuals and let them know how to get licensed if they are in an area where it is legal..

He states that they already know from the state law that they are not allowed to specifically enforce based on, posting, or advertising their property. This doesn't mean that staff can't reach out and let them know that it's not an area where it's allowed and educate them in hopes that they will cease. If they don't the County can build a record. He notes that they can also pull other data from the website, such as the number of times perhaps that they've been renting or the blocks of time that they've been renting. If the staff gets a specific complaint from that property. They information on record, beyond the state's limitation to enforce, and issue fines and violations. The data component that these third party support companies provide us is what is key. It allows an efficient licensed track renewal and license monitoring compliance. The data collection is huge for tax auditing for compliance for issuing notices and bringing people into compliance. Another really important component of a third party enforcement company as they provide a dedicated 24/7 hotline. It allows a way to educate the general public with one phone number and they can report any issues with short term rental or suspected neighbors who may be operating short term rental they may not be allowed to. They have a number to call. He notes that they don't have to advertise every single one of the authorized agent's phone numbers, because those authorized agents will have their contact information saved, and the general public only has to call one phone number. They can call the authorized representative, the authorized representative will then have 60 minutes to resolve the issue. They will then be required to follow back up. If the tenant is continuing to be belligerent and then at that point, they would escalate the issue to law enforcement or code enforcement. It would be good to be able to advertise one phone number. They can call if they have an issue, anywhere in the county.

He notes that he has been talking to a couple of communities. The Community that sticks out most in his mind in similarity is Garden City and Bear Lake to right on the border with Idaho. It is a huge summer and winter recreational area, they have a single Code Enforcement Officer, they implemented a third-party enforcement company, and he is now able to manage the system by himself with a single dashboard, and a user interface and he can interact with. He gets live reports of what's going on. All the data is saved on a property by property basis he has a running record of what has happened on every property. He can issue citations and violation notices instantly. He's had a really good experience and he's able to keep on top of that just by himself.

Fines permit revocation the current structure for fines is \$100 a day on the first violation \$200 on the second violation and then up to \$400 for multiple violations after that. He notes that they should have a fine structure that is specifically proportionate to a particular rentals income as a specific deterrent to their bad actions. Classify them as either minor or major violations, provide them with a warning, once a year, but after that, if they exceed the number of violations whether it's minor, major event, they would lose their permit, and they wouldn't be able to reapply for a certain amount of time depending on whether it's a minor or major violation. The fee would be specifically proportionate to their nightly rate and that nightly rate is something that would be on file because a third party enforcement company collects that information on a property by property basis. The fine would depend on their nightly rate and this would be a good eye-opener for the owner. He states they do not want the owners to feel like they can incorporate the fine structure into their cost of doing business. They need to be concerned about every violation.

Renewal auditing everybody who is licensed needs to be relicensed every year. This will allow to double check the record and make sure they haven't exceeded the number of violations that they're allowed, without having their permit revoked? It allows staff to verify that they're being compliant if they have a minimum length of stay, and make sure they are compliant with the minimum length of stay and not reissue the license if they don't comply. This gives the ability to estimate the revenue that each property may be taking in. It will help staff understand what the tax remittance should be and help identify the hotspots, and do some specific auditing if needed to ensure that they're emitting the proper amount of tax. This also allow staff during renewal to inspect the property if there is any suspicion of change, such as parking on the site, or that they may be exceeding maximum occupancy. The renewal will give staff a once a year opportunity to make sure that they are still in compliance and still aware of the requirements and nothing has changed on the property. With these seven steps, staff hopes have a holistic enforcement program that is supported by third-party data, that augments the current capacity with a single Code Enforcement Officer and would provide hundreds of authorized agents with specific phone numbers that are directly responsible for properties. This is a structure that has worked for many other communities. He states that staff anticipates that it would work for Weber County as well. No matter what

happens with the land-use question if it is opened up or if the same regulations are kept, this may be a good option to ensure everybody has a good experience.

WS3: Training for Ex Parte Communications and Conflicts of Interest. Mr. Wilson gives the Planning Commissioners a training on Ex Parte Communications and Conflicts of interest.

Adjournment: 7:09 PM

Respectfully submitted,

Marta Borchert

DRAFT



Synopsis

Application Information

Application Request: Consideration and action on preliminary approval of Winston Park Subdivision consisting of 37 lots, and an open space parcel. This proposal is for a lot-averaged subdivision
Type of Decision: Administrative
Agenda Date: Tuesday, October 13, 2020
Applicant: Lori Blake, Representative
File Number: LVW0922-2020

Property Information

Approximate Address: 3900 W 1800 S, Ogden, UT, 84404
Project Area: 40.00 acres
Zoning: Agricultural (A-1)
Existing Land Use: Residential
Proposed Land Use: Residential
Parcel ID: 15-078-0002
Township, Range, Section: T6N, R2W, Section 28 NE

Adjacent Land Use

North: 1800 South St.	South: Residential
East: Residential	West: Agricultural

Staff Information

Report Presenter: Tammy Aydelotte
 taydelotte@co.weber.ut.us
Report Reviewer: RG

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)

Background and Summary

The applicant is requesting preliminary approval of Winston Park Subdivision, a lot-averaged subdivision, consisting of 37 lots, and an open space parcel. This proposal includes creation of five county, dedicated roads, located at approximately 3800 West, 1800 South in the A-1 Zone. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-1 Zone, and is a lot averaged subdivision (LUC 106-2-4). Single-family dwellings are a permitted use in the A-1 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-1 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision, the minimum requirements are as follows: Lot area in the A-1 zone – 20,000 square feet. Lot width in the A-1 zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-1 zone standards in LUC § 104-5. The proposed subdivision will create four new public streets, as well as continue two previously dedicated public streets, from adjacent subdivisions (Favero Legacy Cluster Subdivision, and Cameron Cluster Subdivision).

Culinary water and sanitary sewage disposal: Taylor West Weber Water has given Feasibility and preliminary approval for culinary water services, for 37 lots. Central Weber Sewer has also provided feasibility for this subdivision proposal.

Review Agencies: to date, the Planning Division and Surveyor's Office have reviewed the proposed subdivision. The County Engineer and Weber Fire District have not yet reviewed this proposal. All review agency requirements must be addressed and completed prior to this subdivision being forwarded for final approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2020 property taxes are not considered due at this time, but will become due in full on November 30, 2020.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC § 106-1-6.

Staff Recommendation

Staff recommends preliminary approval of Winston Park Subdivision, a lot-averaged subdivision, consisting of 37 lots, and an open space parcel, located at approximately 3800 West 1800 South, Ogden, UT, 84404. This recommendation is subject to all review agency requirements, and the following conditions:

1. Proof of secured culinary and secondary water prior to scheduling of final approval.
2. Final approval from Central Weber Sewer (payment of impact fees)
3. An escrow established for the improvements, prior to scheduling for final approval.
4. A plat must be provided, prior to final approval, with a table showing the average of all lots within this subdivision meeting the minimum area and width requirements for the A-1 zone.

This recommendation is based on the following findings:

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

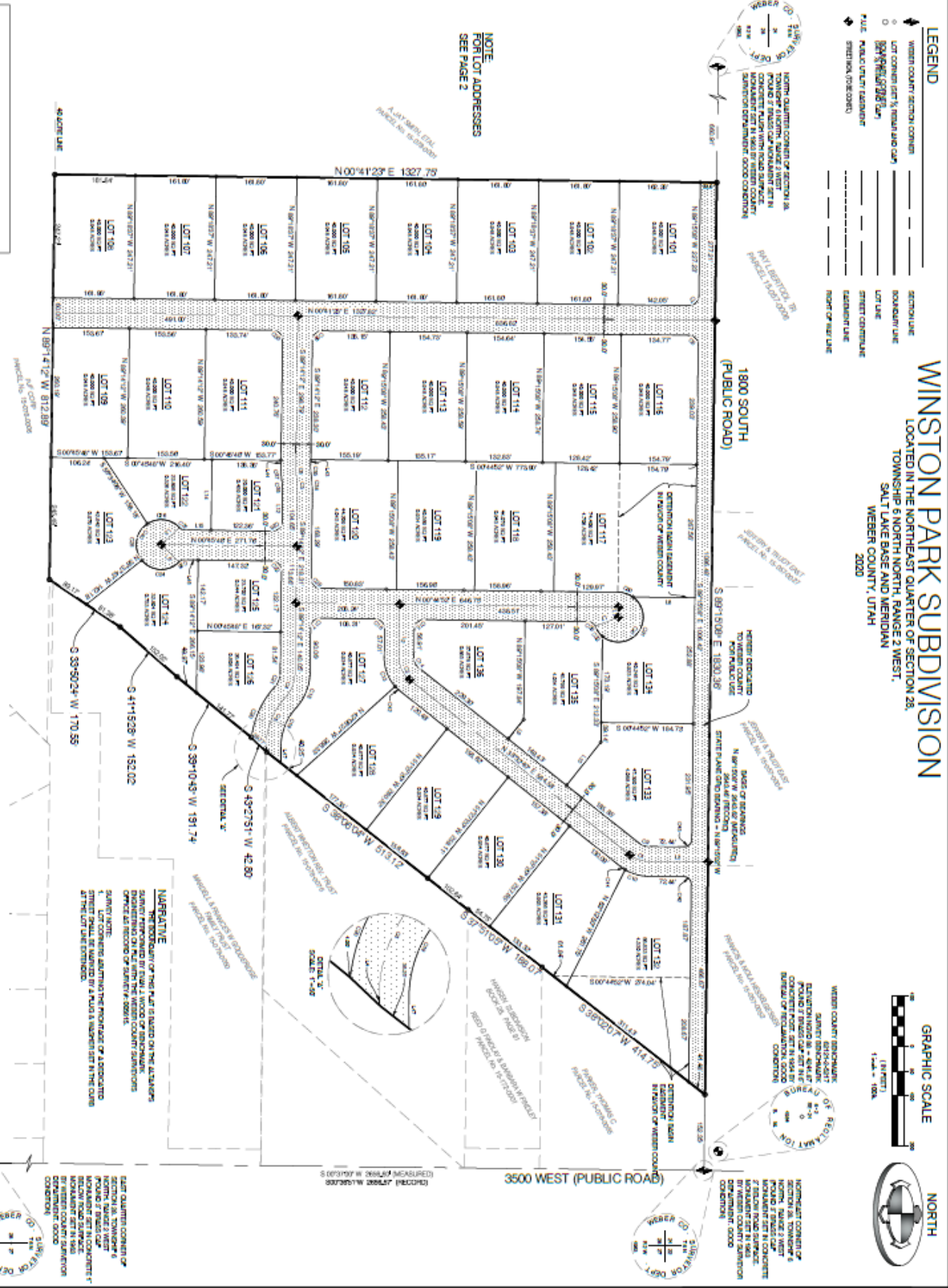
Exhibits

- A. Subdivision plat
- B. Feasibility letters

Area Map



OWNER / DEVELOPER:

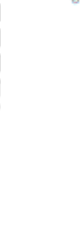


LEGEND

- WEST QUARTER SECTION CORNER
- LOT CORNER 1/2, 1/4, 3/4, 1/8, 1/16, 1/32
- SECTION CORNER
- SECTION LINE
- BOUNDARY LINE
- LOT LINE
- STREET CENTERLINE
- STRENGTH (FOR CORNER)
- WEST QUARTER SECTION CORNER
- LOT CORNER 1/2, 1/4, 3/4, 1/8, 1/16, 1/32
- SECTION CORNER
- SECTION LINE
- BOUNDARY LINE
- LOT LINE
- STREET CENTERLINE
- STRENGTH (FOR CORNER)

WINSTON PARK SUBDIVISION
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 28,
 TOWNSHIP 6 NORTH, RANGE 2 WEST,
 SALT LAKE BASE AND MERIDIAN
 WEBER COUNTY, UTAH
 2020

GRAPHIC SCALE
 1" = 100'



LOT NO.	LOT AREA	LOT WIDTH (FRONTAGE)
101	40,002	142.05
102	40,000	161.80
103	40,000	161.80
104	40,000	161.80
105	40,000	161.80
106	40,000	161.80
107	40,000	161.80
108	40,000	161.96
109	40,000	153.67
110	40,000	153.56
111	40,000	240.76 OR 133.74
112	40,000	238.30 OR 135.15
113	40,000	154.73
114	40,000	154.64
115	40,000	154.55
116	40,000	134.77
117	74,409	160.67
118	41,079	158.96
119	40,569	156.98
120	44,209	150.83
121	20,000	122.36 OR 122.37
122	22,896	134.74
123	42,642	83.70
124	32,801	96.56
125	23,702	147.32 OR 122.17
126	26,491	226.57
127	40,667	108.31 OR 285.90 OR 120.55
128	40,667	134.30
129	40,667	156.62
130	40,667	157.38
131	43,226	141.84
132	66,633	120.06 OR 187.87
133	47,390	231.95 OR 278.08
134	40,216	160.46
135	45,799	149.43 OR 169.37
136	37,678	201.45 OR 229.30

TOTAL LOT AREA = 1,452,410

AVERAGE LOT AREA = 40,345

TOTAL OF LOT WIDTHS = 5450

AVERAGE OF LOT WIDTHS = 151



2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668

9/16/2020

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***preliminary*** approval has been given and the District has the capacity to provide culinary water only for 36 lots for the Winston Park Subdivision at the approximate address of 3700 W. 1800 S. Taylor Utah.

Requirements:

- Plan review fee= \$25 per lot. = \$900
- Water rights fee = Must be paid before subdivision approval is given. (\$4,363 per lot or current cost when paid)=\$157,068 (36 lots).
- It is expected that the developer will upgrade the water line on the frontage of 1800 South. The existing water line is now a 6" line. The district will pay the offset from a 8" line to 12".
- Secondary Water = Must connect to Hooper Irrigation pressurized secondary water.
- Connection / Impact fees will need to be paid before building permits are issued. (\$5,228 per lot or current cost when paid)
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

SUBDIVISION APPROVAL SHOULD NOT BE ISSUED UNTIL FINAL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.

Final approval is subject to meeting all of the requirements of the District and all fees being paid and received. This letter expires six months from the date it is issued.

Sincerely, 

Revised letter
Expires 3/16/2021

Ryan Rogers – Manager
Taylor West Weber Water Improvement District



September 16, 2020

Weber County Planning Commission
2380 Washington Blvd.
Ogden, Utah 84401-1473

Reference: Proposed 38 Lot Winston Park Subdivision
Sanitary Sewer Will Serve Letter

We have been asked review the possibility of providing sanitary sewer service for the proposed 38 Lot Winston Park Subdivision located at approximately 3800 West and 1800 South. See the attached plat. Central Weber Sewer Improvement District [District] can accept the sanitary sewer discharge from this location. We offer the following comments.

1. The nearest District owned line for connection is on 4300 West. **It will be the developer's responsibility to provide information as to where the connection to the District's sanitary sewer will be and submit that information to the District.**
2. If any sanitary sewer connections are made to the District's lines they will need to be designed and constructed according to the District's standard details and specifications. A copy of the District's details and specifications can be found at: <https://www.centralweber.com/information>.
3. The plans and details for the sanitary sewer connection into the District's collection system must be submitted to the District for review and approval. The District does not take the responsibility for the design of the collection system within the subdivision.
4. The District must be notified for inspection at any time connections are being made to the District's sanitary sewer lines. The District will NOT install, own and/or maintain any of the sanitary sewer lines being extended to serve this property.
5. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface

water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.

6. Impact Fees for each residential lot must be paid prior to or at the time each building permit is obtained. The District's current impact fee is \$2,464 per Equivalent Residential Unit (ERU).

If you have further questions or need additional information please do not hesitate to contact us.

Sincerely,

CENTRAL WEBER SEWER IMPROVEMENT DISTRICT

Lance L. Wood, P. E.
General Manager

Attachment: Winston Park Subdivision

cc: Hyrum Osguthorpe hyrum@benchmarkcivil.com
Igor Maksymiw <igormaksymiw@aol.com>



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and/or action on a design review application for Christensen RV and Boat Storage.
Agenda Date:	Tuesday, October 13, 2020
Applicant:	Robert Christensen, Owner
File Number:	DR 2020-05

Property Information

Approximate Address:	2250 N 1500 W Ogden, UT 84404
Project Area:	1.7 acres
Zoning:	Manufacturing Zone (M-1)
Existing Land Use:	Commercial/Manufacturing
Proposed Land Use:	Self Storage/RV and Boat Storage
Parcel ID:	19-060-0010
Township, Range, Section:	T7N, R2W, Section 36 SE

Adjacent Land Use

North:	2350 North St.	South:	Manufacturing
East:	Manufacturing	West:	Rulon White Blvd.

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
Report Reviewer:	SB

Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 22 (M-1 Zone)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)
- Weber County Land Use Code Title 108 Chapter 7 (Parking Lot Design and Maintenance)

Summary and Background

The applicant is requesting approval of a design review for Christensen outdoor recreational vehicle storage, an outdoor, self-storage facility, intended to provide screened, outdoor storage to house a variety of recreational vehicles, located in the M-1 zone at 2250 N 1500 W, Ogden, UT, 84404.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: The proposal conforms to the Weber County Land Use Code, as recreational vehicle storage is a permitted use in the M-1 zone.

Zoning: The subject property is located within the Manufacturing (M-1) Zone. The purpose of the M-1 Zone can be further described in LUC §104-22-1 as follows:

The purpose of the light manufacturing zone is to provide suitable areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.

(c) The applicable standards are as follows:

- Minimum front yard setback: 30 feet
- Minimum side yard setback: None, except 20 feet where a building is adjacent to a residential zone, or for a side yard on a corner lot.
- Minimum rear yard setback: None, except 20 feet where a building rears on a residential zone.
- Maximum building height: None
- Maximum lot coverage: 80% of lot area by buildings

Design Review: The M-1 zone and the proposed use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion: The proposal includes a site plan that identifies the location of the proposed parking/storage area, and the location the access off of Rulon White Blvd.

LUC §108-8-4 outlines parking regulations. Recreational vehicle storage is a listed use. The chapter states the following for uses listed:

Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses.

LUC §108-8-7(6) further states:

All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of storm water onto adjacent properties.

Access to the proposed storage area will be gained from Rulon White Blvd (see exhibit B). If the proposal included only indoor storage of recreational vehicles, the use would be conditionally allowed by the zone. Staff feels that two customer parking spaces located at the east side of the proposed storage facility, would be adequate for indoor storage units. . Private parking facilities for permitted uses are required to be paved.

Considerations relating to landscaping. After reviewing the proposed site plans, it has been determined that the existing landscaping meets the requirements as outlined in LUC §108-2. Applicant shows approximately 36% of the 7.6 acre parcel has existing landscaping.

Considerations relating to buildings and site layout. The proposal meets site development standards of the M-1 Zone. The applicant has proposed implementing screening in the form of fencing around the perimeter of the storage area.

Considerations relating to utility easements, drainage, and other engineering questions. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to recommendations regarding retention ponds and a SWPP.

Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. The proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: To date, the design review has been approved by the Weber Fire District. Weber County Engineering has reviewed, but not yet approved this project. All review agency requirements must be addressed and completed prior to the written approval of the design review being issued.

Additional Design Standards: Additional standards and requirements from reviewing agencies, including the Weber County Engineering Division must be fulfilled before the recording of the final plat. Applicant has not proposed any signage

Tax Clearance: 2019 property taxes are paid in full. 2020 property taxes are due in full November 30, 2020.

Staff Recommendation

Staff recommends approval of the Christensen Recreational Vehicle Storage Design Review Application. This recommendation is conditioned upon all review agency requirements, and the following conditions:

1. Screening shall be installed around the perimeter of the storage area.
2. Access to the proposed storage area shall be off of Rulon White Blvd.
3. Parking/vehicle storage shall be hard surface, such as asphalt or concrete, and adhere to standards per LUC 108-8-7.

This recommendation is based on the following findings:

1. Recreational vehicle storage is permitted as a primary use within the M-1 zone. As there are no specifications as to whether the recreational vehicles should be stored indoor or outdoor, per State code (17-27a-308) "(1) ...A land use authority shall apply the plain language of land use regulations. (2) 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 land use application."

Exhibits

- A. Application
- B. Site Plans
- C. Applicant Site Info Requesting Approval
- D. CC&R's for Weber Industrial Park

Exhibit A – Application

Weber County Design Review Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) <i>Streamline Robert Christensen; Plastics</i>		Mailing Address of Property Owner(s) <i>2250 N 1500 W Ogden UT 84404</i>	
Phone <i>801 699 6619</i>	Fax <i>—</i>		
Email Address <i>Bridgetruestory@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) <i>Robert - J Christensen</i>		Mailing Address of Authorized Person <i>SAME</i>	
Phone <i>SAME</i>	Fax		
Email Address <i>SAME</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name <i>RV & Boat Storage</i>		Current Zoning <i>M-1</i>	Total Acreage <i>1.75</i>
Approximate Address <i>2250 N 1500 W Ogden, UT</i>		Land Serial Number(s) <i>19-060-0010</i>	
Proposed Use <i>Open Air Storage for RV & Boats</i>			
Project Narrative <i>Please see next pages.</i>			

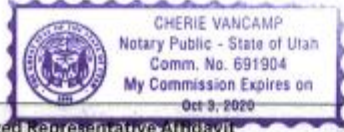
Property Owner Affidavit

I (We) Robert Christensen, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Robert Christensen
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 25th day of August, 20 20



[Signature]
(Notary)

Authorized Representative Affidavit

I (We) _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

This new venture is to provide an open air storage area for RV's and Boats. It will be located in a 1.76 acre lot at 2250 N 1500 W, Ogden. This lot was currently used for horses which have been recently been sold. It is in the same property that Streamline Plastic Inc resides.

An architect was employed to study the optimum number of spaces and still have the ease of parking functions. Other issues of lighting, cameras, and drainage were addressed. The engineering assessment is included in this application.

This parking facility is significantly offset from the most highly traveled road, Rulon White Blvd. Therefore, impact to neighbors or the integrity of the industrial park is minimally impacted.

The proposed area is currently vacant and will be constructed specifically for storage purposes. This means that the entire lot will be enclosed into an eight foot chain link fence and then covered with a fabric. In addition, three strands of barbed wire will be installed on top of the chain link as described in the attached documents. This design will block the view of the parking area from those casually driving by the facility.

The property is currently unimproved with no structures. The ground is currently a clay type soil. The proposed surface will be surfaced to account for drainage with road base or reprocessed asphalt.

There are currently three drainage areas on the property. One on the North East corner, one on the South West Corner and a large storm water retention pit located on North central portion of the parking area. The land is relatively flat, however, excavators have assured me that slopes will be attained to drain water mostly to the retention pit and to a lesser degree the existing drain ports.

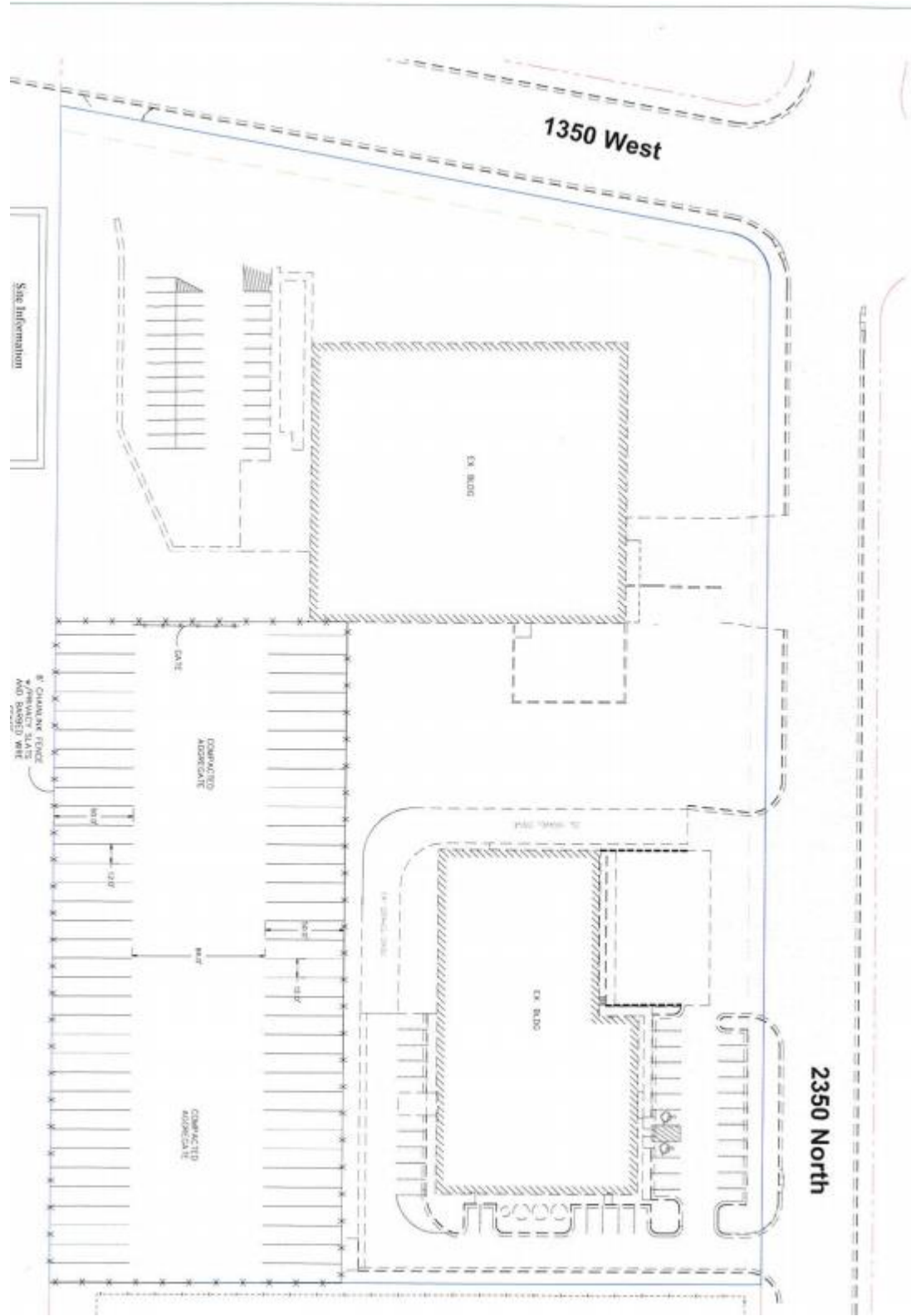
The facility will have 6 large LED flood lights that will be activated with motion and with darkness. All other times the lights will not be activated. Engineering has determined the optimum number of lights as shown on the attached documents.

The current property totals 7.23 acres and has 113.3 sft of landscaping. This is 35.9% of the total property which easily satisfies the 10% landscaping requirement. Therefore, no additional landscaping is planned. Actually, the storage will eliminate the weeds that currently occupy the property.

Plans for a sign has not been considered at this time, however, the regulations are well known. Most advertising will be done with outlets similar to KSL classifieds. Since the primary business at this address is plastic injection molding, the sign for storage will be small as not to distract from the parent business.

Robert Christensen
801 690 6619

Exhibit B - Site Plans



Map 1

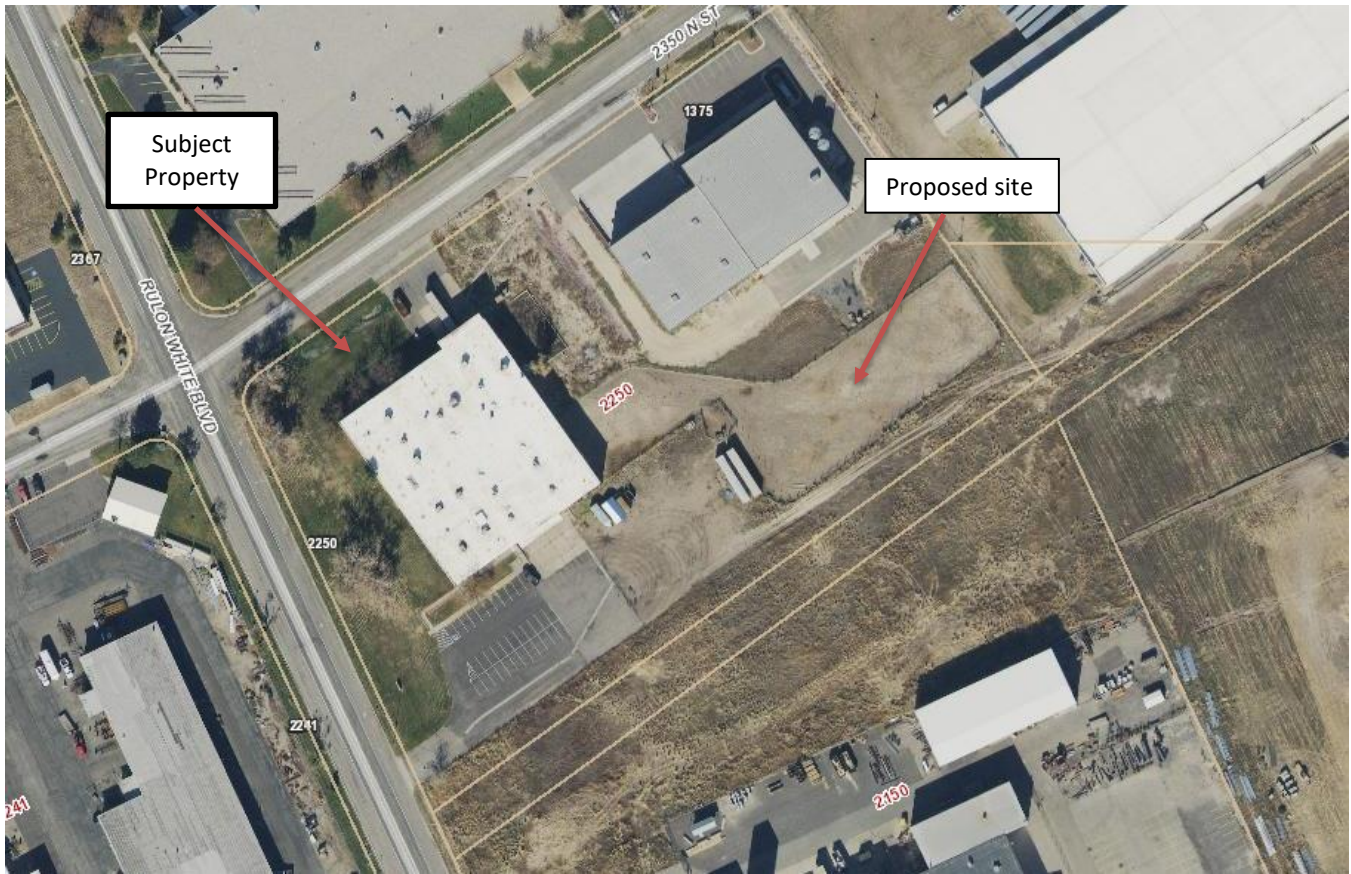


Exhibit C – Applicant Rebuttal Requesting Approval

SUBMITTED 9/7/2020:

Supplemental Support for Proposed RV and Boat Storage

Bob Christensen

When I submitted my application, the code allowed for RV storage and did not specify outdoor or enclosed facilities. Based on that information I proceeded with an architectural assessment of the project. Engineering was also employed to study the runoff requirements and lighting. The results of those studies were presented in the original application.

When the application was rejected, I tried to put myself in the view of the county planners and I believe that I understand the concerns and would like to address those perceived issues.

First and foremost, planners would not want to have a facility that would store abandoned vehicles and would generally look like a junk pile. I would like to demonstrate why this would not be an issue.

- An 8 foot chain link fence is planned that completely surrounds the lot.
- Most importantly, a fabric or metal slats will be put up to block the view of the parked vehicles. This was done for the security of the tenants as well as creating a pleasant view of a passersby.
- The layout of the lot is large enough to provide a well organized operation. The more organized, the less likely for the facility to become an eyesore.
- The management is 100% under my control, meaning this venture is not being subcontracted.
- The setback from the Rulon White is about 400 ft (Over a football field's length away). The setback from the less traveled street of 2350 N is just over 300 ft. Even that far from the street there is only about 90 feet of the lot that

is visible. The existing buildings screen the lion's share of the lot. [See the map A showing the visibility from the street – Page 2.](#)

- Nearby companies are more offensive than my proposed facility. The lot directly across from Streamline Plastics to the North and the West is used as metal fabrication storage area and various fabrication storage easily seen from the road through a chain link fence.

[Pics of neighbors on Page 3.](#)

- Lastly, and to a lesser degree, the current lot was recently used for horses and is currently a breeding ground for weeds. The proposed parking facility will be a much improved view.

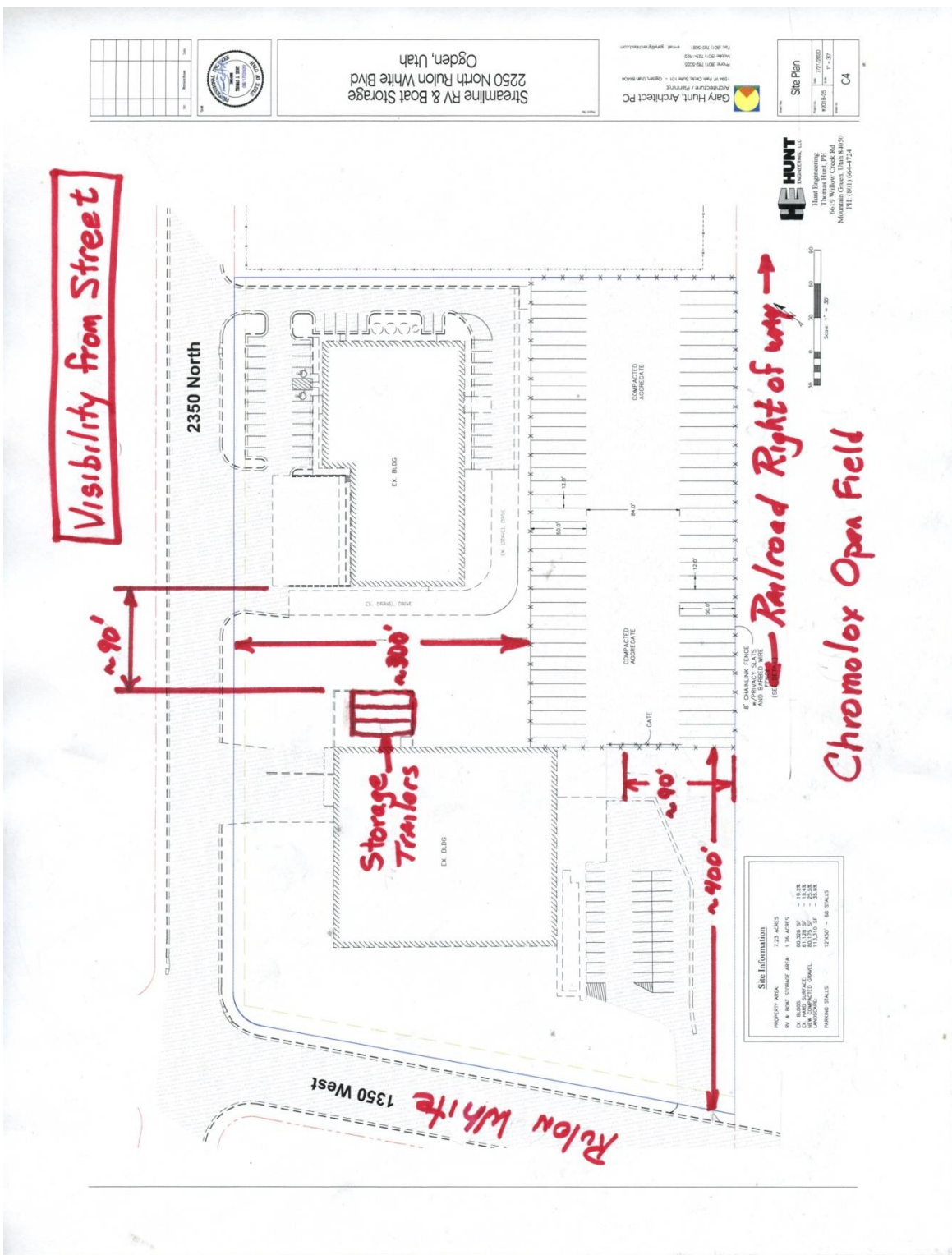
[See pics on pages 4 through 6.](#)

Other potential issues would be that if my application is accepted then all would have to be accepted. My response to that is this commission take all applications based on their own merit and therefore will base their decision on specific conditions.

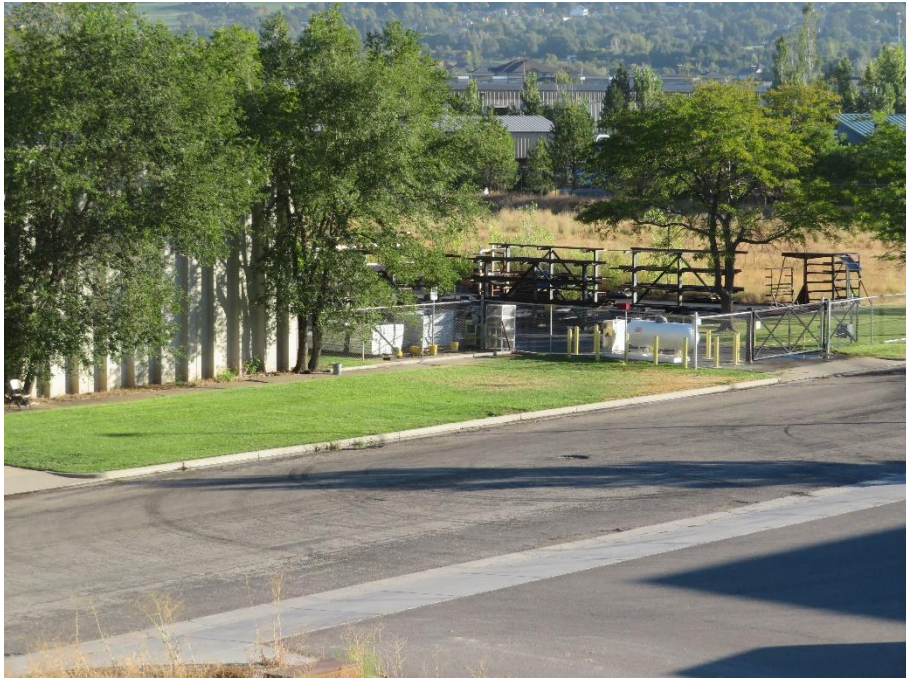
Other specifications of water runoff, fire, and property offsets are amply satisfied.

It is my hope that the commission will consider my request for this venture and accept my proposal.

MAP A – Offset Distances



Current Neighbor Across from 2350 North



Current view Across from Rulon White Blvd



View of Proposed Site



The far building is the Pic Sweet cannery. The trailers shown is to be moved and the pasture area is the proposed site. The dirt road on the right is the railroad right-a-way. The right side of the road is an open field belonging to Chromolox.

View of Proposed Site from Rulon White Blvd



The proposed property begins at the corner of the building shown on the left and the other side of the trailer. Note very little of the parking area is visible to the public. Rulon White is the most traveled road adjacent to the property.



Current view of Streamline Plastics from Rulon White. Entry to the parking lot is on the right side of this building. The new facility will hold to the same standards as the current facility along the street.

View of Proposed Site from 2350 North



The proposed site is at the far corner of the building on the right. The left building is in front of the majority of the site. Note the window is small and offset 300 ft from the road.

UPDATED SUBMITTAL FROM APPLICANT (10/5/2020):

Update on Streamline Property
October 5, 2020

It has been a few weeks since I submitted a response to my proposal for an RV storage facility. Please look at the pictures that show the improvements made and how the overall looks of the property have improved.

In addition, perhaps the indoor concern could be considered since all walls will be covered either with the slats that are inserted into the chain link fence or a fabric attached to the walls so that nothing is seen except when the boat or RV is taller than eight feet.

Lastly, I am extending an invitation to any who is interested in seeing the facility for themselves and would be proud to give you a tour of the manufacturing buildings that build injection molded parts and blow molded bottles. I can give the tour as a group or individually.

Robert Christensen; 801-690-6619; Bridgertruestory@gmail.com; 2250 N 1500 W, Ogden, UT.



View from roof to the North (Not part of the proposed property)



View from the roof of proposed facility

BOOK 1439 PAGE 314

RECORDED
Karen Kendall
no fee

899248

PROTECTIVE COVENANTS

Weber County Industrial Dev. Corp.

STATE OF UTAH
COUNTY OF WEBER

RECORDED
ENTERED
MICROFILMED

KNOW ALL MEN BY THESE PRESENTS:

That the WEBER COUNTY INDUSTRIAL DEVELOPMENT CORPORATION (hereinafter called the CORPORATION), a Utah Corporation, is the owner of all that certain real property located in Weber County, State of Utah, more particularly described in Exhibit A, attached hereto and herein by reference thereto; and

WHEREAS, it is the desire and intention of the Corporation to develop all of said property as a garden-type industrial park; and

WHEREAS, the Corporation is about to sell, lease, and/or develop the property described in Exhibit A, which it desires to be subject, pursuant to a general plan of improvement, to certain restrictions, conditions, covenants and agreements between it and the several purchasers of said property and between the several purchasers of said property themselves as hereinafter set forth:

NOW, THEREFORE, the Corporation declares that the property described in Exhibit A is held and shall be sold, conveyed, leased, occupied and held subject to the following restrictions, conditions, covenants and agreements between it and the several owners, purchasers and lessees of said property and between themselves and their heirs, successors and assigns:

MUTUAL AND
RECIPROCAL
BENEFITS,
ETC.

I. All of said restrictions, conditions, covenants, and agreements shall be made for the direct, mutual and reciprocal benefit of all of the land on the attached map and shall be intended to create mutual and equitable servitudes upon said land in favor of all other land shown on said map, and to create reciprocal rights and obligations between the respective owners of all of the land shown on said map and to create a privity of contract and estate between the grantees of said land, their heirs, successors and assigns, and shall, as to the owners of said land in said tract, their heirs, successors, and assigns, operate as covenants running with the land for the benefit of all of the land in said Park.

TERMS OF
RESTRICTIONS.

II. Each condition and covenant in the Weber County Industrial Park shall continue until such time as the Corporation, or its successors or assigns, and the owners of a majority of the acreage in the Weber County Industrial Park acting in mutual agreement may by written declaration signed and acknowledged by them and recorded in the Deed Records of Weber County, alter or amend such restrictions, conditions and covenants.

CREATION OF
SPECIAL APPROVAL
COMMITTEE

III. In order to administer and supervise the restrictions herein and to give the approvals required, authority is hereby granted to the Executive Board of the Weber County Industrial Development Corporation to appoint an Industrial Park Review Board consisting of not less than five and not more than nine members. This Review Board to serve at the pleasure of the Executive Board and shall include representatives of industries sited in the Industrial Park.

The Review Board shall be required to review and approve the proposed use of each parcel of land, the architectural drawings of the buildings, site and landscaping proposed for each site, and any variances deemed necessary; keeping in mind the broad outlines of the purpose of the Industrial Park.

The Review Board shall have all powers necessary to approve land use and plans on behalf of the Corporation and to enforce their decisions in accordance with the Covenants as outlined herein.

Formal approval of land use site plans by the Weber County Planning Commission for obtaining building permits is required. All site plans shall comply with the provisions outlined by the Weber County Zoning Ordinance.

PERMITTED
AND
CONDITIONAL USES.

- IV. The purpose of the Weber County Industrial Park is to create a wholesome environment for the conducting of selective manufacturing and marketing enterprises which do not create a hazard or are not offensive due to appearance or to the emission of noxious odors, smoke or noise, and to promote research laboratories and regional office facilities. Retail services shall be allowed but shall be limited to sales of goods and services reasonably required for the convenience of occupants of the Park, such as restaurants, drug store and medical facility, barber and beauty shop, clothes repair and cleaning, banks, post office, and automobile service stations. Such land uses either permitted or conditional shall first be approved by the Planning Committee and the Weber County Planning Commission.

PROHIBITED
USES.

- V. No portion of the property may be occupied by any of the following uses:
- (1) Residential purposes, except for a watchman's dwelling which is attached to a particular enterprise authorized in the area.
 - (2) Manufacture, storage, distribution or sale of explosives.
 - (3) Storage in bulk of junk, wrecked autos or other unsightly or second hand materials.
 - (4) No portion of the premises or any portion thereof of any building or structure thereon at any time shall be used for the manufacturing, storage, distribution or sale of any products or items which shall increase the fire hazard of adjoining property; or for any business which constitutes a nuisance or causes the emission of odors, smoke or gas injurious to the products manufactured or stored on adjoining premises, or which emit noise or vibrations which will injure the reputation of said premises or the neighboring property, or for any use which is in violation of the laws of Weber County and the State of Utah.

YARD SPACES

- VI. All buildings which may be erected on any of the property contained in the Weber County Industrial Park shall maintain the following yard requirements:
1. Front Yards. Buildings shall not be nearer than 30 feet to the street property line on streets of less than 80 feet in width. Buildings shall not be nearer 50 feet to the street property line on

streets of 80 feet or more in width
(Rulon White Blvd.).

2. Side Yards. Buildings shall not be nearer than 15 feet from any side property line separating the lands of different owners, except 30 feet where side yard on a corner lot is facing a street.
3. Rear Yard. No rear yard restrictions.
4. No building shall be closer than 40 feet to any other building on an adjacent property of a different owner.
5. No more than 50% of the property area of any owner shall be covered by building.

Within the required set back area from the streets, there shall be maintained on each site only paved walks, paved driveways, lawns and landscaping. At least one-half of the surface of the required setback area from the streets shall be maintained in lawns and landscaping.

LOADING DOCKS

- VII. There shall be maintained on each site facilities for truck turning, parking, loading and unloading sufficient to serve the business conducted thereon without using adjacent streets or the 30/50 feet front set back area thereof. Loading docks are restricted to the area behind the 30/50 foot front set back line.

PARKING
REQUIREMENTS

- VIII. No parking will be permitted on any of the streets in the Weber County Industrial Park.

It is the responsibility of the property owners, their successors and assigns to provide such parking facilities as needed on their own property. Minimum requirements are as follows:

- (1) One parking space for every vehicle used in conducting the business, plus one parking space for every 1.5 employees working on the highest shift plus sufficient visitor parking.
- (2) One square foot of parking area for each square foot of building area. If this requires more land area than required under item (1), then only that amount of area need be paved to meet the requirements of item (1).
- (3) Space for visitor parking may be provided in the front of buildings provided that the parking area is not closer than 20 feet to the street curb line, and that the area between the street and the parking area is attractively landscaped and the parking area is restricted for visitor parking only.
- (4) All parking areas must be paved with a year around surface of asphalt or concrete and adequately drained.
- (5) While as a general rule, parking and truck loading facilities are to be located at the side or rear of buildings, necessary parking and loading in the front will be permitted when visually screened by landscaping and other appropriate screening arrangements.

BUILDING AND
CONSTRUCTION
REQUIREMENTS

- IX. Any building erected on the property shall be of masonry construction, tilt-up concrete, precast concrete or equal material. Should any building be constructed of plain concrete blocks, tile blocks or tile brick, the front and sides to a minimum depth of three feet must be finished with face brick or their equivalent, or better, as determined by the Review Board. The exterior finish of the remaining side and rear walls must be common or face brick, or concrete block, or their equivalent, or better, as determined by the Review Board. All other types of construction must first be submitted to and have the written approval of the Review Board.

Renderings of drawings, specifications and samples of materials proposed for use in the construction or alteration of any building, sign, loading dock, parking facility and landscape planting must first be submitted to and have the written approval of the Review Board.

The placement on the building roofs of unsightly items such as cooling towers, mechanical equipment, etc. which would have an adverse affect upon the aesthetics of the building and the Industrial Park will not be allowed.

No plant effluents shall be discharged into the sanitary sewer or storm drains which contain any material which would be harmful to the sewer lines, the sewage treatment plant structure, interfere with the normal sewage processing action, or create a danger to workmen maintaining the sewer lines and sewage treatment plants. All effluents discharged into the sanitary

sewer lines shall meet the requirements of the Central Weber Sanitary Sewer District ordinances, in addition to these covenants.

The Review Board shall review the proposed use of the property and shall reserve the right to refuse to approve any plan for a use which, in the judgment of the Review Board, is not in keeping with the stated purposes of the Weber County Industrial Park. Where a proposed development could become offensive, the Review Board shall have the right to require special equipment or special design features to overcome such conditions.

STORAGE

- X. No land or buildings shall be used so as to permit the keeping of articles, goods or materials in the open exposed to public view. When necessary to store or keep such materials in the open, the lot or area shall be fenced with a screening fence at least 6 feet in height and high enough to fully screen the material from view of the public as viewed from the streets. Said storage shall be limited to an area at least 30 feet behind the front building line.

SIGNS

- XI. All signs proposed to be placed within the Industrial Park shall be subject to the approval of the Committee and shall conform to the following general requirements:
- (1) No billboards or outdoor advertising bases will be permitted.
 - (2) A single sign or nameplate shall be allowed on the front of each facility (facing a street), advertising only the name, product or service of the occupant.

- (3) Signs attached to buildings shall project not more than 16 inches beyond the face of the building nor project above the parapet or eaves of the buildings. The face of the sign shall be parallel to the face of the building.
- (4) Total size of sign is limited to 25 square feet or one square foot for each lineal foot of the street frontage of the building, whichever is larger.
- (5) Signs may be independently seated in the front of the building if they are architecturally designed to add to the aesthetic appearance of the building and property.
- (6) Floodlighting of signs at night is acceptable but the use of animated or flashing signs is prohibited.

LANDSCAPING
AND
MAINTENANCE

XII. "Green" treatment of the site may be in the form of grass lawns and ground covers, shade trees, in parking areas, street trees, plantings in areas used as dividers and in areas otherwise unuseable. Landscaped treatment includes the use of walls, screenings, terraces, fountains, pools and other water arrangements.

Lawn and shrubs shall be planted in the area between the street curb line and the building. Consideration shall be given to the use of trees and plantings in and around parking lots to relieve asphalt monotony.

The owners or tenants of the developed land in the Industrial Park must at all times keep

the premises, buildings and improvements, including all parking and planting areas, in a safe, clean and wholesome condition. All areas of the property not covered by improvements shall be kept free from weeds. They shall comply in all respects with all government, health, police and fire department requirements. Any owner or tenant shall remove at his own expense any rubbish of any character accumulated on his property and will at all times keep shrubs and lawns properly trimmed and watered and the exterior of all buildings in an attractive condition.

TIME
LIMITATION
ON
CONSTRUCTION

XIII. If, after the expiration of two years from the date of a sales or lease contract or other disposition on any property within the Weber Industrial Park any purchaser shall not have begun in good faith a construction of an acceptable building upon any portion of said property, the Weber County Industrial Development Board retains the option to refund the purchase price or lease deposit and enter into possession of said land. At any time, the Board may extend in writing the time in which such building may be begun.

It is understood and agreed that said conditions and restrictions shall operate as covenants running with the land and that a breach or violation thereof may be enjoined, abated or remedied by appropriate proceedings by the said Weber County Industrial Development Board, and/or other owners of said lots or parcels of land in the Park or their heirs, successors, assigns, or bonafide purchasers under contract.

Invalidation of any of the foregoing Restrictive Covenants shall not affect the validity of any other of such covenants, but the same

shall remain in full force and effect.

Dated this 13th day of December, 1983.

WEBER COUNTY INDUSTRIAL DEVELOPMENT CORPORATION

BY Roderick H. Browning President

ATTEST:

Lynwood Islaub
Lynwood Islaub, Secretary

State of Utah)
County of Weber)

On the 13th day of December, 1983, personally appeared before me Roderick H. Browning and Lynwood Islaub, who being by me duly sworn did say that they are the President and Secretary respectively of Weber County Industrial Development Corporation, and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and each of them acknowledged to me that said corporation executed the same.



Mission D. Lee
Notary Public
Residing at Ogden, Utah

My Commission expires
March 29, 1986

EXHIBIT A

A part of Section 1, Township 6 North, Range 2 West, part of Section 6, Township 6 North, Range 1 West, part of Section 31, Township 7 North, Range 1 West and part of Section 36, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U. S. Survey: Beginning at a point which is North 89°01' East 2711.83 feet along the Section line and South 0°26' East 33.00 feet from the Northwest corner of said Section 36, said point is also North 89°52' West 2632.1 feet along the section line and South 0°26' East 33.00 feet from the Northeast corner of said Section 36, running thence South 89°52' East 1106.51 feet, thence South 26°12' East 1315.91 feet, thence North 63°48' East 261.10 feet to the West line of the Oregon Short Line Railroad right of way, thence five courses along said West line as follows: South 26°12' East 4105.45 feet, South 38.5 feet, South 26°12' East 690.0 feet, North 89°43' West 36.87 feet, and South 26° 12' East 747.16 feet to the North bank of the Harrisville Canal, thence four courses along said North bank as follows: South 88°21'45" West 807.70 feet, North 88°32' West 1187.58 feet, North 69°40'15" West 777.79 feet and North 78°38' 24" West 1105.02 feet to the East right of way line of the Salt Lake Pipeline Company, thence four courses along said East line as follows: North 18°45'22" West 2877.54 feet, North 18°32'51" West 1254.06 feet, North 18°15'40" West 851.09 feet and North 18°27'28" West 866.61 feet to the South line of 2700 North Street; thence two courses along said South line as follows: Easterly along the arc of a 1877.10 foot radius curve to the right 255.5 feet more or less and North 89°01' East 1086.26 feet to the point of beginning. Contains 430.8 acres.

18-047-0074, 0075, 0076, 0077, 0078
 19-048-0079, 0080, 0081, 0082, 0083, 0084, 0085, 0086, 0087, 0088, 0089, 0090, 0091, 0092, 0093, 0094, 0095, 0096, 0097, 0098, 0099, 0100
 19-050-0101, 0102, 0103, 0104, 0105, 0106, 0107, 0108, 0109, 0110, 0111, 0112, 0113, 0114, 0115, 0116, 0117, 0118, 0119, 0120
 19-051-0121, 0122, 0123, 0124, 0125, 0126, 0127, 0128, 0129, 0130, 0131, 0132, 0133, 0134, 0135, 0136, 0137, 0138, 0139, 0140
 19-052-0141, 0142, 0143, 0144, 0145, 0146, 0147, 0148, 0149, 0150, 0151, 0152, 0153, 0154, 0155, 0156, 0157, 0158, 0159, 0160
 19-053-0161, 0162, 0163, 0164, 0165, 0166, 0167, 0168, 0169, 0170, 0171, 0172, 0173, 0174, 0175, 0176, 0177, 0178, 0179, 0180
 19-054-0181, 0182, 0183, 0184, 0185, 0186, 0187, 0188, 0189, 0190, 0191, 0192, 0193, 0194, 0195, 0196, 0197, 0198, 0199, 0200
 19-055-0201, 0202, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0210, 0211, 0212, 0213, 0214, 0215, 0216, 0217, 0218, 0219, 0220
 19-056-0221, 0222, 0223, 0224, 0225, 0226, 0227, 0228, 0229, 0230, 0231, 0232, 0233, 0234, 0235, 0236, 0237, 0238, 0239, 0240



Synopsis

Application Information

Application Request: Consideration and action on final approval of Summerset Farms Subdivision Phase 2, consisting of 17 lots.
Type of Decision: Administrative
Agenda Date: Tuesday, October 13, 2020
Applicant: Lori Blake, Representative
File Number: LVS071320

Property Information

Approximate Address: 3875 W 2375 S, Ogden, UT, 84401
Project Area: 13.586 acres
Zoning: Agricultural (A-1)
Existing Land Use: Residential
Proposed Land Use: Residential
Parcel ID: 15-078-0011, 15-078-0046, 15-078-0401
Township, Range, Section: T6N, R2W, Section 28 SE

Adjacent Land Use

North: Residential	South: Residential
East: 3500 West St	West: 3900 West St

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)

Background and Summary

The applicant is requesting final approval of Summerset Farms Phase 2, consisting of 17 lots. This proposal includes continuation of a county, dedicated road (3900 West St) located at approximately 2267 S 3500 W in the A-1 Zone. The proposed subdivision will also require dedication of new County Roads. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with LUC. The request for approval comes with a request for approval of a subdivision improvement agreement in the amount of _____ that the developer has set aside with the county to ensure proper installation of improvements.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in the A-1 Zone, and is a lot averaged subdivision (LUC 106-2-4). Single-family dwellings are a permitted use in the A-1 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-1 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision, the minimum requirements are as follows: Lot area in the A-1 zone – 20,000 square feet. Lot width in the A-1 zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-1 zone standards in LUC § 104-5. The proposed subdivision will create four new public streets, as well as continue two previously dedicated public streets, from adjacent subdivisions (Favero Legacy Cluster Subdivision, and Cameron Cluster Subdivision).

Culinary water and sanitary sewage disposal: Taylor West Weber Water has given Feasibility and final approval for culinary water services, for Summerset Farms Subdivision. Applicant has also provided a final approval letter from Hooper Irrigation for secondary water for Phase 1. This subdivision will need to be annexed into Central Weber Sewer District, per the County Engineer.

Staff Recommendation

Staff recommends final approval of Summerset Farms Subdivision Phase 2, consisting of 17 lots, located at approximately 3875 W 2375 S, Ogden, UT. This recommendation is subject to all review agency requirements, including any requirements from Wilson Canal Company, and the following conditions:

1. Prior to scheduling for final approval with the County Commission, improvements must be installed or escrow for improvements must be received, along with a signed improvement agreement.
2. A final plat must be received, and approved by the County Surveyor, that includes a table of averages for lots in all 4 phases, prior to scheduling for final approval with the County Commission.
3. Proof Annexation into the Central Weber Sewer District, if it has not already been provided.
4. A fence must be installed along the Wilson Canal, or the canal must be piped (per Wilson Canal requirements, if needed). If not installed, it must be escrowed for with other improvements.

This recommendation is based on the following findings:

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

Exhibits

- A. Subdivision plat
- B. Subdivision Improvement Agreement
- C. Final Approval - Water

Area Map





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	A discussion for a sketch plan endorsement request for Vaquero Village Cluster Subdivision Phase 2.
Type of Decision:	Administrative
Agenda Date:	Tuesday, October 13, 2020
Applicant:	Pat Burns
File Number:	SPE 092120
Approximate Address:	7110 W 900 S
Project Area:	35.030 acres
Zoning:	Agricultural (A-1, A-2)
Existing Land Use:	Agricultural/Residential
Proposed Land Use:	Residential
Parcel ID:	10-036-0026
Township, Range, Section:	T6N, R3W, Section 14

Adjacent Land Use

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

Staff Information

Report Presenter:	Felix Lleverino fleverino@co.weber.ut.us 801-399-8767
Report Reviewer:	SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 7 Agricultural (A-2)
- Title 108, Chapter 3 Cluster Subdivisions

Development History

Vaquero Village Cluster Subdivision was recorded on April 26, 2018, after meeting land-use requirements and displaying compliance with the Weber County Cluster Subdivision Code.

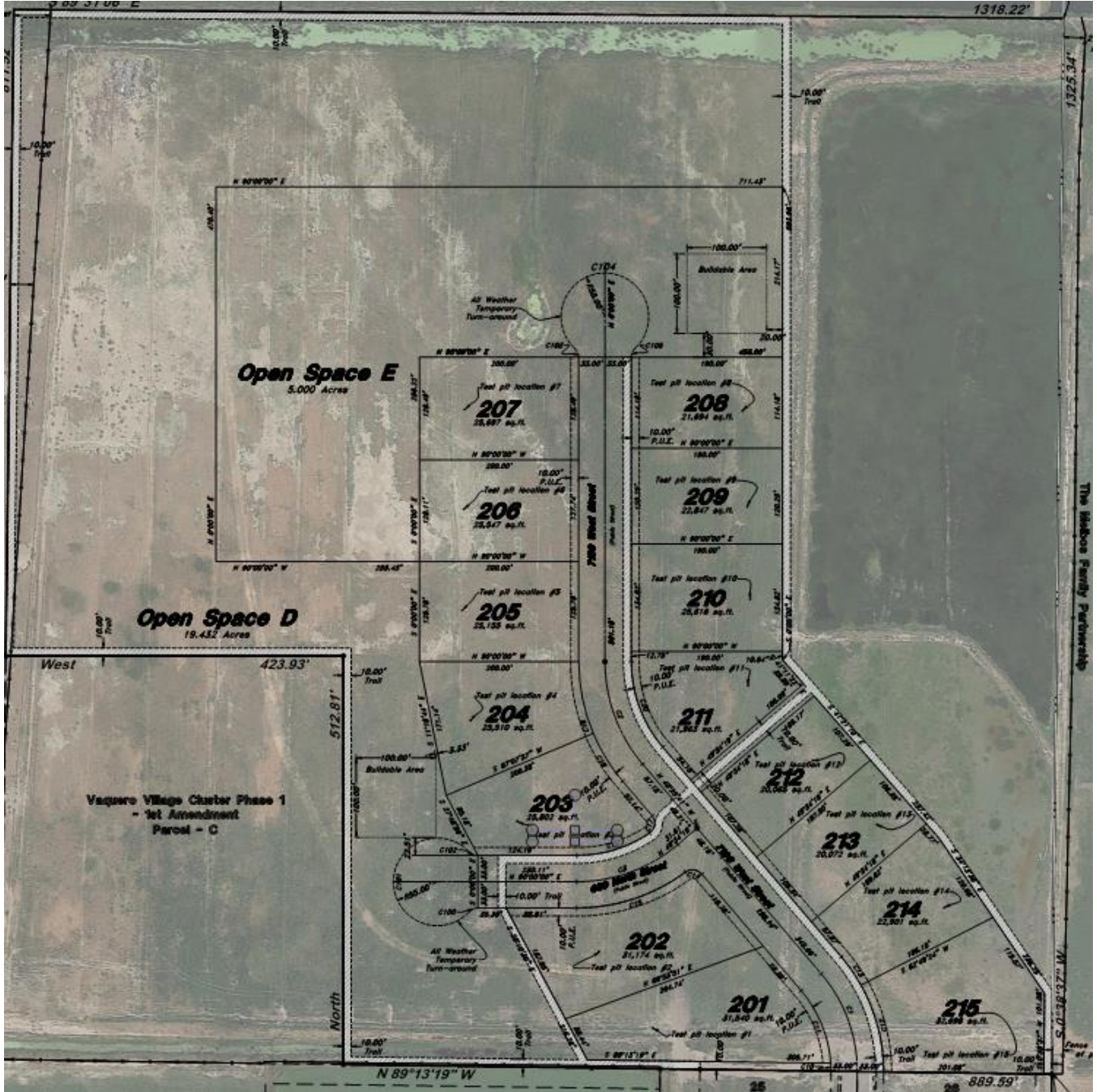
Vaquero Village Cluster Subdivision 1st Amendment has completed the County review process and is due to be recorded soon, which added three lots and added 5 acres of open space for individual ownership.

Summary

According to the county's land-use code (108-3-3(b)), "Endorsement from the planning commission is only a means to assist in the creation of a complete subdivision application and shall not create any vested right except the right to apply for preliminary subdivision review. This proposal is before the planning commission to gather comments and field some questions about cluster subdivision design to give the Weber County Planning staff a chance to verify that minimum open space requirements, lot sizes, and pathway design. This proposal includes 15 residential lots that range in size from 21,000 to 31,000 square feet.

The current cluster code encourages the clustering of lots into one group while preserving at least 30% of the net developable area to open space. This proposal will preserve 69% of the net developable area to open space. The open space has not been used for crop cultivation; it has historically and will continue to be used for cattle grazing, which is an agricultural-related use.

On the northeast corner of open space parcel D, there is a man-made pond that is drawn from to provide irrigation water to the lot owners. West Warren Water will be providing culinary water to this development. Vaquero Village Phase 2 will employ the use of septic systems for each lot.



NOTES

- 1. A 10' wide front yard Public Utility and Drainage Easement as indicated by dashed lines, except as otherwise shown.*
- 2. Subdivision Area Information*
 - Total Area 1,525,943.79 sq.ft.*
 - Right of Way Area 83,445.87 sq.ft.*
 - Lot Area 378,315 sq.ft.*
 - Open space 1,064,181 sq.ft (69.74%*
Open Space)



Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: Tammy Aydelotte, Planning
Date: October 13, 2020
Subject: Revisions to Proposed Accessory Dwelling Unit Ordinance

Planning Commissioners,

Attached to this memo is a copy of the proposed ordinance with revisions that address concerns from previous discussions with the planning commission.

This was originally scheduled as a hearing on the upcoming agenda, however, the noticing deadline was not met, so we have it as a discussion item, and will plan to have a hearing on the 10th of November.

Please feel free to contact me with any questions.

Best,

Tammy Aydelotte
Planner II
801-399-8794
Weber County Planning Division

SECTION 1:**AMENDMENT** “Sec 101-2-2 Ac-Definitions” of the Weber County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 101-2-2 Ac-Definitions

Accessory dwelling unit. The term "accessory dwelling unit," also referred to as an "ADU," means a dwelling unit, as defined by this section, that is either attached to the main single-family dwelling or is otherwise located on the same lot or parcel as the main single -family dwelling or an agritourism operation.

~~The term "accessory dwelling unit," also referred to as an "ADU," means a dwelling unit, as defined by this section, that is either attached to the main dwelling or is otherwise located on the same lot or parcel as the main single family dwelling. An accessory dwelling unit is not an accessory apartment, as otherwise defined by this section. Ownership of an accessory dwelling unit shall not be transferred separate from the main single family dwelling to which it is accessory. See also "carriage house."~~

Acreage, adjusted gross. The term "acreage, adjusted gross" means a total of all land area that lies within a project boundary and is classified as "developable" by this or any other county, state or federal law, ordinance or regulation.

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

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

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

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

Acreage unsuitable for development. The phrase "acreage unsuitable for development," means the area within a project that has extraordinary circumstances that under existing county, state, or federal laws render development on it very unlikely. The applicant bears the burden to prove an area does not meet this definition.

SECTION 2: **AMENDMENT** "Sec 101-2-2 Ap-Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-2 Ap-Definitions

~~***Apartments, accessory.*** The term "apartments, accessory" means accessory apartments shall have a common wall and roof for at least 20 feet with the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and opens up into the common living space of the main home, can be closed off by a door. The accessory apartment opening into a garage or storage area doesn't meet the intent of the ordinance, and is not permitted. An accessory apartment doesn't constitute a dwelling unit.~~ ***Appeal authority.*** The term "appeal authority" means a person, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application or variance.

SECTION 3: **AMENDMENT** "Sec 101-2-4 C Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-4 C Definitions

Cabaret/nightclub. The term "cabaret/nightclub" means a business establishment open to public patronage where food and drink is prepared, served or offered for sale or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts, and where the patrons may or may not dance.

Campground. The term "campground" means a private, public or semi-public open area with sanitary facilities for overnight camping and may include the parking of camping trailers, tent trailers or other vehicle types intended for camping purposes.

~~**Carriage house.** The term "carriage house" means an accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The carriage house may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, a carriage house may not, by any means, be sold separately from the main house. The right to construct a carriage house does not constitute a transferable development right. See also Accessory dwelling unit.~~

Cemetery. The term "cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

Church. The term "church" means a permanently located building or structure, together with its accessory buildings commonly used for religious worship. A church is not a "public building."

Clinic, medical/dental. The term "clinic, medical/dental" means a building wherein a staff of one or more doctors and/or medical staff conducts the examination and treatment of out-patients, excluding the performance of surgical procedures which require overnight stays.

Club or fraternal lodge/organization, private. The term "club or fraternal lodge/organization, private" means a non-profit association of persons who are bona fide members which owns or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Cluster of residential lots. The phrase "cluster of residential lots" means a grouping of residential lots, as provided title 108 chapter 3 of this Land Use Code, that are contiguous and uninterrupted by other nonresidential parcels except parcels required for a street and other allowed access or as otherwise allowed by this Land Use Code.

Code. The term "Code" means the Land Use Code of Weber County, Utah.

Commercial use. The term "commercial use" means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Common open space. See Open space, common.

Community center. The term "community center" means a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Compatible. The term "compatible" means capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

Complete street. The term "complete street" means a transportation facility that is planned, designed, operated, and maintained to provide safe, convenient, and inviting mobility for all users of the facility, including pedestrians, bicyclists, transit vehicles, and motorists.

Conditional use. See Use, conditional.

Condominium. The term "condominium" means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Condominium dwelling unit. The term "condominium dwelling unit" means an individual living/dwelling unit located within a residential condominium project.

Condominium project. The term "condominium project" means a real estate condominium project, a plan or project whereby two or more units, whether contained existing or proposed apartment, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered, for sale. The term "condominium project" shall also mean the property where the context so requires.

Condominium rental apartment (condo-tel). The term "condominium rental apartment (condo-tel)" means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit.

Condominium unit means a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a unit in accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).

Conference/education center. The term "conference/education center" means a facility designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. A conference/education center may provide office facilities and schedule a range of business related and/or leisure activities (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and offer day use and/or overnight lodging facilities.

Conservation easement. The term "conservation easement" means: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses.

Convalescent home. The term "convalescent home" means a facility for the care of children, the aged, infirm, or convalescent of any age. See also Nursing home.

Convenience store. The term "convenience store" means any retail establishment offering for sale prepackaged food products, household items, and other goods which are commonly associated, may be in conjunction with gasoline sales, and having a gross floor area of less than 5,000 square feet.

Corral. The term "corral" means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.

Cost benefit analysis (CBA). The term "cost benefit analysis" (CBA) means a formal discipline used to help appraise, assess, or evaluate the desirability of a project or proposal. The CBA shall itemize, quantify, consider and weigh the total expected (tangible and intangible) costs against the total expected (tangible and intangible) benefits of one or more actions in order to demonstrate the viability, efficiency and compatibility of a particular proposal.

County health officer. The term "county health officer" means the administrative and executive officer of the county health department and local registrar of vital statistics or his duly authorized representatives.

Cross-access. The term "cross-access" means a logical, convenient, and safe two-way vehicle and pedestrian ingress and egress between a lot or parcel and an adjoining lot or parcel.

Cross-access easement. The term "cross-access easement" means an easement for the purpose of cross-access on a lot or parcel that contains or will contain a cross-access.

Cul-de-sac The term "cul-de-sac" means a minor terminal street provided with a turnaround.

Custom exempt meat cutting. The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

SECTION 4: AMENDMENT "Sec 101-2-5 D Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-5 D Definitions

Dairy. The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

Dark sky. The term "dark sky" means a nighttime sky that is substantially free of interference from artificial light.

Day care. The term "day care" means the supervision of children, unaccompanied by parent or guardian, or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term "day care" is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

Day care (adult) facility. The term "day care (adult) facility" means any building or structure used for the purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or emotionally disabled adults for periods of less than eight hours per day.

Day care (child) center. The term "day care (child) center" means a building or structure, other than an occupied residence, where care, protection and supervision are provided.

Day care (child) home. The term "day care (child) home" means an occupied residence where care, protection, and supervision are provided to no more than eight children at one time, including the caregiver's children under six years of age.

Density, base. The term "base density" means the number of dwelling units allowed in an area. For development types that permit a reduced lot area than otherwise provided by the zone, the base density shall be calculated as the net developable acreage, as defined herein, divided by the minimum lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used. This calculation can be observed by this formula: $((\text{net developable acreage}) / (\text{minimum lot area})) = \text{base dwelling unit density}$. The result shall be rounded down to the nearest whole dwelling unit.

Detached lockout. In the Ogden Valley Destination and Recreation Resort Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A detached lockout is accessory to the main use and shall not be sold independently from the main unit. Unless specifically addressed in the development agreement for the specific Ogden Valley Destination and [Recreation] Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density on a parcel of land.

Development. The term "development" means all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development master plan. The term "development master plan" means a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include planned residential unit development, clustered subdivision and planned commercial development.

Distillery. The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound, process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to others.

Duplex. See "dwelling, two family."

Dwelling. The term "dwelling" means a building or portion thereof, which is constructed in compliance with the county's adopted building codes and designed as a place for human habitation, except hotel, apartment hotel, boardinghouse, lodginghouse, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The term "dwelling" shall include manufactured home and modular home when the requirements of title 108, chapter 14 are met.

Dwelling, group. The term "group_dwelling-" means two or more dwellings arranged around a court.

Dwelling, multiple-family. The term "~~dwelling,~~ multiple-family dwelling" means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels, but not including tourist courts.

Dwelling, single-family. The term "~~dwelling,~~ single-family dwelling" means a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit, unless specified otherwise by this Land Use Code.

Dwelling, two-family (duplex). The term "~~dwelling,~~ two-family dwelling (duplex)" also referred to as a "duplex," means a building arranged or designed to be occupied by two families, the structure having only two dwelling units with approximately the same floor area.

Dwelling unit. The term "dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

SECTION 5: AMENDMENT "Sec 104-3-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-3-2 Permitted Uses

The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture and agricultural experiment station;
- (d) Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot;
- (e) Church, synagogue or similar building used for regular religious worship;
- (f) Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code;
- (g) Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line;
- (h) Golf course, except miniature golf;
- (i) Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation;
- (j) Home occupations;
- (k) Household pets;
- (l) Parking lot accessory to use permitted in this zone;
- (m) Private stables; horses for private use only, and provided that not more than one horse may be kept for each one-half acre of land used for horses within any lot and no horses shall be kept on any lot of less than one-half acre in area;
- (n) Public building; public park, recreation grounds and associated buildings, public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools;
- (o) Single-family dwelling; and
- (p) Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

(Ord. of 1956, § 3-2; Ord. No. 7-76; Ord. No. 28-82; Ord. No. 14-92; Ord. No. 9-93; Ord. No. 96-35; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No 2011-2, § 3-2, 1-18-2011; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 6: **AMENDMENT** “Sec 104-5-3 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-5-3 Permitted Uses

The following uses are permitted in Agriculture Zone A-1:

- (a) Accessory building incidental to the use of a main building; main building designed or

used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse, and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (p) Private stables; horses for private use only, provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Sugar beet loading or collection station.
- (v) Temporary buildings or use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5-2; Ord. No. 7-76; Ord. No. 12-91; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 7: **AMENDMENT** “Sec 104-6-3 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-6-3 Permitted Uses

The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets which do not constitute a kennel.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only and provided that not more than two horses may be kept for each 20,000 square feet of area devoted exclusively to the keeping of the horses.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5B-2; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 8: **AMENDMENT** “Sec 104-8-3 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-8-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station, apiary; aviary.
- (d) Animals or fowl kept for food production as an accessory use; animal hospital or clinic, dog breeding, dog kennel, dog training school, provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (e) Cemetery, chinchilla raising, convalescent or rest home.
- (f) Church, synagogue, or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (h) Corral, stable, or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only, and provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building, public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Single-family dwelling.
- (s) Sugar beet loading or collection station and dump sites.
- (t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 7-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 9: AMENDMENT “Sec 104-9-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-9-2 Permitted Uses

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

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.
- (e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to the animal. The keeping of animals and fowl for family food production. Golf course, except miniature golf courses.
- (f) Home occupations.
- (g) Household pets.
- (h) Private stables, not to exceed one horse per acre.
- (i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County; public buildings.
- (j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less than 180 days for recreational use only and not for longer term placement nor for full time living. The following additional conditions shall apply:
 - (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-40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this chapter.
 - (2) County environmental health department approval as to waste disposal by an approved septic tank and drain field with approved connection to the R.V., and a land use permit from the county planning commission for each unit, which shall expire after 180 days from date of issue, and including only the following accessory uses: not more than one storage shed of not more than 200 square feet per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and tent type screens.
 - (3) A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or parcel as qualified in subsection (f)(2) of this section containing a minimum area of two acres excluding land known as common land and/or open space.
 - (4) The following state and local division of health codes and requirements are complied with:
 - a. International Utah Plumbing Code.
 - b. Rules and regulations relating to public water supplies.
 - c. Code of Waste Disposal Regulations.
 - d. Code of Solid Waste Disposal Regulations.

- e. Recreation regulations.
- (k) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley area. ~~Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
- (l) Single-family residences. ~~Facilities for persons with a disability meeting the requirements of section 108-7-13. Private stables, not to exceed one horse per acre. Household pets.~~

(Ord. of 1956, § 8-2; Ord. No. 96-35; Ord. No. 99-21; Ord. No. 2001-4; Ord. No. 2003-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2014-14, 5-20-2014; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 10: AMENDMENT “Sec 104-10-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-10-2 Permitted Uses

The following uses are permitted in the

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

(Ord. of 1956, § 9A-1; Ord. No. 6-61; Ord. No. 10-73B; Ord. No. 96-35; Ord. No. 98-3; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 11: **AMENDMENT** “Sec 104-12-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-12-2 Permitted Uses

The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Church, synagogue or similar building used for regular religious worship.
- (e) Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse, for private use only.
- (i) Home occupations.
- (j) Household pets, which do not constitute a kennel.
- (k) Parking lot accessory to uses permitted in this zone.
- (l) Public building, public park, recreation grounds and associated buildings.
- (m) Single-family dwelling.
- (n) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (o) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 10-2; Ord. No. 96-35; Ord. No. 99-25; Ord. No. 2006-24; Ord. No. 2009-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 12: **AMENDMENT** “Sec 104-13-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-13-2 Permitted Uses

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

- (a) Accessory building incidental to the use of a main building; main building designed or

used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

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

- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line, 40 feet from the residence and 75 from the nearest adjacent residence.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land - exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 99-23; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 13: AMENDMENT “Sec 104-14-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-14-2 Permitted Uses

The following uses are permitted in the Forest Valley Zone FV-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any

side or rear lot line.

- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12B-2; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 14: AMENDMENT “Sec 104-15-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-15-2 Permitted Uses

The following uses are permitted in the Two-Family Residential Zone R-2:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11 of this Land Use Code.
- (j) Home occupations.
- (k) Household pets.
- (l) Parking lot accessory to uses permitted in this zone.
- (m) Public building, public park, recreation grounds and associated buildings.
- (n) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (o) Residential facility for elderly persons meeting the requirements of section 108-7-15.

- (p) Single-family dwelling.
- (q) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (r) Two-family dwelling.

(Ord. of 1956, § 13-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 15: AMENDMENT “Sec 104-16-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-16-2 Permitted Uses

The following uses are permitted in the Multiple-Family Residential Zone R-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11.
- (j) Home occupations.
- (k) Household pets.
- (l) Library or museum, public or nonprofit.
- (m) Multiple-family dwelling with 24 or less dwelling units.
- (n) Parking lot accessory to uses permitted in this zone.
- (o) Public building, public park, recreation grounds and associated buildings.
- (p) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (q) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (r) Single-family dwelling.
- (s) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (t) Two-family dwelling.

(Ord. of 1956, § 14-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 16: AMENDMENT “Sec 104-17-2 Permitted Uses” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-17-2 Permitted Uses

The following uses are permitted in the Forest Residential Zone FR-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Cluster subdivision in accordance with title 108, chapter 3.
- (d) Dwelling unit as part of a Homeowner Association's common facility building, such as a clubhouse, for use by an on-site employed manager or night watchman with the density not greater than one manager or night watchman dwelling for every one hundred residential units within a project or combination of projects.
- (e) Home occupations.
- (f) Household pets.
- (g) Single-family, two-family, three-family and four-family dwellings.
- (h) Temporary building or use incidental to construction work. Such building or use to be removed upon completion or abandonment of the construction work.
- (i) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 15-2; Ord. No. 96-35; Ord. No. 99-29; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2012-3, 2-21-2012; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 17: AMENDMENT “Sec 104-29-8 Land Uses” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-29-8 Land Uses

Use	Permitted (P) Conditional (C)
Residential Uses	

Single-family dwelling; including not more than two lockout sleeping rooms per dwelling	P
Two-family dwelling (aka Duplex)	P
Three-family dwelling	P
Four-family dwelling	P
Multi-family dwelling	P
Recreation lodge	P
Condominium dwelling unit and/or condominium rental apartment (condo-tel); including not more than two lockout sleeping rooms per unit or apartment.	P
Private residence club	P
Townhome	P
Residential facility for persons with a disability meeting the requirements of section 108-7-13	P
Timeshare/fractional ownership unit	P
Hotel	P
Bed and breakfast dwelling/B&B inn/B&B hotel	P
Accessory dwelling unit apartments	P
Workforce housing/dormitory/residence hall	P
Hostel	P
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Nightly rentals of a single-, two-, three-, four-, multi-family dwelling, recreation lodge, lockout sleeping room, detached lockout, condominium dwelling unit, condominium rental apartment (condo-tel), private residence club, townhome, residential facility, timeshare/fractional ownership unit, hotel, bed and breakfast dwelling/B&B inn/B&B hotel, accessory apartment , workforce housing/dormitories/residence hall, hostel, campground, accessory dwelling unit, and all or any portion of any other residential use	P
Commercial Uses	
Bank/financial institution	P
Bakery	P
Drinking establishment	P
Grocer/neighborhood market	P

Delicatessen	P
Boutique (gift, flower, antique, clothing, jewelry)	P
Fueling station/gas station	P
Conference/education center	P
Wellness center (i.e., spa, fitness, etc.)	P
Art gallery and studios	P
Book store	P
Beauty/barber shop	P
Short-term vendor	P
Package liquor Store	P
Private club	P
Restaurant; excluding drive-thru window	P
Sporting goods/clothing store; including rental	P
Other Uses	
Arts theater and performance facility/auditorium/amphitheater	P
Agriculture	P
Childcare facilities	P
Church/place of worship	P
Clinic/medical facility	P
Community center	P
Developed recreation facility (i.e., swimming, golf course, ice skating, skate park, playground, tubing hill, tennis, etc.)	P
Dude ranch; including horse rental	P
Equestrian center	P
Gun club/skeet/sporting clay	C
Heliport, subject to the following standards:	C
1.	A heliport must be located at an elevation of at least 6,200 feet above sea level.
	A heliport must be located at least 200 feet from any resort boundary, except where the developer (as defined in the applicable zoning development agreement) owns at least 200 feet of property extending from the resort boundary at the planned location of the heliport or where the developer has

2.	received approval from the owner of any property within 200 feet of the resort boundary at the planned location of the heliport. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the resort boundary provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.	
3.	The heliport landing surface must be dust-proof and free from obstructions.	
4.	Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.	
	Home occupation; with no visiting clientele	P
	Home occupation; with visiting clientele	C
	Horses for private use, provided that not more than two are kept for each one acre of land exclusively devoted to the keeping of horses	P
	Trails (nordic, hiking, biking, equestrian)	P
	Laundromat	P
	Museums	P
	Nordic center	P
	Office; professional and resort administrative	P
	Office supply/shipping service	P
	Parking areas and structures	P
	Parks and playgrounds	P
	Pharmacy	P
	Public building	P
	Public utility substation and structure	C
	Real estate office	P
	Recreation centers	P
	Recreation vehicle storage	P
	School; public or private school having a similar curriculum as a public school	P
	Ski area and associated facilities; including lifts	P
	Ski lodge and associated services	P
	Small wind energy system; meeting the requirements of section 108-7-24	C
	Solar energy installation; meeting the requirements of section 108-7-27	P

Telecommunications tower	C
Yurt	P
Cluster subdivision excluding bonus density; meeting the requirements of title 108, chapter 3	P
PRUD excluding bonus density; meeting the requirements of title 108, chapter 5	Pursuant to chapter 5
Welcome/information center	P
Wastewater treatment facility; meeting the requirements of the state division of water quality	C
Water pumping plants and reservoirs	C
Accessory dwelling unit; accounting for one dwelling unit at a rate of 1:1	P
Greenhouse, nursery, or farm	P
Transit facility	P
Second kitchen	P
Corral, stable, or building for keeping of animals or fowl	P
Household pets	P
Private stable	P
Educational facility	P
Liquor, wine, and beer manufacturing, bottling, blending, distilling, packaging, sales, and related activities	P
Temporary building or use incidental to construction work. Such building shall be removed upon completion or abandonment of construction work	P
Grazing and pasturing animals	P
Detached lockouts	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P

(Ord. No. 2012-1, § 4, 1-3-2012; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2016-4, Exh. B2, 5-24-2016)

SECTION 18: AMENDMENT “Sec 108-8-2 Parking Spaces For Dwellings” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-8-2 Parking Spaces For Dwellings

In all zones there shall be provided in a private garage or in an area designated for vehicle parking, that includes a hard surface area:~~properly located for a future garage:~~

Single-family dwelling	Two side-by-side parking spaces
<u>Accessory dwelling unit</u>	<u>Two parking spaces; except one if the floor area of the unit is less than 800 square feet.</u>
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

- (a) Increased occupancy. If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
- (b) Rental sleeping room. In addition to the above parking space requirements, dwelling units with more than two sleeping rooms shall provide three-fourths additional parking space per each additional room used as a rental sleeping room.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011; Ord. No. 2014-18, Exh. A, 6-17-2014)

SECTION 19: AMENDMENT “Sec 108-8-7 Parking Lot Design And Maintenance” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-8-7 Parking Lot Design And Maintenance

- (a) *Parking space location.* Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.
- (b) *Public parking lot standards.* Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

- (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking of more than two automobiles, and all vehicles parked in the front yard area shall be functional and licensed with current registration. ~~but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards.~~ In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:
 - (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.
 - (2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
 - a. Up to and including four dwelling units, 16 feet.
 - b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.
 - c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.

- (3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
- (4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.
- (5) Parking requirements for dwellings will be located on the same lot with the dwelling.
- (6) All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

SECTION 20: **AMENDMENT** “Sec 108-15-2 Other Standards And Requirements” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-15-2 Other Standards And Requirements

In addition to the above, the following standards and requirements shall also be met:

- (a) Single-family dwellings shall:
 - (1) Be attached to a site-built permanent foundation which meets all applicable codes; and
 - (2) Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
 - (3) Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
 - (4) Be permanently connected to all required utilities; and
 - (5) Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.

- (b) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:
- (1) Concrete or masonry materials; or
 - (2) Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
 - (3) Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.
- (c) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:
- (1) A roof pitch of not less than a 2:12 ratio; and
 - (2) Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and
 - (3) A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (d) One or more additional kitchen(s) in detached single-family dwellings shall be allowed in ~~all each zones,~~ where single family dwellings are permitted, provided all of the following requirements are met: ~~if all of the following requirements are met:~~
- (1) The main dwelling unit shall have only one front entrance.
 - (2) The main dwelling unit shall have only one address. ~~An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. No portion of the single family dwelling shall be locked for the purpose of rental. The dwelling unit shall have no more than one (1) electrical meter.~~
 - (3) Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory ~~or "out"~~ building provided no more than one dwelling unit is established in the main single-family dwelling or in an accessory building. ~~the use and occupancy limitations of this section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.~~
 - (4) The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by Weber County, which provides that a second dwelling unit shall not be created as a result of the additional kitchen unless in accordance with Chapter 108-19. ~~the dwelling unit, including any accessory building, may not be converted into two or more dwelling units unless allowed by and in accordance with applicable provisions of this title.~~ The document shall be recorded with the Weber County Recorder's Office prior to issuance of a building permit. ~~An additional kitchen shall not be established in a one-family dwelling unit which~~

~~contains an accessory apartment, whether or not such apartment was established pursuant to title 108, chapter 19.~~

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17, Exh. A, 5-9-2017; Ord. No. 2018-12, Exh. A, 8-28-2018)

SECTION 21: AMENDMENT “Chapter 108-19 Accessory Apartments” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 108-19 Accessory ~~Apartments~~ Dwelling Units

SECTION 22: AMENDMENT “Sec 108-19-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-1 Purpose And Intent

~~The purpose of allowing~~ The purpose of allowing an accessory dwelling unit, whether attached or detached, with a single-family dwelling is to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. ~~accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.~~

(Ord. of 1956, § 42-1)

SECTION 23: REPEAL “Sec 108-19-2 Conditional Use” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 108-19-2 Conditional Use (Repealed)~~

~~Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:~~

- ~~(a) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof,~~

~~and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.~~

- ~~(b) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.~~
- ~~(c) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.~~
- ~~(d) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.~~
- ~~(e) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.~~
- ~~(f) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. In the Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by an approved parking plan pursuant to section 108-8-13.~~

~~(Ord. of 1956, § 42-2; Ord. No. 2016-4, Exh. F2, 5-24-2016)~~

SECTION 24: **ADOPTION** “Sec 108-19-2 Applicability” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-2 Applicability(*Added*)

- (a) Applicability. The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.
- (b) Ogden Valley Accessory Dwelling Unit. In the Ogden Valley, a detached accessory dwelling unit shall only be allowed on a lot:
 - (1) that contains twice the minimum acreage required by the zone; or
 - (2) where an applicant requesting an accessory dwelling unit has successfully negotiated the reallocation of a development right from another landowner's property. The reallocation shall be made by recording an instrument to the lot or parcel that is sending the development right. The instrument shall prohibit the right to develop the applicable dwelling on the sending parcel. The instrument shall be in a form as acceptable to the County Attorney.

SECTION 25:AMENDMENT “Sec 108-19-3 General Provisions” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-19-3 General Provisions

~~In addition to the section above,~~ The following ~~general~~ provisions shall apply:

- (a) Number of accessory dwelling units per parcel. No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.
- (b) Amenities. An accessory dwelling unit shall contain sufficient amenities to be definable by Chapter 101-2 as a dwelling unit.
- (c) Parking. Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall be on a hard-surfaced area prepared to accommodate vehicle parking.
- (d) Occupancy. Either the accessory dwelling unit or the single-family dwelling unit shall be owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent. The non-owner-occupied unit is limited to no more than one family. For the purposes of this subsection (d), "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of seven months of the calendar year. Temporary leave for religious, military, or other legitimate purpose may be permissible.
- (e) Short-term rentals not allowed. Neither the single-family dwelling, nor the accessory dwelling unit, shall be used or licensed as a short-term rental, otherwise known as "nightly rental" elsewhere in this Land Use Code, unless specifically allowed elsewhere in this Land Use Code.
- (f) Relevant authority approvals. The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling unit. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

~~Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences. Nothing shall prevent the owner of the premises from deed-restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation. There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section. All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment. The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety. The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal. (Ord. of 1956, § 42-3)~~

SECTION 26: ADOPTION “Sec 108-19-4 Standards And Requirements” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-4 Standards And Requirements(*Added*)

- (a) Standards same as single-family dwellings. If new construction for an accessory dwelling unit is proposed or will occur, the standards for detached single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory dwelling unit shall not have a second kitchen.
- (b) Size. The size regulations for an accessory dwelling unit are as follows:
 - (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all levels when viewed from above, shall not be less than 400 square feet and shall not exceed 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit exceed 40 percent of the gross floor area of the main dwelling, except that if the accessory dwelling unit is entirely located in a basement, the entire basement area may be used for the accessory dwelling unit.
 - (2) The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 25 feet.
 - (3) For a lot that has 20,000 square feet or less:
 - a. The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 90% of the height of the main dwelling.
 - b. The footprint of a building that houses an accessory dwelling unit combined with the footprint of the main dwelling, if different, shall not cover more than 25 percent of the total lot area.

- (c) Relationship to the main use; appearance. The exterior of the accessory dwelling unit shall either:
- (1) Conform to the main dwelling in architectural style and materials on all sides of the building and roof;
 - (2) Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or
 - (3) Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.
- (d) Location. An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone.
- (e) Access. The main access into the accessory dwelling unit shall be on the side or rear of the building, as viewed from the front lot line. Each accessory dwelling unit shall have direct access to the exterior of the building in a manner that does not require passage through any other part of the building.
- (f) Undivided ownership. Ownership of an accessory dwelling unit shall not be transferred separate from the main single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully platted subdivision that complies with all applicable lot standards of this Land Use Code, including building setbacks and access across the front lot line. A notice shall be recorded to the title of the lot that states that ownership may not transfer except in these circumstances.

SECTION 27: AMENDMENT “Sec 108-19-4 Application Procedure” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-19-~~4~~5 Application Procedure

Approval of an accessory dwelling unit requires a land use permit. The application and review procedure for a land use permit is as follows:

- (a) Application submittal requirements.
- (1) A completed application form signed by the property owner or assigned agent.
 - (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
 - (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
 - (4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.

(5) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) Review procedure.

- (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
- (2) Planning Division staff will route the application to the local fire authority, local health department, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.
- (3) If the land use permit application complies with relevant land use laws, and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning Division staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.
- (4) If the application does not comply, Planning Division staff shall notify the applicant using the notification method typical for similar Planning Division correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.
- (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory dwelling unit.
- (6) If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

~~The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment: A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the respective planning area planning commission in accordance with the decision requirements of title 108, chapter 4 of this Land Use Code. Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.~~

(Ord. of 1956, § 42-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 28: AMENDMENT “Sec 108-19-5 Moderate Income Housing Provision” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-19-~~5~~6 Moderate Income Housing Provision

In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in the planning advisory areas of unincorporated Weber County. Accessory dwelling units created in accordance with this chapter will assist in providing for this need.

~~In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines. To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy. The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.~~

(Ord. of 1956, § 42-5)

SECTION 29: ADOPTION “Sec 108-19-7 Enforcement” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-7 Enforcement(*Added*)

Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Noncompliance with the standards of this chapter shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allow for long term rental of the accessory dwelling unit.

SECTION 30: AMENDMENT “Sec 108-21-5 Permitted Uses/Activities Table” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

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 Accommodation) Uses/Activities						
<u>Accessory dwelling unit*</u>	:	:	:	:	:	:
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)*	•	•	•	•	•	•
Carriage house*	•	•	•	•	•	•
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)

SECTION 31: AMENDMENT “Sec 108-21-6 Use/Activity Standards And Limitations” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

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 accommodation) uses/activities.*
 - (1) *Agro-ecology research and education center (AREC).*
 - a. An AREC shall be limited to providing nightly 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. ~~Carriage house.~~*

- a. An agritourism operation may have more than one accessory dwelling unit onsite, whether or not a main single-family dwelling is also onsite. The number of accessory dwelling units shall not exceed ~~Carriage houses shall be limited to a number that does not exceed~~ the following calculation: net developable acreage of the parcel upon which an carriage house(s) 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 ~~carriage houses~~ accessory dwelling units at an approved agri-tourism operation.
- b. Meals shall only be served to overnight guests.
- e. ~~A carriage house shall consist of not more than 800 square feet, as measured by its footprint.~~
- d. ~~Carriage houses~~ An accessory dwelling unit shall not be located closer than 150 feet to ~~the any~~ agri-tourism operation's ~~perimeter~~ exterior boundary ~~line~~, and in no case located closer than 300 feet ~~to~~ 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)