



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Work Session to discuss an applicant-driven request to amend the Weber County Code to allow agritourism in the Shoreline (S-1) zone.

Applicant: Pineview Partners

Agenda Date: Tuesday, April 25, 2023 (*Work Session*)

File Number: ZTA 2023-02

Staff Information

Report Presenter: Charlie Ewert
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Report Reviewer: RG

Applicable Ordinances

Section 104-10-3 Conditional Uses

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The county has received an application to amend the Weber County Code to allow agritourism to occur in the Shoreline (S-1) zone. Agritourism is allowed in other agricultural zones as a conditional use. The proposal is to regulate the use in the S-1 zone similarly.

After a policy analysis, staff has determined that it appears that the request is in harmony with the Ogden Valley General Plan.

Staff is also requesting additional edits to the Shoreline Zone to run with this amendment. Those additional edits are intended to bring the Shoreline zone's chapter into compliance with the organizational standards that have been implemented in other zones.

Policy Analysis

Policy Considerations:

Ordinance Amendments (See also Exhibit A):

The following is the entirety of the applicant's requested ordinance change:

§104-10-3 Conditional Uses:

- (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.
- ~~(e)~~(d) [Agri-tourism, provided compliance with Title 108, Chapter 21 Agri-Tourism.](#)
- ~~(d)~~(e) Boating.

- ~~(e)~~(f) Cemeteries.
- ~~(f)~~(g) Fishing.
- ~~(g)~~(h) Golf courses, excluding miniature golf courses.
- ~~(h)~~(i) Home occupations.
- ~~(i)~~(j) Keeping of animals and fowl for family food production.
- ~~(j)~~(k) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County. Public buildings
- ~~(k)~~(l) Single-family dwelling. Signs.
- ~~(l)~~(m) Water skiing and other water recreation activities.

General Plan and Zoning Review:

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2016, the Western Weber General Plan was adopted after a significant public involvement process. The general plan has the following to say regarding the requested amendments:

Gateways and Viewsheds Goal 2: A goal of Weber County is to protect the Valley's sense of openness and rural character.

Gateways and Viewsheds Principle 2.2: Encourage creative development designs that preserve natural, agricultural, and other open spaces, including clustered and mixed-use developments.

Dark Sky Preservation Principle 1.2: Promote the accreditation of North Fork Park as the world's 21st international Dark Sky Park, and encourage astro-, agri-, and ecotourism development.

Land Use Goal 2: A goal of Weber County is to support continued agricultural operations in Ogden Valley.

As can be reviewed, the general plan is eager to protect agricultural operations. The question for the Planning Commission to consider is whether that protection should extend into the Shoreline zone and whether enabling agritourism qualifies as protection.

The Purpose and Intent¹ section of the Agritourism ordinance states:

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

The general description² of the Shoreline zone states:

The shoreline zone has been established as a district in which the primary use of the land is for farming and for recreational purposes. In general, this zone covers the portion of the unincorporated area of the county which is occupied by Pineview Reservoir and shores adjacent thereto.

This zone is characterized by farms and pasture lands situated adjacent to the shore of the Pineview Reservoir and interspersed by dwellings, recreational camps, resorts and outdoor recreation facilities.

The objectives³ of the Shoreline zone are:

- (1) *To promote the use of the land for agriculture and for fish, wildlife and recreational purposes both public and private;*
- (2) *To facilitate the conservation of water and other natural resources;*
- (3) *To reduce hazards from floods and fires;*
- (4) *To preserve open space, natural scenic attractions, natural vegetation, and other natural features within the zone;*
- (5) *To ensure adequate provision for water supply, domestic sewage disposal and sanitation.*

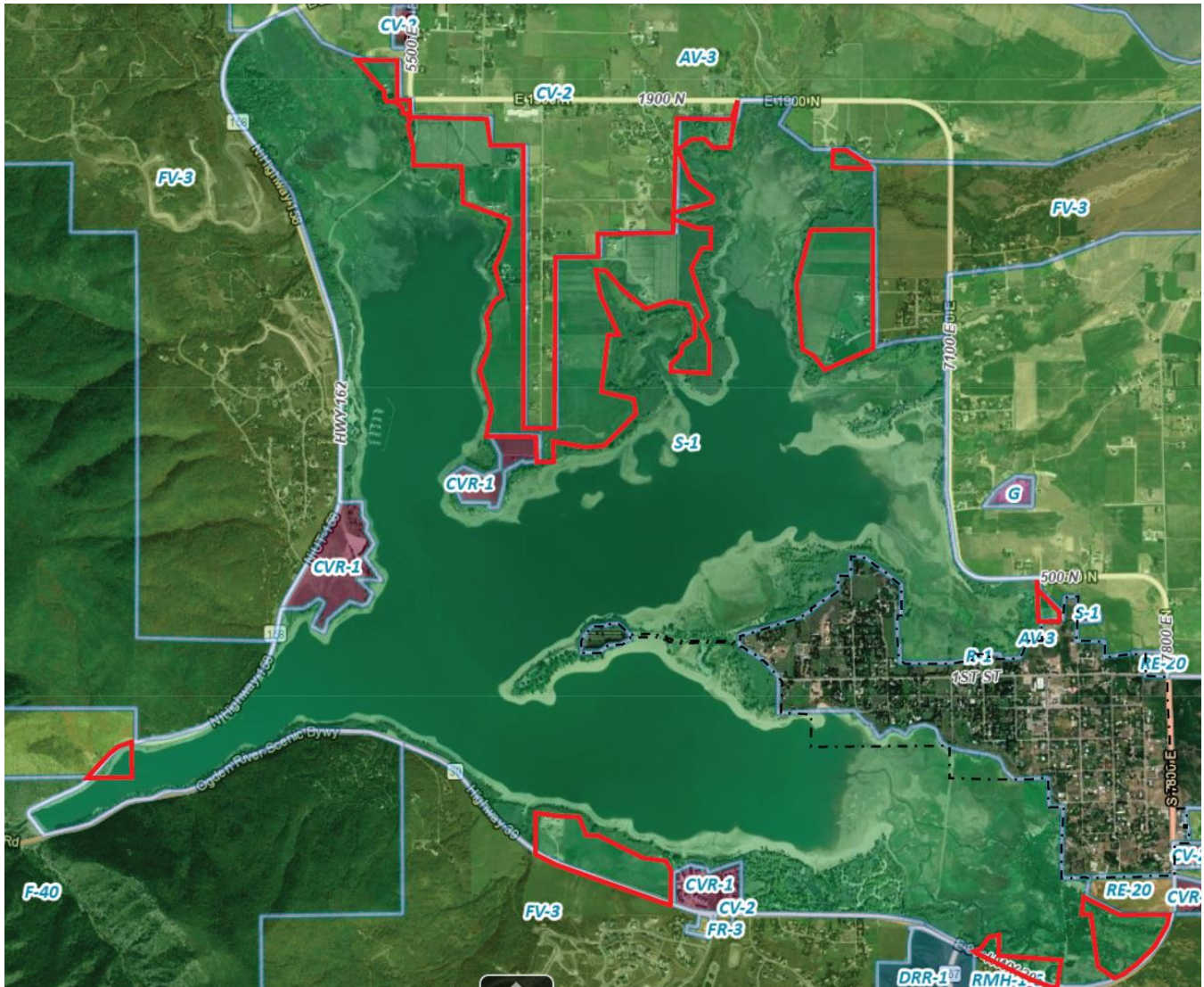
Figure 1 of this report illustrates all of the land in the Shoreline (S-1) Zone in the Ogden Valley in a greenish-blue color. Staff has outlined in red all of the property that is privately owned within the Shoreline Zone. The remainder of the zone not outlined in red is currently owned by the United States of America. Private land uses should not be expected on USA lands except those uses that might be operated by the Forest Service's concessionaire, such as camping and boat access.

¹ Section 108-21-1 of the Weber County Code.

² Section 104-10-1 of the Weber County Code.

³ Section 104-10-1 of the Weber County Code.

Figure 1: Private Property within Shoreline Zone



When combining the directives of the general plan with the purposes, intentions, and objectives of the Weber County Land Use Code, it may be surmised by the Planning Commission that allowing agritourism to occur in the Shoreline zone similar to its allowance in the agricultural zones is appropriate. It is clear that the Shoreline zone is already intended to allow certain non-agricultural uses such as camping and recreational facilities. Perhaps the added activities allowed in the agritourism ordinance can be considered similar in nature, but with specific intent to support the agricultural uses of the land.

For the benefit of the Planning Commission's review, a copy of the agritourism ordinance is attached to this report as Exhibit B.

Additional Amendments Requested by Staff:

The ordinance amendment listed above is the only amendment requested by the applicant. In the attached Exhibit A, staff has included quite a few staff-requested edits to the Shoreline zone. These amendments by and large are simply organizational edits to bring this chapter of the ordinance into compliance with organizational standards of other sections. Over time, the county has been striving to reorganize each zone chapter to follow a standardized organizational composition.

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

Motion to recommend denial:

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2023-02, an applicant-initiated request to amend the Weber County Code to allow agritourism in the S-1 zone by conditional use permit, and to make other clerical and organizational edits suggested by staff, as provided in Exhibit A, **as provided in Exhibit A. I do so with the** following findings:

Examples findings for denial:

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

Exhibits

- Proposed ordinance amendments (Redlined Copy).
- Agritourism Ordinance.
- Application Information

WEBER COUNTY

ORDINANCE NUMBER 2023-

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

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

WHEREAS, _____; and

WHEREAS, _____; and

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

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

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

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

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

1 **Part II Land Use Code**

2 ...

3 **TITLE 104 ZONES**

4 ...

5 **Chapter 104-10 Shoreline Zone S-1**

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

7 (a) The shoreline zone has been established as a district in which the primary use of the land is for farming
8 and for recreational purposes. In general, this zone covers the portion of the unincorporated area of
9 the county ~~which that~~ is occupied by Pineview Reservoir and shores adjacent thereto.

10 (b) This zone is characterized by farms and pasture lands situated adjacent to the shore of the Pineview
11 Reservoir and interspersed by dwellings, recreational camps, resorts and outdoor recreation facilities.

12 (c) The ~~purposes of objectives in establishing~~ the Shoreline Zone S-1 are:

13 (1) To promote the use of the land for agriculture and for fish, wildlife and recreational purposes both
14 public and private;

15 (2) To facilitate the conservation of water and other natural resources;

16 (3) To reduce hazards from floods and fires;

17 (4) To preserve open space, natural scenic attractions, natural vegetation, and other natural features
18 within the zone;

19 (5) To ensure adequate provision for water supply, domestic sewage disposal and sanitation.

20 (d) In order to accomplish these objectives and purposes and to protect the essential characteristics of the
21 zone, the following regulations shall apply in the Shoreline Zone S-1.

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

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

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

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

28 ~~(c) Agriculture, grazing and pasturing of animals.~~

29 ~~(d) Boating.~~

30 ~~(e) Cemeteries.~~

31 ~~(f) Fishing.~~

32 ~~(g) Golf courses, excluding miniature golf courses.~~

33 ~~(h) Home occupations.~~

34 ~~(i) Keeping of animals and fowl for family food production.~~

35 ~~(j) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements~~
36 ~~of the Forest Campground Ordinance of Weber County. Public buildings~~

37 ~~(k) Single-family dwelling. Signs.~~

38 ~~(l) Water skiing and other water recreation activities.~~

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

Commented [E1]: Consolidating into Land Use Table below.

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

- Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

S-1 Special Regulations

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

Commented [E2]: Other zones specifically list this as an accessory use. Omitting it here but specifically listing it elsewhere makes it not allowed in this zone by inference.

- Agricultural uses, non-animal.**

S-1 Special Regulations

Agriculture.	P	
Aquaculture.	P	

- Animal-related noncommercial uses.** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

S-1 Special Regulations

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

Commented [E3]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

Commented [E4]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

Commented [E5]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

49
50 4. [Commercial uses.](#) The following are uses that typically generate for-profit customer-oriented traffic to the lot or parcel.

S-1 Special Regulations

Agri-tourism.	C	See Chapter 108-21.
Campground and picnic area.	C	See Chapter 108-20.
Golf course, except miniature golf course.	P	

Commented [E6]: Applicant's request

51 5. [Institutional uses.](#)

S-1 Special Regulations

Cemetery.	P	
Church, synagogue or similar building used for regular religious worship.	P	

52 6. [Residential uses.](#)

S-1 Special Regulations

Single-family dwelling.	P	
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53
54 7. [Recreational noncommercial uses.](#) The following are recreational uses that are typically owned or operated by a nonprofit or governmental entity.

S-1 Special Regulations

Boating	P	
Fishing	P	

Commented [E7]: Unnecessary to regulate in the land use code. This is not a land use.

Commented [E8]: Unnecessary to regulate in the land use code. This is not a land use.

Private park, playground or recreation area. No privately owned commercial amusement business.	C	
Public campground and picnic area.	P	See Chapter 108-20 .
Public park, recreation grounds and associated buildings.	P	
Water skiing and other water recreation activities.	P	

Commented [E9]: Unnecessary to regulate in the land use code. This is not a land use.

55 8. [Utility uses.](#)

S-1 Special Regulations

Hydro-electric dam.	C	
Public utility substations.	C	
Radio or television station or tower.	C	
Signs	P	

Commented [E10]: Sign code already governs this

56 **Sec 104-10-74 Special Regulations Provisions**

57 (a) [General use regulations.](#) The above specified uses shall be permitted only under the following
58 conditions:

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

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

Commented [E11]: Redundant.

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

Commented [E12]: Pasting these regulations in from the corresponding section of the agricultural zones chapter. (Consistency)

74 (1) [Animal grazing.](#) This use shall not include the supplementary or full feeding of the animals, except
75 when in compliance with the following:

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

78 b. It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and
79 40 head per acre of used land in the A-2 and A-3 zones.

80 c. It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
81 parcel of land.

82 (2) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than
83 100 feet from a public street and not less than 25 feet from any side or rear lot line.

84 (3) **Family food production.**

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

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

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

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

95 The following site development standards apply to a lot or parcel in the Shoreline zone, unless specified
96 otherwise in this Land Use Code.

97 (a) Lot area:

S-1

Minimum for all uses:

5 acres

98 (b) Lot width:

S-1

Minimum for all uses:

300 feet

99 (c) Yard setback:

100 (1) Front yard setback:

S-1

Minimum front yard setback:

30 feet

101 (2) Side yard setback:

S-1

Minimum for all uses:

20 feet

102 (3) Rear yard setback:

S-1

Main building:	30 feet
Accessory building:	10 feet

103 ~~(e)~~(d) Building height:

S-1

Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet unless meeting requirements of <u>Section 108-7-16</u> , Large accessory buildings

104 ~~Sec 104-10-4 Area Regulations Building Site Area Required~~

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

107 ~~Sec 104-10-5 Front Yard Regulations~~

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

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

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

111 ~~Sec 104-10-6 Side And Rear Yard Regulations~~

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

Chapter 108-21 Agri-Tourism

[Sec 108-21-1 Purpose And Intent](#)

[Sec 108-21-2 Applicability](#)

[Sec 108-21-3 General Development Standards](#)

[Sec 108-21-4 Agricultural Operation Designation](#)

[Sec 108-21-5 Permitted Uses/Activities Table](#)

[Sec 108-21-6 Use/Activity Standards And Limitations](#)

[Sec 108-21-7 Signs](#)

Sec 108-21-1 Purpose And Intent

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

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

Sec 108-21-2 Applicability

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

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

Sec 108-21-3 General Development Standards

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

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

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

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

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

HISTORY

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

Sec 108-21-4 Agricultural Operation Designation

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

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

Sec 108-21-5 Permitted Uses/Activities Table

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

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

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

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

HISTORY

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

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

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

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

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

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

- a. An AREC shall be limited to providing overnight lodging accommodations for faculty, staff, and/or students/apprentices only.
- b. An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms that does not exceed two rooms per one gross acre.
- c. A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a single-family dwelling.
- d. An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 100 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

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

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

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

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.
- c. A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
- d. A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106, subdivision.

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

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.
- c. The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(5) Luxury camping (glamping).

- a. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two tents or cabins per five gross acres.
- b. Occupancy shall not exceed six persons per tent or cabin.
- c. Meals shall only be served to overnight guests.
- d. Glamping area(s) shall be completely screened from street view.
- e. Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(6) Accessory dwelling unit.

- a. An agritourism operation may have one or more accessory dwelling units onsite. The number of accessory dwelling units shall not exceed the following calculation: net developable acreage of the parcel upon which an accessory dwelling unit is located, divided by the minimum lot area required by the zone in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot area) × 20 percent = Maximum number of accessory dwelling units at an approved agri-tourism operation.
- b. Meals shall only be served to overnight guests.
- c. An accessory dwelling unit shall not be located closer than 150 feet to the agri-tourism operation's exterior boundary, and in no case located closer than 300 feet from an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) Conference/education center.

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

may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) Health farm.

- a. An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or hotel).
- b. A health farm shall be limited to a maximum of ten guest units/rooms.
- c. A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(9) Motor coach/caravan area.

- a. A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number of individual sites that does not exceed one site per five gross acres. In no case shall a motor coach/caravan area or combination of areas exceed 20 sites.
- b. A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

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

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

(b) *Agriculturally related uses/activities.*

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

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

(2) Educational classes.

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

(3) Harvest-market.

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

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

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

- b. A multi-farmer open air (farmer's) market shall not be located closer than 200 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(5) Petting farm/zoo.

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

(c) Non-Agriculturally Related Uses/Activities.

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

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

(2) Farm stay.

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

(3) Gift shop (retail).

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

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

(4) Hunting preserve.

- a. Limited to the Western Weber County Planning Area.
- b. Limited to upland game and waterfowl hunting only.

c. Subject to Utah Division of Wildlife Resource standards.

(5) Motor coach/caravan area.

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

(6) On-farm store/retail market.

- a. Not less than one agricultural product, offered at an on-farm store/retail market, shall be raised/cultivated and/or produced by the farm on which the on-farm store/retail market is operated.
- b. An on-farm store/retail market and its outdoor display area or on-farm store/retail market area within a multi-use building shall be limited to the following size standards:

1.	Large farm (40<80 ac)	600 square feet maximum.
2.	Ranch (>80 ac)	800 square feet maximum.

- c. Products made available at an on-farm store/retail market shall be limited to those commonly offered by a small-scale neighborhood grocer.
- d. An on-farm store/retail market shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) Restaurant featuring farm product(s).

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

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

- a. VAPPP shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm upon which the processing and packaging is taking place.
- b. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations and parcels consisting of five acres or more. The planning commission may allow up to a two-acre reduction to this limitation if it is found that

the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's property boundary.

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

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

- d. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
- e. The structure in which VAPPP takes place shall in no case be located closer than 200 feet to an existing single-family dwelling on an adjacent lot/parcel.

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

HISTORY

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

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

Sec 108-21-7 Signs

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

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



Magleby Development
2640 N Highway 162 Unit 103
Eden, Utah 84310

03/17/2023

Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

Dear Members of the Weber County Planning,

Subject: Proposed Text Amendment to the S-1 Shoreline Zone Development Code - Agritourism as a Permitted Use

As a representative of the land owner, I, Dayson Johnson, am writing to request your consideration of a proposed text amendment to the S-1 Shoreline Zone Development Code in Weber County. Our goal is to allow agritourism as a permitted use within this zone, particularly for Parcel 201620002. We believe that agritourism has the potential to offer numerous benefits to the local community, including supporting local agriculture, promoting small businesses, and providing educational and recreational opportunities.

Please find below the proposed language for the text amendment:

Section 1: Purpose and Intent

The purpose of this amendment is to permit agritourism as a use within the S-1 Shoreline Zone in Weber County, Utah. Agritourism is defined as any agriculturally-based operation or activity that brings visitors to a farm or ranch. Examples of agritourism include, but are not limited to, farm tours, U-pick operations, farm-to-table events, farmer's markets, agricultural workshops, and other similar activities.

Section 2: Permitted Uses

The following uses are permitted within the S-1 Shoreline Zone, subject to compliance with the standards and requirements set forth in this ordinance:

Existing and traditional agricultural practices, including crop cultivation, livestock grazing, and horticulture.

Agritourism, as defined in Section 1, provided that:

- a. The primary use of the property remains agriculture.
- b. All agritourism activities and related structures are set back a minimum of 100 feet from any adjacent residential property line.
- c. Adequate parking facilities are provided, and ingress and egress points do not create a hazard or nuisance to neighboring properties or public roadways.
- d. Any signage for agritourism activities complies with the Weber County Sign Ordinance.
- e. The landowner obtains any necessary permits and complies with all applicable health and safety regulations.

We kindly ask the Weber County Planning Staff to review this proposed amendment and consider its adoption. We believe that incorporating agritourism as a permitted use in the S-1 Shoreline Zone will contribute to the economic development and well-being of the county, as well as help preserve our agricultural heritage.

Thank you for your time and consideration. Should you require any additional information or have any questions, please contact me at 801-647-9165 or djohnson@maglebydevelopment.com.

Sincerely,

Dayson Johnson

Magleby Development

Exhibit A

