

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

April 25, 2023

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

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

1. Minutes: February 28

Petitions, Applications, and Public Hearings:

2. Administrative Items:

2.1 UVO032123 - Request for preliminary approval of Osprey Ranch Subdivision Phase 2, consisting of 30 lots. This proposal also includes dedication of new County right-of-way throughout this development. **Planner: Tammy Aydelotte**

Petitions, Applications, and Public Hearings:

3. Legislative Items:

3.1 ZTA2022-07: A public hearing to consider county-initiated text amendments that will affect the Ogden Valley Planning Area, but are intended to help implement the new General Plan for the Western Weber Planning Area. Proposed amendments include lot development standards, streets and right-of-way standards, subdivision standards, and access standards. **Planner: Charlie Ewert**

3.2 ZTA2022-06: A public hearing to consider county-initiated text amendments of the Form Based zone. Amendments pertain to development standards, pathway connectivity, street design, transferable development rights, and workforce housing provisions. **Planner: Charlie Ewert**

3.3 ZMA 2023-06: A public hearing to consider a proposal to rezone 22.94 acres from AV-3 to the Form Based (FB) zone. Applicant is Dog & Bone, LLC, property located at 2700 N 5600 E, Eden. **Planner: Steve Burton**

3.4 ZMA 2023-05: A public hearing to consider a proposal to rezone 2.7 acres from AV-3 and CV-2 to the Form Based (FB) zone. Applicant is ZBF Investments LLC and ZW Investments. Property located at 5461 E 2300 N, Eden. **Planner: Steve Burton**

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

WS1 ZTA2023-02: A discussion to consider an applicant-initiated text amendment to allow agri-tourism as an allowed use in the Shoreline (S-1) zone. **Planner: Charlie Ewert**

WS2 ZTA2023-03: A discussion to consider an applicant-initiated text amendment to the Form-Based zone to provide for a future development intended to be called Eden Crossing, and to provide related street connections and unique architectural design standards for the development. **Planner: Charlie Ewert**

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

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/84337095625> Meeting ID: 843 3709 5625

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

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for February 28, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/89637924468>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair, Jeff Barber, Jeff Burton, Dayson Johnson, and Justin Torman.

Absent/Excused: Commissioners Jared Montgomery and Janet Wampler

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Shuman conducted roll call and indicated Commissioners Montgomery and Wampler were excused; all other Commissioners were present. He then indicated that the agenda for tonight's meeting was changed yesterday; some items were removed due to lack of details in support of the agenda items and a conflict with another meeting that would have impeded the public's ability to attend both meetings.

1. Minutes: October 4, 2022, October 25, 2022, November 29, 2022, and December 6, 2022.

Chair Shuman asked if there are any corrections to be made to the minutes as presented. Commissioner Johnson indicated that he is listed as 'absent' for the October 4 and December 6 meetings, but he was in attendance. Chair Shuman asked that the corrections be made to the October 4 and December 6 meetings and declared the minutes approved as adjusted.

2. Training by Chief Civil Deputy Attorney Chris Crockett

Chief Deputy Attorney Crockett provided the Commission with training regarding conflicts of interest and when it is appropriate for a Commissioner to recuse themselves from discussion and/or action on a matter. Throughout the training, Mr. Crockett engaged in discussion with the Commission regarding the definition of the term 'business interest' that is regulated by the County. Mr. Crockett stated that there may be many scenarios where disclosure is not required, but disclosing would not create problems for the individual making the disclosure. He noted that it is better to be safe and transparent when it comes to a conflict of interest or business interests. Mr. Crockett then provided training on the role of a Planning Commissioner.

3. Rules of Order

Legal Counsel Erickson referenced past discussions of the Commission regarding their Rules of Order; he has prepared a couple of options for the Commission to consider responsive to the feedback provided in the last meeting. (The audio in this section of the meeting was REALLY bad). Many sections of the Rules document provide a reference to the Utah State Code regarding topics such as disclosure of a conflict of interest and/or recusal. The Commission engaged in high-level discussion and debate regarding the appropriate language to include in the Rules document regulating disclosures; Mr. Crockett and Mr. Erickson stated that legal staff is recommending a rule that complies with State Law and is enforceable. Including a process that is different from State Law could create confusion for Planning Commissioners and the public and could actually increase the County's liability. Chair Shuman stated he feels that the changes will make it easier for a Commissioner to hide a conflict of interest. Mr. Erickson disagreed and this led to debate among Chair Shuman and Mr. Erickson regarding the differences between the past Rules and proposed updates to the Rules. Mr. Crockett added that he is concerned about a Rule change that could make it easier for a majority of the Commission to remove someone from the body if they deem that there is a conflict of interest or if a member cannot act in a fair and impartial manner. Commissioner Burton stated he is concerned about a situation where the Commission attempts to force a member of the body to leave the room for one item; this could distract from the actual application. The Commission should be solely focused on obtaining all pertinent information regarding an application and deal with actual conflicts of interest appropriately. The attention of the Commission should be focused on the law. Mr. Crockett agreed; the Commission should focus on ensuring the record of any and all actions taken by the Commission are accurate. If a conflict of interest is evidenced to have contaminated a decision of the Commission, a court of law will overturn the action.

Continued high level discussion among the Commission and staff then shifted to ex-parte communications; communications

between Commissioners outside of a public meeting; making motions and adding findings to motions; and the requirement that 14 day written notice be required before the rules are amended.

Commissioner Burton moved to adopt the Rules of Order document that was provided to the Commission by legal counsel on February 7, with additional comments requested by the Commission in a document labeled 'option two', and including the following amendments:

- Paragraph b.5 relating to information received by a Planning Commission will include the word 'written' ahead of the word 'information'.
- Paragraph 7 is amended to make grammatical corrections.
- Paragraph 10 dealing with communications between Planning Commissioners is amended to match State Code language regarding electronic communications during a public hearing.
- Paragraph f.1 is amended to remove the requirement of adding compatible findings.
- Option two language referencing examples of instances that require various types of disclosure according to the Utah Code shall be added to the Rules of Order document. Additionally, the language allowing a Commissioner to raise a concern about a possible conflict for another Commissioner shall not be included in the Rules of Order document.

The motion also includes a recommendation that the Attorney's office work to propose comprehensive edits to the Rules of Order document to make them clearer and more understandable.

Mr. Erickson asked if the language in f.1 dealing with discussion of a motion following a motion being seconded should remain in the document as written.

Commissioner Burton amended his motion to include an amendment to f.1.a to not prohibit brief discussion of a motion before a motion is seconded. Commissioner Johnson seconded the motion. Commissioners Barber, Burton, Johnson, Torman, and Shuman all voted aye. (Motion carried 5-0).

4. Petitions, Applications, and Public Hearings:

4.1 2023-03 - Consideration and/or action on a conditional use permit for the McLeod Bed & Breakfast Dwelling. Planner: Felix Lleverino.

Planner Lleverino explained the applicant is requesting approval of a conditional use permit for a bed and breakfast dwelling located in the FV-3 zone at 2653 Viking Drive in Eden. Two single-family dwellings are located on the property. Both dwellings were constructed in 1968. The owner occupies the main dwelling, and the second dwelling is above the garage that sits in front of the main dwelling. He summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; conditional use review; and design review. He concluded staff recommends approval of this conditional use permit application subject to the applicant meeting the following condition of approval in addition to any conditions of the various reviewing agencies or the Ogden Valley Planning Commission: owner shall obtain a valid Weber County Business License. This recommendation is based on the following findings:

1. The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Torman moved to approve application 2023-03, conditional use permit for the McLeod Bed and Breakfast Dwelling, based on the findings and subject to the conditions listed in the staff report. Commissioner Burton seconded the motion. Commissioners Barber, Burton, Johnson, Torman, and Shuman all voted aye. (Motion carried 5-0).

5. Public Comment for Items not on the Agenda.

Jan Fulmer referenced the Commission's decision to approve the conditional use permit for a bed and breakfast at 2653 Viking Drive; the use is permitted in the FV-3 zone, but the Fire Marshall recommended smoke and CO-2 detectors in the building and she hopes that will be a requirement for bed and breakfasts and also for short term rentals (STRs). She stated that her own furnace detects when input and exhaust fans are plugged and due to the deep snow on the rooftops in the Valley, her fan was plugged and she was notified. For the safety and welfare of residents and visitors, this requirement should be imposed on all short term uses. She then asked if the Commission could set a standard to require all materials relating to agenda items to be collected and published four or five days before a meeting. She stated that she tries to keep a large group of residents in the Valley informed of

the items included on Commission agendas and she tried to avoid multiple notifications about the same meeting due to amendments to the agendas. She tries to wait until the Friday before a meeting to send notices, but some meeting packets are very lengthy and detailed, and it can be difficult for the public to read and digest that information prior to a meeting. She suggested that packets be available a few days earlier so that they can be reviewed appropriately.

6. Remarks from Planning Commissioners.

There were no additional remarks from Planning Commissioners.

7. Planning Director Report.

The Planning Director had nothing to report.

8. Remarks from Legal Counsel.

There were no additional remarks from Legal Counsel.

Adjourn to Work Session at 5:57 p.m.

WS1 Discussion on Water Conservation Goals and the General Plan. Planner Bill Cobabe.

Planner Cobabe explained that in the 2022 Utah State legislative session, the Utah State Land Use Development Management Act (LUDMA) was amended to include provisions related to water conservation. Specifically, cities and counties are required to amend their general plans to adopt water conservation plans as elements of those general plans; he summarized the concepts that are to be addressed through the General Plan amendments, including:

1. The effect of permitted development or patterns of development on water demand and water infrastructure;
2. Methods of reducing water demand and per capita consumption for future development;
3. Methods of reducing water demand and per capita consumption for existing development; and,
4. Opportunities for the county to modify the county's operations to eliminate practices or conditions that waste water. (UCA Section 17-27a-403 (2)(a)(v)).

He advised the Commission to begin thinking of water conservation policies that can be implemented in the County; landscaping options that differ from traditional landscape methods; reduction of the use of lawn or turf; promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation; preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions; elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation; reduction of yard waste; and use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated.

Mr. Cobabe and other members of Planning staff facilitated high level discussion of the Commission regarding opportunities for working with water providers to develop cohesive water conservation policies and programs; Mr. Cobabe concluded staff will begin working on draft policy documents that the Commission can consider over the next several months. He noted that the changes are not required until 2025, so there is sufficient time to consider water conservation goals in a meaningful way.

**Meeting Adjourned: The meeting adjourned at 7:23 p.m.
Respectfully Submitted,**

Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Request for preliminary approval of Osprey Ranch Subdivision Phase 2, consisting of 30 lots and three common area parcels. This proposal also includes dedication of new County right-of-way throughout this development.
Type of Decision:	Administrative
Agenda Date:	Tuesday, April 25, 2023
Applicant:	Osprey Ranch, LLC
File Number:	UVO032123

Property Information

Approximate Address:	1385 N Hwy 158, Eden, UT, 84310
Project Area:	275 acres
Zoning:	FV-3
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	See application for all parcel numbers
Township, Range, Section:	T6N, R1E, Sections 3 & 4 N and T7N R1E, Section 33 SE

Adjacent Land Use

North:	Vacant/Residential	South:	Vacant/USFS
East:	Hwy 158	West:	Vacant

Staff Information

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

Applicable Ordinances

- Title 104, Zones, Chapter 14 Forest Valley Zone (FV-3)
- Title 106, Subdivisions, Chapters 1-8 as applicable
- Title 108, Chapter 17 Ogden Valley Pathways

Background and Summary

5/24/2022 – CUP 2022-06, approval of a water tank for the proposed subdivision, was granted by the Ogden Valley Planning Commission.

10/28/2022 – Phase 1 recorded.

3/21/23 – Phase 2 application accepted in for review.

This subdivision plat request consists of 30 lots, ranging in sizes from 4.138 acres to 26.855 acres. Lot sizes and widths vary but all meet the minimum lot standards for the FV-3 zone of 3 acres in area and 150 feet in width. This proposal consists of approximately 275 acres, public roads, common areas, and paved trails within the dedicated right-of-way, throughout the development.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1).

Zoning: The subject property is located in the Forest Valley (FV-3) zone. The purpose and intent of the FV-3 zone is identified in the LUC §104-14-1 as:

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

Lot area, frontage/width and yard regulations: The site development standards for the FV-3 zone require a minimum lot area of 3 acres of net developable area. The FV-3 zone requires a minimum lot width of 150 feet. Lots located on the outside of the curved streets, or on the ends of cul-de-sacs may be reduced by up to one-third provided the lot has the required width at a distance of 70 feet back from the front lot line.

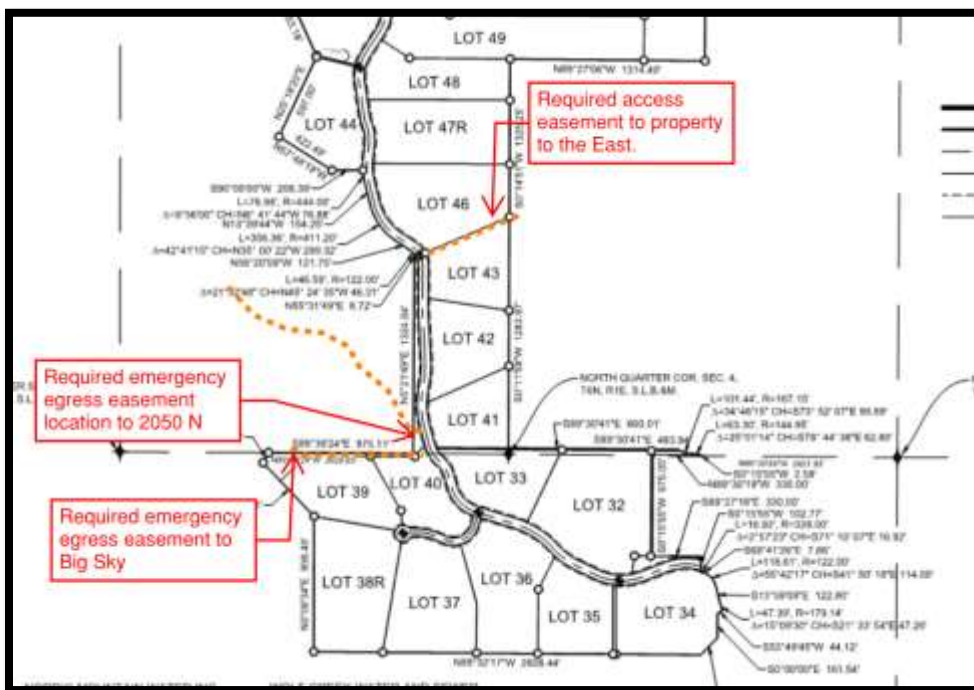
Culinary water, secondary water, and sanitary sewage disposal: Nordic Mountain Water Inc. has issued a will-serve letter to service Osprey Ranch Subdivision with culinary water, with allowances for a small amount of their water to be used for irrigation purposes, dated 5/10/2021 (see Exhibit C – Nordic Mountain Water will-serve letter). Residents shall be restricted to watering no more than 5000 square feet of residential landscape until such time as secondary water becomes available.

Wolf Creek Water and Sewer has issued a will-serve letter, dated 6/24/2022, for sewer services only, specific to this development. The developer has not yet installed infrastructure necessary to connect from the proposed development of Phase 1 to the Wolf Creek Sewage treatment plant. This was a condition of final approval of Phase 1 that this infrastructure either be installed or escrowed for. Neither has occurred since the final plat for Phase 1 was recorded 10/28/2022.

Relation to Adjoining Street Systems/Ogden Valley Pathways: The proposed subdivision will continue a previously dedicated (in Phase 1) public road that will connect Highway 158 to Nordic Valley Drive. A 10 foot wide paved pathway will run adjacent to the new roadway, allowing for pedestrian access from Nordic Valley Drive to pathways that run adjacent to Pineview Reservoir. Proposed pathways shall be constructed or designated for public use on currently existing, or in proposed public rights-of-way.

An emergency egress is being requested by the county to connect to 2050 North Street, through parcel 22-040-0035 (to the proposed Hidden Brook Subdivision – 9 lots). A second emergency egress is being requested so that Big Sky Drive can connect to the main public road throughout Osprey. The developer will also be required to dedicate an access way to property to the east, between lots 46 and 43. The requirement to provide access comes from section 106-2-1 of the land use code which states “The configuration of streets in a new subdivision shall:

1. Ensure the continuation of existing streets that can logically and reasonably be connected along the same street alignment;
2. Provide for the continuation of new streets into adjoining undeveloped land;
3. Be designed to consider the block length specified in Section 106-2-3, as it relates to both the subject property and adjoining property;
4. Not avoid the requirements of this section by shifting the responsibility of providing a street onto landowners of adjacent undeveloped or underdeveloped parcels; and
5. Not create an unnecessary hardship to providing street connections on or to other parcels in the general area, as deemed appropriate by the Land Use Authority.



Natural hazards/wetlands/ stream corridors: This proposed subdivision lies within a geologic hazard study area. Per LUC § 104-22 a hazard study is required. All recommendations outlined in the submitted report (Western Geologic dated 1/3/2022), shall be followed throughout development of this subdivision, and subsequent construction of each lot.

The following are identified hazards/area of concern outlined in the above referenced reports, that are rated wither a medium or high likelihood to occur:

Earthquake ground shaking – High

Landslides and slope failures – High

Problem soil and rock – High

Shallow groundwater - Medium

Mitigation recommendations are outlined in the geologic hazard report submitted to the County. The developer will be required to supply a letter from the geologist and geotechnical engineer, after the roads are built, that verifies that the roads were built to the recommendations in the reports.

There are several streams mapped on the property that the developer has not shown on the preliminary plan. The developer will be required to show the streams and their 50 foot setback from the high water mark on the final plat.



Standards: Per LUC § 106-1-8.20, the developer will be required to define buildable areas on each lot that has slopes of 25% or greater. These buildable areas are required to be shown on a final plat, before consideration of final plat approval by the Planning Commission.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division. Per Weber County LUC 106-1-5.20 **“Agency review.** *The Planning Division shall distribute copies of the preliminary plan to other county divisions or departments, or other non-county agencies or organizations, as authorized by State Law that it deems necessary to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return applicable information and recommendations to the planning division.*”

This project has not yet been reviewed by Weber County Engineering, Weber Fire District, nor Weber County Surveyor’s Office. The Weber County Surveyor typically begins their review process with a proposed final plat. Per Weber County LUC 106-1-5.30 *“After the applicable staff and agency reviews, the preliminary plan/plat, including the phasing plan, shall be presented to the Land Use Authority. The Land Use Authority shall review the preliminary plan/plat to verify compliance with applicable ordinances.”* At minimum, all review agency preliminary requirements must be addressed and completed prior to this subdivision being considered for final approval.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2023 property taxes are not considered due at this time, but will become due in full on November 30, 2023.

Staff Recommendations

Staff recommends that the Planning Commission grant preliminary approval of Osprey Ranch Subdivision Phase 2, based on all review agency requirements and on the following conditions that will need to be met before the Planning Commission considers recommending approval of the final plat:

1. The owner needs to provide a slope analysis, and to show which lots are impacted by 25% slopes or greater so that a buildable area may be defined on lots impacted by 25% slopes or greater.
2. An access to adjacent property to the east of lot 43 shall be provided and shown on the plat between lot 43 and 46.
3. An emergency egress access shall be provided to adjacent properties on the common area above lot 39 and along a portion of the strip of Common Area E that runs adjacent to the main public street in this subdivision.
4. Streams and their associated setbacks will need to be shown on the final subdivision plat.
5. The proposal will need to demonstrate compliance with all other final subdivision plat requirements.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application & Narrative
- B. Proposed Plat
- C. Feasibility/Capacity Assessment Letters

Location Map



Exhibit A – Application & Narrative

Osprey Ranch Subdivision Phase 2

[+ Add Follower](#)
[✎ Change Status](#)
[✎ Edit Project](#)

Address: Near 1828 North Shamy Way, Eden, UT, 84310
Maps: [County Map](#), [Google Maps](#)
Project Type: Subdivisions
Sub Type: Subdivisions
Created By: [Taylor Lewis](#)
Created On: 2/13/2023

Project Status: Accepted
Status Date: 3/21/2023
File Number: UVO032123
Project Manager: [Tammy Aydelotte](#)

[Application](#)
[Documents 8](#)
[Comments 3](#)
[Reviews 0](#)
[Followers 6](#)
[History](#)
[Reminder 0](#)
[Payments 0](#)

[Area Fees](#)

Documents

[+ Add Document](#)
[Print](#)

List of project documents. Review documents can be found under the Review tab.

Document Name	Date Uploaded	Options
Annexation Plat		
Application		
Attestation		
Cost Estimate		
Culinary Water Will-Serve		
Revision Nordic Water Letter.pdf	3/8/2023	Download Remove Edit
Engineered Plans		
Revision Osprey Ranch PH2 Preliminary Design 3-7-23.pdf	3/7/2023	Download Remove Edit
Final Recorded Plat		
Geologic Hazards Evaluation		
Geotechnical Evaluation		
Notice of Decision		
Open Space Preservation Plan		
Other		
Revision DDW-2022-007019.pdf	3/9/2023	Download Remove Edit
Preapplication Meeting Notes		
Original osprey ph2 pre-app meeting notes.pdf	2/28/2023	Download Remove Edit
Proposed Final Plat		
Proposed Preliminary Plan		
Revision Osprey Ranch PH2 Preliminary 3-7-23 Plat.pdf	3/7/2023	Download Remove Edit
Public Street Connectivity Plan		
Original Connectivity plan.pdf	2/28/2023	Download Remove Edit
Response to Review Agencies		
Secondary Water Will-Serve		
Septic Feasibility		
Sewer Will-Serve		
Revision Osprey Sewer Can_Will Serve.pdf	3/8/2023	Download Remove Edit
Staff Report		
Time Extension		
Title Report		
Original TitleCommitment - Partner[1].pdf	2/28/2023	Download Remove Edit

Osprey Ranch
Subdivision Application
June 2022

Project Narrative

Osprey Ranch is a single family homesite project located in Eden, UT. The property is in the Forest Valley Zone (FV-3), consists of 566.97 acres with 61 lots. The homesites range in size from 3.19 to 18.74 acres. The project contains 43.02 acres of common area open space with a trail system. The property will be developed in two phases with the first phase consisting of 31 lots on 283.72 acres.

Density on the property was determined by using the net developable acreage of 458.64 which translates into 152 entitlements in the FV-3 zone. Osprey Ranch will use 61 units for the project and the remaining balance of the entitlements will be allocated for future Transfer of Density Rights (TDR).

Project Density Calculation

Total Property - 566.97 acres
Roadway - 30.06 acres
Slopes Over 40% - 62.12
Sensitive Lands Stream Corridor - 16.15 acres
Net Developable Acreage - 458.64 acres
Forest Valley Zone (FV-3) requires three acre minimum
Entitlements - $458.64 / 3 = 152.88$ or 152 units

A community trail system will be an amenity to the project. For public benefit, an asphalt pathway will be constructed through the project connecting Hwy 158 to the Nordic Valley neighborhood. Soft trails will provide access to the Forest Service property located south of Osprey and will be privately owned with public access allowed. The site plan includes nearly four miles of both hard and soft trails.

Gardner Engineering prepared the civil design. The geotechnical study was done by Christensen Geotechnical, while Western Geologic evaluated potential geologic hazards.

The project contains over four miles of public roadways and will have no grades above 12%. The Fire Marshal from the Weber Fire District has reviewed the road design layout.

Osprey Ranch will be governed by a Homeowners Association (HOA), Covenants, Conditions and Restrictions (CC&Rs) and Building Design Guidelines. Nightly rentals are not permitted.

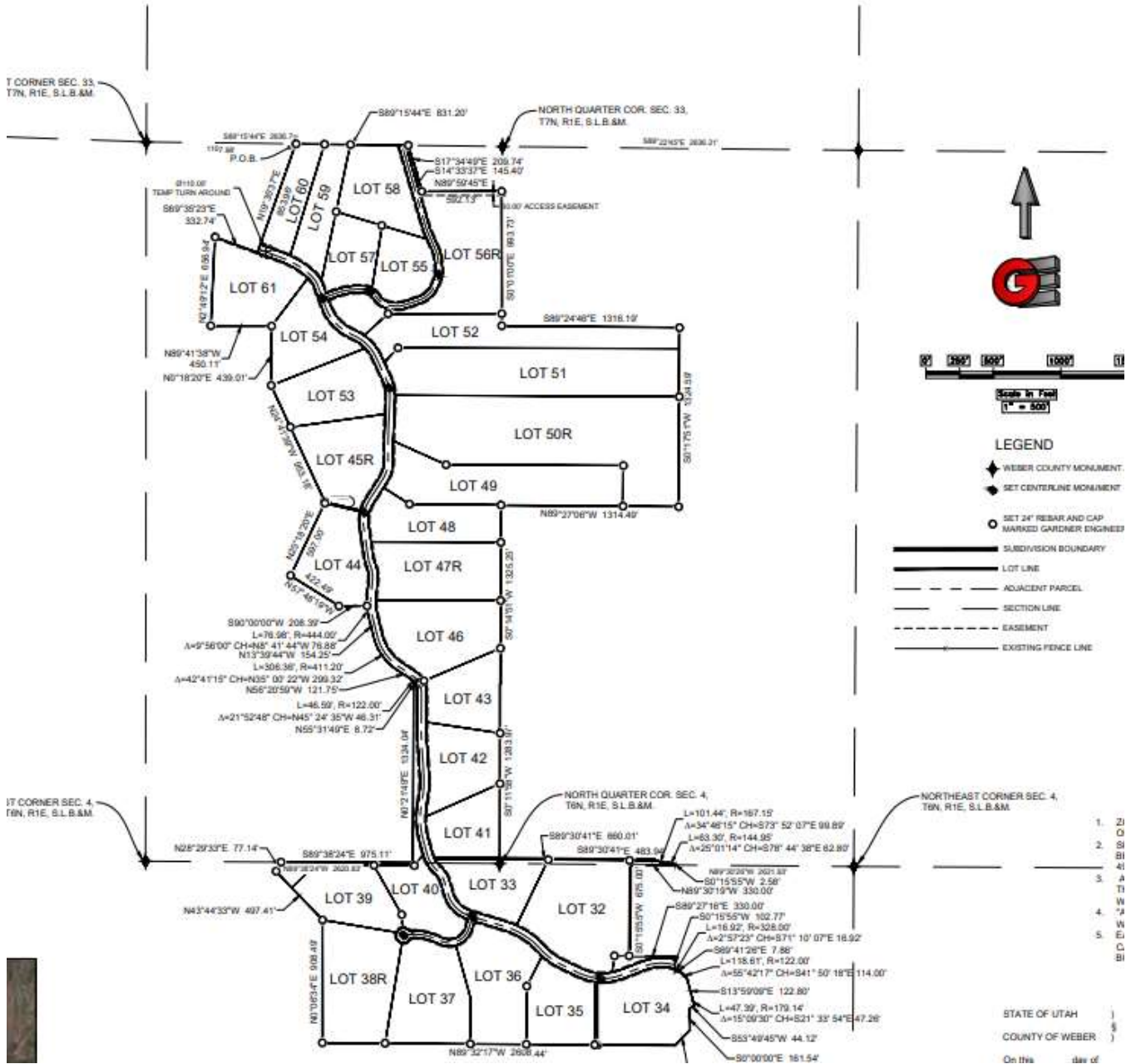
Nordic Mountain Water will provide water to the project. A new Membrane Bioreactor (MBR) facility will treat the wastewater. Weber County will act as the body politic over the sewer district. A Preliminary Engineering Report prepared by Aqua Engineering for the MBR has received conceptual approval from the Utah Department of Environmental Quality (DEQ).

Osprey Ranch will have a subdivision entry monument. Any lighting will be dark sky compliant and the Ogden Valley Sign Land Use code requirements will be followed. A temporary project management trailer will be on site for the duration of the construction.

Exhibit B - Proposed Plat

OSPREY RANCH SUBDIVISION PHASE 2

LOCATED IN SECTION 33 TOWNSHIP 7 NORTH RANGE 1 EAST AND THE NORTH HALF OF SECTION 4 OF TOWNSHIP 6 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH, MARCH 202



Scale in Feet
1" = 500'

LEGEND

- ◆ WEBER COUNTY MONUMENT
- SET CENTERLINE MONUMENT
- SET 24" REBAR AND CAP MARKED GARDNER ENGINEER
- SUBDIVISION BOUNDARY
- LOT LINE
- - - ADJACENT PARCEL
- - - SECTION LINE
- - - EASEMENT
- - - EXISTING FENCE LINE

1. ZI
2. SI
3. A
4. W
5. E
6. BI

STATE OF UTAH)
 COUNTY OF WEBER)
 On this day of

Exhibit C – Capacity Assessment/Feasibility Letters

Nordic Mountain Water Inc.

Mr. Shane Dunleavy
Osprey Ranch LLC
65 10-acre Single Family Home Sites
Liberty, Utah

Ref: Reservation of Service Agreement

May 10, 2021

Nordic Mountain Water Inc. (NMWI) agrees to provide culinary water service to the Osprey Ranch Subdivision, a subdivision containing 65 Single Family Home Sites hereafter referred to as lots, under the following Terms and Conditions:

1. A 10% non-refundable deposit is required on the total number of metered connections rounded to the next whole lot multiplied by the Infrastructure Fee currently in effect.
 - a. Reservation of Service remains valid for one year from date this service agreement is signed by legal representatives of both parties and the full deposit has been made as outlined in this document.
 - b. Outstanding balance is due within one year from date this document is signed or when project is completed – whichever date is earliest.
 - i. Each lot will be assessed our normal monthly fee at time subdivision is completed.
 - ii. Each lot will be assessed a one-time membership fee as required at time subdivision is completed.
2. Options after one year if subdivision is not completed:
 - a. Pay Outstanding balance – each lot will be assessed our normal monthly fee and one-time membership fee.
 - b. Service Agreement is nullified, deposit is forfeited.
 - c. Renew this Reservation of Service Agreement for an additional year at the discretion of NMWI as outlined in paragraph 1 above and at fee rates in effect at time of renewal.
3. Details
 - a. Our current fee rates are:
 - i. Infrastructure fee: \$7,500/lot.
 - ii. One-time membership fee: \$300/lot.
 - iii. Monthly fee for water: \$75/lot for 20,000 gal. Cost increases per 1000 gals above the monthly allotment of 20,000 gal.
 - b. 65 lots at one (1) residential ¾" Connection per lot.
 - c. Total Infrastructure fee is 65 lots X \$7,500/lot = \$487,500.
 - d. Non-refundable deposit due at signing of this document is \$52,500 based on 65 lots X 10% rounded to whole lot multiplied by infrastructure fee/lot.
 - e. Deposit(s) are credited towards the original balance identified in 3c.
 - f. Final payment of original balance (3c) less deposit(s) is due not later than one year from date this agreement is signed or upon completion of subdivision – whichever date is earliest.
 - g. Monthly water fee charge per lot at completion:
 - i. Each lot will be assessed a monthly fee and water allocation in effect at date of completion (3a.iii).
 - ii. Each lot will be assessed a one-time membership fee, at the current rate in effect at date of completion as required by NMWI for water service (3a.ii)

4. General Restrictions:

- a. No Home Owner's Association (HOA) organized by Osprey Ranch Subdivision or its residents can include any culinary water provided by NMWI.
- b. No extensions to the water system developed for the Osprey Ranch Subdivision that includes water provided by NMWI will be allowed beyond the initial 65 lots.
- c. Osprey Ranch Subdivision cannot resale, manage, restrict, or charge any additional fees for water provided by NMWI under any circumstance.
- d. All water provided by NMWI shall be used for culinary purposes only. Minimal residential landscape watering will be allowed up to 5000 sq. feet until such time as secondary water may become available.

5. Costs to the Developer

- a. Developer pays all costs including required modifications to existing NMWI infrastructure necessary to provide NMWI water to the Osprey Ranch Subdivision as identified by NMWI or its approved agent.
- b. Necessary modifications to existing NMWI infrastructure as well as all water line extension design and associated construction is subject to the following:
 - i. Must meet all State, County, and County Fire District Specifications and Requirements
 - ii. Must meet Water System Specifications as provided by NMWI and agreed upon, by signed agreement, at a pre-construction meeting.
 - iii. All Waterline construction must be inspected and approved by NMWI or its identified Agent during all water system construction and/or modifications at the expense of the developer. Frequency of inspection will be determined during the pre-construction meeting and/or as specified in NMWI Standards and Specifications document.
 - iv. NMWI will take possession of new and modified portion of the water system at time of completion and Developer will warranty the full installation and modifications for a period of at least 1 year from completion date at discretion of NMWI.

6. NMWI uses a gravity-flow distributions system. Since an engineering study has not been completed for the proposed subdivision, NMWI will not guarantee adequate water pressure.

7. This agreement is subject to change contingent upon legal review by an NMWI legal representative.

If these conditions are acceptable, please submit the appropriate deposit and sign this agreement. If you have any questions, please feel free to contact Bill Green at (801)791-3976 anytime or through our NMWI office. This unsigned document remains valid for 7 days from original document date.

Sincerely,

Bill D. Green
President
Board of Directors
Nordic Mountain Water, Inc.

Agreement of Terms:  Date: 5/10/21
Shane Dunleavy, Osprey Ranch Eden LLC, Subdivision Developer

Signature Date:  Date: 5/10/2021
NMWI Representative



June 24, 2022

Weber County

RE: Wolf Creek Water and Sewer Improvement District Sewer services to Osprey Ranch 61 units, Cobabe Ranch 104 units and Eden Crossing 35 units - 200 Units Total

To whom it may concern,

This letter confirms that Wolf Creek Water and Sewer Improvement District has reviewed the capacity of its sewage treatment facilities, and determined it will provide sewer services to the above referenced developments. This Can and Will Serve commitment applies to the above developments only and is non-transferable. This can and will serve letter applies only to sewer services and no other services of District. It is offered subject to the terms of the Eden Sewer Service Area Agreement dated June 24, 2022 between the District and Osprey Ranch LLC, Cobabe Ranch LLC, Eden Crossing LLC, Wolf Creek Resort Holdings, LLC & Watts Enterprises, Inc.

- Sewer services are delivered through connection to the main sewer lines of the District, leading to the Willow Brook Lane MBR Wastewater Treatment Plant and disposal system. Point of connection to be approved by the District.
- Service is subject to scheduled maintenance and construction, power failures, natural disasters, and unforeseen circumstances.
- Sewer services will be provided in accordance with applicable federal, state, and local statutes, laws, rules, regulations, ordinances, and standards.

Sewer services are subject to and contingent on the following:

1. Compliance with the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies and procedures may change from time to time.
2. Subsequent decisions and regulation by local government, the Utah State Engineer, Utah Division of Water Resources, the United States Department of the Interior, or any other applicable governmental agency.
3. Payment of hook up costs and standard billings for service. Failure to pay these costs and billings will result in lien on the properties.

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

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

Wolf Creek Water and Sewer Improvement District

E. Miranda Menzies
E. Miranda Menzies, Chair of Board of Trustees

Date: 6/24/22



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and/or take action on an application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions that will help implement the Western Weber General Plan, and that will affect the Ogden Valley Planning Area, as it generally relates to residential zoning and residential development and to provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission.

Applicant: Weber County

Agenda Date: Tuesday, April 25, 2023

File Number: ZTA 2022-07

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-2: Definitions	§108-7-19: Building on Dedicated Substandard Streets
§102-1-2: Planning Director Authority	§108-7-23: River and Stream Corridor Setbacks
§102-5: Rezone Procedures	§108-7-24: Supplemental Energy Generation Standards
§104-1-1: Establishment of Zones	§108-7-29: Flag Lot Access Strip, Private Right of Way, and Access Easement Standards
§106-1-8: Final Plat Requirements and Approval Procedure	§108-7-30: Flag Lots
§106-2-2: Street Standards	§108-7-31: Access to Lot/Parcel Using Private Right-of-Way or Access Easement
§106-2-4: Lot Standards	§108-7-32: Access to a Lot/Parcel at a Location Other Than Across the Front Lot Line
§106-4-2: Curbs and Gutters	§108-16: Outdoor Lighting
§108-7-7: Supplemental Street, Access, and Right-of-Way Standards	
§108-7-10: Required Setback from Designated Collector or Arterial Streets	

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 purpose of these ordinance amendments is intended to help the Western Weber Planning Area implement their new general plan. However, a number of the changes will also affect development requirements in the Ogden Valley Planning Area. Staff has carefully considered each change within the context of the Ogden Valley General Plan, as well as development management in the Ogden Valley generally, to ensure the changes do not run contrary to planning in the Valley. In their review of the proposal, the Planning Commission should do the same.

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have independently reviewed the proposal during recent work sessions and helped shape the final proposal.

The attached Exhibit A contains the amendments created through this effort. Please note, to help expedite the planning commission's review, staff has omitted parts of the proposed changes that have no effect on the Ogden

Valley.

Policy Analysis

Policy Considerations:

Ordinance Amendments (See Exhibit A):

The following provide a synopsis of each change, listed in the order they appear in the proposed ordinance.

§101-2: Definitions:

The following definitions are proposed to be amended, added, or deleted from the ordinance:

- Flag lot: clerical edits.
- Lot right-of-way: deleting, is not used in any ordinance
- Front lot line for flag lot: deleting, is not used in any ordinance
- Private access right-of-way: replacing with “shared private lane.” This definition was initially used for a specific private street type, but changes to the code in the mid '00 confused the term for something else.
- Shared private lane: replacing “private access right-of-way,” to be used for the new shared private lane provisions.
- Street-block: clerical edits.
- Collector street: emphasizing the relationship that a collector street has with arterial streets.
- Arterial (major) street: clerical edits.
- Major neighborhood street: replaces “standard residential street” in part.
- Minor neighborhood street: replaces “standard residential street” in part.
- Marginal access street: deleting. This reads as if it is describing a freeway frontage road. In any case, it is not used anywhere else in the ordinances.
- Temporarily terminal street or street-route: clerical edits.
- Private street: mostly clerical. Removing the phrase “reserved by dedication” because dedication has specific meaning in state code that runs contrary to this context.
- Public street: removing some of the specificity and standards from the definition so they cannot be in conflict (whether now or in the future) with the more specific standards in the ordinances.
- Standard residential street: deleting this term. It is not used anywhere in the ordinances.

§102-1-2: Planning Director Authority

Clerical edits related to flag lots and access to lots without a street serving it.

§102-5: Rezone Procedures

The proposed amendments will require each application for a rezone to provide a street connectivity plan for not just the project, but how streets could be configured for the area generally. It will also require a plan addressing the project’s contribution toward parks and open spaces. It revises an applicant’s obligation to prove access to water and sewer, and replaces it with a narrative explaining how access to these utilities will be provided in the future. It also creates a supplemental application section that lists a number of more application requirements that are at the discretion of the county. There are a few proposed clerical edits to the rezone procedures to provide clarity regarding the county’s obligation to the applicant and the applicant’s obligations in general. The proposal offers other administrative clarifications as well.

§104-1-1: Establishment of Zones

These edits are clerical in nature. Simply attempting to provide better organization.

§106-1-8: Final Plat Requirements and Approval Procedure

Under final plat requirements, staff is taking the opportunity to correct a previous oversight regarding hillside development. This correction, and another hillside correction specified later in this report, together make it so that each subdivision lot shall provide a buildable area free from slope and other sensitive land issues. If the lot purchaser later wants to amend the restrictions, they can amend the lot after appropriate studies and mitigation measures have been completed. Essentially, this ensures that no lot is created and sold that is later discovered to be unbuildable given reasonable effort and cost.

Other amendments to this section provide for the new “shared private lane” provision, and the new “alley operations and maintenance” provision being proposed, as further explained later in this report.

§106-2-2: Street Standards

Shared private lane. The proposed addition of a new shared private lane regulation is not a specific recommendation of the Western Weber General Plan, but the planning commission can find general support for allowing a shared private lane to help give access to internal block areas and areas that would otherwise need to have stacked flag lots in order to develop (which is not allowed by current code). There is a specific provision in the Ogden Valley General Plan that suggests a limited street type that can access lots without requiring a fully developed public street.

Most of the proposed regulations for a shared private lane reflect the provisions for a private street, however, the improvements that are required and the method by which the land is held are different. These lanes are allowed to be narrower, and instead of private street improvements being constructed on a county-owned parcel, as is the case with private streets, a private lane may be constructed on an easement that the county holds instead. This difference is a degree or two removed from being able to convert the improvements into a future public street, but still offers a potential “hold” on the land under the 66-foot wide easement for if a future public street is ever needed. Lot setbacks are required to be from the easement, not the lane.

In the Ogden Valley, a shared private lane is proposed to only access up to 15 dwelling units and have a max length of 600 feet.

Arterial and collector streets. The proposal offers amendments to shore-up regulations related to development adjacent to an arterial or collector street. The intention of new language is two part:

- It requires that new subdivisions avoid providing an individual lot its own access onto a collector or arterial street.
- Where it is not possible to avoid providing the lot access from a collector or arterial, these provisions will lighten other lot-access requirements to help provide easier means by which access can be provided across and through other lots.

These proposed regulations are intended by inference to stimulate the creation of side streets or other shared consolidated accesses for lots that front on a collector or arterial street.

Street cross sections and design. Proposed changes to this section only move “development on a substandard street” out of the subdivision code and into the supplementary regulations code so the provisions therein can be applied to development on all property, not just those within a proposed subdivision.

Street grades. Proposed amendments in this section are clerical in nature.

Alleys. While remaining a short section, these proposed changes are very important for the implementation of narrower rear and side-loaded residential lots that might be found in village areas or master planned developments. The provisions require alleys to be a specific width and have platted snow storage areas. They also place the responsibility for the operations and upkeep of an alley onto the landowners who gain access from it – even though the alley will be dedicated for public use.

§106-2-4: Lot Standards

Generally. The amendments to the general lot standards in the subdivision ordinance are to make clerical edits and provide revised standards for flag lots. The proposal changes flag lot area requirement from a flat three-acres to 50% of the area required by the zone (regardless of whether it is in a flexible development type). This means that in order to get a flag lot in a 3-acre zone the lot must be at least six acres. This will help disincentive flag lots as well as help reduce overall density if a flag lot is used. Most, if not all, of the rest of the provisions come directly from the code’s current flag lot provisions, but it moves those provision from supplemental regulations to the subdivision regulations because new flag lots should not be created without first being subject to subdivision regulations.

Hillside development. The proposed amendments modify the hillside development regulations to eliminate the appeared allowance of “R” lots. An “R” lot has historically been a lot on land that has not first been subject to the hillside development regulations to verify hillside stability or lot buildability. The amendment will require proof of buildability before any lot can be platted.

Connectivity-incentivized subdivision. This entire section is proposed to be revamped to make a few things more

clear, as listed below. As it applies to the Ogden Valley Planning Area, the changes are not intended to substantially shift the direction of the policy; just clarify it.

- An applicant’s participation in this development type and process is completely voluntary. They can choose a different development type already listed in the code if they do not want to comply with these regulations.
- Because this is a voluntary option, the Land Use Authority, not the applicant, has full discretion to require streets to be located where they see fit. The ordinance provides the Land Use Authority minimum criteria to help with deliberations.
- The proposal adds pedestrian connectivity and standards similar to those being proposed for the Form Based zone.

§106-4-2: Curbs and Gutters

The proposed amendments in this section make the provision for curb and gutter – and under what circumstances it may be deferred – clearer. The proposal also requires that the developer install driveway aprons for all lots that are 60 feet or less. This provides the county’s engineers the opportunity to ensure driveway placement is in the best interest of the street and street access, generally.

§108-7-7: Supplemental Street, Access, and Right-of-Way Standards

Proposed amendments to this section are clerical. The provisions are being moved from elsewhere and consolidated into similar topics here.

§108-7-10: Required Setback from Designated Collector or Arterial Streets

Proposed amendments are clerical in nature.

§108-7-19: Building on Dedicated Substandard Streets

This section is being renamed to “Development on a Substandard Street or Public by Right-of-Use Road.” The provisions from the subdivision ordinance regarding development on a substandard street or road is proposed to be moved here. No changes to the context is being proposed.

§108-7-24: Supplemental Energy Generation Standards

The proposal recommends merging all renewable energy regulations into one section.

§108-7-27: Solar Energy Systems

The proposal recommends deleting this section in favor of merging it into §108-7-24.

§108-7-29: Flag Lot Access Strip, Private Right of Way, and Access Easement Standards

The proposal recommends retitling this section to “Access and Standards for a Land Locked Residential Lot or Parcel.” In doing so, it recommends moving flag lot provisions to the subdivision ordinance, as previously mentioned in this report, and consolidating provisions for private rights-of-way and access easements pertaining to land-lock residential property. The standards therein are proposed to remain relatively the same as existing, although reorganized.

§108-7-30: Flag Lots

The proposal suggests moving flag-lot specific provisions to the subdivision ordinance.

§108-7-31: Access to Lot/Parcel Using Private Right-of-Way or Access Easement

The proposal simply deletes this section. This section has been generally misused over the years as a means of avoiding installation of a street to serve development. The addition of shared private lane is, in part, being recommended as a better alternative.

§108-7-32: Access to a Lot/Parcel at a Location Other Than Across the Front Lot Line

Proposed amendments to this section are clerical.

§108-16: Outdoor Lighting

The recommended amendments to this section revise the composition of the Ogden Valley Dark Sky Committee, as previously directed by the Weber County Commission.

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 proposed amendments help implement numerous goals and objectives of the General Plan including the following:

Streetscape Design Goal 1: A goal of Weber County is to provide roads and streets in Ogden Valley that enhance community character.

Streetscape Design Principle 1.1: Ensure that Ogden Valley roads and streets have a cohesive design that promotes traffic calming and enhances community character.

Streetscape Design Implementation 1.1.1: Develop and adopt multimodal streetscape cross sections for villages based on the small area plans referenced in [Commercial Development Goal 1](#), and implement key elements during programmed road creation, maintenance, and upgrade projects. During small area planning, consider the need for traffic calming measures, reduced speed limits, consistent landscaping and lighting, and other public improvements.

Streetscape Design Implementation 1.1.2: Establish comprehensive streetscape standards for new residential streets and rural connector roads in Ogden Valley, including multimodal considerations, paving patterns, and other public improvements.

Transportation Principle 1.2: Provide for maintenance-efficient road design that minimizes the number of Valley road miles, steep grades, and poor drainage.

Transportation Implementation 1.2.1: Provide development [ordinances](#) that require that new road infrastructure directs traffic to existing State highways in as efficient a manner as possible.

Utilities and Public Services Implementation 5.1.3: Evaluate effects of current [ordinances](#) as they relate to fire access and the allowance of development on terminal [street](#) systems.

Parks and Recreation Implementation 3.1.4: Weber County should consider providing [ordinances](#) that require recreational trails in new development projects to connect, or be designed to connect in the future, to the [active transportation](#) network provided for in the Transportation and Mobility Element, and as further illustrated on Map 10. Ordinances should be crafted to allow Americans with Disabilities Act-accessible pathways in lieu of sidewalk requirements, provided that the accessible pathways would lend a more direct route to the active transportation network than the sidewalks or [streets](#) would otherwise. Active transportation measures should not be waived by means of a deferral agreement.

Staff Recommendation

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

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points

of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation as-is:

I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, as provided in Exhibit A. I do so with the following findings:

Example findings:

1. *The proposal is not detrimental to the effect of the general plan.*
2. *The proposal will help implement provisions of the general plan.*
3. *The changes will enhance the general health and welfare of Ogden Valley residents.*
4. [_____ *add any other desired findings here* _____].

Motion for positive recommendation with changes:

I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

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

I do so with the following findings:

Example findings:

1. *The proposal is not detrimental to the effect of the general plan.*
2. *The proposal will help implement provisions of the general plan.*
3. *The changes will enhance the general health and welfare of Ogden Valley residents.*
4. [*Example: the additional requested changes will/are* _____].
5. [*Etc.*]

Motion to table:

I move we **table** action on File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, to [_____ **state a date certain** _____], so that:

Examples of reasons to table:

- *We have more time to review the proposal.*
- *Staff can get us more information on [_____ **specify what is needed from staff** _____].*
- *The applicant can get us more information on [_____ **specify what is needed from the applicant** _____].*
- *More public noticing or outreach 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 #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, **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

A. Proposed ordinance amendments (Redlined Copy).

WEBER COUNTY
ORDINANCE NUMBER 2023-_____

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY’S LAND USE CODE TO IMPLEMENT POLICIES AND RECOMMENDATION OF THE WESTERN WEBER GENERAL PLAN, INCLUDING SMART GROWTH REQUIREMENTS, LOT WIDTH REDUCTIONS, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, A RELATED CLERICAL AMENDMENTS.

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

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

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

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

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

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

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

- 1 **Part II Land Use Code**
- 2 ...
- 3 **TITLE 101 GENERAL PROVISION**

4 ...

5

6 **Chapter 101-2 Definitions**

7 ...

8 **Sec 101-2-13 Lot Definitions**

9 ...

10 **Lot, flag.** The term "~~flag-Flag lot~~Lot" means an "L" shaped Lot lot comprised of a narrow access strip
11 connected to a street (~~the flag's staff-portion~~) which opens into the Lotlot area (~~the flag-portion~~).

12 ...

13 ~~Lot right-of-way.~~ The term "~~lot right-of-way~~" means a strip of land of not less than 16 feet wide connecting
14 a lot to a street for use as private access to that lot.

Commented [E1]: This term does not show up anywhere in the code.

15 ...

16 ~~Lot line, front for flag lot.~~ The term "~~lot line, front for flag lot~~" means the front lot line of a flag lot which is
17 the lot line parallel to a dedicated public street and at the end of the stem.

Commented [E2]: This term does not show up anywhere in the code.

18 ...

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

20 ...

21 ~~Private access right-of-way.~~ See "Shared private lane." The term "~~private access right-of-way~~" means
22 an easement of not less than 50 feet wide reserved by dedication to the property or lot owners to be used
23 as private access to serve the lots platted within the subdivision and complying with the adopted street-
24 cross-section standards of the County and maintained by the property owners or other private agency.

25 ...

26 **Sec 101-2-20 Sh Definitions**

27 Shared private lane. The term "shared private lane," which may also be referred herein as a "private
28 access right-of-way," means a lane or driveway, within a recorded private right-of-way easement, to be
29 used as a private access to a Lot or Lots.

30 ...

31 **Sec 101-2-20 St Definitions**

32 ...

33 ~~Street, bBlock.~~ The term "~~street block~~Street-Block," also referred to as "blockBlock," means a series of
34 streets that bound, or in the future will bound land ~~bounded~~ on all sides and that are ~~by a street or lane~~
35 ~~that is open to~~ open for use by the general public, or land which is designated as a Blockblock or street-
36 Street-Blockblock on any recorded subdivision plat. A temporarily incomplete Street-Block is still a Street-
37 Block for the purposes of this definition.

38 ~~Street, cCollector.~~ The term "Collector Streetcollector street" means a street existing or proposed of
39 considerable continuity which is the main means of collecting traffic from local Major Streets and Minor
40 Streets, and providing eventual access to ~~the an Arterial Street~~ major street system.

41 ~~Street, Arterial (mMajor).~~ The term "major streetArterial Street," which may also be referred to as "Major
42 Street," or "Major Road," means a street, existing or proposed, which serves or is intended to serve as an
43 Arterial-major traffic way connecting Collector Streets to the greater regional area. An Arterial Street is
44 usually a controlled-access highway or freeway and is designated on the general plan, master street plan,
45 or similar planning document as an Arterial Street. ~~as a controlled access highway, major-Major~~
46 streetStreet, parkway or other equivalent term to identify those streets comprising the basicbackbone
47 structure of the street plan.

48 Street, Major Neighborhood. The term "Major Neighborhood Street," means a street, existing or
49 proposed, which is of limited community-wide continuity and which serves or is intended to serve the local

50 [needs of connecting neighborhoods to each other and to Collector Streets.](#)

51 [Street, Minor Neighborhood.](#) The term "Minor Neighborhood Street," means a street, existing or
52 [proposed, which is of limited neighborhood continuity and which serves or is intended to serve the local](#)
53 [needs of connecting neighborhoods to Major Neighborhood Streets.](#)

54 ~~Street, marginal access.~~ The term "marginal access street," means a minor street which is parallel to
55 ~~and adjacent to a limited access major street and which provides access to abutting properties and~~
56 ~~protection from through traffic.~~

Commented [E3]: This term does not show up anywhere in the code.

57 **Street or street-route, temporarily terminal.** The terms "temporarily terminal street" or "temporarily
58 terminal street-route" means a street, portion of a street, series of streets, or a street-route that has a
59 single point of entry from the greater ~~Public Street~~public street network, and is only intended to be
60 terminal temporarily until it connects back into the greater ~~Public Street~~public street system through future
61 extension, as shown in an applicable general plan, small area plan, master streets plan, development
62 agreement, or similar legislatively adopted planning document.

63 **Street, Private.** The term "private ~~Private Street~~street" means a thoroughfare within a subdivision, ~~to be~~
64 ~~used exclusively by the~~ which has been reserved by dedication unto the subdivider or lot ~~Lot~~ owners ~~to~~
65 ~~be used~~ as private access, ~~to serve the lots platted within the subdivision~~ and complying with the adopted
66 street cross section standards of the county, ~~and maintained by the developer, adjoining Lot owners,~~ or
67 other private agency.

68 **Street, Public.** The term "public street ~~Public Street~~" means a thoroughfare which has been dedicated or
69 abandoned to the public ~~and accepted by proper public authority,~~ or a thoroughfare, ~~not less than 26~~
70 ~~feet wide,~~ which has been made public by right of use, ~~and which affords the principal means of access to~~
71 ~~abutting property.~~

72 ~~Street, standard residential.~~ The term "standard residential street," means a street, existing or
73 ~~proposed, which is supplementary to a collector street and of limited continuity which serves or is~~
74 ~~intended to serve the local needs of a neighborhood.~~

Commented [E4]: This term does not show up anywhere in the code.

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77 **TITLE 102 ADMINISTRATION**

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79 **Chapter 102-1 General Provisions**

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81 **Sec 102-1-2 Planning Director Authority**

82 (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an
83 application for an administrative approval. Administrative approval can be given for the following
84 applications:

85 (1) Site plan approval, when required by this Land Use Code, for which the land use authority is not
86 otherwise specified by this Land Use Code;

87 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one
88 acre, as provided in ~~section 108-1-2;~~

89 (3) Home occupation, as provided in ~~section 108-13-2;~~

90 (4) Building ~~Parcel~~parcel designation, as provided in section ~~108-7-33;~~

91 ~~(5)~~ Small subdivisions, as provided in section ~~106-1-8(f)~~ of this Land Use Code; and

92 ~~(5)(6)~~ [Access to a land locked Lot or Parcel, as provided in Section 108-7-32.](#)

93 ~~(6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, as provided in~~
94 ~~Sec 108-7-XX, and access to a lot/parcel at a location other than across the front lot line land locked~~
95 ~~Lot or Parcel, as provided in title 108, chapter 7 Section 108-7-32 of this Land Use Code.~~

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Chapter 102-5 Rezoning Procedures

Sec 102-5-1 Purpose And Intent

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the county.

Sec 102-5-2 Development To Be In Conformance To The General Plan

Rezoning of property should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's Land Use Code by complying with the county's general plans.

Sec 102-5-3 Reserved

Sec 102-5-4 Application Requirements

- (a) A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.
- (b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:
 - (1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
 - (2) A conceptual street, pathway, trail, and accessway or Alley/valley connectivity plan showing how the project or a future project can connect to both existing, proposed, and potential future streets, pathways, trails, and accessways or Alley/valleys.
 - (3) The A proposed parks and open space plan, including land, infrastructure, or monetary donations intended to be given to the park district, county, or other entity for the purpose of providing parks or open spaces.
 - (4) A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.
 - (5) A proposed rezone may be required to be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan may be required.
 - ~~(1) A street, pathway, trail, and accessway or alley connectivity plan showing how the project or a future project can connect to both existing, proposed, and potential future streets, pathways, trails, and accessways or alleys.~~
 - ~~(2)(1) The proposed parks and open space plan, including land, infrastructure, or monetary donations intended to be given to the park district, county, or other entity for the purpose of providing parks or open spaces.~~
 - ~~(3)(1) A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.~~
 - ~~(4) If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.~~
 - ~~(5) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.~~
- (6) The applicant shall provide a narrative **addressing the following information** explaining:
 - a. The vision for the proposed zone change and, if known, the proposed development. Project narrative describing the project vision.

- 142 a.b. How ~~is~~ the change is in compliance with the general plan, or if not, the public interest the
- 143 change is intended to address.?
- 144 b.c. Why ~~should~~ the present zoning should be changed to allow ~~this~~ the proposal ~~rezone.~~?
- 145 e.d. How ~~is~~ the change is in the best interest of the public ~~interest.~~?
- 146 d.e. ~~What~~ The conditions and circumstances ~~have~~ in the general area that have taken
- 147 place ~~changed~~ in the general area since the general plan was adopted to warrant such a
- 148 change? ~~the rezone.~~
- 149 e.f. ~~How does this~~ The reasons or ways the proposal ~~rezone will~~ promote the health, safety and
- 150 general welfare of the inhabitants of the county.?
- 151 f.a. ~~Project narrative describing the project vision.~~
- 152 (c) Supplemental application requirements for the rezone of a large master planned area or any
- 153 proposed rezone to the Destination and Recreation Resort Zone, supplementary requirements.
- 154 ~~Due to the anticipated scale and potential impact of a destination and recreation resort on the county~~
- 155 ~~and other surrounding areas, the following additional information, shall be required to accompany any~~
- 156 ~~application submitted for the rezone of a large master planned area or any proposed rezone to the~~
- 157 ~~consideration of a dDestination and Rrecreation Rresort Zzone approval. The additional information~~
- 158 ~~shall consist of the following:~~
- 159 (1) For a rezone application of a large master planned area or for a rezone to the Destination and
- 160 Recreation Resort Zone, the additional information in Subsection (c)(3) of this section shall be
- 161 submitted with the initial rezone application.
- 162 (7)(2) For a rezone other than those specified in Subsection (c)(1) of this section, after submittal
- 163 of the initial rezone application, the additional information in Subsection (c)(3) of this section shall
- 164 be submitted if requested by the Planning Director, Planning Commission, or County Commission
- 165 at any point during the rezone procedure.
- 166 (3) Supplemental application information.
- 167 a. A Cconcept development plan, which shall include the project's conceptual layout and shall
- 168 include a mapped depiction of showing sensitive land areas as described/mapped in Title 104,
- 169 Chapter 28, Ogden Valley Sensitive Lands Overlay Zone and potential geologic hazards as
- 170 identified in.
- 171 b. If the land is located within an existing or future service area of a local water or sewer service
- 172 provider, a letter of acknowledgment and conditions of future service.
- 173 c. A narrative from the project engineer discussing the feasibility for the mitigation of stormwater
- 174 runoff.
- 175 b.d. Traffic impact analysis.
- 176 e.e. Cost benefit analysis.
- 177 d.f. Recreation facilities plan.
- 178 e.g. Seasonal wWorkforce housing plan.
- 179 f.h. Emergency services plan including a letter of feasibility from the Weber fire district and Weber
- 180 County sheriff's office.
- 181 g.i. Letter of feasibility from the electrical power provider.
- 182 h.i. Density calculation table showing proposed density calculations.
- 183 i.k. Thematic renderings demonstrating the general vision and character of the proposed
- 184 development.
- 185 (e)(d) All documents submitted as part of the application shall be accompanied by a in a corresponding
- 186 PDF formatted file.
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188 **Sec 102-5-6 Rezone Procedure**

189 (a) **Preapplication meeting; concept plan requirement.** Prior to submittal of a rezone application, the
190 applicant shall attend a pre-application meeting in which the proposal is discussed with County planning
191 staff. After the pre-application meeting, the Planning Director or designee may require a concept
192 development plan to be submitted with the application. After application submittal, if no concept plan
193 was previously required, the Planning Director or designee, the Planning Commission, or the County
194 Commission may require a concept development plan or any other information to address emerging
195 impacts.

196 (b) **Application process.** ~~When a~~ rezoning application ~~is not entitled to be reviewed until it~~ meets the
197 requirements outlined in Section 102-5-4 of this Chapter, and ~~after when~~ the application is deemed
198 complete by the Planning Director or designee, ~~Once complete,~~ the application ~~is entitled to~~ ~~will~~ be
199 processed in the following manner:

200 (1) **Planning Commission review and recommendation.** Upon receiving a recommendation from
201 staff regarding ~~an amendment to the zoning map~~ a rezone application, and after holding a public
202 hearing pursuant to State Code, the Planning Commission shall review the ~~application-amendment~~
203 and prepare its recommendation. The Planning Commission may recommend approval, approval
204 with modifications, or denial of the proposed amendment, ~~and shall~~ The Planning Commission's
205 recommendation shall then be submitted ~~to its recommendation~~ to the County Commission for
206 review and decision.

207 (2) **County Commission review and decision.** Upon receiving a recommendation from the Planning
208 Commission regarding ~~an amendment to the zoning map~~ a rezone application, the County
209 Commission shall schedule and hold a public hearing to review and make a decision on the
210 application. Following the public hearing the County Commission may approve, approve with
211 modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to
212 the Planning Commission's recommendation, the County Commission may, but is not obligated to,
213 remand the ~~amendment-application~~ to the Planning Commission with a request for another
214 recommendation with additional or specific considerations.

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

- 219 a. Whether the proposed amendment is consistent with goals, objectives, and policies of the
220 County's general plan.
- 221 b. Whether the proposed amendment is compatible with the overall character of existing
222 development in the vicinity of the subject property, and if not, consideration of the specific
223 incompatibilities within the context of the general plan.
- 224 c. The extent to which the proposed amendment may adversely affect adjacent property.
- 225 d. The adequacy of facilities and services intended to serve the subject property, including, but
226 not limited to, roadways, parks and recreation facilities, police and fire protection, ~~schools,~~
227 stormwater drainage systems, water supplies, wastewater, and refuse collection.
- 228 e. Whether the proposed rezone can be developed in a manner that will not substantially degrade
229 natural/ecological resources or sensitive lands.
- 230 f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing
231 below an acceptable level of service.

232 ...

233 (c) **Notice.** The first public hearing regarding the rezone shall be noticed as required by State Code, and
234 mailed to the owner of record of each ~~Parcel~~ parcel within 500 feet of the boundary of the area proposed
235 to be rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public
236 hearing.

237 **Sec 102-5-7 Approved Development Proposals**

238 After rezoning is granted, applications for development within the rezoned area shall be reviewed as
239 required by the Land Use Code. ~~The development~~An application for development plans shall be consistent
240 with the approved concept development plan and-or development agreement, if applicable.

241 **Sec 102-5-8 Development Agreement**

242 The county commission may require an applicant, at the time of zoning approval, to enter into a zoning
243 development agreement as outlined in Chapter 102-6. Any rezone that is conditioned on a concept
244 development plan requires a development agreement in order for the concept development plan to govern
245 the development.

246 **Sec 102-5-9 Rezone Expiration And Reversion**

247 (a) Unless authorized otherwise in an adopted development agreement, a rezone that is approved based
248 on a concept development plan, as provided in Section 102-5-5, shall by default expire after three years
249 of no substantial construction action toward installing the improvements depicted in the development
250 plan. For the purpose of this section, "substantial construction action" shall mean the actual installation,
251 inspection, and acceptance by the County Engineer of a subdivision or development improvement, as
252 provided in Title 106, Chapter 4.

253 (b) A request for an extension, if applicable, shall be submitted to the Planning Division in writing with a
254 new rezone fee. After receiving recommendation from the Planning Commission, the County
255 Commission may extend the rezone expiration timeframe if the County Commission determines that
256 nothing has substantially changed since the original approval that would alter the outcome of a
257 resubmittal of the same rezone application and concept development plan.

258 (c) Unless authorized otherwise in an adopted development agreement. Upon expiration, the zone shall
259 immediately and automatically revert back to the zone or zones that existed prior to the rezone
260 approval.

261 ~~(d) The concept plan, and the expiration and zone reversion, shall be specified in the ordinance that adopts~~
262 ~~the rezone, and the ordinance shall be recorded to the title of the property.~~

Commented [E13]: The development agreement covers this.

263 ~~(e)~~(d) Nothing in this part shall be construed to limit the County Commission's legislative authority to
264 rezone the property in the future.

265 ~~(f) This section shall not affect a rezone that is not conditioned on a concept development plan.~~

Commented [E14]: This is redundant.

266 **Sec 102-5-10 Rezone of Property Disconnecting From Incorporated Cities**

267 Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county
268 planning division. Prior to any disconnection, the subject property needs to comply with its current city
269 zoning and approved site plan.

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271
272 **TITLE 104 ZONES**

273 **Chapter 104-1 In General**

274 **Sec 104-1-1 Establishment Of Zones**

275 For the purpose of this title, the Territory of Weber County to which this title applies is divided into classes
276 of zones as follows:

ZONE DISTRICTS	ZONE NAME
Residential Estates Zones	RE-15
Residential Estates Zone	RE-20

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Gravel Zone	G
Agricultural Zones	A-1
Agricultural Zone	A-2
Agricultural Zone	A-3
Agricultural Valley Zone	AV-3
Forestry Zones	F-5
Forestry Zone	F-10
Forestry Zone	F-40
Forest Valley Zone	FV-3
Shoreline Zone	S-1
Commercial Valley Resort Recreation Zone	CVR-1
Residential Zone	R-1-12
Residential Zone	R-1-10
Forest Residential Zone	FR-1
<u>Single-Family Residential Zones</u>	R1-15
	R1-12
	R1-10
<u>Two-Family Residential Zone</u>	R2
<u>Multi-Family Residential Zone</u>	R3
Forest Residential Zones	FR-1
	FR-3
Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6

Commented [E15]: Consolidated into FR below

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Commercial Zone, Neighborhood	C-1
Commercial Zone, Community	C-2
Commercial Zone, Regional	C-3
Commercial Valley Zone, Neighborhood	CV-1
Commercial Valley Zone, Community	CV-2
Manufacturing Zone, Light	M-1
Manufacturing Zone, Medium	M-2
Manufacturing Zone, Heavy	M-3
Manufacturing Zone, Valley	MV-1
Form-Based Zone	FB
Open Space Zone	O-1
Master Planned Development Overlay Zone	MPDOZ
Ogden Valley Sensitive Lands Overlay Zone	SLOZ
Ogden Valley Destination and Recreation Resort Zone	DRR-1
Large Solar Energy System Overlay Zone	SOZ

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279 **TITLE 106 SUBDIVISIONS**

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281 ***Chapter 106-1 General Provisions***

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283 **Sec 106-1-8 Final Plat Requirements and Approval Procedure**

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285 **Sec 106-1-8.010 Final Plat Required**

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287 **Sec 106-1-8.020 Final Plat Requirements**

288 The following are requirements for final plat consideration:

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- ...
- (b) **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when applicable:
- (1) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the ~~lot~~Lot corners are set as required by state code and county ordinances.
 - (2) **Hillside development plat note.** Pursuant to Section 106-2-4, a ~~Lot~~lot that has an average percent of slope that is greater than 25-percent shall provide the following on the final plat:
 - a. ~~Buildable area. If the lot provides a~~ Buildable Area, as defined Section 101-2-
~~†~~The buildable area shall be delineated on the final plat by short dashed lines.
 - a. ~~A restricted area, if applicable.~~ The restricted area shall be labeled as "~~Buildable-restricted~~
area. See note [enter note number here]." The note shall read as follows: "A ~~Lot~~lot with a
delineated "~~buildable-restricted~~ area" shall ~~only-not~~ allow buildings within the designated
~~buildable-restricted~~ area."
 - b. ~~Restricted lot. If a lot is a restricted lot, the letter "R" shall be placed immediately to the right
of the lot number. The lot shall be labeled as "Restricted lot. See note [enter note number
here]." The note shall read as follows: "A lot labeled with the letter "R" after the lot number is a
restricted lot because it has an average percent of slope greater than 25-percent. Development
thereon is subject to a hillside development review pursuant to the provisions of Title 108,
Chapter 14."~~
 - (3) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3 Zone shall have the following plat note: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."
 - (4) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat note: "For each zone in this subdivision, the average area and average width of ~~Lot~~lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. A subdivision amendment within any part of the overall subdivision boundary shall comply with Section 106-2-4.2 of the Weber County Code."
 - (5) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall have the following plat note: "This subdivision was allowed flexible ~~Lot~~lot area ~~Area~~ and width in exchange for superior street connectivity. A subdivision amendment within any part of the overall subdivision boundary shall comply with Section 106-2-4.3 of the Weber County Code."
 - (6) **Moderate income housing plat note.** Pursuant to Section 104-27-6 ~~or Section 104-22-12~~, a ~~Lot~~lot or unit set aside for moderate-income housing shall have a plat note explaining the nature of the housing restriction and the method by which occupancy and moderate-income affordability will be regulated.
 - (7) **Privately operated and maintained street or shared private lane plat note.**
 - a. Private Street. A ~~parcel~~Parcel dedicated to the county but intended for a privately operated and maintained street, pursuant to Section 106-2-2.1(b), shall be labeled as "Privately operated and maintained street. See note [enter note number here]." The note shall read as follows: "Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining ~~Lot~~lot owners until and unless the governing body assumes public responsibility for the street."
 - a.b. Shared private lane. A shared private lane, pursuant to Section 106-2-2.1(c), shall be labeled as "Shared private lane." If the shared private lane is temporarily in lieu of a street, then it shall be labeled as "Shared private lane. See note [enter note number here]." The note shall read as follows: "The shared private lane is also an easement held in favor of the County for possible conversion to a Public Street at a time the County deems it appropriate, if ever."
 - (8) Alley operations and maintenance plat note. Pursuant to Section 106-2-2.100, an Alley shall be labeled as "Public Alley, see note [enter note number here]." The note shall read as follows: "An

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Alley is a dedicated public thoroughfare, but the operations and maintenance is the collective and equitable responsibility of all landowners who's Lots and Parcels and/or parking areas gain access from it.

~~(8)~~(9) **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.1, a ~~Lot~~ that will have landscaping and watering restrictions shall have a note placed on the final recorded plat that generally explains the landscaping and watering restrictions per ~~Lot~~, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

~~(9)~~(10) **Substitute monuments plat note.** Pursuant to Section 106-4-2.11, substitute monuments, when used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.

~~(10)~~(11) **Outdoor lighting in a cluster subdivision plat note.** Pursuant to Section 108-3-8, a cluster subdivision plat shall contain a note stating that all ~~Lot~~s in the subdivision are required to comply with the outdoor lighting requirements of Title 108 Chapter 16.

~~(11)~~(12) **Natural hazard report disclosure plat note.** If any ~~Lot~~ in the subdivision is in a natural hazard study area, a note shall be placed on the subdivision plat as provided in Section 108-22-4.

Sec 106-1-8.030 Final Plat Approval Process

Sec 106-1-8.040 Final Plat Recordation

Chapter 106-2 Subdivision Standards

Sec 106-2-2 Street Standards

Sec 106-2-2.010 Streets Generally ~~Public Street Requirement~~

Sec 106-2-2.020 Private Street Option

Sec 106-2-2.030 Shared Private Lane (Reserved)

Shared private lane. Unless specified otherwise in this Section 106-2-030 a shared private lane is only allowed in locations where a street or street connection is not otherwise required or planned as provided in the applicable general plan, and where its placement will not violate the applicable Street-Block requirement of Section 106-2-3. Construction of a shared private lane is a subdivision improvement requirement and shall comply with the relevant sections of Section 106-4 of this Land Use Code.

(a) Shared private lane design, configuration, and construction requirements. A shared private lane shall be:

(1) Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum improved surface width of 20 feet. A greater right-of-way width may be required by the County Engineer for a cross-slope easement.

(2) Configured and constructed so that any curve will safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.

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- 384 (3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no
385 less than 14 and a half feet. In a development with an average density that is greater than one unit
386 per acre, the lane shall be hard-surfaced.
- 387 (4) Be on a Parcel that is held in common ownership by a homeowner's association that governs the
388 lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that
389 gain access therefrom.
- 390 (5) If terminal, the shared private lane shall be no longer than
- 391 a. 200 feet in the Western Weber Planning Area, and provide access to no more than seven
392 Dwellings Units.
- 393 b. 600 feet in the Ogden Valley Planning Area, and provide access to no more than 15 Dwelling
394 Units. However, if longer than 200 feet in length it shall be designed with a fire apparatus turn-
395 around approved by the local fire authority at the end.
- 396 (b) ***Shared private lane temporarily in lieu of street.*** As long as development on other properties in the
397 general area to which a street could extend is not imminent, a private lane may be installed in place of
398 a required public or Private Street, and in the Ogden Valley it may be longer than 600 feet in length,
399 under the following circumstances:
- 400 (1) ***No interruption of street connectivity.*** Doing so shall not disrupt the orderly build-out or inhibit
401 the future street connectivity of the area.
- 402 (2) ***Compliance with general plan.*** It shall not be contrary to the General Plan's recommendations
403 that are specifically applicable to the area.
- 404 ~~(3)~~ (3) ***Easement required.*** The final plat shall convey an easement over the shared private lane
405 to Weber County for the purpose of reserving a future Public Street right-of-way at a time the
406 governing body determines a Public Street is necessary, if ever.
- 407 a. The easement being dedicated to the county shall be the length of the Private Street and extend
408 to adjacent developable land or another street regardless of whether the Private Street
409 infrastructure does.
- 410 b. The easement shall be the same width required for a Public Street right-of-way, and be
411 configured at a grade that will not create an unreasonable burden for future street-building and
412 connectivity given typical grading and construction methods.
- 413 (4) ***Operation, maintenance, and use.*** The operations and maintenance of the shared private lane
414 shall be the sole responsibility of the owners of each Lot gaining access from it.
- 415 (5) ***Building setback standards.*** The minimum front building setback shall be 33 feet greater than
416 otherwise required, and shall be measured from the centerline of the shared private lane.
- 417 (6) ***Plat note.*** On the final plat, the county-owned easement shall be labeled and noted as required by
418 Section 106-1-8.020.
- 419 (7) ***Recording requirements.*** At the time of final plat recording, the applicant shall record a covenant
420 to run with the land that provides that:
- 421 a. The owners of all Lots that gain access from the shared private lane are solely and equally
422 responsible for operations and maintenance of the lane.
- 423 b. If applicable, that by purchasing a Lot that gains access from a shared Private Street, the owner
424 acknowledges that the lane easement is owned in fee by the governing body for possible future
425 Public Street purposes, but that the governing body assumes no responsibility or liability for
426 the lane or for the uses thereof or thereon until and unless, if applicable, the governing body
427 assumes responsibility for it.
- 428 c. The owner is responsible for disclosing the nature of the lane to prospective purchasers,
429 renters, or lessees.
- 430 e.d. The landowner of record or authorized representative agree to pay a proportionate amount of
431 the costs associated with improving or restoring the street to operational Public Street
432 standards at the time the governing body assumes responsibility for it; and agrees to not protest

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433 [the creation of a special assessment area or other similar revenue generating mechanism the](#)
434 [governing body deems necessary to bring the shared private lane to operational Public Street](#)
435 [standards.](#)

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437 **Sec 106-2-2.040 Terminal Streets**

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439 **Sec 106-2-2.2050 Arterial And Collector Streets**

440 (a) Unless specified otherwise in this Land Use Code, an ~~a~~ Arterial or ~~Collector Street~~ collector street shall
441 [be dedicated to](#) conform to the right-of-way width designated ~~on in~~ the [general plan](#), master street plan,
442 [capital improvement or facilities plan, impact fee facilities plan, development agreement, or similar](#)
443 [adopted planning or street design document. Setback from an Arterial and Collector Street shall be in](#)
444 [compliance with Section 108-7-10.](#)

445 ~~(a)~~(b) [Both Arterial and Collector Streets are limited access streets. Subdivisions shall be designed to](#)
446 [avoid providing Lots direct access from an Arterial or Collector Street, wherever possible. If a](#)
447 [subdivision cannot be designed to avoid providing a Lot access directly from an Arterial or Collector](#)
448 [Street, then access to the Lot shall follow the access provisions of Section 108-7-29. Residential access](#)
449 [may be gained from the Arterial or Collector Street by sharing another previously existing residential](#)
450 [access.](#)

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452 **Sec 106-2-2.060 (Reserved)**

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454 **Sec 106-2-2.070 (Reserved)**

455 ...

456 **Sec 106-2-2.080 Street Cross Sections and Design**

457 (a) **Street cross section design.** A proposed new street or street extension shall comply with the
458 standards and specifications provided in Section 106-4-5 of this Land Use Code, as shall half of an
459 existing street adjacent to the ~~Lot~~lots in the subdivision, if applicable. The County Engineer is authorized
460 to require the applicant to make offsite improvements on streets in the area if the impact of the
461 subdivision on those streets necessitates the improvements. In the FB Zone, street design shall comply
462 with the specific standards therein.

463 (b) **Development on a substandard street.** [Development on a substandard street shall comply with the](#)
464 [provisions of Section 108-7-19.](#)

465 ~~When an applicant is proposing a lot or lots that will gain access from a substandard street, or from a~~
466 ~~terminal street or terminal street route that is substandard at any point leading to the lot or lots, the applicant~~
467 ~~can either choose to bring the street to the applicable standard or the following provisions shall apply:~~

468 ~~Paying proportionate share. As part of a "project improvement," as defined in UCA 11-36a-102, the~~
469 ~~applicant shall pay the cost of a proportionate share of street design, street improvements, and, if~~
470 ~~applicable, street right-of-way acquisition to bring that street into or closer to compliance with County~~
471 ~~standards. The cost of the proportionate share shall be determined as follows:~~

472 ~~Engineer's cost estimate. Estimate the cost to improve the street to County standards from the point it~~
473 ~~becomes substandard to the furthest extent of the applicant's subdivision along the street, in compliance~~
474 ~~with the following:~~

475 ~~This shall be furnished by the applicant in the form of an engineer's cost estimate. The estimate shall use~~
476 ~~up-to-date market costs for engineering and design, surveying, construction material, labor, and any other~~
477 ~~expense necessary to improve the street to County standards. The added expense of an intersection or~~
478 ~~other street component that is not related to providing a standard street to the applicant's subdivision shall~~
479 ~~be excluded from the calculation;~~

480 ~~The County Engineer may require the applicant to furnish engineered drawings of the street and an~~
481 ~~itemized cost estimate in order to substantiate the estimated cost;~~

482

Commented [E21]: Check ref

Commented [E22]: Check reference.
Check also references to this section throughout and update.

~~The County Engineer has the discretion to adjust the cost estimate for inflation or market fluctuations during the duration of construction of the applicant's obligations; and~~
~~A subdivision improvement that is required of the applicant by the Land Use Code regardless of the condition of the street shall not be included in this calculation, and shall be provided as otherwise required by this Title.~~
~~Determine street's buildout potential. Find the sum of the estimated number of lots expected along the street at buildout, plus the applicant's proposed number of lots, as follows:~~
~~Measure the length of the substandard street or street route from the point it becomes substandard to the furthest extent of the applicant's subdivision along the substandard street or street route;~~
~~Determine the estimated number of lots expected along the street at buildout by dividing the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even if the applicant's subdivision has them; then~~
~~Combine the estimated number of lots expected along the street at buildout, the results of Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.~~
~~Final proportionate share calculation. Divide the cost to improve the street or street route to County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots expected along the street at buildout plus the applicant's proposed number of lots, the results of Subsection (b)(1)b. Required improvements, escrow, and allowed deferral. The County Engineer shall:~~
~~Required improvements. Require the applicant to make improvements to the substandard street or street route in an amount up to but not exceeding the applicant's cost of the proportionate share, as determined herein. The County Engineer has full authority and discretion to determine what improvements are required of the applicant;~~
~~Escrow. Require this cost to be deposited with the County for the County to add a street's needed improvements into scheduled road maintenance and improvements; or~~
~~Deferral. If the County Engineer determines that the funds that would be made available are insufficient to provide meaningful project improvements along the substandard street or street route, he may allow a substandard road agreement in lieu of the project improvements required in this section. In this case, all owners having interest in the new subdivision shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the county. At a minimum, it shall:~~
~~Explain that the new subdivision has only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the minimum design and safety standards adopted by the County;~~
~~Require a deferral agreement that specifies that the owners or successors and heirs are responsible, at a time the governing authority deems it necessary, to pay for their proportionate share of improving the parts of the single-access street route that do not conform to County standards;~~
~~Allow the governing authority, at its option, to withhold any written protest filed by the owners or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided that the revenue generated by the mechanism is used to improve access to the subdivision; and~~
~~Be recorded to the property at the time of subdivision recordation or sooner.~~

...

Sec 106-2-2.090 Street Grades

Except ~~where due to~~ for rare and special circumstances, street grades over sustained length shall not exceed the following percentages: on ~~major public streets~~ Arterial Streets, eight percent; on ~~Collector Streets~~ Collector Streets, ten percent; on ~~minor streets~~ Major and Minor Neighborhood Streets, 12 percent; on ~~Private Street~~ private streets, where allowed by this Land Use Code, 15 percent. All street grades shall be reviewed and approved by the ~~county Local Fire Authority fire district and county engineer~~ County Engineer.

...

Sec 106-2-2.100 Alleys

(a) Alleys shall have a minimum width of 20 feet unless specified otherwise in this Land Use Code.

(b) An Alley shall be provided snow storage areas abutting the Alley of sufficient size and configuration to easily accommodate the Alley's snow storage needs, as determined by the County Engineer.

538 (c) An Alley shall be dedicated for public use, as provided in Section 106-7-1, but the operations and
539 maintenance of the Alley shall be the collective and equitable responsibility of all landowners who's
540 Lots, Parcels or parking areas gain access from it.

541 (d) A note shall be placed on the final subdivision plat as provided in Section 106-1-8.020. An association
542 of owners may be created to specify the details of the management thereof.

543 ~~Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except~~
544 ~~under unusual conditions where such alleys are considered necessary by the planning commission.~~

545 **Sec 106-2-2.110 Protection Strips**

546 ...

547 **Sec 106-2-4 Lot Standards**

548 **Sec 106-2-4.010 Lot Standards Generally**

549 (a) **Lot configuration.** The Lot arrangement and design shall provide satisfactory and desirable sites
550 for buildings, and be properly related to topography and to existing and probable future development
551 conditions. The applicant shall demonstrate that each Lot intended for a building or other site
552 improvements is buildable.

553 (b) **Lot size and exceptions.** Unless specifically allowed otherwise in this Land Use Code or a
554 development agreement, All Lots shown on the subdivision plat must conform to the minimum area
555 and width requirements of the Land Use Code for the zone in which the subdivision is located, as
556 provided in the applicable zone pursuant to Title 104 of this Land Use Code. ~~However, the following~~
557 ~~are exceptions to this requirement:~~

558 ~~**Variance.** When otherwise permitted by the granting of a variance by the board of adjustment~~
559 ~~as authorized by the Land Use Code.~~

560 ~~**Cluster subdivision or master planned development.** When in accordance with the cluster~~
561 ~~subdivision or master planned development provisions of this Land Use Code.~~

562 ~~**Septic system and wellhead protection.** When required by the local health department as~~
563 ~~being the minimum area necessary for septic tank disposal and water well protection if~~
564 ~~greater than the above area requirements.~~

565 (c) **Lot frontage.** Each Lot shall have frontage on a street or shared private lane that meets County
566 standards, unless specifically provided otherwise in this Land Use Code. A Lot having double
567 frontage is prohibited unless the rear of the Lot is abutting a collector or Arterial street, or a street
568 planned to become a collector or Arterial street, or extreme topography makes other design
569 inappropriate, as determined by the County Engineer. If allowed, the rear Lot line of a ~~double~~ Double
570 ~~frontage~~ Frontage ~~lot~~ Lot shall be labeled as "no access allowed."

571 (d) **Side Lot Lines.** Side lines of Lots shall be approximately at right angles, or radial to the street line.

572 (e) **Flag Lot.** A Flag Lot shall comply with the following provisions:

573 (1) Area. Regardless of any other alternative Lot Area provision of this Land Use Code, the area of
574 the Lot exclusive of the access strip (the flag's staff) shall be no less than twice the minimum Lot
575 Area required by the zone, as provided in Title 104.

576 (2) Unless otherwise allowed in this Land Use Code, a Flag Lot shall not be allowed if it avoids the
577 installation of a street contemplated by this Land Use Code, an adopted general plan, master
578 transportation plan, development agreement, or other adopted document intended to govern the
579 placement, connectivity, or creation of a street or Street-Block.

580 (3) **Access.**

581 a. Each Flag Lot shall gain access to a street by means of its own fee title access strip (the flag's
582 staff). Successive stacking of Lots on the same access strip is not permitted.

583 b. No access strip shall exceed 800 feet in length.

584 a.c. A maximum of two Flag Lot access strips may be located adjacent to each other.

Commented [E23]: This is not an all-inclusive list. Rather than spelling out all of the exceptions already allowed in the code, I've simply added a blanket statement at the front of the paragraph.

585 d. The access strip shall be configured in a manner that has the ability to support a future street
586 if one is ever needed. The access strip shall be no less than 60 feet wide and extend from the
587 street or shared private lane to the furthest extent of the Lot. This may be reduced to 30 feet if
588 two Flag Lot access strips are adjacent to each other.

589 e. The access strip shall be denoted on the plat as the access strip to the Flag Lot, and the Lot's
590 front shall be determined as facing this access strip. The front setback shall be measured from
591 the access strip.

592 f. A Flag Lot may be platted as long as an easement is platted over the entirety of the access
593 strip in favor of the County for the purpose of creating a Public Street at a time the governing
594 body determines a Public Street is necessary, if ever. However, the future street easement is
595 not required in the following circumstances:

596 1. The adjacent area to which a future street could otherwise be extended is built-out such
597 that no reasonable street connection can be made thereto;

598 2. The adjacent area to which a future street could otherwise be extended has characteristics
599 that significantly reduce the likelihood the Street-Block will be needed, as determined by
600 the Land Use Authority. These characteristics include, but are not limited to sensitive lands
601 such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no
602 reasonable street configuration can be created that complies with allowed street grades;
603 or

604 3. The adjacent area to which a future street could otherwise be extended has culturally or
605 locally important lands that can, is, or will be permanently preserved in a manner that
606 benefits the general public. The Land Use Authority may require the applicant to secure
607 the permanent preservation in a manner satisfactory to the Land Use Authority.

608

609 ~~(e)~~(f) **Remnant Parcel.** A subdivision of land shall not exclude from its boundary any part or remainder
610 of a ~~Parcel~~parcel affected by the subdivision unless the remnant ~~Parcel~~parcel is exempt from the
611 definition of a subdivision under state and county code, or is exempt from platting requirements by state
612 code.

613 (1) **Remnant Parcel size.** An allowed remnant ~~Parcel~~parcel shall be no smaller than five acres, and
614 be recorded with the agricultural notice specified in UCA § 17-27a-605.

615 (2) **Retroactive compliance.** Any ~~Parcel~~parcel that was created as the result of being a remainder
616 from a platted subdivision, including those that do not comply with the recorded notice provisions
617 of UCA § 17-27a-605, that is later used for any use other than agriculture is no longer exempt from
618 the requirements of this Title and shall retroactively be made to comply with this Title and applicable
619 state code.

620 ~~(f)~~(g) **Multiple ownership.** Where the land covered by a subdivision includes two or more ~~Parcel~~parcels
621 in separate ownership and the ~~Lot~~lot arrangement is such that a property ownership line divides one or
622 more proposed ~~Lot~~lots, the land in each ~~Lot~~lot so divided shall be properly executed to correctly vest
623 title to the owner or owners prior to recording the plat.

624 ~~(g)~~(h) **Easements.**

625 (1) **Lot frontage public utility easements.** Each ~~Lot~~lot shall have a ten-foot public utility easement
626 abutting a street right-of-way and spanning the ~~Lot~~lot width. This ten-foot easement is not required
627 in a zone that allows a zero front setback.

628 (2) **Other public utility easements.** Other public utility easements shall be provided if, and only if,
629 authorized or required by the County Engineer or Land Use Authority, who shall specify the
630 easement's location and width, with a minimum width no less than five feet.

631 (3) **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff
632 onto other property will not exceed historic runoff rates, a land drain easement and drainage
633 infrastructure shall be provided by the applicant in a manner that protects other properties in the
634 area and public infrastructure. The land drain shall be installed as part of the subdivision
635 improvements.

636 (4) **Agricultural water drainage easements.** When a subdivision is proposed on land to which
637 irrigation water runoff has historically and lawfully drained from other property, a land drain
638 easement and drainage infrastructure shall be provided by the applicant in a manner that protects
639 the new Lotlots, public infrastructure, and historic irrigation flows from and to other property. The
640 land drain shall be installed as part of the subdivision improvements.

641 ~~(h)~~(i) **Taxing district annexation.** ~~Parcel~~Parcels that are split by a taxing district shall have the entire
642 Parcel~~parcel~~ annexed into that taxing district prior to the recording of the subdivision. Exceptions will
643 be made for bond obligations by the taxing district.

644 ~~(j)~~(i) **Hillside development.** A Lot~~lot~~ that has an average percent of slope, as defined in Section 101-2 of
645 this Land Use Code, that is greater than 25-percent shall provide for the following:

646 (1) **Buildable area.** If a Lot~~lot~~ has a ~~buildable~~Buildable area~~Area~~, as defined in Section 101-2, a
647 hillside development review is not required. The buildable area shall be delineated on the final plat
648 by short dashed lines.

649 (2) **Restricted Lot.** ~~Each Lot shall be configured, designed, and constructed in a manner that~~
650 ~~mitigates detrimental effects to future owners or the surrounding area. Each Lot shall provide a~~
651 ~~Buildable Area that can reasonably contain buildings typical for the zone. Each Lot that has area~~
652 ~~that has not been adequately studied and mitigated to prove buildability shall have the area clearly~~
653 ~~delineated and denoted on the final plat as "restricted area." A Lot that has a restricted area may~~
654 ~~be amended to reduce or eliminate the restriction after appropriate studies and mitigation measures~~
655 ~~have been completed, as provided elsewhere in this Land Use Code. A note shall be placed on the~~
656 ~~final plat pursuant to Section 106-1-8.020. A lot that cannot contain a buildable area is a restricted~~
657 ~~lot and is subject to a hillside development review pursuant to the requirements of Title 108, Chapter~~
658 ~~14. The letter "R" shall be placed immediately to the right of the lot number. All development~~
659 ~~conditions and restrictions resulting from the hillside development review shall be noted or~~
660 ~~referenced on the final plat.~~

661 ~~(j)~~(k) **Sensitive lands restrictions.** A lot subject to development restrictions found in Title 104, Chapter
662 28 of this Land Use Code shall show the restrictions on the final plat. This shall include but may not be
663 limited to wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

664 **Sec 106-2-4.020 Lot-Averaged Subdivision**

665 In the A-1, A-2, A-3, and AV-3 zones, a Lot~~lot~~'s area and width standards may be reduced in a Lot~~lot~~-
666 averaged subdivision below the standard minimum Lot~~lot~~ ~~area~~Area or minimum ~~lot~~Lot ~~width~~Width as
667 specified in the applicable zone or zones found in Title 104. A ~~lot~~Lot-averaged subdivision shall comply with
668 the following:

669 (a) **The averaged area and width of all lots to comply with zone standards.** The averaged ~~lot area~~Lot
670 Area and averaged ~~lot~~Lot ~~width~~Width of all Lot~~lots~~ located within a Lot~~lot~~-averaged subdivision shall
671 be no less than the minimum Lot~~lot~~ ~~area~~Area and minimum ~~lot~~Lot ~~width~~Width found in the applicable
672 zone or zones. A pre-existing nonconforming Lot~~lot~~ of record that is smaller in Lot~~lot~~ ~~area~~Area or Lot~~lot~~
673 ~~width~~Width shall be excluded from the calculation, and may continue with the smaller dimensions as
674 long as it is not made more nonconforming.

675 (b) **Lot standards.** The Lot~~lot~~ ~~area~~Area and Lot~~lot~~ ~~width~~Width of an individual Lot~~lot~~ located within a
676 Lot~~lot~~-averaged subdivision shall be no less than shown in the following table, provided that the
677 averaged area and width of all Lot~~lots~~ in the subdivision maintains compliance with Subsection (a) of
678 this section.

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

679 (c) **Subdivision plat table.** A table shall be provided with the subdivision application and on the final
680 subdivision plat showing the area and width of each Lot~~lot~~ within the overall subdivision boundary, the

681 average area and width of all Lotlets within the overall subdivision boundary, and the average area and
 682 width of all Lotlets within each zone in the subdivision boundary. If platted in phases, the “overall
 683 subdivision boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.

684 (d) **Plat subtitle.** Pursuant to Section 106-1-8.20, a subtitle and note referencing this provision shall be
 685 placed on the final plat.

686 **Sec 106-2-4.030 Connectivity-Incentivized Subdivision**

687 (a) **Intent.** The intent of this section is to provide efficient, convenient, logical, and frequent street and
 688 pathway connections to, within, through, and out of a proposed subdivision in a manner that other
 689 provisions of this Land Use Code do not. In exchange for providing the additional infrastructure, the
 690 applicant may use the acreage otherwise occupied by streets and pathways as credit toward creating
 691 Lots.

692 (b) **Voluntary compliance.** The provisions of this section offer a voluntary alternative to traditional and
 693 typical Lot development standards otherwise set forth in the applicable zone. An applicant shall not be
 694 allowed to use this section unless the applicant volunteers to comply with all provisions herein. Applying
 695 for a connectivity-incentivized subdivision constitutes the applicant’s agreement to be governed by this
 696 section, and constitutes the applicant’s acknowledgement that the discretionary authority this section
 697 offers to the Land Use Authority may result in a decision contrary to the applicant’s initial intent. The
 698 applicant accepts all risk, including lost time and money, for voluntarily applying for subdivision review
 699 under these provisions. Otherwise, the applicant shall use other development types authorized by this
 700 Land Use Code to subdivide their land.

701 (c) **Maximum allowed density.** If the applicant provides a street and pathway layout that complies with
 702 this section and is approved at the discretion of the Land Use Authority after receiving a favorable
 703 recommendation from staff, the applicant may use the Base Density calculation, as defined in Chapter
 704 101-2-3, to compute the maximum allowed Lots in the subdivision. Further, when calculating the Base
 705 Density, the area of the subdivision proposed to be occupied by public improvements is not required to
 706 be omitted from the net developable acreage.

707 ~~In the zones listed herein, when an applicant voluntarily designs a subdivision’s public street layout in~~
 708 ~~accordance with the preferred layout of the County Planning Division Director and County Engineer, the~~
 709 ~~applicant may use the base density calculation, as defined in Chapter 101-2-3, to determine the number of~~
 710 ~~lots allowed in the subdivision. The following provisions also apply:~~

711 (a) ~~**No entitlement.** An applicant is not entitled to the provisions of this section and the County is not~~
 712 ~~obligated to apply the provisions of this section to any application.~~

713 (b) ~~**Base density incentive.** When calculating the base density, the area proposed to be encumbered by~~
 714 ~~a public street right-of-way, up to ten percent of the gross developable acreage, is not required to be~~
 715 ~~omitted from the net developable acreage of the subdivision. Base density shall be calculated using~~
 716 ~~the minimum lot area and minimum lot width of the applicable zone, pursuant to the provisions in Title~~
 717 ~~104.~~

718 (a)(d) **Allowed zones.** A connectivity-incentivized subdivision is allowed only in the following zones: S-1,
 719 F-5, AV-3, FV-3, A-3, A-2, A-1, RE-20, RE-15, R1-15, R1-12, R1-10, R2, R3, FR-3, and CVR-1

720 (1) Unless excepted in Subsection (e)(2) of this section, at no time shall the Lotlet area Area and
 721 Lotlet width Width of any residential Lotlet be less than provided in this table:

	S-1	F-5	AV-3	FV-3	A-3	A-2	A-1	RE-20	RE-15	FR-3	R-1-12	R-1-10	R-2	R-3	CVR-1
Reduced minimum <u>Lot</u> area:	50-percent of the zone’s minimum.							80-percent of the zone’s minimum.			6000’ square feet		80-percent of the zone’s minimum.		No minimum.

Reduced minimum <u>Lot</u> width:	50-percent of the zone's minimum.	80-percent of the zone's minimum.	<u>60 feet</u>	80-percent of the zone's minimum.	No minimum.
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¹Each Lot adjacent to a Lot in another subdivision, including across a street, shall be no smaller than the lesser of: 80 percent of the square footage specified for the maximum allowed density; or the actual Lot area of the Lot or Lots to which it is adjacent.

(2) The following are exceptions to the Lot area and Lot width provisions of Subsection (b)(1) of this section:

- a. A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.
- b. A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.

Commented [E24]: Check ref

~~(c) **Preferred public street layout.** In determining the preferred public street layout, the County Planning Division Director and County Engineer shall focus on enhancing the overall public good. This may include, but need not be limited to using industry best practices regarding:~~

(e) **Public street layout.** Nothing here shall waive the minimum street or pathway requirements as provided elsewhere in this Land Use Code. A subdivision shall be designed in a manner that prioritizes circulation efficiencies both within the subdivision and to adjacent neighborhoods. Priority shall be given to both vehicular and pedestrian connectivity. To this end, a connectivity incentivized subdivision is only allowed if it meets the following minimum standards.

(1) **Street-Block.** A Street-Block shall have a length of no greater than 660 feet. The Land Use Authority may, but is not obligated to, approve an exception to this rule if a Street-Block cannot be formed as a result of one or more of the following. However, in each case the applicant shall provide a Street-Block or a connection that will help form a future Street-Block as near as is otherwise reasonably practicable:

- a. The adjacent area to which a street could otherwise be extended is built-out such that no reasonable street connection can be made thereto;
- b. The adjacent area to which a street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades;
- c. The adjacent area to which a street could otherwise be extended has culturally or locally important lands that can, is, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority;
- d. Adherence to the maximum Street-Block length will interrupt a regionally significant pedestrian pathway delineated in the area's general plan or similar planning document; or
- e. Strict adherence to the maximum Street-Block length will result in a Street-Block that is less than 200 feet in length.

(2) **Street efficiency.** A street or street segment shall provide the shortest connection as reasonably possible without compromising the buildability of adjoining lots given compliance with other requirements of this Land Use Code.

(3) **Intersections.** Street intersections shall be four-way intersection wherever possible.

(4) **Directional continuity.** Streets shall provide directional continuity. Regardless of how a street may wind through a subdivision, whenever possible it shall exit the subdivision in the same general direction it entered so that it provides users a consistent direction of travel along the same street.

766 (5) Permanently terminal streets. Cul-de-sac and dead end streets shall be avoided. A cul-de-sac or
767 dead end street may be allowed in rare circumstances if the same or similar characteristics as
768 specified in the exceptions of (e)(1) are present.

Commented [E25]: Check ref

769 (6) Alignment and connection to other streets. Whenever possible, streets shall connect or be
770 aligned to provide a future connection to other existing streets in the general area, with special
771 deference for connecting to existing stubbed streets.

772 ~~(1) Street and neighborhood connectivity for both motorized and nonmotorized street-users;~~

773 ~~(2) Efficiency of street-routes in terms of distance traveled;~~

774 ~~(3) Reducing block length;~~

775 ~~(4) Enhancing pedestrian circulation and safety;~~

776 ~~(5) Supporting four-way intersections over three-way intersections where appropriate; and~~

777 ~~— Superior street alignment that will create best community outcomes.~~

778 (f) Pathway location and design standards.

779 (1) Pathways and sidewalks, generally.

780 a. Each development shall be configured so that the maximum pathway or sidewalk walking-
781 distance between a pathway or sidewalk intersection is 400 feet.

782 1 This distance may be increased for a segment of a pathway that travels through a
783 permanently preserved open space area or an area very unlikely to ever develop.

784 2 A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
785 pathway, sidewalk, or street that has pedestrian facilities.

786 b. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
787 motorized modes of transportation.

788 c. Pathways shall connect using shortest distance reasonably possible.

789 d. Pathway and sidewalk layout shall provide for the continuation of existing pathways or
790 sidewalks in the general area, and for future planned pathways, as shown on an adopted
791 pathway plan, general plan, master trails plan, or other applicable adopted planning document.

792 e. A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent
793 developed property.

794 f. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with
795 a stub to the subdivision boundary.

796 g. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
797 convenient and efficient access to nearby Lots or Parcels that are likely to eventually be
798 developed.

799 (2) Street-adjacent pathway. Along each Arterial Street, Collector Street, and Major Neighborhood
800 Street, as provided in an adopted general plan, master streets plan, or similar adopted document,
801 a 10-foot wide hard-surfaced pathway shall be installed.

802 a. When determining which side of the street the pathway is required, preference shall be given
803 to the side of the street that has optimal sun exposure during winter months.

804 b. The Planning Director may require a pathway be located on the other side of the street to
805 support pathway connectivity based on other factors such as existing or planned future
806 pathways in the vicinity and potential pedestrian conflicts.

807 c. The pathway shall be located within the street right-of-way unless expressly authorized
808 otherwise by the County Engineer. If not located within the street right-of-way, a pathway
809 easement is required.

810 d. Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of
811 at least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with

the top of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches of base-course. Greater thickness may be required where it intersects a vehicle-way.

e. Example: *Street-Adjacent Pathway*



(3) ***Non-street-adjacent pathway.*** Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.

a. Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.

1. The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or Parcels are or will be used for Single-Family Dwellings, and are deed-restricted to:

2. Only allow a solid fence that is no greater than four-feet; or

b. Only allow a fence that is 30 percent open with the openings evenly distributed.

c. The adjoining land owners are responsible for the maintenance and upkeep of vegetation and waste on the half of the pathway right-of-way that is adjacent to their Lot or Parcel.

d. Example: *Non-Street-Adjacent Pathway*



830
831

832 ~~(d)~~(e) **Final plat note.** Pursuant to Section 106-1-8.20, a subtitle and note referencing this provision shall
833 be placed on the final plat.

834 ...

835 **Chapter 106-4 Subdivision Improvements Required**

836 ...

837 **Sec 106-4-2 Specific Requirements**

838 ...

839 **Sec 106-4-2.5 Curbs ~~And~~, Gutters, and Driveway Aprons.**

840 (a) **Curb and gutter.** Curbs and gutters shall be installed on existing and proposed streets by the applicant.
841 The County Engineer may allow curb and gutter to be deferred to a later time if it's in the best interest
842 of the street system. Deferrals shall be documented by recorded agreement, in a form as approved by
843 the County Attorney, between the County and the owner. Deferrals for curb and gutter will be required
844 for lots in the Ogden Valley. Curb and gutter shall be installed by the applicant in subdivisions along
845 abutting Utah State Highways, ~~if required by~~ unless specified in writing by the Utah State Department
846 of Transportation.

847 (b) **Driveway aprons.** The applicant shall install driveway aprons to each Lot that has a Lot Width of 60
848 feet or less. These driveway aprons shall be provided on construction drawings. No driveway apron
849 shall be of greater width than 25 feet and no lot shall have more than one driveway apron. Driveway
850 aprons shall be constructed of concrete.

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853 **TITLE 108 STANDARDS**

854

855 **Chapter 108-7 Supplementary And Qualifying Regulations**

DRAFT – Last edited 4/13/2023

856 **Sec 108-7-1 Purpose And Intent**

857 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning
858 regulations appearing elsewhere in this title.

859 ...

860 **Sec 108-7-7 ~~Clear View of Intersecting Streets~~ Supplemental Street, Access, And Right-of-Way**
861 **Standards**

Commented [E26]: Consolidated from multiple sections to here.

862 **Sec 108-7-7.010 Obstructions in Right-of-Way**

863 To ensure deposited items or materials do not interfere with pedestrian or vehicular traffic or in any way be
864 dangerous to the health, safety, and welfare of the people of the county, it is unlawful for any person to
865 place or deposit in or upon any Public Street, right-of-way, or other public property in unincorporated areas
866 of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation.

867 **Sec 108-7-7.020 Vegetation and Snow Removal – Pedestrian Rights-of-Way**

868 (a) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian
869 pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

870 (b) In addition to the requirements of Section 32-8-2 of the Weber County Code, owners or occupants of a
871 platted building Lot, or a Lot of record with an existing residential, commercial, or manufacturing use,
872 that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure
873 continual removal of snow from the pathway.

874 **Sec 108-7-7.030 Clear View of Intersecting Streets.**

875 When an Alley or access way intersects with a public right-of-way, or when the subject property abuts the
876 intersection of two or more public rights-of-way, the triangular areas described below shall provide
877 unobstructed cross-visibility at a level between two and eight feet in height. Trees may be planted inside
878 the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility
879 zone, and placed so as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be
880 located closer than three feet from the edge of any access way pavement. No other obstruction to view in
881 excess of three feet in height shall be allowed. The triangular areas referred to above are defined as
882 follows:

883 (1) The area of property on either side of an access way formed by the intersection of each side of the
884 access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length
885 measured from the point of intersection and the third side (hypotenuse) being a line connecting the
886 ends of these two sides.

887 (2) The area of property located at a corner formed by the intersection of two or more public rights-of-
888 way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length of
889 40 feet back from their intersection and the third side being a line connecting the ends of these two
890 sides.

891 ...

892 **Sec 108-7-10 Required Building Setback From Designated Collector Or Arterial Streets**

893 Where a street is designated on the master street plan of the county as a ~~collector~~ Collector Street or ~~arterial~~
894 ~~(major) street~~ Arterial Street, and where the existing street right-of-way requires widening to meet the right-
895 of-way standards of ~~such collector or arterial (major) street~~ the Collector Street or Arterial Street, the
896 minimum front and side yard setback for all buildings shall be based upon the future designated right-of-
897 way width as shown on the county master plan and shall be measured from the future ~~lot street right-of-~~
898 ~~way~~ line of the collector or arterial (major) street Collector Street or Arterial Street designated right-of-way
899 instead of the existing ~~Lot lot line~~ Line of the present street right-of-way.

900 ...

901 **Sec 108-7-19 Development on a Substandard Street or Public by Right-of-Use Road**
902 **Building On Dedicated Substandard Streets Or Public By Right Of Use Roads**

903 (a) Development on a substandard street is not permitted unless in compliance with this Section 108-7-19.
904 New or improved agricultural accesses are exempt from these requirements.

Commented [E27]: Moved to here from the subdivision code.

905 (b) For the purpose of this section, a substandard street means any of the following, from the point it
906 becomes substandard, or from the nearest intersection with a non-terminal street or street-route,
907 whichever is closer, to the furthest extent of the applicant's proposed development adjacent to the
908 street:

909 (1) a substandard street;

910 (2) a road that is public by right-of-use that does not meet minimum Public Street standards; and

911 (3) a terminal street-route or public by right-of-use road-route that at any point leading to the
912 development does not meet minimum Public Street standards.

913 (c) An application for a permit, subdivision, or any other approval authorized by this Land Use Code that
914 proposes to provide, add, or increase the intensity of access to a Lot or Lots from a substandard street
915 shall not be approved unless the substandard nature of the street or street-route is cured. However, if
916 curing the substandard nature of the street or street route is not roughly proportionate to the increased
917 impact of the proposal, then the following provisions shall apply.

918 (1) **Right-of-way dedication or conveyance.** In all cases, the applicant shall dedicate, by subdivision
919 plat or deed conveyance, to the County the minimum street right-of-way width of the applicant's
920 entire street frontage.

921 (2) **Street frontage improvements.** In all cases, the applicant shall be financially responsible for the
922 improvement of the applicant's street frontage for up to, but not to exceed, three times the
923 applicable minimum Lot Width allowed, except, however, if the development is of the nature that
924 makes the future development of any remaining portion of the Lot Width unlikely, the applicant shall
925 bear the burden of the full Lot width. The County Engineer has full authority and discretion to
926 determine the specific improvements required to be installed by the applicant prior to or as condition
927 of approval, and whether any remaining improvements may be deferred to a later time, as otherwise
928 provided in this Section.

929 (3) **Paying proportionate share.** As part of a "project improvement," as defined in UCA 11-36a-102,
930 the applicant shall pay the cost of a proportionate share of street design, street improvements, and,
931 if applicable, street right-of-way acquisition to bring that street into or closer to compliance with
932 County standards. The cost of the proportionate share shall be determined as follows:

933 a. **Engineer's cost estimate.** Estimate the cost to improve the substandard street or street-route
934 to County standards from the point it becomes substandard, or from the nearest intersection
935 with a non-terminal street or street-route, whichever is closer, to the furthest extent of the
936 applicant's proposed development adjacent to the street.

937 1. This shall be furnished by the applicant in the form of an engineer's cost estimate. The
938 estimate shall use up-to-date market costs for engineering and design, surveying,
939 construction material, labor, and any other expense necessary to improve the street to
940 County standards. The added expense of an intersection or other street component that is
941 not related to providing a standard street to the applicant's subdivision shall be excluded
942 from the calculation;

943 2. The County Engineer may require the applicant to furnish engineered drawings of the street
944 and an itemized cost-estimate in order to substantiate the estimated cost;

945 3. The County Engineer has the discretion to adjust the cost-estimate for inflation or market
946 fluctuations during the duration of construction of the applicant's obligations; and

947 4. A subdivision improvement that is required of the applicant by the Land Use Code
948 regardless of the condition of the street shall not be included in this calculation, and shall
949 be provided as otherwise required by this Title.

950 b. **Determine street's buildout potential.** Find the sum of the estimated number of lots expected
951 along the street at buildout, plus the applicant's proposed number of lots, as follows:

952 1. Measure the length of the substandard street or street-route from the point it becomes
953 substandard to the furthest extent of the applicant's subdivision along the substandard
954 street or street-route;

- 955 2. Determine the estimated number of lots expected along the street at buildout by dividing
956 the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot
957 width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot
958 widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even
959 if the applicant's subdivision has them; then
- 960 3. Combine the estimated number of lots expected along the street at buildout, the results of
961 Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.
- 962 c. **Final proportionate share calculation.** Divide the cost to improve the street or street-route to
963 County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots
964 expected along the street at buildout plus the applicant's proposed number of lots, the results
965 of Subsection (b)(1)b.
- 966 (4) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:
- 967 a. **Required improvements.** Require the applicant to make improvements to the substandard
968 street or street-route in an amount up to but not exceeding the applicant's cost of the
969 proportionate share, as determined herein. The County Engineer has full authority and
970 discretion to determine the specific improvements required of the applicant;
- 971 b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's
972 needed improvements into scheduled road maintenance and improvements; or
- 973 c. **Deferral.** If the County Engineer determines that the funds that would be made available are
974 insufficient to provide meaningful project improvements along the substandard street or street-
975 route, a substandard road agreement may be allowed in lieu of the project improvements
976 required in this section. In this case, the applicant, and all owners having interest in the subject
977 Lot or Lots shall execute a substandard road agreement and notice to new owners. The content
978 of the substandard road agreement and notice shall be as specified by the County, but at a
979 minimum it shall:
- 980 1. For a terminal substandard street or street route, explain that the subject Lot or Lots has
981 or have only a single street access connecting it to the greater interconnected Public Street
982 network, and the single street access is not built to the adopted minimum design and safety
983 standards;
- 984 2. Require a deferral agreement that specifies that the owners or successors and heirs are
985 responsible, at a time the governing authority deems it necessary, to pay for their
986 proportionate share of curing the substandard nature of the street or street-route;
- 987 3. Allow the governing authority, at its option to withhold any written protest filed by the owners
988 or their successors or heirs under the State Code's Assessment Area Act, Provisions For
989 Local Districts, or any similar government revenue generation mechanism, from the final
990 tally of collected protests, provided, however, that the revenue generated by the
991 mechanism is used to improve access to the Lot or Lots; and
- 992 4. Be recorded to the property at the time of subdivision recordation or sooner for subdivision
993 approval, or prior to the issuance of a land use permit or final approval for other types of
994 approvals.
- 995 ~~(a) An applicant for a land use and building permit for property which abuts and has access from a~~
996 ~~substandard dedicated street or public by right of use road, shall, as a condition of issuance of such~~
997 ~~permits, be required:~~
- 998 ~~(1) To sign a substandard road agreement provided by the county.~~
- 999 ~~(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county~~
1000 ~~road standards or as recommended by the county engineer in situations that warrant an alternative~~
1001 ~~width such as unusual topographic or boundary conditions.~~
- 1002 ~~(b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width~~
1003 ~~than the county standard, the minimum front and corner (facing street) side yard setbacks for all~~
1004 ~~buildings and structures shall be measured from the future county standard street right-of-way line~~
1005 ~~location, rather than from the present right-of-way line.~~

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Sec 108-7-24 Supplemental Energy Generation Standards Wind Energy Conversion Systems (Small Wind Energy Systems)

(a) **Small Wind Energy System.** The intent of this section is to regulate the placement and installation of small wind energy conversion systems in the county while providing for the safe, effective, and efficient use of such systems. These systems will be used primarily to produce clean energy and reduce on-site consumption of utility power for individual properties. The following regulations shall apply to all small wind energy conversion systems:

- (1) The minimum lot size required for a small wind energy system shall be 20,000 square feet.
- (2) Small wind energy systems shall be set back a distance equal to 110 percent of the tower height plus the turbine blade length from all property lines and a distance equal to 150 percent of the tower height plus the turbine blade length from any Dwelling on adjacent property. Small wind energy systems shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.
- (3) The maximum height of a small wind energy system (including tower and blades) shall not exceed 70 feet. Small wind energy systems proposed to be over 70 feet will require approval from the planning commission as part of the conditional use permit. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest point of the arc of the blades.
- (4) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.
- (5) Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color approved by the planning commission as part of the conditional use, and shall not be artificially lighted unless required by the FAA.
- (6) Small wind energy systems shall not exceed 60 decibels as measured at the closest property line except during short term severe wind events. A manufacturer's sound report shall be required with an application for a small wind energy system.
- (7) Manufacturer specifications for components and installation shall be required with an application for a small wind energy system.

(b) **Solar energy systems**

- (1) **Small solar energy system.** A small solar energy system, as defined in Section 101-2, is allowed in any zone, and shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.
- (2) **Large solar energy system.** A large solar energy system, as defined in Section 101-2, is regulated by Title 104, Chapter 30, of this Land Use Code.

Commented [E28]: Consolidating alternative energy generation into one section.

Commented [E29]: Check this chapter to verify any references to this paragraph are changed.

~~The intent of this section is to regulate the placement and installation of small wind energy conversion systems in the county while providing for the safe, effective, and efficient use of such systems. These systems will be used primarily to produce clean energy and reduce on-site consumption of utility power for individual properties. The following regulations shall apply to all small wind energy conversion systems:~~

- ~~(a) The minimum lot size required for a small wind energy system shall be 20,000 square feet.~~
- ~~(b) Small wind energy systems shall be set back a distance equal to 110 percent of the tower height plus the turbine blade length from all property lines and a distance equal to 150 percent of the tower height plus the turbine blade length from any dwelling on adjacent property. Small wind energy systems shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.~~

- 1054 (e) ~~The maximum height of a small wind energy system (including tower and blades) shall not exceed 70~~
 1055 ~~feet. Small wind energy systems proposed to be over 70 feet will require approval from the planning~~
 1056 ~~commission as part of the conditional use permit. The minimum distance between the ground and any~~
 1057 ~~protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest~~
 1058 ~~point of the arc of the blades.~~
- 1059 (d) ~~Small wind energy systems must comply with applicable Federal Aviation Administration (FAA)~~
 1060 ~~regulations, including any necessary approvals for installations close to airports.~~
- 1061 (e) ~~Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color~~
 1062 ~~approved by the planning commission as part of the conditional use, and shall not be artificially lighted~~
 1063 ~~unless required by the FAA.~~
- 1064 (f) ~~Small wind energy systems shall not exceed 60 decibels as measured at the closest property line~~
 1065 ~~except during short term severe wind events. A manufacturer's sound report shall be required with an~~
 1066 ~~application for a small wind energy system.~~
- 1067 (g)(c) ~~Manufacturer specifications for components and installation shall be required with an application~~
 1068 ~~for a small wind energy system.~~

1069 ...

Sec 108-7-27 (Reserved) Solar Energy Systems

- 1071 (a) ~~**Small solar energy system.** A small solar energy system, as defined in section 101-1-7, is allowed in~~
 1072 ~~any zone, and shall meet the setback and height requirements for an accessory building in the zone in~~
 1073 ~~which the system is located. Setbacks shall be measured to the outermost edge of the system nearest~~
 1074 ~~the property line. Solar energy systems which are attached to a building shall meet the same setbacks~~
 1075 ~~that are required for the building.~~
- 1076 (b) ~~**Large solar energy system.** A large solar energy system, as defined in section 101-1-7, is regulated~~
 1077 ~~by title 104, chapter 30, of this Land Use Code.~~

1078 ...

Sec 108-7-29 Flag Lot Access Strip, Private Right-Of-Way, And Access Easement Standards
Access and Standards for a Land Locked Residential Lot or Parcel

~~In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress to a dwelling unit, the following standards shall be met, in addition to the individual requirements of sections 108-7-30—108-7-32. These standards shall not apply to bona fide agricultural parcels that are actively devoted to an agricultural use(e) that is the main use.~~

(a) ~~**Design standards. Access.** Unless otherwise allowed in this Land Use Code, the provisions of this section shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code, an adopted general plan, master transportation plan, development agreement, or other adopted document intended to govern the placement, connectivity, or creation of a street or Street-Block. Otherwise, a land-locked Lot or Parcel intended for residential use shall have an access road or driveway that extends from a public right-of-way to the area of the Lot that will be developed.~~

- 1092 (1) ~~The access road or driveway shall be:~~
 - 1093 a. ~~Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum~~
 1094 ~~improved surface width of 20 feet. A greater right-of-way width may be required by the County~~
 1095 ~~Engineer for a cross-slope easement.~~
 - 1096 b. ~~Configured and constructed so that curves can safely facilitate the turning radius and weight of~~
 1097 ~~the Fire Authority's largest fire apparatus.~~
 - 1098 c. ~~Constructed of all-weather material, have a grade of no greater than ten percent, a clearance~~
 1099 ~~no less than 14 and a half feet, and if terminal and longer than 200 feet in length, a fire truck~~
 1100 ~~turnaround at the end.~~

Commented [E30]: Consolidated into energy regulations 108-7-24

Commented [E31]: Flag lot standards moved and consolidated into subdivision code.

1101 d. Be on a Parcel that is held in common ownership by a homeowner's association that governs
1102 the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all
1103 Lots that gain access therefrom.

1104 e. If terminal, no longer than 600 feet.

1105 f. If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around
1106 approved by the local fire authority at the end.

1107 **(b) Other requirements:**

1108 (1) The address of the Lot or Parcel shall be displayed in a prominently visible location at the street
1109 entrance to the Lot or Parcel's access from a public right-of-way.

1110 (2) A fire hydrant or other suppression method may be required by the fire district.

1111 (3) A site plan showing the location of the home, any proposed access roads and driveways, along
1112 with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the
1113 fire district for review.

1114 ~~(4) Buildings shall be set back a minimum of 63 feet from the center of the Lot's access right-~~
1115 ~~of-way.~~

1116 ~~(5) Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, or~~
1117 ~~privacy, or to maintain or improve the general welfare of the immediate area.~~

1118 ~~(3) The improved travel surface of the flag lot access strip, private right-of-way, or access easement~~
1119 ~~shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum~~
1120 ~~of 20 feet wide if the access serves five or more dwellings.~~

1121 ~~(4) The improved road surface of the flag lot access strip, private right-of-way, or access easement~~
1122 ~~shall be capable of supporting a minimum weight of 75,000 pounds.~~

1123 ~~(5) A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled surface~~
1124 ~~of the a flag lot access strip, private right-of-way, or access easement (private access) if the private~~
1125 ~~access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint~~
1126 ~~of the private access if its length is between 200 and 800 feet. If the private access length is greater~~
1127 ~~than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may~~
1128 ~~be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case~~
1129 ~~basis.~~

1130 ~~(6) The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of~~
1131 ~~ten percent. This standard may be modified by the Weber Fire District in conjunction with the county~~
1132 ~~engineer on a case-by-case basis; however, the maximum grade shall not exceed 15 percent.~~

1133 ~~(7) The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical~~
1134 ~~clearance of 14.5 feet.~~

1135 ~~(8) No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-~~
1136 ~~of-way, or access easement.~~

1137 ~~(9) New bridges, including decking and culverts shall be capable of supporting a minimum weight of~~
1138 ~~75,000 pounds. For existing bridges, a current certified engineer statement of load bearing~~
1139 ~~capabilities must be submitted to the county engineer and the Weber Fire District for review.~~

1140 ~~(10) The flag lot access strip, private right-of-way, or access easement shall have a minimum inside~~
1141 ~~travel way radius of 26 feet, outside travel way radius of 45 feet, and outside clear zone radius of~~
1142 ~~50 feet on all curves, particularly switchbacks. The width of the access may need to be increased~~
1143 ~~to accommodate these standards.~~

1144 ~~Water and sewer lines located within the flag lot access strip, private right-of-way, or access~~
1145 ~~easement require written notification from the agencies providing such serv~~

1146 ~~A fire hydrant or other suppression method may be required by the fire district.~~

1147 ~~A site plan showing the location of the home, any proposed access roads and driveways, along with the~~
1148 ~~location of and distance to the nearest fire hydrant (if available) shall be submitted to the fire district for~~

~~review.~~

~~Conditions may be imposed by the land use authority to ensure safety, accessibility, privacy, etc., to maintain or improve the general welfare of the immediate area.~~

~~The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.~~

~~The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with subsections (1), (2), and (3) of this section prior to the issuance of land use permits or building permits.~~

~~**Expiration.** Flag lot access strips, private rights of way, and access easements which have been approved by the land use authority are valid for 18 months from the date of approval.~~

Sec 108-7-30 (Reserved) Flag Lots

~~(a) The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a lot(s)/parcel(s) or lots at the current time, rather than approving a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.~~

~~(b) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.~~

Sec 108-7-31 (Reserved) Access To A Lot/Parcel Using A Private Right-Of-Way Or Access Easement

~~Lots/parcels which do not have frontage on a street, but which have access by a private right of way or access easement may, under certain circumstances, use a private right of way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:~~

~~(a) **Criteria.**~~

~~(1) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or~~

~~(2) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or~~

~~(3) Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right of way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.~~

~~(b) **Conditions.**~~

~~(1) It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right of way, or other instrument capable of conveying or granting such right; and~~

~~The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right of way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.~~

Commented [E32]: Flag lot standards moved and consolidated into subdivision code.

Commented [E33]: Replaced with Shared Private Lane

1195 **Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line**

1196 Access to ~~lots/parcels~~ a Lot or Parcel at a location other than across the ~~front lot line~~ Front Lot Line is not
1197 allowed unless otherwise specifically provided elsewhere in this Land Use Code or if the applicant can
1198 demonstrate that ~~may be approved as the primary access, subject to the following criteria:~~

- 1199 (a) ~~The applicant demonstrates that~~ Sspecial or unique boundary, topographic, or other physical conditions
1200 exist which would cause an undesirable or dangerous condition to be created for property access
1201 across the ~~front lot line~~ Front Lot Line.
- 1202 (b) ~~It shall be demonstrated that a~~ Appropriate and legal alternative access exists due to historic use, court
1203 decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or
1204 granting such right.

1205 ...

1206 **Chapter 108-16 Outdoor Lighting**

1207 ...

1208 **Sec 108-16-8 Violations, Enforcement, And Implementation**

- 1209 (a) **Violations.** The following constitute violations of this chapter:
- 1210 (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance
1211 with the provisions of this chapter.
- 1212 (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval without the
1213 review and approval of the land use authority when such alteration does not conform to the
1214 provisions of this chapter.
- 1215 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a
1216 manner that does not comply with this chapter.
- 1217 (b) **Enforcement.** Violations of this chapter are subject to enforcement and penalties as outlined in section
1218 102-4-4.
- 1219 (c) **Creation of dark sky committee.** In the Ogden Valley, ~~T~~he county will create an Ogden Valley dark
1220 sky committee to include representatives as follows: one planning division employee, two Ogden Valley
1221 residents at large, two Ogden Valley ~~Business Association~~ business owners members, and one
1222 individual from the Ogden Weber Chamber of Commerce, one from the Weber County Parks and
1223 Recreation Office, and one from Visit Ogden or similar local tourism bureau. The committee's purpose
1224 shall be to advise the county on dark sky best practices, implementation strategies, incentive programs,
1225 public/private partnerships, and anything else as the county commission deems necessary.

1226



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and/or take action on File ZTA2022-06, a County-initiated application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add a new street type for use in street regulating plans, and to adjust height allowances, workforce housing requirements, and TDR provisions, and to provide clerical edits and updates to better implement the intent of the general plan.

Applicant: Weber County
Agenda Date: Tuesday, April 25, 2023
File Number: ZTA 2022-06

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-2: Definitions
§104-22: Form-Based Zone (FB)

Legislative Decisions

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

Summary and Background

The Western Weber Planning Area has a new general plan. The plan calls for the use of the Form-Based zone in certain areas. Currently, the County's Form-Based zone has street regulating plans that pertain only to the Ogden Valley. In order to assist the Western Weber Planning Area in executing their desires, the County's Form-Based zone needs to be updated to provide a street regulating plan for a new "West Weber Village" area. This ordinance amendment was initiated by the County for this purpose.

Because the County's Form-Based zone applies to the Ogden Valley, any amendment thereto may affect village-area planning. For this reason, the Ogden Valley Planning Commission has been asked to review the changes desired by the Western Weber Planning Commission to verify consistency with the Ogden Valley General Plan as well as with development desires generally.

While reviewing the proposed changes, the Ogden Valley Planning Commission noted a number of changes that they would like to see implemented in the Form-Based zone as well. These changes primarily relate to allowed building height, transferable development rights, and workforce housing requirements. Other changes requested by the Ogden Valley Planning Commission are clerical or administrative in nature.

The attached Exhibit A contains the revised draft proposal of the FB zone that was created through this effort. The Western Weber Planning Commission has already forwarded a positive recommendation to the County Commission for the proposal.

Policy Analysis

Policy Considerations:

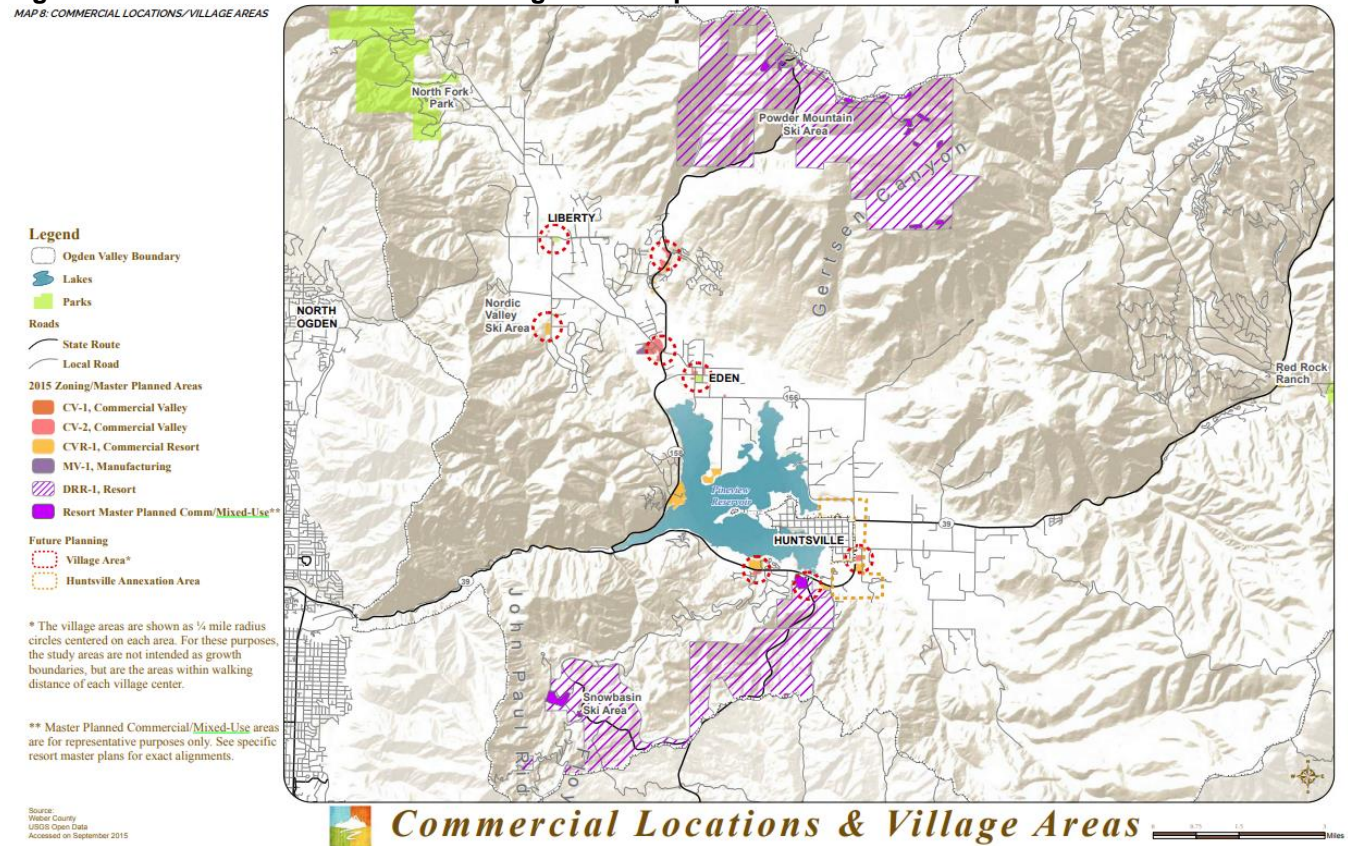
When reviewing the proposed amendments, it is important to keep the considerations within the context of the General Plan. The land-use vision written in the general plan is as follows:

*Vision: The Ogden Valley community desires a variety of housing types to meet the needs of a diverse population of various income levels, ages and stages of life. Neighborhoods should have convenient access to community amenities¹ and be designed in a manner that protects the valley's character. Residential development should be centered around **villages** and town centers and designed to provide open spaces and efficient uses of the land.*

All of the other land-use goals, policies, and implementation strategies should be reviewed within the context of this vision.

The following provides the Commercial Locations and Village Area map:

Figure 1: Commercial Locations and Village Area Map



The Form-Based zone is the tool that the County Commission, after receiving positive recommendation by the Planning Commission, adopted to help establish and implement the village areas specified. The Form-Based zone checks numerous boxes recommended by the plan, including but not limited to:

- Creates small area plans for “vibrant” commercial and mixed use development.
- Provides for a wide variety of housing options, including workforce housing (moderate income housing).
- Adopts both streetscape and building design standards.
- Adopts multi-modal street designs.
- Implements a transferable development rights program to move density from other areas into villages.

Additional general plan considerations regarding village (small area plan) areas:

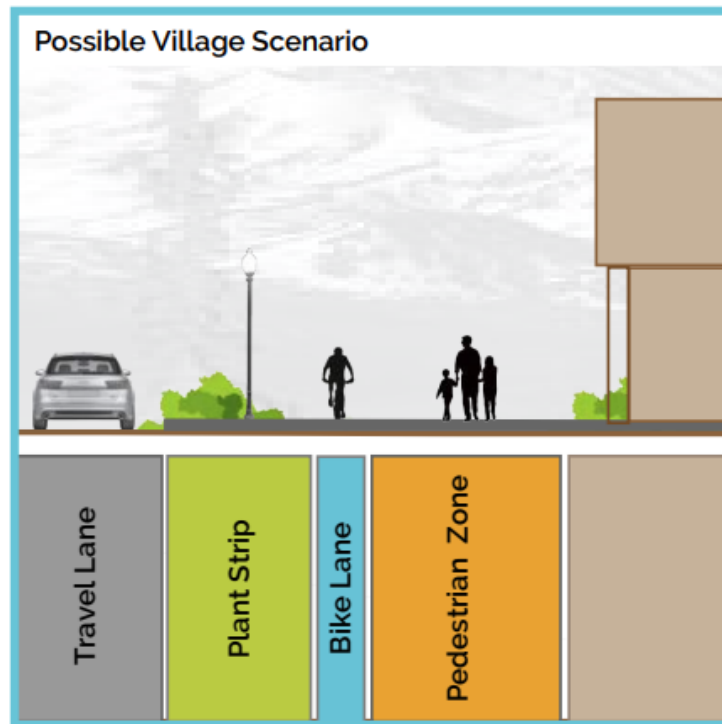
Commercial Development Goal 1: A goal of Weber County is to ensure that the location of retail and commercial development is consistent with Ogden Valley's rural character.

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

Commercial Development Implementation 1.1.1: Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.). Small area plans should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multi-modal and active transportation to and within each area, as may be appropriate. The village areas are shown as ¼ mile radius circles centered on each area on Map 8. For these purposes, the study areas are not intended as growth boundaries, but are the areas within walking distance of each village center.

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

Commercial Development Implementation 1.2.1: As also provided in the Transportation Element Streetscape implementation 1.1.1, develop and adopt multimodal streetscape cross sections for village areas, and implement key elements during programmed road maintenance and upgrade projects. Evaluate current commercial development standards in Ogden Valley to ensure opportunities for internal walkability and connections to the trail system.



Proposed Form-Based Zone (FB) Amendments (See Exhibit A):

Definitions:

The definition of alley is proposed to be revised and two definitions are being created to help implement TDRs.

They are “transfer of development rights” and “transferable development right.” References to “development right” and “residential development right” are also proposed.

General Revisions:

The proposal suggests reorganizing some of the sections so reading the ordinance flows better. More context regarding street regulating plans and street types are being moved closer to the beginning of the zone chapter. One of the bigger changes is the addition of a new street type. This street type is called a “medium-large lot residential” (MLLR) street. This street type will facilitate lots that are 12,500 square feet. This is between the medium lot residential (MLR) of 8000 square-foot lots, and the large lot residential (LLR), which provides 20,000 square-foot lots.

Land Use Table:

The land use tables were adjusted to provide for the new MLLR street type. Both planning commissions wanted further restrictions on short-term rentals than what was previously allowed in the FB zone. The proposal removes the allowance for short-term rentals from single-family residential areas that are on the periphery of commercial villages.

Lot Development Standards:

Both planning commissions paid special attention to lot development standards. Newly requested provisions not only add the new MLLR street type with associated lot standards, they also:

- Better govern the development of land-locked parcels within a street-block;
- Address the challenges of front-facing garage doors on narrow lots;
- Add missing standards for accessory buildings;
- Reduce the allowed height of buildings in commercial and multifamily areas. The reduced height is also proposed to require a building step-back from the street right-of-way, meaning buildings that are closer to the street are required to be shorter.

Street Design Standards:

Street design standards are proposed to be amended to include a three-lane street cross section for use on highways such as Highway 166 and 162 through village areas. The standard two-lane highway will remain the same for non-village areas. Other street design modifications include:

- Better standards and regulations regarding mid-block alleys and pedestrian crossings;
- Enhanced illustrations to provide better context of the implementation of the standards;
- Provide significant improvements to the provisions for pathways and pathway connectivity; both on-street and off.

Here is, in part, what the general plan recommends for street design and configuration:

Streetscape Design Goal 1: A goal of Weber County is to provide roads and streets in Ogden Valley that enhance community character.

Streetscape Design Principle 1.1: Ensure that Ogden Valley roads and streets have a cohesive design that promotes traffic calming and enhances community character.

Streetscape Design Implementation 1.1.1: Develop and adopt multimodal streetscape cross sections for villages based on the small area plans referenced in [Commercial Development Goal 1](#), and implement key elements during programmed road creation, maintenance, and upgrade projects. During small area planning, consider the need for traffic calming measures, reduced speed limits, consistent landscaping and lighting, and other public improvements.

Streetscape Design Implementation 1.1.2: Establish comprehensive streetscape standards for new residential streets and rural connector roads in Ogden Valley, including multimodal considerations, paving patterns, and other public improvements.

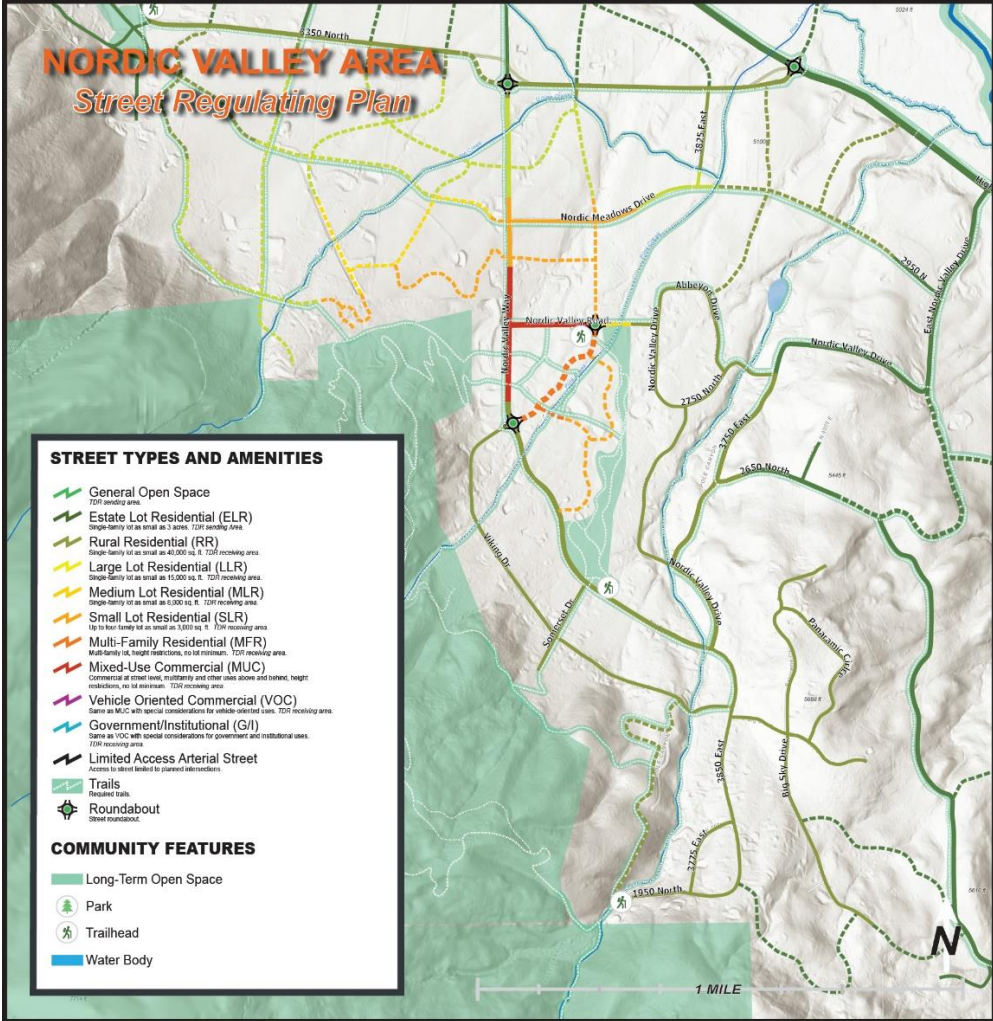
Streetscape Design Implementation 1.1.3: Develop intersection designs that utilize roundabouts rather than stop signs and lights. Encourage UDOT to do the same.

Street Regulating Plans:

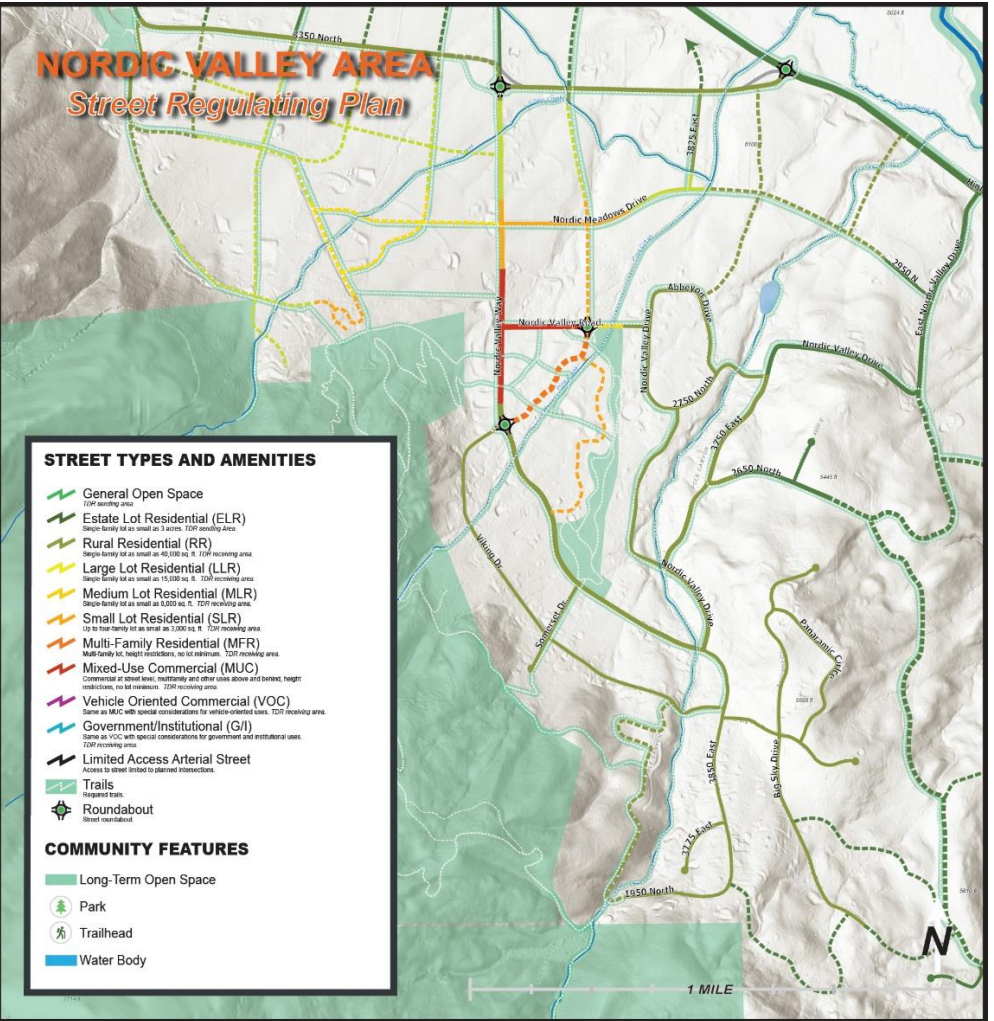
Other than the newly proposed West Weber Village street regulating plan, the Nordic Valley and Eden area maps are being adjusted to standardize line work, colors, and icons in order to provide efficiencies in mapping and regulating. Further, staff is recommending making adjustments to future-planned streets on the Nordic Valley map. The adjustments do not affect streets that currently exist, and are intended to help future streets work better with the natural topography. This will help avoid future streets that are too steep, and will also help avoid large and visually intrusive cuts and fills that would otherwise likely be needed with the current street layout. If the Planning Commission is not comfortable amending the Nordic Valley street regulating map with this proposal, staff has also provided in the proposal an alternative that uses the existing plan's layout. The motion will need to specify which map the Planning Commission is recommending to the County Commission. The two maps can be observed side-by-side on the following page.

Nordic Area Street Regulating Plan

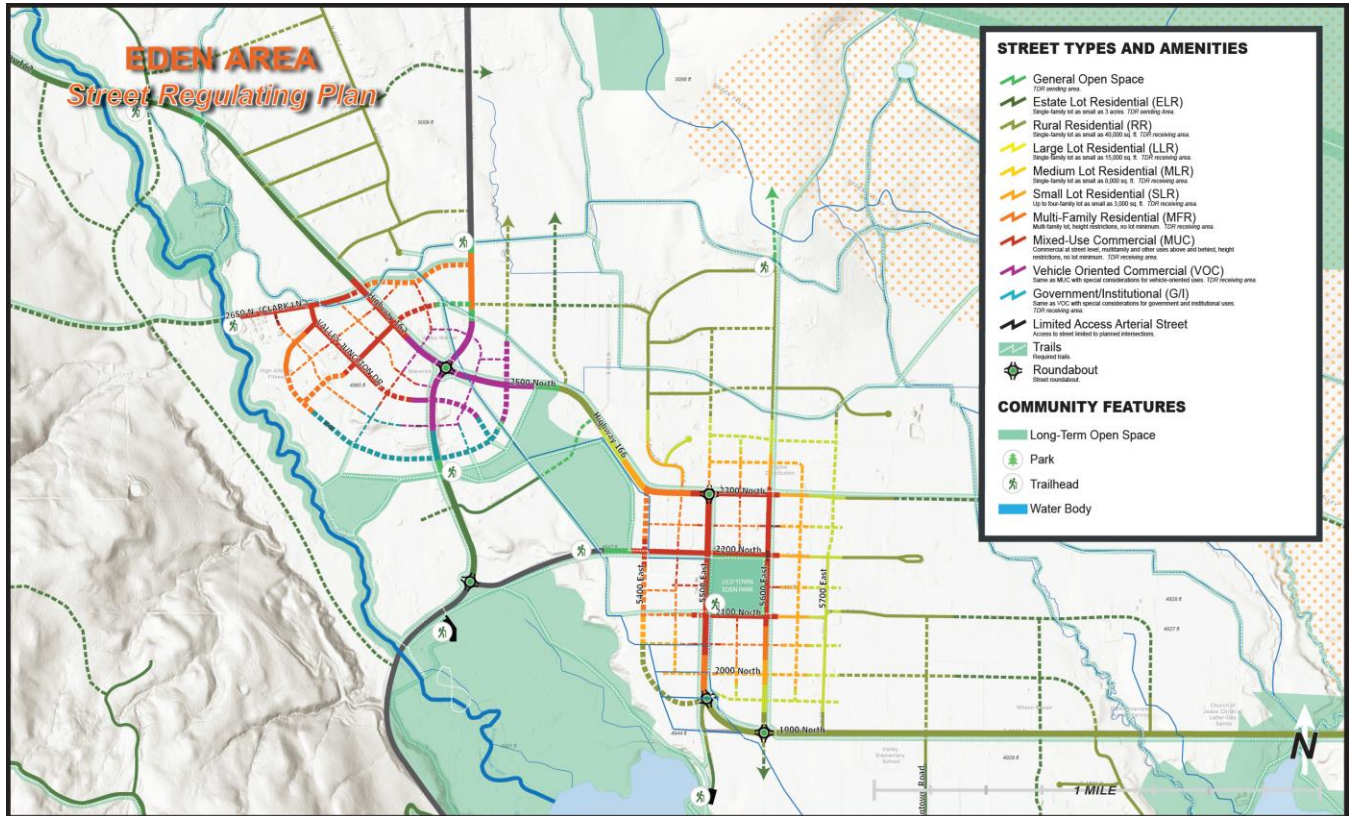
Staff-Proposed Amendment



Current Layout



Eden Area Street Regulating Plan



Parking and Internal Block Access:

The parking and internal block access section is proposed to be revamped to better provide for needed off-street parking in the middle of a commercial block without enabling individual landowners within the block to inhibit the shared burden of providing public parking. The changes also enable better internal block circulation.

Transferable Development Rights:

Most of the transferable development rights section is being rewritten. The section has to be divided to provide alternative allowances in the Western Weber Planning Area from the Ogden Valley Planning Area. In the Ogden Valley, no transfer bonuses are proposed. In the Western Weber, a 1:3 transfer bonus is being proposed for any landowner that moves residential rights from agricultural land to a property in the Form-Based zone.

Further, the Ogden Valley Planning Commission has expressed desire to limit the transfer of development rights from certain sensitive lands. The Ogden Valley Planning Commission also does not want to allow the banking of development rights. The Ogden Valley Planning Commission has expressed desire to have authority over the approval of TDRs rather than utilizing the current method of in-house administrative approvals. These additional regulations are currently only proposed to apply to the Ogden Valley Planning Area.

The added regulations will likely have a negative effect on providing support for a TDR market in the valley. In turn, the reduced support could demotivate a landowner from pursuing the purchase of transferable rights, and could also demotivate a would-be seller from selling rights. This could be both good and bad depending on one's viewpoint. The following provides a generalized review of both sides:

<u>Keeping TDR Regulations As-Is</u>	<u>Applying Greater Regulations to the TDRs</u>
Will induce the moving of development rights from open spaces to villages faster and sooner, thereby assuring those development rights do not eventually get built on open spaces.	Will demotivate the moving of development rights from open spaces to villages, which will allow villages to grow at a slower pace but risks the development of open spaces as a result of those untransferred development rights.
Induced growth of villages will change the appearance of the valley in a more obvious and prominent manner.	Inhibited growth of villages will help current residents benefit from current conditions for longer.
Induced growth that is centered in villages will help reduce infrastructure costs and allow more focused planning of infrastructure in key growth centers.	Inhibited growth of villages will likely induce more rural sprawl. Rural sprawl will create greater infrastructure liabilities for taxpayers.
Induced growth of villages will focus transportation onto specific streets. This may result in transportation challenges in key locations, but the smaller more focused area of growth will likely be easier to predict, which will allow greater ease of management of transportation improvements.	Inducing greater rural sprawl will likely spread traffic out throughout the valley, thereby alleviating traffic challenges in focused locations. However, because all traffic into and out of the valley has the same three year-around highway choices, the traffic on these legs will not be any different in the future from the traffic demand of more focused villages. The spreading out will require the spreading out of management resources to handle the new streets that sprawled development will create.
Induced growth that is centered in villages will create a more predictable growth pattern. The effects for which can be planned greater ease.	Inhibited growth of villages will result in less predictability of future development of the valley, making infrastructure planning more challenging.

Here is what the general plan says about TDRs:

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

Land Use Principle 1.2: To the extent allowed by law, development should not occur on sensitive areas including steep slopes, wetlands, floodplains, areas of geological instability, prominent ridgelines, wildlife habitat and corridors, natural riparian areas and natural waterways.

Land Use Implementation 1.2.1: Amend the land use code to require that the development potential of steep slopes (slopes over 30%), wetlands, and floodplains will not be included in project density calculations, nor will be available for transfer pursuant to a TDR program.

Land Use Implementation 1.2.2: The sensitive lands map for Ogden Valley should be updated to incorporate the revised 2015 Division of Wildlife Resources crucial habitat maps.

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

Land Use Implementation 1.4.2: Create a Transfer of Development Rights (TDR) Ordinance for the Ogden Valley planning area. The purposes of the TDR Ordinance would be to establish a process for reviewing and approving proposals to transfer development rights from the Agricultural Protection and Open Space Overlay areas to locations where additional development density could be more appropriate (receiving areas). The TDR Ordinance would establish standards for review and approval of each proposed TDR. Each TDR application would include information including, but not limited to: identification of the lands from which development units are proposed to be removed; identification of the land to which the development units would be moved; the number of development units and type(s) of development proposed; how water, sewer and other services would be provided; and other information specified by the ordinance. Standards for evaluation of the application would include such factors as detrimental or beneficial effects to both the sending and receiving properties; availability of roads and infrastructure; proximity of other development including town centers; the proposed uses and intensity of use; consistency with private covenants; compatibility with surrounding land uses and the extent to which the transfer advances the goals of the General Plan. The resort areas and villages are likely most suitable receiving areas for transferred development units.

Land Use Implementation 1.4.3: Foster the creation of a TDR market by exploring ways for developers to benefit from purchasing TDRs. Consider requiring TDRs for lodges, hotels, accessory dwelling units, accessory apartments, lockout rooms, etc.

Workforce Housing:

The Ogden Valley Planning Commission desires to change the workforce housing requirements to not require workforce housing contribution in larger-lot developments, and to only allow workforce housing to be located in the commercial, multi-family, and small-lot residential areas. Ogden Valley Planning Commission also has requested a cap on how much of any one development can be devoted to workforce housing.

The current regulation requires all new development to provide a reasonable share of workforce housing. This is because all new development will ultimately demand its own proportionate share of services. Thus, all new development will have effect on the future need for workforce housing. The requested change will allow new development to occur without providing this proportionate share.

Current regulation also ensures that workforce housing opportunities are provided as much in dispersed development as they are more concentrated development. Dispersing workforce housing has been a proven best-practice method of reducing the potential blight that highly concentrated workforce housing can create over time.

For these reasons, the Planning Commission may want to reconsider the requested changes to the workforce housing section. However, there may well be a few positive effects of the requested changes. The proposed changes only affect the future larger-lot developments in the Form-Based zone giving it limited effect; , and the changes may help consolidate the location(s) of workforce housing, which, if managed correctly, may help ease the effort needed to professionally manage, operate, and maintain workforce housing properties. The Planning Commission should carefully consider these policy-outcomes and determine the best course of action.

Here is, in part, what the general plan says about workforce housing as it relates to this discussion (workforce housing and moderate income housing are synonymous for this topic:

Moderate-Income Housing Goal 1: A goal of Weber County is to support affordable homeownership and rental housing opportunities in Ogden Valley, and maintain the quality of existing single-family housing stock.

Moderate-Income Housing Principle 1.1: Facilitate mix of housing types in new construction in keeping with neighborhood design standards and community sustainability.

Moderate-Income Housing Implementation 1.1.1: Support the Weber Housing Authority's role in developing mixed-use housing projects resulting in additional housing opportunities; where mixed-use development occurs, provide a variety of housing types; require resorts to comply with the Destination and Recreation Resort Zone provisions to establish a seasonal workforce housing plan and provide appropriate numbers of housing for employees; and investigate the potential for adding accessory dwelling units as an allowed use in the zoning ordinance.

Moderate-Income Implementation 1.1.2: Develop cluster ordinances that will allow for mixed housing types in compact areas consistent with village area locations on Map 8 and pursuant to small area plans referenced in Development Implementation 1.1.1.

Moderate Income Housing Implementation 1.1.3: Encourage the development of low-to moderate-income housing within or near established cities, towns and village areas in order to protect agricultural lands and provide open spaces within the unincorporated areas of Weber County.

Staff Recommendation

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

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is**:

I move we forward a positive recommendation to the County Commission for File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments, as provided in Exhibit A. I do so with the following findings:

Example findings:

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

Motion for positive recommendation **with changes**:

I move we forward a positive recommendation to the County Commission for File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments, as provided in Exhibit A, **but with the following additional edits and corrections**:

Example of ways to format a motion with changes:

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

I do so with the following findings:

Example findings:

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

Motion to **table**:

I move we **table** action on File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments, **to [_____ state a date certain _____], so that:**

Examples of reasons to table:

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

Motion to recommend **denial**:

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments. **I do so with the** following findings:

Examples findings for denial:

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

Exhibits

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

Last updated 4/17/2023

**WEBER COUNTY
ORDINANCE NUMBER 2022-_____**

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY’S LAND USE CODE TO CREATE A WEST WEBER STREET REGULATING PLAN WITHIN THE FORM-BASED CODE, AND TO PROVIDE AMENDMENTS RELATED TO THE EXECUTION OF THE FORM BASED ZONE.

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

WHEREAS, these land use regulations include form-based ordinances, that establish a street regulating plan, street classifications, land uses, architectural standards, and lot development standards for specific communities; and

WHEREAS, a private landowner located within the West Weber Village area near 12th Street and 4700 West has requested an amendment to the Weber County Land Use Code to add specific provisions and exhibits intended create a form-based zone applicable to land within and around the West Weber Village area; and

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

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

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

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

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development in form-based communities;

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

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

- 1 **Part II Land Use Code**
- 2 ...
- 3 **Title 101 General Provisions**
- 4 ...
- 5 **Chapter 101-2 Definitions**
- 6 ...
- 7 **Sec 101-2-2 AI-Definitions**
- 8 **Alley.** The term "~~alley~~**Alley**" means a public thoroughfare ~~less than 26 feet wide~~**of less width than the**
- 9 **typical public street right-of-way, and which provides access to the inside of a Street-Block where no**
- 10 **street is otherwise planned or required.**
- 11
- 12 **Sec 101-2-19 R Definitions**

Last updated 4/17/2023

13 **Ridge line area.** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
14 located within 100 feet on both sides of the top, ridge, or crest.

15 [Right, development.](#) See "development right."

16 [Right, residential development.](#) See "residential development right."

17 ...

18 **Sec 101-2-21 T Definitions**

19 ...

20 **Transfer company.** The term "transfer company" means a company established to provide expert
21 shipping services that include the shipping, receiving, inspection and temporary warehousing of
22 commercial or household goods.

23 [Transfer of development rights.](#) The term "transfer of development rights.", means the removal of a
24 residential development right from one lot or parcel which is then transferred to a different lot or parcel.

25 [Transferable development right.](#) The term "transferable development right" also known herein as a
26 "TDR," means the ~~removal-transfer of the a development right to develop property~~ from one Lot or Parcel
27 ~~to another, that is then transferred to a different lot or parcel.~~

28 **Transfer incentive matching unit (TIMU).** The term "transfer incentive matching unit (TIMU)" means a
29 discretionary development right, or fraction thereof, that may be granted by the county commission, after a
30 recommendation from the planning commission, when a development right is transferred from an area
31 within the Ogden Valley to a Destination and Recreation Resort Zone.

32 ...

33 **Title 104 Zones**

34 ...

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

36 **Sec 104-22-1 Purposes And Intent**

37 The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on
38 the public street design and the buildings that frame the public street. This deemphasizes separation of land
39 uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture
40 of allowed uses, multimodal active transportation, and enhanced building design. Additionally:

41 (a) **Implements the general plan.** The Form-Based Zone regulations are intended to carry out the
42 objectives of the 2016 Ogden Valley General Plan through the implementation of form- based small area
43 zoning and transferable development rights.

44 (b) **Creates street regulating plans.** Each area affected by the Form-Based Zone shall be governed by a
45 Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and
46 functionality of streets and building facades along these streets. The intent is to stimulate the creation of
47 buildings and streets that frame the public rights-of-way with architectural and design elements that are
48 unified under a common design theme whilst enabling unique building facades.

49

50 **Sec 104-22-2 Applicability**

51 (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to
52 proposals for new development, changes in land uses, and site improvements to existing buildings,
53 Lots, or Parcel~~s~~ that are in the Form-Based Zone. Exterior modifications to existing development shall
54 comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building,
55 or 25 percent of the Lot's street frontage.

56 (b) **Other regulations apply.** In the Form-Based Zone, except when more specific regulations
57 are provided in this chapter, the design review regulations and architectural, landscape, screening,
58 and design standards of Title 108 Chapter 1 and Title 108 Chapter 2 apply to all Lots, except a Lot
59 with only one single-family dwelling.

Last updated 4/17/2023

60 (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated
61 by the applicable street regulating plan. New development within the Form-Based Zone shall comply
62 with the applicable street regulating plan. Development of any property along a street or that gains
63 primary access from that street shall comply with the street design requirements, as provided in Section
64 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list
65 and explanation of each street type is provided in ~~Section 104-22-7~~ [Subsection \(e\) of this section](#).

66 (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic in this
67 chapter have no effect unless expressly provided by this chapter.

68 (e) **Street type, description, and purpose.**

69 (1) **Government/institutional street.**

A government/institutional street or ~~alley~~ [Alley](#) has street-front buildings that are intended to
~~serve the traveling public~~ [provide the same as a Vehicle-Oriented Commercial Street, and](#)
~~provide . The primary purpose of the street is preferential areas~~ for the siting of government or
public-service oriented buildings ~~that~~ [fronting](#) the street. Public-service oriented buildings may
include any governmental, nonprofit, or for-profit school as long as the school provides the
same K-12 educational courses required by the State of Utah, or a school that is an accredited
institution of higher education. Hospitals or other medical services buildings, including medical,
dental, or mental-health offices, laboratories, or similar public-health related offices, a public
transportation facility or a multimodal transportation hub are also intended to be street-
adjacent. Except for a public transportation facility, pickup and drop off areas shall be located
to the rear of the building.

70 (2) **Vehicle-oriented commercial street.**

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

71 (3) **Mixed-use commercial street.**

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

72 (4) **Multi-family residential street.**

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

73 (5) ~~Mid-block alley~~

~~Each street type may have an associated mid-block alley, where shown on the
applicable street regulating plan. As development occurs, sufficient area shall be
preserved and constructed to provide the mid-block alley to provide access to parking
areas, garages, and other uses or buildings that are located in the middle of the block.
The location of an alley shall be in the locations depicted by the applicable street
regulating plan, and designed at a minimum in accordance with the standards herein, and
at a maximum to the standards applicable for a public street. Some mid-block alleys~~

Commented [E1]: This entire section has been moved up to here from 104-22-7 to provide earlier reading of street types prior to reading other sections of code.

Commented [E2]: Moved to mid-block alley to Sec 104-22-7.010

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81 ~~connect to adjoining residential streets. Where they connect, the applicable standards~~
82 ~~shall change to residential street standards. Snow removal for an alley is the~~
83 ~~responsibility of all landowners, collectively, or an HOA, that have a parking area that has~~
84 ~~an access from the alley.~~

85 ~~(6)~~(5) **Small-lot residential street.**

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

86 ~~(7)~~(6) **Medium-lot residential street.**

A medium-lot residential street has street-front single family buildings that may be set back more than small-lot residential street facades to provide a small front yard area.

87 ~~(8)~~(7) **Medium-large-lot residential street.**

A medium-large-lot residential street has street-front single family buildings similar to medium-lot residential street facades but on lots with greater area.

88 ~~(9)~~(8) **Large-lot residential street.**

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

89 ~~(10)~~(9) **Rural residential street.**

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

90 ~~(11)~~(10) **Estate lot residential street.**

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

91 ~~(12)~~(11) **General open space street.**

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

92 **Sec 104-22-3 Land Use Table**

93 The following land use table provides use regulations applicable for each street type. In the list, those
94 designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only
95 when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use
96 Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from, that
97 street type. All uses listed are indoor uses, unless explicitly stated otherwise with the terms "outdoor" or
98 "yard."

99 **Sec 104-22-3.010 Accessory Uses**

100 An accessory use is prohibited unless located on the same Lot or Parcel as the main use to which it is
101 accessory.

G	V	M	M	S	M	<u>M</u>	L	L	E	SPECIAL
&	O	U	F	L	L	<u>L</u>	L	R	L	REGULATIONS
I	C	C	R	R	R	<u>R</u>	R	R	R	S

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Accessory building. A building that is accessory and incidental to the use of a main building.	P	P	P	P	P	P	P	P	P	P	P	
Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	P	N	See Chapter 108-19.
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	P	P	
Agricultural hobby farm	P	P	P	P	P	P	P	P	P	P	P	
Family food production. Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.
Home occupation. A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	P	N	See Chapter 108-13.
Household pets. Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	P	N	
Main building. A main building that is designed or used to be accessory to an outdoor main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	P	
Parking lot. A parking lot that is accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.
Produce stand, for produce grown on the premises only.	P	P	P	P	P	P	P	P	P	P	P	
Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.	P	P	P	P	P	P	P	P	P	P	P	See Section 104-22-4.

Sec 104-22-3.020 Agricultural and Open Space Uses, Generally.

G	V	M	M	S	M	M	L	L	E	
&	O	U	F	L	L	L	L	R	L	O
I	C	C	R	R	R	R	R	R	R	S

SPECIAL REGULATIONS

Agriculture, as a main use of the property	N	N	N	N	N	N	N	P	P	P	P	
Agricultural experiment station.	P	N	N	N	N	N	N	N	P	P	P	
Agri-tourism.	N	N	N	N	N	N	N	N	P	P	P	See Title 108, Chapter 21.
Aquaculture.	N	N	N	N	N	N	N	N	P	P	P	
Botanical or community garden. Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.	N	N	N	N	N	N	N	N	P	P	P	10-acre minimum lot-Lot or Parcel area required.

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Grain storage elevator.	N	N	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot- Lot or Parcel area required.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	N	N	N	N	N	N	P	P	P	P	
Manure spreading, drying and sales.	N	N	N	N	N	N	N	N	N	N	P	P	
Wildlife sanctuaries. A wildlife sanctuary.	N	N	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot- Lot or Parcel area required.

Sec 104-22-3.030 Agricultural Uses, Animal-Oriented.

The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the ~~Lot~~ or ~~parcel~~ [Parcel](#).

G & I	V O I	M U C	M F C	S L R	M L R	M L R	L L R	L L R	E L R	O L R	S		SPECIAL REGULATIONS
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Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	N	N	P	P	P	
Apiary. The keeping of bees.	N	N	N	N	C	P	P	P	P	P	P	P	
Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	N	N	P	P	P	P	
Aviary. The raising of birds.	N	N	N	N	N	P	P	P	P	P	P	P	No onsite slaughtering permitted.
Corral or stable. A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	N	N	P	P	P	P	See Section 104-22-4.
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	N	N	N	N	N	N	N	N	P	P	P	P	10-acre minimum lot- Lot or Parcel area required.

Sec 104-22-3.040 Amusement, Entertainment, and Recreation Uses.

The following are uses oriented toward providing amusement or entertainment for patrons.

G & I	V O I	M U C	M F C	S L R	M L R	M L R	L L R	L L R	E L R	O L R	S		SPECIAL REGULATIONS
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Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.	C	C	N	N	N	N	N	N	N	N	N	C	
Entertainment facility, large indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, using greater than 20,000 square feet of floor area.	C	C	N	N	N	N	N	N	N	N	N	N	

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Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	<u>N</u>	N	N	N	N	
Entertainment facility, small indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, limited to no more than 20,000 square feet of floor area.	C	C	C	C	N	N	<u>N</u>	N	N	N	N	
Amusement park. Amusement park.	C	C	N	N	N	N	<u>N</u>	N	N	N	N	
Amusement park, temporary. An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no longer than one month.	P	P	P	C	N	N	<u>N</u>	N	N	C	C	
Botanical or zoological garden. A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	2-Acre minimum Lot or Parcel lot or parcel area required.
Campgrounds or picnic areas, commercial. A commercial campground or picnic area.	N	N	N	N	N	N	<u>N</u>	C	C	C	C	See Section 104-22-4. 2-Acre minimum Lot or Parcel lot or parcel area required.
Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	<u>N</u>	N	P	P	C	10-acre minimum Lot or Parcel lot or parcel area required.
Golf course. Golf course.	N	N	N	N	N	N	<u>N</u>	P	P	P	P	This shall not include miniature golf.
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	<u>N</u>	N	N	C	N	
Recreational resort. A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	<u>N</u>	N	N	N	N	
Shooting range or training course. A shooting range.	C	C	N	N	N	N	<u>N</u>	N	N	N	C	See Section 104-22-4. Five-acre minimum Lot or Parcel lot or parcel area required for an outdoor range.
Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Ski lodge and associated services	N	N	P	P	N	N	<u>N</u>	N	N	N	P	When accessory to an allowed ski area.
Swimming pools, private. A private swimming pool.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Zoo.	P	P	N	N	N	N	<u>N</u>	N	N	N	P	10-acre minimum Lot or Parcel lot or parcel area required.

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Sec 104-22-3.050 Animal Services and Uses.

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I	C	C	R	R	R	R	R	R	R	S

SPECIAL REGULATIONS

Animal grooming, small animal. Grooming for small animals.	P	P	P	P	N	N	N	N	N	P	N	A small animal generally weighs less than 250 lbs.
Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	N	C	C	N	If located completely indoors, and inaudible from an adjoining Lot or Parcel lot or parcel , this use is permitted where listed as conditional.
Horse or equestrian event center. A horse or equestrian event center, including indoor concessions as an accessory use.	P	N	N	N	N	N	N	N	N	N	C	
Horse or equestrian training facility and stabling, commercial. A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C		
Stable for horses, noncommercial. Horses shall be for noncommercial use only.	N	N	N	N	N	N	N	P	P	P	P	No more than two horses shall be kept for each one-half acre of land used for the horses.
Stray animal shelter. A shelter for stray, lost, or seized animals.	P	C	N	N	N	N	N	N	N	N	N	
Veterinary facility. Veterinary facility.	P	P	P	C	N	N	N	N	N	C	C	If located completely indoors, and inaudible from an adjoining Lot or Parcel lot or parcel , this use is permitted where listed as conditional.

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Sec 104-22-3.060 Food, Beverage, and Other Products Sales for Human Consumption.

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I	C	C	R	R	R	R	R	R	R	S

SPECIAL REGULATIONS

Food Preparation and Services:												
Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N	

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Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	<u>N</u>	N	N	N	N	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	<u>N</u>	N	N	N	N	This use shall not include onsite slaughtering.
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	This use shall not include onsite slaughtering.

Eating and Drinking Establishments, Products Primarily for Onsite Consumption												
Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	<u>N</u>	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	

Retail, Food, and Drug: Products Primarily for Offsite Consumption.												
Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Drugstore or pharmacy.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
Grocery store. A grocery store store, including a store that specializes in the sales of any type of food normally found in a grocery store.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	<u>N</u>	N	P	P	P	

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Sec 104-22-3.070 Government and Institutional Uses.

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	E L R	O L S	SPECIAL REGULATIONS
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	G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	E L R	O L S	SPECIAL REGULATIONS
Cemetery.	P	N	N	N	N	N	N	N	P	P	P	
Convalescent, rest home, or sanitarium. An establishment for long-term medical treatment of people.	P	P	P	P	P	N	N	N	N	N	N	
Child daycare. A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N	N	
Fire station. Fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P	P	
Governmental offices. The offices of a governmental entity.	P	P	P	N	N	N	N	N	N	N	N	
Instructional facility, large. A facility in which instructional lessons are taught, such as a school or education center, and that does not qualify as a small instructional facility.	P	C	C	N	N	N	N	N	N	N	N	
Instructional facility, small. An indoor facility in which instructional lessons are taught, such as a school or education center, limited to 10,000 square feet floor area.	P	P	C	N	N	N	N	N	N	N	N	
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N	N	
Museum or art gallery. A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	N	
Post office. A post office.	P	P	P	P	P	P	P	P	P	P	N	
Preschool. A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	P	N	
Public library. A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	P	N	
Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P	P	
Public recreation or community center. A recreation or community center owned and operated by a public entity.	OVPC				N	N	N	N	N	N	N	
	WWPC	P	P	C	C	C	C	C	C	C	C	C

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Commented [E3]: Western Weber Planning Commission requested this use be allowed in all residential areas. Would OVPC desire the same?

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Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	P	P	P	N
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	N	N	N	N	N	N	N
Visitors center. A tourism visitor's center or offices.	P	P	P	P	N	N	N	N	N	N	N
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	N	N

117

118 **Sec 104-22-3.080 Office uses.**

G	V	M	M	S	M	M	L	L	E	
&	O	U	F	L	L	L	L	R	L	O
I	C	C	R	R	R	R	R	R	R	S

SPECIAL REGULATIONS

Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	N
Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	This use shall not include payday loan services.
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	N
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.	P	P	P	N	N	N	N	N	N	N	N

119

120 **Sec 104-22-3.090 Residential Uses.**

G	V	M	M	S	M	M	L	L	E	
&	O	U	F	L	L	L	L	R	L	O
I	C	C	R	R	R	R	R	R	R	S

SPECIAL REGULATIONS

Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	

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Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	<u>N</u>	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	See requirements of Section 104-22-4, and TDR requirements of 104-22-11
Residential facility for handicapped persons.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	See requirements of Section 104-22-4, and TDR requirements of 104-22-11
Residential facility for troubled youth.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	See requirements of Section 104-22-4, and TDR requirements of 104-22-11
Short-term rental. A short-term rental.	P	P	P	<u>N</u> <u>P</u>	<u>N</u> <u>C</u>	N	<u>N</u>	N	N	N	N	See Title 108, Chapter 11
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	Must comply with See "dwelling" requirements of Section 104-22-4, and Section 104-22-12.

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Sec 104-22-3.090 Sales with Retail Storefront.

G	V	M	M	S	M	<u>L</u>	L	E	O	SPECIAL REGULATIONS		
I	C	C	R	R	R	<u>R</u>	R	R	S			

Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	<u>N</u>	N	N	N	N	
General retail sales, small items. The sales of small items, as qualified in Section 104-22-4.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	See Section 104-22-4.
General retail sales, large items. The sales of large items, as qualified in Section 104-22-4.	P	C	C	N	N	N	<u>N</u>	N	N	N	N	See Section 104-22-4.

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Nursery, commercial. A plant nursery, with associated greenhouses for retail sales of plants and accessory products.	P	C	N	N	N	N	N	N	N	N	N	P	See Section 104-22-5 for maximum lot-Lot coverage by buildings.
Pawn shop. A shop where a pawnbroker holds items as collateral, then sells unredeemed items to the public.	C	C	N	N	N	N	N	N	N	N	N	N	
Smoke shop. A shop primarily devoted to the sale of tobacco or vaping products.	C	C	C	N	N	N	N	N	N	N	N	N	

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Sec 104-22-3.100 Sales typically without retail storefront.

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	R L R	E L R	O L S		SPECIAL REGULATIONS
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Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.	P	P	C	N	N	N	N	N	N	N	N	P	
Fireworks sales. The siting of a temporary fireworks booth or tent.	P	P	C	N	N	N	N	N	N	N	N	N	
Vendor, short term. The siting of a temporary vendor booth or vehicle for the sales of food or other hand-held items.	P	P	P	P	N	N	N	N	N	N	N	C	See Section 108-13-3 and Section 104-22-4.

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Sec 104-22-3.110 Services.

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	R L R	E L R	O L S		SPECIAL REGULATIONS
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Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N	N	N	
Household item repair, large. The repair or service of devices that the average person cannot carry without aid of a moving device.	P	P	N	N	N	N	N	N	N	N	N	N	
Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N	N	N	
Gathering facility, indoor. An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.	P	P	P	P	N	N	N	N	N	N	N	N	

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Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N	N	N	
Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N	N	N	
Mortuary or funeral home. Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N	N	N	
Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	N	N	
Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N	N	N	
Printing and copying service without retail shop. Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N	N	N	
Tailor services. The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.	P	P	P	P	N	N	N	N	N	N	N	N	
Taxidermist. Taxidermy services.	P	C	N	N	N	N	N	N	N	N	N	N	

127

128 **Sec 104-22-3.120 Storage.**

G	V	M	M	S	M	M	L	L	E
&	O	U	F	L	L	L	L	R	L
I	C	C	R	R	R	R	R	R	S

SPECIAL REGULATIONS

Outdoor storage. The storage of anything that meets the definition of "outdoor storage" pursuant to Title 101 Chapter 2	N	N	N	N	N	N	N	N	N	N	N	N	
Self-storage. Indoor storage units for personal or household items or vehicles.	P	P	N	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Warehouse storage. The storage of products or goods that are or will be for sale.	C	N	N	N	N	N	N	N	N	N	N	N	

129

130 **Sec 104-22-3.130 Utility uses.**

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G	V	M	M	S	M	M	L	L	R	E	O	
&	O	U	F	L	L	L	L	R	R	L	S	
I	C	C	R	R	R	R	R	R	R	R	S	

SPECIAL REGULATIONS

Public utility substations.	P	P	P	P	P	P	P	P	P	P	C	See Title 108, Chapter 10.
Wastewater treatment or disposal facilities.	P	P	P	P	P	P	P	P	P	P	C	
Water treatment or storage facility.	P	P	P	P	P	P	P	P	P	P	C	
Small wind energy system.	P	N	N	N	N	N	N	N	P	P	C	See Section 108-7-24
Solar energy system.	P	P	P	P	P	P	P	P	P	P	C	See Section 108-7-27

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Sec 104-22-3.140 Vehicle-oriented uses.

G	V	M	M	S	M	M	L	L	R	E	O	
&	O	U	F	L	L	L	L	R	R	L	S	
I	C	C	R	R	R	R	R	R	R	R	S	

SPECIAL REGULATIONS

Airport, private and commercial.	C	N	N	N	N	N	N	N	N	N	N	
Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	N	
Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile.	P	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Boat sales or rentals. The sale or rental of a motorized boat.	P	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Car wash. A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	P	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Gas or refueling station. A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Motor vehicles sales or rentals. The rental or sales of motor vehicles not otherwise listed herein.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Parking lot or structure. A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	N	
Passenger vehicle repair or service of any kind. The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs gross vehicle weight.	C	C	N	N	N	N	N	N	N	N	N	
Trailer sales or rentals.	C	C	N	N	N	N	N	N	N	N	N	
Transit terminal.	P	P	N	N	N	N	N	N	N	N	N	
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	O V P A	N	N									
				N	N	N	N	N	N	N	N	N
	W W	P	P									

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	P A																	
Trucking terminal. The repair, service, and/or storage of freight trucks, or a station for transferring freight.		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

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Sec 104-22-4 Special Regulations

Sec 104-22-4.010 Special Regulations, Generally.

- (a) **All uses, generally.** All uses listed in the use table are indoor uses, unless specifically stated otherwise. All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or airborne particulate matter, refuse, or anything else that is uncommon to the established character of the neighborhood to such a degree as to be perceptible to constitute a nuisance to the occupants of the immediate area.
- (b) **Drive up (drive-thru) window.** Any business with a drive up (drive-thru) window shall comply with the following:
 - (1) The window shall be located on the rear of the building. The rear of the building shall be determined as the side of the building opposite from the building's facade that faces the public street. If on a corner along a government or institutional street or vehicle-oriented commercial street, the window may be located on the side of the building that is visible from the less prominent street.
 - (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted to the drive up (drive-thru) window shall be located in an area that is not visible from the more prominent street right-of-way when the area is fully built-out.
 - (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a parking space required by this Land Use Code.
- (c) **Perpetual building maintenance agreement. Other than single-family dwellings and their accessory buildings.** When a building is set back less than ten feet from a property line, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall:
 - (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;
 - (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;
 - (3) require allowances of access to the property for repairs and maintenance purposes; and
 - (4) be signed by the owner of the building and the adjacent property owner and be recorded on the title of both properties.

Sec 104-22-4.020 Special Regulations For Specific Uses.

- (a) **Automobile or other vehicle related uses.** The use of a Lot or Parcellet for automobile repair of any kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any other use governed by this section by reference shall only be conducted within a completely enclosed building that meets the standards of this chapter.
 - (1) No vehicle awaiting service shall be stored outside for more than one day.
 - (2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles awaiting pickup from owners, shall be provided on the Lot or Parcellet.
 - (3) No vehicles associated with the use shall be parked on the street. However, up to 20 vehicles may be temporarily parked in a parking lot meeting all applicable parking standards of this land use code if the vehicles are available for immediate purchase, lease, or rent, and as long as all other standards of this Land Use Code are met.

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- 175 (b) **Automobile repair of any kind.** Refer to paragraph (b~~a~~) of this section.
- 176 (c) **Automobile sales, rentals, or service.** Refer to paragraph (b~~a~~) of this section.
- 177 (d) **Boat sales or service.** Refer to paragraph (b~~a~~) of this section.
- 178 (e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall comply
179 with Title 108, Chapter 20. If located along any street in the FB zone except open space, an opaque
180 fence or wall shall surround the use. Vegetation screening shall be planted on the outside of the fence
181 or wall to allow the use to blend in with surrounding uses. A drip irrigation system shall be installed to
182 ensure long-term viability of the vegetation.
- 183 (f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:
- 184 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
- 185 (2) There shall not be more than four washing bays for a manual spray car wash.
- 186 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street
187 frontage for buildings that provide street-facing commercial facades.
- 188 (4) The off-street vehicle spaces or queues required shall be as follows:
- 189 a. One bay car wash, four spaces in the approach lane;
- 190 b. Two bay car wash, three spaces in the approach lane for each wash bay;
- 191 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- 192 (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than
193 25 feet from any side or rear lot line
- 194 (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are as
195 follows:
- 196 (1) **Construction standards.** A dwelling unit on a government and institutional, vehicle-oriented, mixed
197 use commercial, or multi-family residential street shall be constructed to a multifamily residential
198 standard in accordance with the International Building Code.
- 199 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional, vehicle-
200 oriented commercial, or a mixed-use commercial street shall be located on a [Lot or Parcel](#)lot as
201 follows:
- 202 a. Above or behind any street-level commercial space; or
- 203 b. Behind a building that provides street-level commercial space, or if no such building exists at
204 the time of application, behind the area reserved for street-level commercial space as otherwise
205 required herein. The location shall provide for the existing and future planned street layout of
206 the area, including the future street-level commercial space that will face future streets, and
207 internal ~~Street-Block~~block ~~alleyways~~Alleys.
- 208 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner occupied, a two,
209 three, four, or multi-family residential building shall be operated and maintained by a professional
210 management company that specializes in multi-family residential property management.
- 211 (4) **Density allowance and transferable development rights.** No dwelling units in excess of the base
212 density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in
213 the Form-Based Zone except when in compliance with the transferable development rights
214 requirements of Section 104-22-11.
- 215 (i) **Family food production.**
- 216 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
217 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
218 five ducks, five geese, or five pigeons.
- 219 a. No more than four sets of Group B animals or fowl may be kept on a [Lot or Parcel](#)lot or parcel
220 that is less than 40,000 square feet.

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- 221 b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept
222 on a [Lot or Parcel](#)~~lot or parcel~~ that is less than two acres. The same applies to a [Lot or Parcel](#)~~lot~~
223 ~~or parcel~~ greater than two acres, except that an additional six combined sets of Group A and
224 Group B animals or fowl may be kept per each additional acre greater than two.
- 225 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way,
226 excluding a [mid-Block Alley](#)~~mid-block~~, than 60 feet. The canopy shall be located to the rear of the
227 convenience store associated with the canopy.
- 228 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be
229 physically taken by the customer from the store, when those items weigh less than 80 lbs, including
230 product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to
231 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be
232 explosive or hazardous to human health, safety, or welfare is permitted.
- 233 (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be
234 physically taken by the customer from the store, when those items weigh more than 80 lbs, including
235 product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an
236 outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an
237 opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare
238 is permitted.
- 239 (m) **Office uses.** A use listed in the "office uses" table may only be located above or behind first-floor street-
240 level commercial space, reserving the street frontage for first-floor street-level commercial space. A local
241 recreation and tourism office devoted to providing services, information, and events primarily for visitors
242 to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all
243 members of the public.
- 244 (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting
245 positions for which ballistic backstops are designed. No shooting is allowed except in these designated
246 shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic
247 backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an
248 outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the
249 requirements and conditions of the local fire authority. The range operator shall be onsite at all times
250 shooting is occurring.
- 251 ~~Short-term rental, owner-occupied. The residence shall be the owner's primary residence, be taxed~~
252 ~~as such, and the owner shall have owned the residence for at least two years prior to submitting a Land~~
253 ~~Use Permit for the owner-occupied short-term rental. Additionally, the owner must be present at all times~~
254 ~~in which the property is being rented on a short-term basis.~~
- 255 (o) **Self-storage.** Self-storage is only allowed if located on the same [Lot or Parcel](#)~~lot or parcel~~ with a building
256 that has street-facing commercial space. The use shall comply with the following:
- 257 (1) Storage units shall be located behind or above building area that provides a first-story-floor street-
258 facing commercial façade and related commercial space. The building providing street-facing
259 commercial space shall appear from the exterior as if office or residential space is offered in the
260 area housing the storage units.
- 261 (2) If located in a separate onsite building than the building providing first-story-floor street-facing
262 commercial space specified herein, the separate building shall be located behind the building with
263 first-story-floor street-level commercial space, and shall be no wider than the building providing first-
264 story-floor street-level commercial space.
- 265 (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property
266 line, and shall be completely obscured from view from any public right-of-way.
- 267 (p) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment,
268 snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket
269 booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency
270 response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of
271 ski related equipment is allowed provided that it is screened from view of the general public. Ski area
272 trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting
273 associated with said signage is subject to the requirements of Section 108-16.

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- 274 (q) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
- 275 of the construction work.
- 276 (r) **Tire shop.** Refer to paragraph (b~~a~~) of this section.
- 277 (s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be
- 278 stationary for more than four days at a time.

279
280 **Sec 104-22-5 Lot Development Standards**

281 The following lot development standards apply to a [Lot or Parcel](#)~~lot or parcel~~ in the Form-Based
282 Zone, unless specified otherwise in this Land Use Code. The table headers provide the street types, as
283 described in Section 104-22-7, in abbreviated form. A ~~lot~~-[Lot](#) fronting or gaining access from one of these
284 street types shall be developed in accordance with the corresponding development standard.

285 (a) **Lot area.**

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	No minimum
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Medium-Large Lot Residential (MLLR)	12,500 square feet
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	No minimum

Commented [E4]: This a quarter-acre(ish)

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(b) **Lot width and frontage.**

(1) Unless allowed otherwise by this Land Use Code, each Lot shall have frontage on the type of street that corresponds with its governing street type as provided on the street regulating plan map.

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet ¹
Medium Lot Residential (SLR)	50 feet ¹
<u>Medium-Large Lot Residential (MLLR)</u>	<u>60 feet¹</u>
Large Lot Residential (LLR)	100 feet
Rural Residential (RR)	150 feet
Estate Lot Residential	
Open Space (OS)	No minimum

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¹ Unless located at least 30 feet behind the front-most part of the Dwelling, one or more front-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of the Lot.

- (2) Frontage exception. Along a SLR, MFR, MUC, VOC, and G/I street, the street frontage requirement is not applicable for a Lot that is platted as part of a larger planned development, provided that:
- a. The development includes or has included the dedication and construction of all required public street and mid-Block Alley improvements shown on the street regulating plan or as otherwise required in this Land Use Code.
 - b. The associated public street improvements required shall be, at a minimum, for the same length as the Lot is wide.
 - c. Along MUC, VOC, and G/I streets, no parcel shall be configured or developed in a manner that obstructs the ability to develop buildings that contain street-facing first-floor retail operations on the public street front. A Lot without street frontage shall not have any Lot line closer to the street right-of-way than 60 feet.

Commented [E5]: Standard one-car garage door is 8-10 feet wide. Standard two-car is 16-18 feet wide. 18 percent, generally, allows the following lot width to front-facing garage door width ratios:

0-45': No front-facing garage doors.
45-89': single car front-facing door.
89'-177': double car front-facing door.
100'-177': triple car front-facing door.
177'-etc: quadruple car – etc.

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(c) *Front lot-line and street setback.*

STREET TYPE:	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE ¹			ALL OTHER BUILDING FAÇADES		
	MINIMUM FRONT LOT-LINE STREET SETBACK:	MAXIMUM FRONT LOT-LINE STREET SETBACK	MIN FRONT LOT LINE SETBACK	MINIMUM FRONT LOT-LINE STREET SETBACK:	MAXIMUM FRONT LOT-LINE STREET SETBACK	MIN FRONT LOT LINE SETBACK
Government and Institutional (G/I)	No minimum	5 feet, or 20 feet if providing public dining or gathering space. ^{2*}	No minimum	460 feet ^{**3}	No maximum	No minimum
Vehicle-Oriented Commercial (VOC)						
Mixed-Use Commercial (MUC)						
Multi-Family Residential (MFR)				5 feet	10 feet ^{*2}	
Small Lot Residential (SLR)	Not Applicable			5 feet ⁵	No maximum	5 feet
Medium Lot Residential (SLRMLR)				20 feet ^{4,5}	30 feet	20 feet⁴
Medium-Large Lot Residential (MLLR)						
Large Lot Residential (LLR)	Not Applicable			30 feet	No maximum	
Rural Residential (RR)						
Estate Lot Residential (ELR)						
Open Space (OS)						

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¹[Building façade is permitted above the first-floor street-level commercial area, provided compliance with maximum height and use regulations.](#)

^{2*}[This maximum front yard setback shall be waived if at least 90 percent of the lot's street front is already occupied by a similar building.](#)

^{3**}[Except for a public dining or gathering space public plaza, this setback distance shall remain clear from permanent building improvements or significant financial investments until or unless a first-floor street-level commercial building facade is constructed that meets the five-foot maximum building setback. Any parking provided in this area shall not be included in the overall parking calculations.](#)

^{4***}[This minimum may be reduced to 15 feet if the lot's only vehicle access is over a side or rear lot line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.](#)

⁵[No parking area, pad, or driveway within the front setback shall be less than 20 feet deep when measured from the Front Lot Line.](#)

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321 (d) **Side lot-line setback.**

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK		MAXIMUM SIDE LOT-LINE SETBACK:
	MAIN BUILDING:	ACCESSORY BUILDING:	
Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1		No maximum. ² Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.
Vehicle-Oriented Commercial (VOC)			
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)			
Small Lot Residential (SLR)	5 feet	Same as main building, except 1 foot if located at least 6 feet in rear of main building.	No maximum
Medium Lot Residential (MLR)			
Medium-Large Lot Residential (MLLR)	10 feet ¹		
Large Lot Residential (LLR)	10 feet		
Rural Residential (RR)			
Estate Lot Residential (ELR)			
Open Space (OS)			

322 ¹ This minimum may be reduced to 5 feet if the lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.

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324 ² Any space between buildings shall be open for pedestrian passage to internal Street-Block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.

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329 (e) **Rear lot-line setback.**

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK FOR MAIN BUILDING:	MINIMUM REAR LOT-LINE SETBACK FOR ACCESSORY BUILDING
Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	5 feet	1 foot
Medium Lot Residential (MLR)	20 feet	1 foot
Medium-Large Lot Residential (MLLR)	20 feet	1 foot
Large Lot Residential (LLR)	30 feet	1 foot
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)		

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331 (f) **Lot coverage.**

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF DWELLING UNITS ALLOWED PER LOT:
Government and Institutional (G/I)	No maximum, provided compliance with all other requirements.	No maximum
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	85 30 percent	4
Medium Lot Residential (MLR)	50 percent	1 ^{1*}
Medium-Large Lot Residential (MLLR)	40 percent	1 ^{1*}
Large Lot Residential (LLR)	30 percent	1 ^{1*}

Commented [E6]: OVPC requested this be reduced to provide a more aesthetically pleasing break between dwellings – especially if they are rows of townhomes.

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Rural Residential (RR)	25 0 percent	1 ^{1*}
Estate Lot Residential	10 percent	1 ^{1*}
Open Space (OS)	2.5 percent	Not applicable

332 ^{1*} This does not include ~~Not including~~ an accessory dwelling unit, as provided in Section 108-19.

333 (g) **Loading and unloading.** Each building anticipated to receive deliveries from a truck that has a gross
334 vehicle weight greater than 26,000 lbs shall be provided with an off-street loading and unloading area
335 behind the building.

336 (h) **Building location.** Each building shall be located on a ~~lot~~ Lot in a manner that preserves space for the
337 extension of street and trails or pathways rights-of-way as shown in the street regulating plan, and the
338 Lot's respective setback standard.

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

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

342 The follow table provides regulations applicable to all buildings in the FB Zone. They are broken out by
 343 street type, as represented in the applicable street regulating plan.

344

345 (a) **Height.**

STREET TYPE:	MINIMUM MAIN BUILDING HEIGHT	MAXIMUM MAIN BUILDING HEIGHT	MAXIMUM ACCESSORY BUILDING HEIGHT
Government and Institutional (G&I)	25 feet	40 feet, except 35 feet and no more than two stories for any part of a building within 30 feet of a public street. 50 feet	25 feet
Vehicle-Oriented Commercial (VOC)			
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	One story	35 feet	25 feet
Small Lot Residential (SLR)			
Medium Lot Residential (MLR)			
Medium-Large Lot Residential (MLLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential	No minimum	25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.	25 feet
Open Space (OS)			

Commented [E7]: Requested by OVPC.

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347 (b) **Building or use area.**

STREET TYPE:	MAXIMUM BUILDING OR USE FOOTPRINT:	
	OVPA:	WWPA:
Government and Institutional (G&I)	No single commercial use shall occupy a footprint of more than 30,000 square feet ^{1*}	No maximum
Vehicle Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)	No single commercial use shall occupy a footprint of more than 10,000 square feet	
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	None	
Medium Lot Residential (MLR)		
Medium-Large Lot Residential (MLLR)		
Large Lot Residential (LLR)		
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)		

348 ^{1*}Government buildings and schools are exempt from building area maximum.

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351 (c) **First-floor building standards.**

STREET TYPE:	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ELEVATION:	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS
Government and Institutional (G&I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
Vehicle-Oriented Commercial (VOC)		15 feet	
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	5 feet minimum, except 30 inches for building area to be that is used for commercial purposes.	10 feet, except 15 feet for areas of the first-floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Medium-Large Lot Residential (MLLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

352 ¹For a sloped sidewalk, the street sidewalk's surface shall be determined as the elevation at the midpoint
 353 of the building.

354

355 (d) **Transparent fenestration requirements.**

STREET TYPE:	MINIMUM FENESTRATION FOR THE FIRST STORY FAÇADE OF A BUILDING		MINIMUM FENESTRATION FOR THE SECOND STORY AND ABOVE	
	STREET-FACING:	ALLEY-FACING:	STREET-FACING:	ALLEY-FACING:
Government and Institutional (G&I)	50 percent	30 percent	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent		

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Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.		40 percent
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Medium-Large Lot Residential (MLLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

356
 357 (e) **Main Entrance requirements.** Each building with building or Lot frontage along a government-~~and/~~
 358 ~~institutional~~institutional, ~~v~~ehicle-~~e~~Oriented ~~e~~Commercial, ~~m~~Mixed-~~u~~Use ~~e~~Commercial, or ~~m~~Multi-
 359 ~~f~~Family street shall be provided with a main entrance that faces the street. Except when the building is
 360 set back from the street right-of-way or any sidewalk, pathway, or pedestrian way at least four feet, ~~the~~
 361 ~~main~~each entrance shall be recessed from the building's façade no less than five feet.

362
 363 **Sec 104-22-6.020 Building Design Standards By Area**

364 Except for single-family, two-family, three-family and four-family dwellings, the following regulations are
 365 applicable to the architecture and design of buildings in each area. Each area, as depicted in the applicable
 366 street regulating plan, has a unique architectural theme as provided herein. Each building, except those
 367 aforementioned, is required to be designed by a licensed architect. After receiving recommendation from a
 368 licensed architect, the planning commission may allow minor modifications to the applicability of the
 369 standards in this section as long as it results in a design that better aligns with the intent of the design theme
 370 and blends well with the design features of adjacent buildings.

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

- 372 In addition to applicable standards in this chapter, the following standards apply to all buildings in the
 373 Old Town Eden Area:
- 374 (a) **Design theme.** All buildings shall have architectural styling and materials that resemble historic
 375 commercial main-street buildings in the Western United States that were in existence between 1880 and
 376 1910. Each new building shall provide diversity and variety in building design, architectural features,
 377 and building material that set each building apart from adjacent buildings.
 - 378 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and cap, each
 379 of varying design features and building material.
 - 380 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent
 381 rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
 - 382 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with

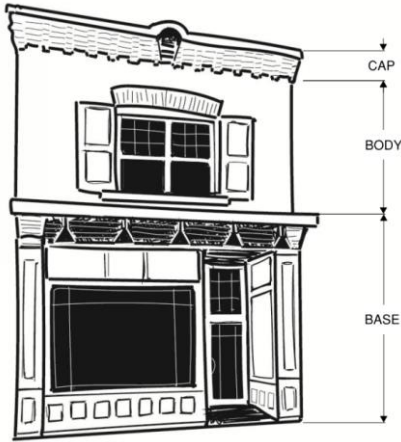
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383 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
384 and constructed to have a building base, building body, and varying building roofline, each having
385 varying building materials or design techniques.

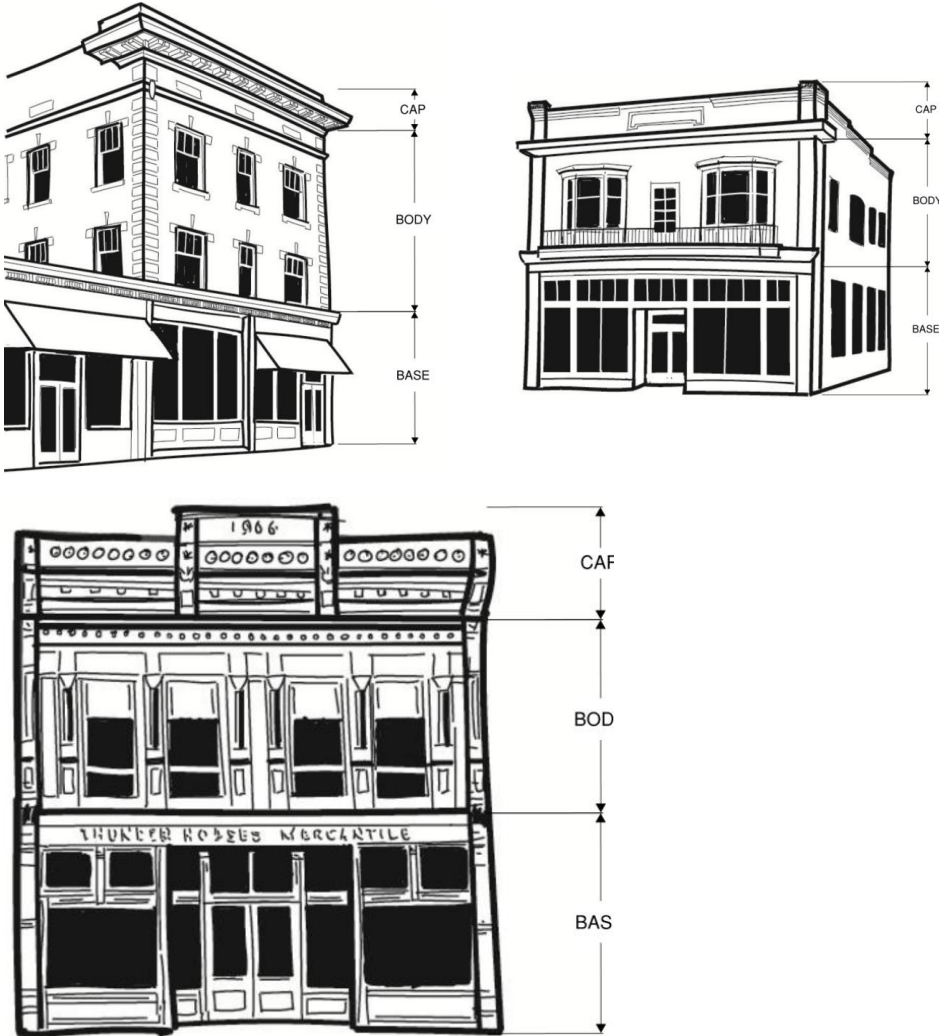
386 (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux
387 material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At
388 least one of the building materials used on the building façade shall also be used on all other sides of
389 the building.

390 (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed.
391 Other muted earth-tone paints may be used as long as they complement the age period. No more than
392 70 percent of a building's facade shall be white.

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



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396

397 **Sec 104-22-6.040 New Town Eden Area and West Weber's 4700 Village Building Design Standards**

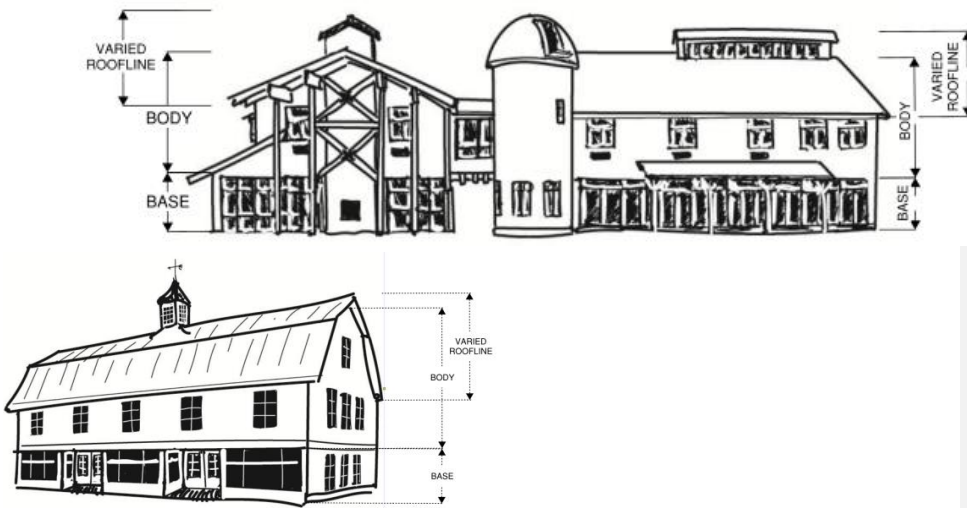
398 In addition to applicable standards in this chapter, the following standards apply to all buildings in the New
399 Town Eden Area:

400 (a) **Design theme.** All buildings shall have architectural styling and materials that implement agrarian-style
401 architecture. Agrarian-style architecture shall incorporate at least two of the following four options:

- 402 (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
403 (2) An attached shed-roof at a 4/12 or greater slope that is attached to the side of the building but
404 not attached to the main roof structure.

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- 405 (3) A clerestory or cupola.
- 406 (4) Gable-style dormer windows.
- 407 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
- 408 roofline, each of varying design features and building material.
- 409 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent
- 410 rooflines.
- 411 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with
- 412 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
- 413 and constructed to have a building base, building body, and varying building roofline, each having
- 414 varying building materials or design techniques.
- 415 (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material.
- 416 The primary building material shall be wood siding or similar appearing siding. At least one of the
- 417 building materials used on the building façade shall also be used on all other sides of the building.
- 418 a. Brick or stone may be used in place of wood if approved by the Land Use Authority.
- 419 b. Metal siding may be used on the building's body, as long as the building's base is made of brick or
- 420 stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and
- 421 is treated to create a natural-appearing aged patina.
- 422 (f) **Colors.** At least two muted earth-tone colors are required. In the Eden Area, No more than 70 percent
- 423 of a building's facade shall be white.
- 424 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
- 425 images. Any conflict between details in the images and regulations in this chapter shall be
- 426 interpreted in favor of the regulations in the chapter.



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

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

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

435 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
436 roofline, each of varying design features and building material.

437 (c) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be
438 broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same
439 plane.

440 (d) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with
441 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
442 and constructed to have a building base, building body, and a varying building roofline.

443 (e) **Building material.** Building façade walls shall be finished with no less than two primary and one
444 secondary type of building material. The primary building materials shall be real cut stone, glass, or
445 wood siding or similar appearing siding with a natural wood finish. The secondary building materials
446 include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface
447 building material which may be colored as allowed herein. At least one of the building materials used on
448 the building façade shall also be used on all other sides of the building.

449 (1) Each building shall have at least 60 percent primary building material.

450 (2) The base of the building shall be at least 60 percent stone, except those areas occupied by
451 transparent fenestration.

452 (3) Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.

453 (4) No more than ten percent of any building façade shall be exposed concrete.

454 (f) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be
455 white.

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



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Sec 104-22-7 Street Types And Street Design Standards

Sec 104-22-7.010 Street Types And Right-Of-Way Cross Sections and General Street Design

- (a) **Right-of-way dedication.** As development occurs on each Lot or Parcel, ~~lot or parcel~~, the owner shall dedicate area for public right-of-way with a width as depicted herein or as otherwise adopted, to form a Street-Block, ~~block~~ pattern as depicted in the applicable street regulating plan.
- (b) **Drawings required.** Each application for development shall provide engineered construction drawings of the street improvements required herein.
- (c) **Street right-of-way design.**
 - (1) **Commercial street design.** The dimensions and general design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-family residential street is as follows:
 - a. Typical three-lane village cross section. A three-lane village street is required for all arterial and collector streets, as designated by the applicable general plan or master street plan. The design dimensions shall be as follows:

Commented [E8]: Adding a 3-lane standard



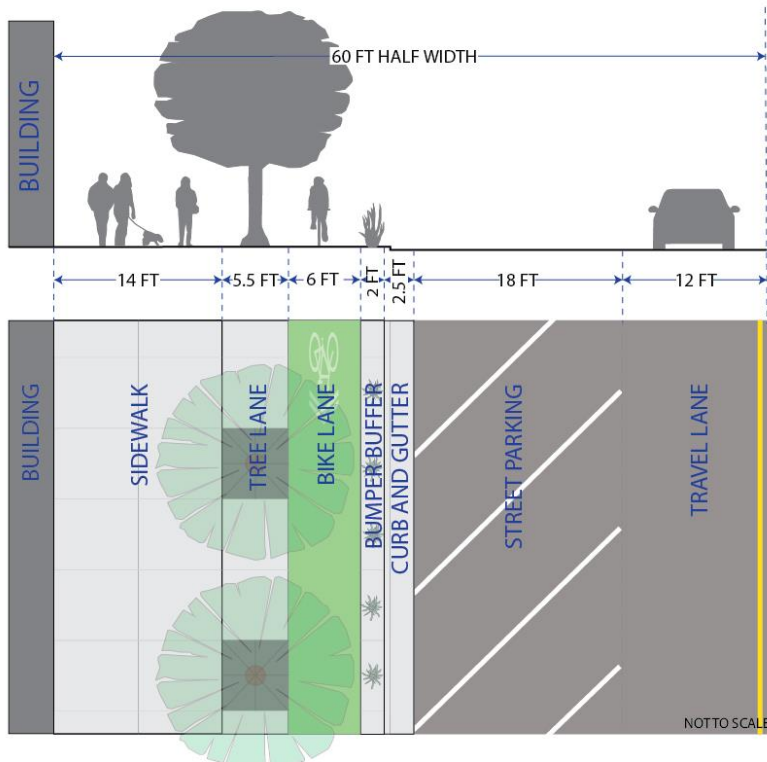
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- c. Typical two-lane village cross section. A two-lane village street is required for other streets. The design dimensions shall be as follows:

TYPICAL 2-LANE VILLAGE CROSS SECTION



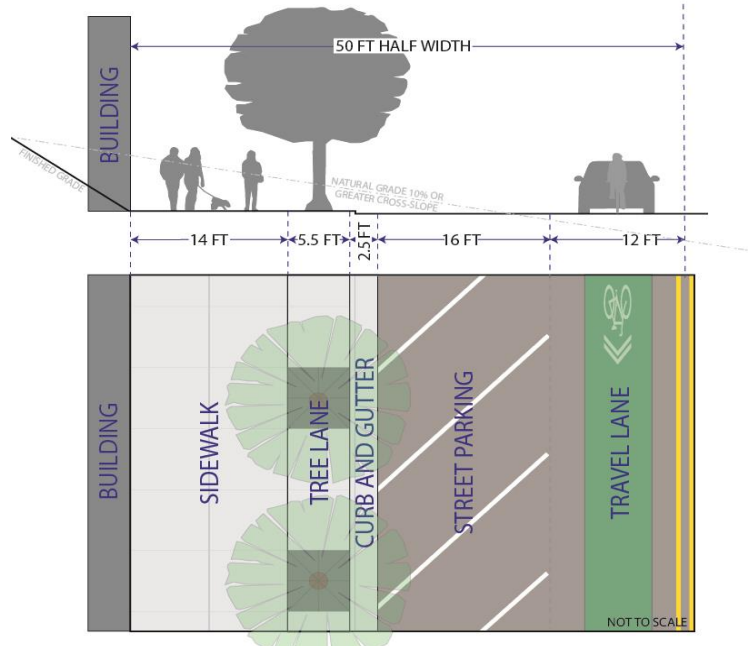
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- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street and multi-family residential street with a cross slope that is greater than 10 percent shall provide a 50 foot right-of-way half-width, with design dimensions as follows:

Commented [E9]: Verify consistency throughout

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VILLAGE CROSS SECTION - WITH CROSS SLOPE



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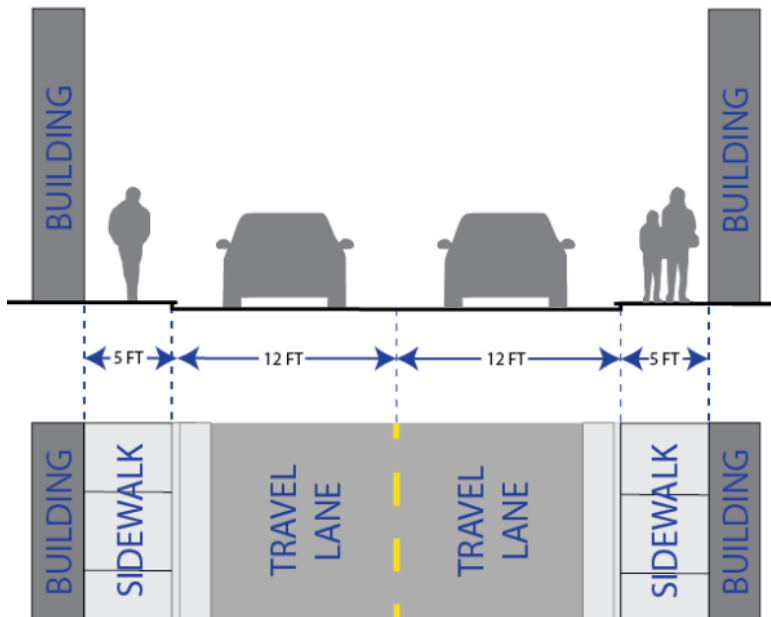
- a. ~~12-foot travel lane with a painted shared bike lane.~~
 - b. ~~16-foot 45-degree angled parking.~~
 - c. ~~2.5-foot curb and gutter.~~
 - d. ~~5.5-foot tree lane.~~
 - e. ~~14-foot sidewalk.~~
- (3) **Commercial Mid-Block Alleys design.** As development occurs along a G/I, VOC, MUC, or MFR street designation, one or more mid-Block Alleys shall be designed and constructed in accordance with the following: that side shall have at least one alley designed and constructed. The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use
- a. The general location of mid-Block Alleys are shown on each street regulating plan as lines with a lighter line weight than the lines that represent streets.
 - b. A mid-Block Alley shall provide both vehicle and pedestrian access to and through the inside of a Street-Block. Specifically, they shall provide access to public shared parking lots, public or private parking garages, and other uses or buildings that are located in the middle of the Street-Block.
 - c. When a mid-Block Alley connects through a Street-Block in which the Alley transitions to a residential street, the applicable design and construction standards shall also transition to a typical residential street standard.
 - d. The Alley shall be dedicated for public use, but the operations and maintenance of it shall be the collective and equitable responsibility of all landowners whose parcels and/or parking areas gain access from it. An association of owners may be created to specify the details of the management thereof.
 - e. Snow storage areas abutting an Alley shall be provided in the middle of each Street-Block of

Commented [E10]: Inserted image makes this unnecessary.

Commented [E11]: Ensure this references the shared parking lot requirements below.

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- 516 [sufficient size and configuration to easily accommodate the Alley's snow storage needs, as](#)
517 [determined by the County Engineer.](#)
- 518 [a.f. Regardless of an Alley's configuration displayed on the street regulating plan map, a mid-Block](#)
519 [Alley shall be located at a distance that is no greater than 330 feet and no less than 200 feet](#)
520 [from a street intersection or other mid-Block Alley intersection.](#)
- 521 [b.g. The mid-Block Alley's access to the street shall align with an existing or planned mid-Block Alley](#)
522 [on the opposite side of the street. If there is no existing or planned mid-Block Alley on the](#)
523 [opposite of the street, then the subject mid-Block Alley's access to the street shall be located in](#)
524 [a manner that provides reasonable opportunity for the creation of a future mid-Block Alley on](#)
525 [the opposite of the street.](#)
- 526 [e.h. The width of the mid-Block ~~commercial alley, and multi-family residential alley~~ Alley shall, at a](#)
527 [minimum, be designed](#) is as follows:



- 528
- 529 (4) **Residential street design.** The design for all non-multi-family residential streets is as follows:
530 See [provided in](#) Section 106-4-5.

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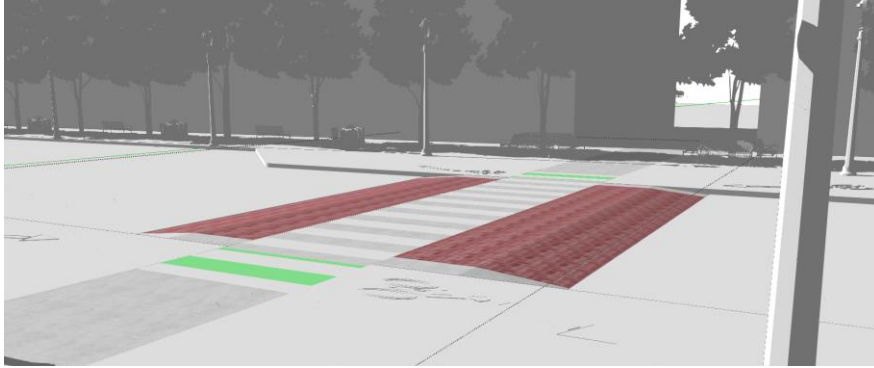
532 **Sec 104-22-7.020 Specific Street Design Standards**

533 For all mixed-use commercial, vehicle-oriented commercial, multi-family residential, and
534 government/institutional street types, the following provisions shall apply. ~~Other~~ [The following standards do](#)
535 [not apply to non-multi-family residential](#) streets [unless explicitly stated herein.](#) [Otherwise, non-multi-family](#)
536 [residential streets](#) shall follow adopted residential street design standards.

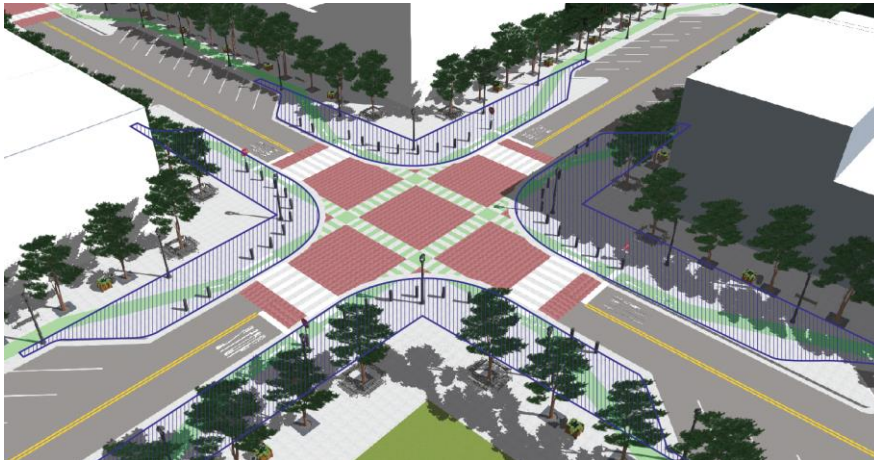
- 537 (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points
538 of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and
539 constructed to promote pedestrian safety, comfort, and efficiency.
- 540 (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way
541 shall be raised at least six inches above the grade of the vehicle-way, or to the level of the

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542 adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation
543 of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining
544 pathways. [An example of a raised crosswalk is illustrated as follows:](#)



545
546 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street
547 improvements at intersections, pedestrian crossings, and ~~mid-Block~~ ~~mid-block~~ ~~Alley~~ alleys, if
548 different, shall be constructed with curb extensions that bulb out directly adjacent to the lane of
549 travel. Bike lane widths shall not be obstructed or made narrower at any point along a curb extension
550 bulb-out. Bulb-outs shall be designed to the specifications of this ordinance and the County
551 Engineer, or as otherwise adopted. Where a bulb-out provides access to a ~~raised~~ pedestrian
552 crosswalk, bollards [or other permanent features](#) shall be installed along the curve of the bulb-out to
553 keep vehicles from entering the pedestrian-way. ~~Examples of bulb-outs are depicted in the images~~
554 ~~above~~ [An example of curb extension bulb-outs is illustrated as follows:](#)

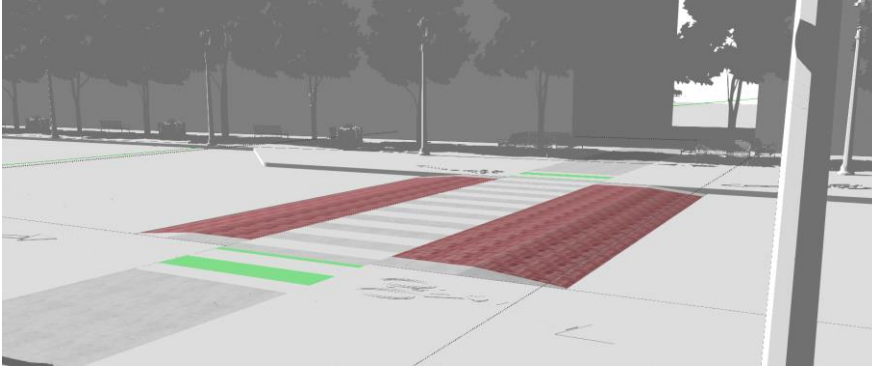


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557 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping,
558 crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between
559 the street and crosswalk.

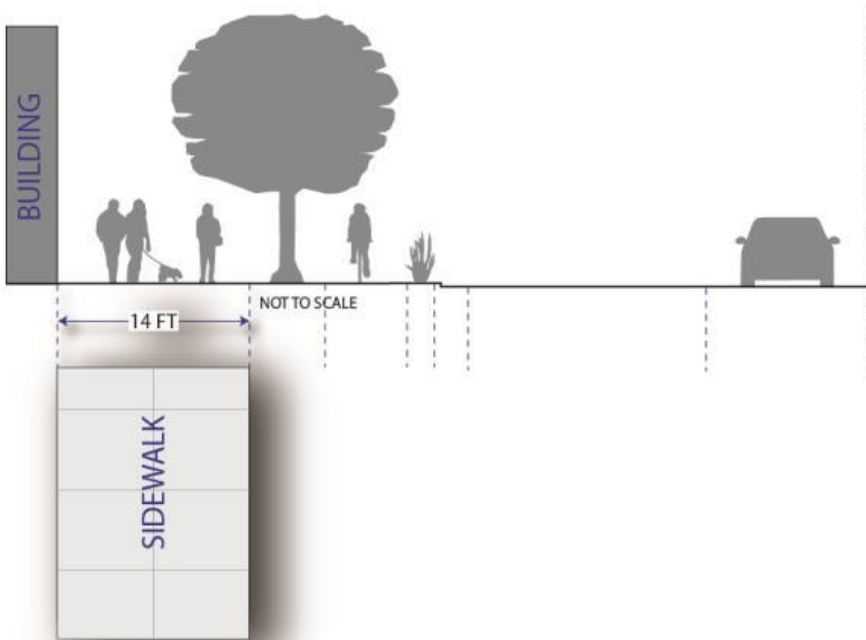
560 (4) **Mid-block crosswalk.** A ~~Street-Block~~ ~~block~~ that has a length that is greater than 330 feet, as
561 measured from the center of each bounding intersection, shall be provided with a ~~mid-Block~~ ~~mid-~~
562 ~~block~~ crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on ~~mid-~~
563 ~~Block~~ ~~mid-block~~ crosswalk signage [unless jurisdictionally controlled power is in the right-of-way at](#)

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564 [the location.](#)



565
566 (b) **Sidewalk required.** As part of the required street improvements within the FB Zone, a sidewalk shall be
567 installed in the designated sidewalk area, as depicted in Section 104-22-7.010 and as illustrated as
568 follows, on the side of the street of the development and for the entire length of the development ~~lot's~~
569 [Lot's street frontage](#) [or width](#).



570
571 (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required
572 sidewalk along any street ~~designated as residential except the multi-family residential street~~ [that is](#)
573 [very unlikely to have an adjacent building with first-floor street-level commercial space.](#) The pathway
574 [shall be designed as provided in Section 104-22-7.030.](#)

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575 (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the
576 encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and
577 maintenance contract. The adjoining landowners shall bear full responsibility for the operations
578 and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead
579 projections standards of this chapter.

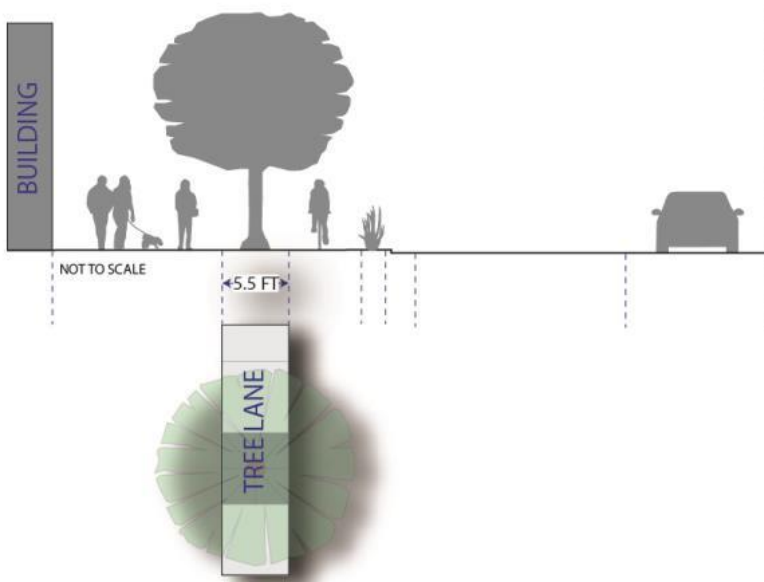


580
581 (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall
582 be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the
583 street as the development and for the entire length of the development [Lot's](#) street frontage. Tree
584 species shall be approved by the Planning Director and County Engineer as part of the review of the
585 development. A street tree plan shall be submitted as part of a development application and shall be
586 accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree

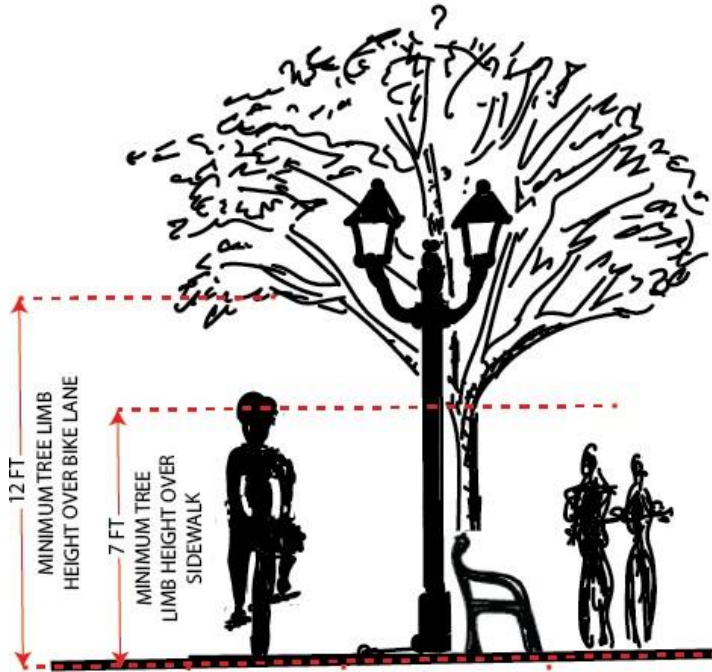
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587 type is suitable considering site conditions and local climate. The plan shall include planting methods
588 that are specific to the site conditions. Planting methods shall provide means of protecting the longevity
589 of the tree and the street infrastructure. Street trees shall be provided with a permanent watering
590 method with irrigation infrastructure installed underground.

591 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section
592 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials
593 (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree
594 trunks shall equal the average diameter of the specific tree species' canopy at maturity. However,
595 in the Nordic Valley Area, each [street bounding a Street-Block](#) shall have the same number of
596 trees that is equal to one tree per every 50 linear feet of street on both sides of the street, and the
597 trees may be grouped in clusters of no greater than ten trees, rather than equally spaced along the
598 right of way.

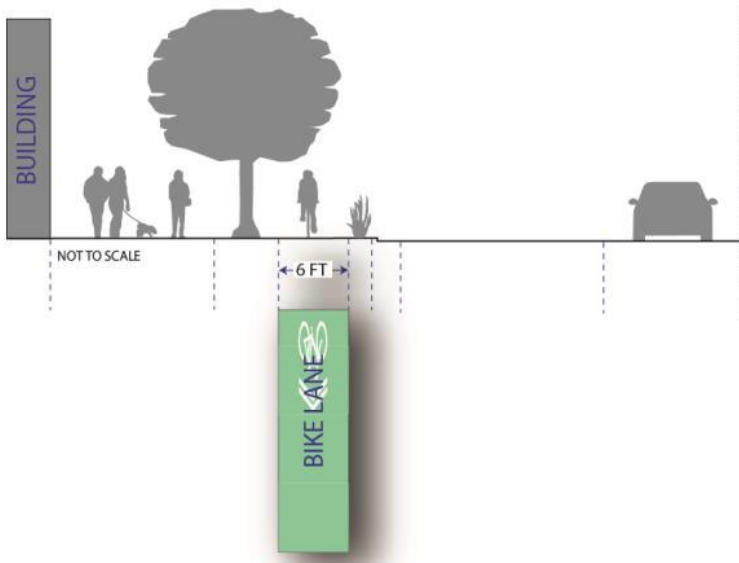


599 (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance
600 entity is approved by the County to provide tree maintenance, a street tree shall be maintained by
601 the owner or proprietor of the property that is immediately adjacent to the street right-of-way where
602 the tree is located. A tree maintenance plan shall be submitted as part of the development review
603 for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance
604 above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the
605 following graphic:
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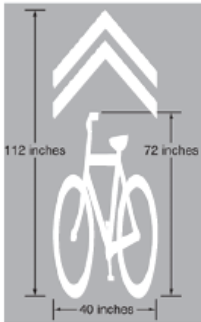
- 607
- 608 (d) **Bike facilities required.**
- 609 (1) **Separated bike lane.** Unless provided otherwise herein, a concrete bike lane that is six feet in width
- 610 shall be installed as part of the required street improvements. The bike lane shall be on the same
- 611 plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.

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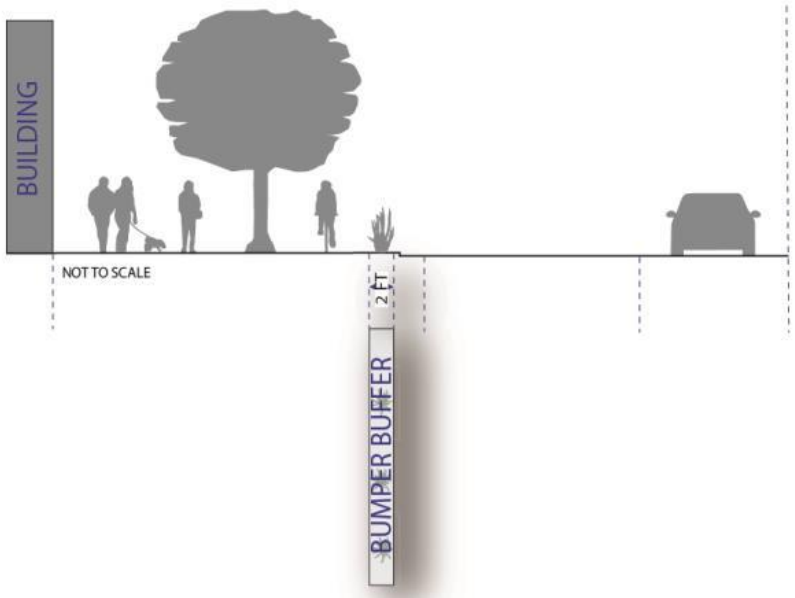
- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:



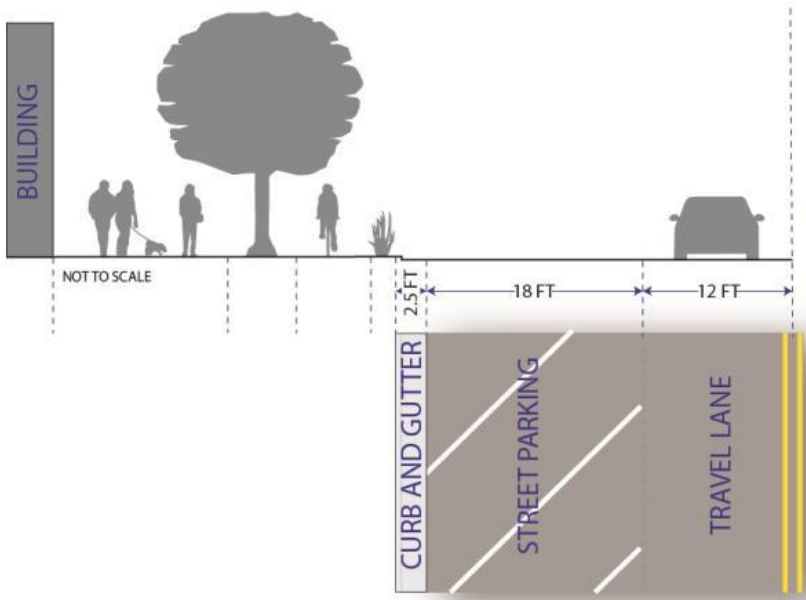
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- (e) **Street parking required.**
- (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45-degree angled parking.
- (2) **Street parking alternative.** When topography results in the inability to safely create sufficient street width, the County Engineer has discretion to allow a parallel street-parking design instead.
- (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.

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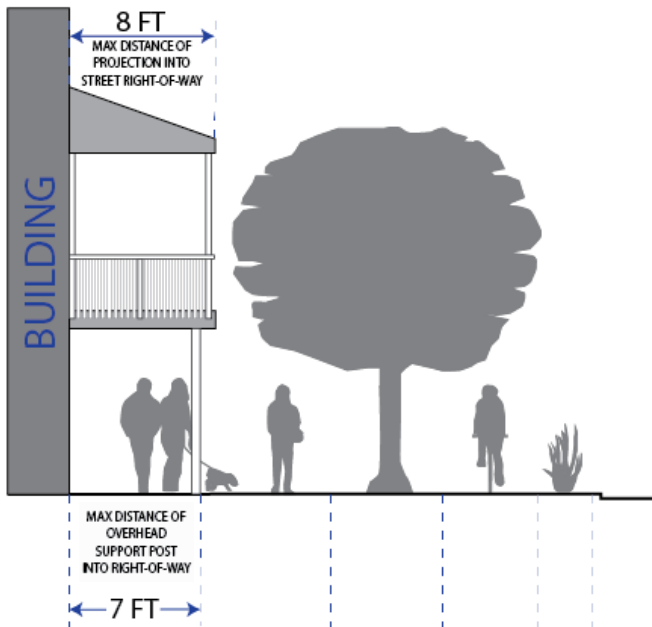
627 (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each
628 street and internal [Alley](#) ~~alleyway~~ in accordance with the County's standard curb and gutter cross sections

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629 and in a manner that accommodates the street designs herein.

630 (g) **Items in public right-of-way.**

631 (1) **Overhead projections.** Overhead building projections such as but not limited to awnings,
632 canopies, balconies, and cantilevers, are permitted within the public right-of-way, provided that they
633 leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project
634 more than eight feet into the public right-of-way. Any support post beneath the building projection
635 shall be no greater than seven feet from the building façade, be designed to offer minimal disruption
636 to sidewalk traffic, and meet all ADA clearance requirements.



637 (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside
638 dining, benches, bike racks, planters, and street sales and displays are permitted between street
639 trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and
640 they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
641

642 (3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within
643 this zone. Street lighting shall complement the architectural design theme of the area.

644 (4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and
645 install all new utilities underground as well.

646 (h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a
647 planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to
648 accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed
649 when required by the County Engineer. Otherwise, all improvements installed shall be installed in a
650 manner that does not create an undue burden on the construction of a future round-a-bout.

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651 **Sec 104-22-7.030 Pathway Location and Design Standards**

652 (a) **Pathways and sidewalks, generally.**

653 (1) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
654 motorized modes of transportation.

655 (2) Pathways shall connect using shortest distance reasonably possible.

656 (3) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in
657 the general area, and for future planned pathways, as shown on an adopted pathway plan, general
658 plan, master trails plan, or other applicable adopted planning document.

659 ~~(3)~~(4) Except for development along a Rural Residential or Estate Lot Residential street, each
660 development shall be configured so that the maximum pathway or sidewalk walking-distance
661 between a pathway or sidewalk intersection is 400 feet.

662 a. This distance may be increased for a segment of a pathway that travels through a permanently
663 preserved open space area or an area very unlikely to ever develop.

664 b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
665 pathway, sidewalk, or street that has pedestrian facilities.

666 (5) A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent developed
667 property.

668 (6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a
669 stub to the subdivision boundary.

670 (7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
671 convenient and efficient access to nearby parcels that are likely to eventually be developed.

672 (b) **Street-adjacent pathway.** Along each arterial, collector, and major neighborhood street, as provided in
673 an adopted general plan, master streets plan, or similar adopted document, a 10-foot wide hard-surfaced
674 pathway shall be installed.

675 (1) When determining which side of the street the pathway is required, preference shall be given to the
676 side of the street that has optimal sun exposure during winter months.

677 (2) The Planning Director may require a pathway be located on the other side of the street to support
678 pathway connectivity based on other factors such as existing or planned future pathways in the
679 vicinity and potential pedestrian conflicts.

680 (3) The pathway shall be located within the street right-of-way unless expressly authorized otherwise
681 by the County Engineer. If not located within the street right-of-way, a pathway easement is required.

682 (4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at
683 least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top
684 of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches
685 of base-course. Greater thickness may be required where it intersects a vehicle-way.

686 (5) Example: *Street-Adjacent Pathway*

Commented [E12]: OVPC requested exception from this rule for larger lot developments.

Last updated 4/17/2023



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- (c) **Non-street-adjacent pathway.** Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.
- (1) Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.
 - (2) The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or parcels are or will be single-family residential, and are deed-restricted to:
 - a. Only allow a solid fence that is no greater than four-feet; or
 - b. Only allow a fence that is 30 percent open with the openings evenly distributed.
 - (3) The adjoining land owners are responsible for the maintenance and upkeep of vegetation and waste on the half of the pathway right-of-way that is adjacent to their Lot or Parcel.
 - (4) Example: Non-Street-Adjacent Pathway

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703 **Sec 104-22-8 Street Regulating Plans**





704 (a) The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
705 illustrate the intended street layout of the area and the designated street types. The plan is intended to
706 be a guide for the placement of streets and ~~mid-Block~~mid-block ~~Alley~~alleys, and is not designed to
707 be a guide for the placement of streets and ~~mid-Block~~mid-block ~~Alley~~alleys, and is not designed to
708 survey-level accuracy. ~~A mid-block alley shall be as close to the middle of the block as is practicable,~~
709 ~~and the street~~ A street's placement shall be within 200 feet of the location depicted on these maps. A
710 ~~mid-Block Alley, denoted on the maps with thinner line types intersecting with~~
711 ~~Governmental/Institutional, Vehicle Oriented Commercial, Mixed Use Commercial, and Multi-Family~~
712 ~~Residential streets, shall be provided as specified in Section 104-22-7.010.~~ A land owner proposing
713 development in an area that a street or ~~Alley~~alley is planned shall be responsible for dedicating the land
and constructing the street or ~~Alley~~alley improvements.

714 (b) The legend for each street regulating plan is as follows:

STREET TYPES AND AMENITIES

-  **General Open Space**
TDR sending.
-  **Estate Lot Residential (ELR)**
Single-family lot as small as 3 acres. TDR sending.
-  **Rural Residential (RR)**
Single-family lot as small as 40,000 sq. ft. TDR sending in WWPA and receiving in OVPA.
-  **Large Lot Residential (LLR)**
Single-family lot as small as 20,000 sq. ft. TDR receiving.
-  **Medium-Large Lot Residential (MLLR)**
Single-family lot as small as 12,500 sq. ft. TDR receiving.
-  **Medium Lot Residential (MLR)**
Single-family lot as small as 8,000 sq. ft. TDR receiving.
-  **Small Lot Residential (SLR)**
Up to four-family lot as small as 3,000 sq. ft. TDR receiving.
-  **Multi-Family Residential (MFR)**
Multi-family lot, height restrictions, no lot minimum. TDR receiving.
-  **Mixed-Use Commercial (MUC)**
Commercial at street level, multifamily and other uses above and behind, height restrictions, no lot minimum. TDR receiving.
-  **Vehicle Oriented Commercial (VOC)**
Same as MUC with special considerations for vehicle-oriented uses. TDR receiving.
-  **Government/Institutional (G/I)**
Same as VOC with special considerations for government and institutional uses. TDR receiving.
-  **Limited Access Arterial or Collector Street**
Access to street generally restricted to planned intersections.
-  **Trails**
Required trails.
-  **Roundabout**
Street roundabout.

COMMUNITY FEATURES

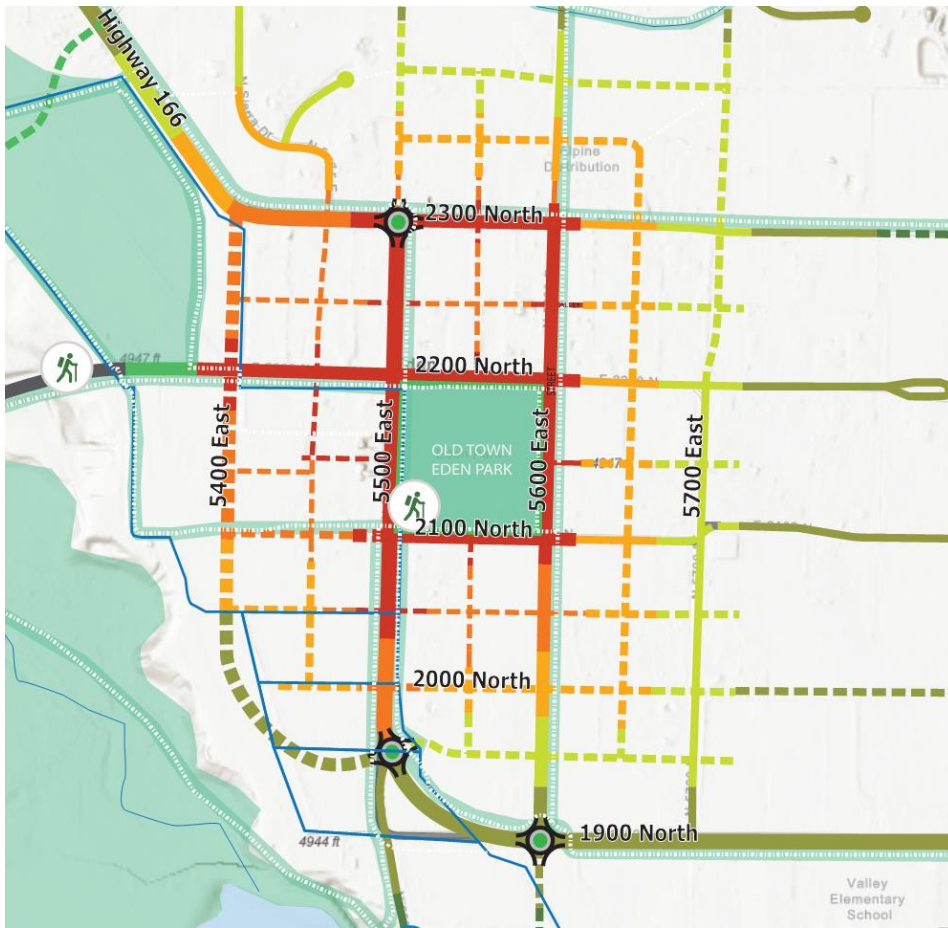
-  **Long-Term Open Space**
-  **Park**
-  **Trailhead**
-  **Water Body**

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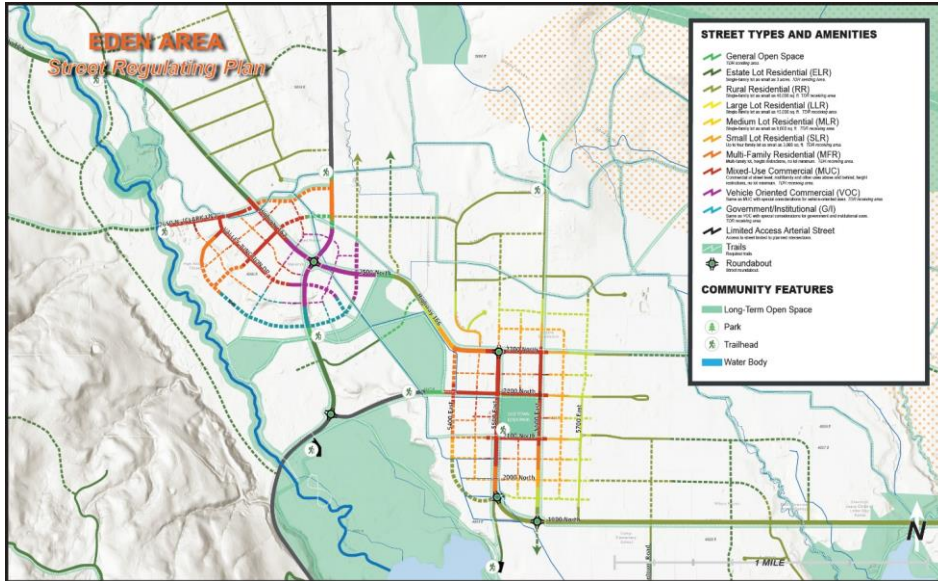
Last updated 4/17/2023

717 [Sec 104-22-8.010 Old Town Eden Area Street Regulating Plan Map.](#)



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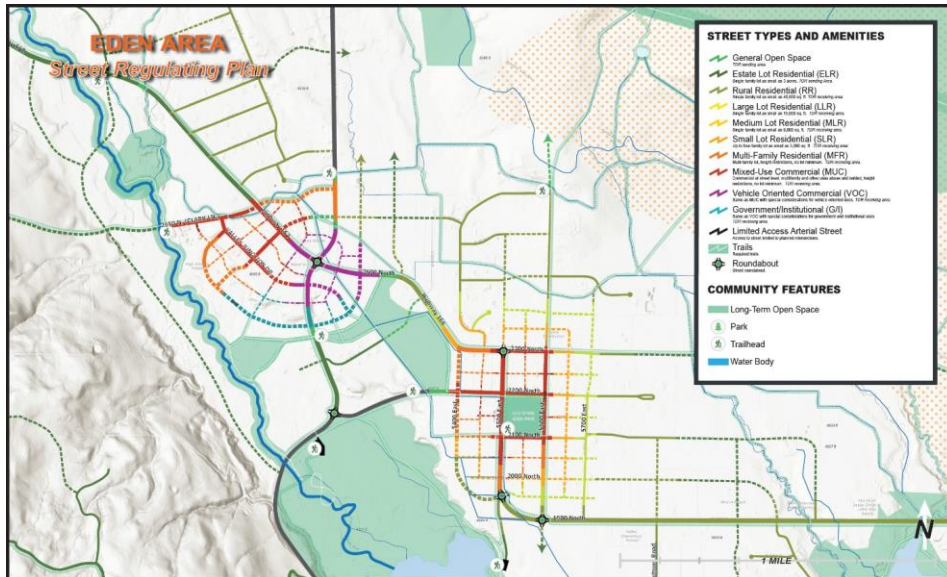
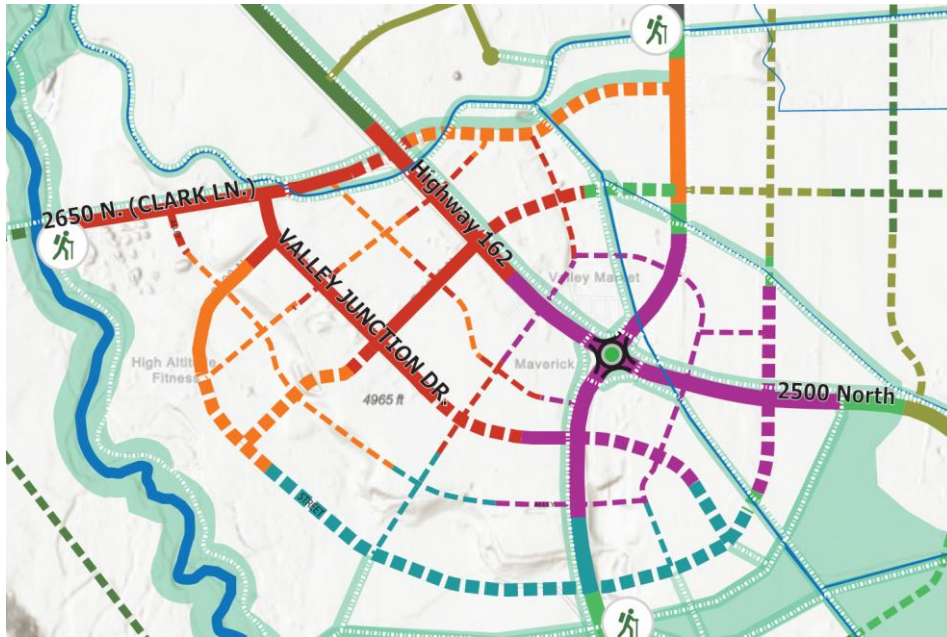
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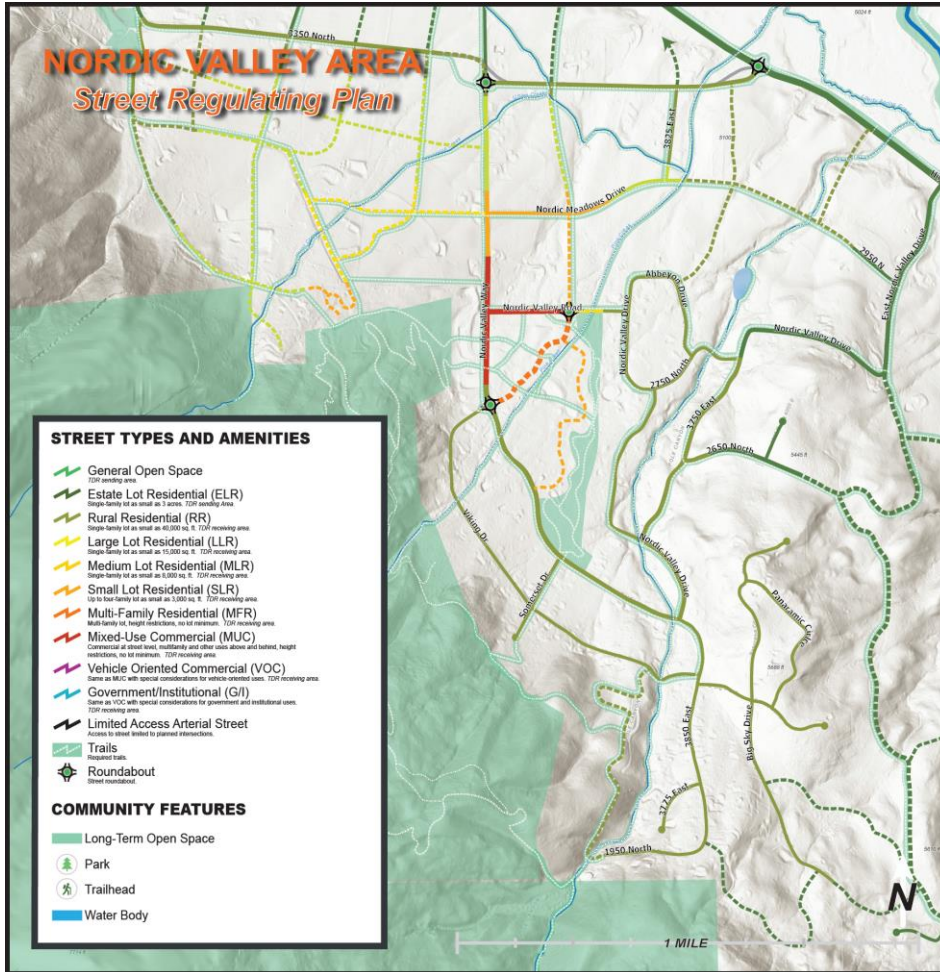
Sec 104-22-8.020 New Town Eden Area Street Regulating Plan Map.



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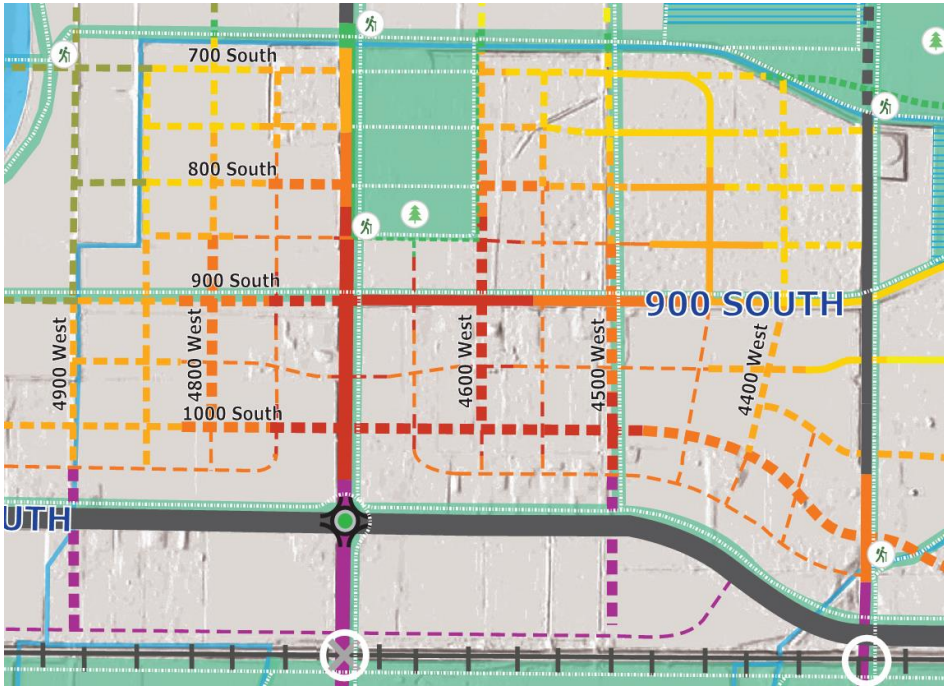
Sec 104-22-8.030 Nordic Valley Area Street Regulating Plan Map.



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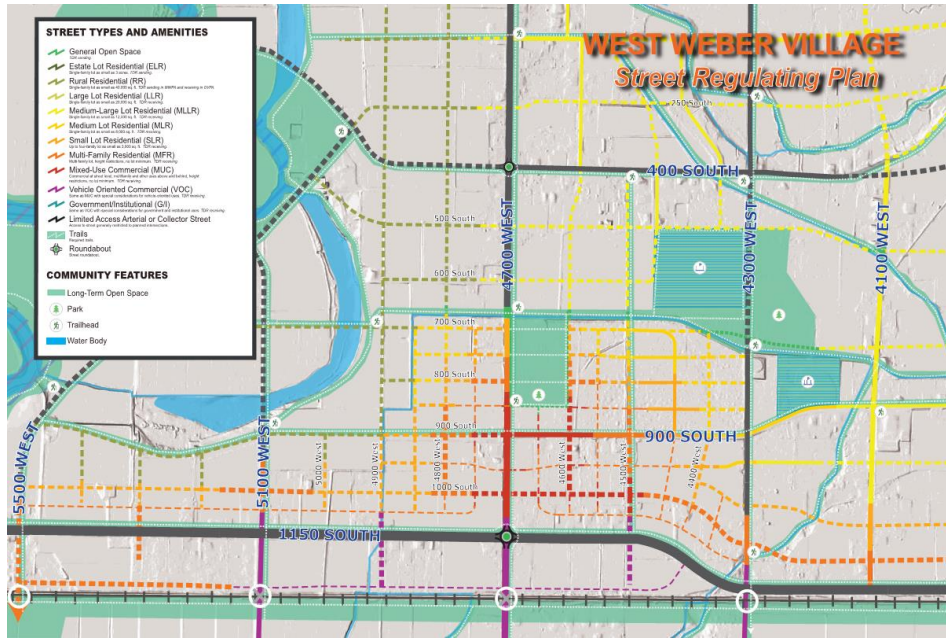
Last updated 4/17/2023

731 [Sec 104-22-8.040 West Weber's 4700 Area Street Regulating Plan Map.](#)



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Sec 104-22-9 Parking and Internal Street-Block Access.

737 (a) **Parking required.** Each application for development shall include a parking plan that demonstrates
738 that sufficient parking will be provided by the on-street parking immediately fronting adjacent to the
739 building lot or an off-street parking lot or garage within 1000 feet of the building. On-street parking not
740 adjacent to the Lot's street-frontage shall not be counted.

741 (1) **Internal Street-Block shared public parking.** Each business or use that will have patrons,
742 customers, clients, or similar, shall provide an off-street public parking lot or garage. Use of this
743 parking lot or garage shall be shared by all landowners and business owners within the Street-
744 Block, provided, however, that those other land or business owners within the Street-Block have
745 provided their own respective contribution toward shared public parking within the Street-Block.
746 Each public parking area located within the Street-Block shall be designed to extend to the parcel
747 boundary and shall provide a cross access easement along all sides of the parking area abutting
748 the adjacent Lot(s) or Parcel(s) in a manner that allows the adjoining Lot or Parcel owner to
749 extend that public parking area seamlessly into their parcel. Cross access and cross access
750 easements are required pursuant to Subsection (h) of this section.

751 (2) **Alternative to shared internal Street-Block public parking.** If multiple land or business
752 owners within a Street-Block create an alternative shared public parking lot plan that provides for
753 equal or better off-street public parking for the Street-Block than those otherwise required by
754 Subsection (a)(1) of this section, then the provisions of Subsection (a)(1) that run contrary may
755 be waived; provided, however, that all parts of Subsection (a)(1) that have not been adequately
756 considered for other land or business owners within the Street-Block not participating in the
757 parking plan, or within the future Street-Block once fully developed, shall still be required.

758 (3) **Internal Street-Block private parking.** Nothing in the subsection (a) shall be construed to
759 prohibit a landowner from creating a private parking lot or garage as long as the shared public
760 parking requirements herein are satisfied.

761 (b) **Employee and residential parking.** On-street parking shall not be included toward minimum parking
762 needed for employees or for any residential use. Employee parking and the minimum required
763 residential parking shall be located off-street within the same Street-Block as the use.

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764 ~~(c)~~ (c) **Parking lot surface.** All parking lots shall be hard-surface asphalt or concrete, or other improved
765 surface otherwise approved by the County Engineer and local fire authority. ~~Street parking not adjacent~~
766 ~~to the lot's Lot's street frontage shall not be counted in determining that sufficient parking has been~~
767 ~~provided.~~

768 ~~(b)~~ (d) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum
769 parking spaces required if sufficient evidence suggests that the required number of spaces is excessive
770 for the building and proposed use or uses therein.

771 ~~(e)~~ (e) **Parking related to a change of use.** If a change of use occurs, more parking may be required if
772 the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the
773 use shall be required to provide the additional off-street parking within 1000 feet of the use.

774 ~~Residential parking. The minimum required parking for a residential use shall be located off-street within~~
775 ~~the same block as the residential use.~~

Commented [E13]: Moved this to a couple paragraphs above and included employee parking as well.

776 ~~(d)~~ (f) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a
777 five-foot wide landscape planting area that runs the depth of the parking row shall be located at each
778 end of a parking row.

779 ~~(e)~~ (g) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial,
780 mixed use commercial, or multi-family residential street, a parking structure shall have first-floor street-
781 level commercial space along the street's frontage. However, for a corner ~~lot~~ Lot, this requirement
782 applies to the façade that is adjacent to the more prominent street, as determined by the land use
783 authority; the other façade shall have the same for no less than fifty percent of that façade's street
784 frontage. The other fifty percent, and the area of the parking structure above the street level commercial
785 space, shall have a street-facing facade that disguises the parking structure to generally look like other
786 buildings in the area.

787 ~~(f)~~ (h) **Cross-access and cross-access easement.** For all ~~parcels or lots~~ Lots or Parcels along a
788 governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family
789 residential street, providing access to adjacent existing or future development without the need to
790 access the public right-of-way is required. This access shall be provided by a ~~mid-Block Alley~~ mid-block
791 ~~alley, where shown on a street regulating plan,~~ or other ~~alley~~ Alley or shared driveway as may be
792 deemed necessary by the ~~Land use Use authority~~ Authority. ~~When if not in conflict with mid-Block Alley~~
793 ~~requirements herein, when~~ no new ~~alley~~ Alley access is deemed necessary because an ~~alley~~ Alley
794 access or street access is already provided to the ~~Lot or Parcel~~ lot or parcel through another ~~Lot or~~
795 ~~Parcel~~ lot or parcel, then a cross-access easement shall be provided along adjoining lot lines, as follows:

796 a. A cross access easement shall provide an easement to all landowners in the ~~Street-Block~~ block
797 that develop along a governmental or institutional, vehicle-oriented commercial, mixed-use
798 commercial, or multi-family residential street that is framing the ~~Street-Block~~ block. The easement
799 shall allow ingress and egress to these other ~~lots~~ Lots or ~~P~~ parcels, including ingress and egress
800 infrastructure.

801 b. At a minimum, each developed ~~Lot or Parcel~~ lot or parcel shall have two points of ingress and
802 egress, at least one of which shall be stubbed to adjacent property where practicable. Except that
803 a ~~private~~ parking area is allowed to only provide a single access as long as it does not block the
804 accessibility to other areas within the ~~Street-Block~~ block that are or could be used for public parking.

805 ~~c. Each parking area that is located within the block and that will be open to the public for public~~
806 ~~parking shall be designed to extend to the parcel boundary and shall provide a cross-access~~
807 ~~easement along all sides of the parking area abutting the adjacent lot~~ Lot(s) or parcel Parcel(s) ~~in a~~
808 ~~manner that allows the adjoining Lot or Parcel~~ lot or parcel ~~owner to extend that public parking area~~
809 ~~seamlessly into their parcel.~~

Commented [E14]: Moved this to parking paragraph above.

810 ~~d.~~ c. When locating a cross-access easement or designing the cross-access infrastructure, good faith
811 efforts shall be made to coordinate the location and design with the adjoining land owner.

812 ~~e.~~ d. The Planning Director may require the cross-access to be located in a manner that optimizes
813 ~~internal block~~ traffic circulation within the Street-Block.

814 ~~f.~~ e. Construction of the cross-access infrastructure shall be completed prior to the issuance of a
815 certificate of occupancy for any structure on the ~~Lot or Parcel~~ lot or parcel, or a completion bond

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816 may substitute for completion if allowed by the County Engineer.

817 ~~g.f.~~ When a Lot or Parcel~~lot or parcel~~ is being developed that abuts an existing cross-access easement
818 or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on
819 the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access
820 infrastructure shall be constructed to the same standard as, or better than, the existing cross-
821 access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the
822 title of all affected properties, along with a perpetual operation and maintenance agreement
823 between the property owners that specifies, at a minimum, that the infrastructure will be operated
824 and maintained by the property owners in a manner that is safe and usable for two-way vehicle
825 traffic.

826 ~~h.g.~~ If property owners fail to operate or maintain cross-access infrastructure that was required by the
827 County under this section, the County may pursue enforcement measures as provided in this Land
828 Use Code.

829

830 **Sec 104-22-10 Signage**

831 In addition to the signage regulations in this Land Use Code, no signage shall be affixed to a building
832 higher than the top of the second story.

833

834 **Sec 104-22-11 Form-Base Zone Transferable Development Rights**

835 ~~Density allowance and transferable development rights. As provided in the Ogden Valley General Plan,~~
836 ~~the creation of dwelling units in the FB Zone shall not create any new density in the Ogden Valley Planning~~
837 ~~Area unless otherwise provided in this Land Use Code. To establish the residential dwelling unit rights that~~
838 ~~exist on a lot or parcel in the FB Zone, or to increase or decrease residential dwelling unit rights on a lot or~~
839 ~~parcel in the FB Zone, the following apply:~~

840 (a) Transfers, generally. To establish the ~~Residential dwelling~~Development ~~unit~~ Rights that exist on a
841 Lot or Parcel~~lot or parcel~~ in the FB Zone, or to increase or decrease ~~Residential dwelling~~
842 unitDevelopment Rights on a Lot or Parcel~~lot or parcel~~ in the FB Zone, the following apply:

843 (1) Base density. For a Lot or Parcel rezoned to the Form-Based Zone from a zone that allow(s)(ed)
844 ~~residential~~ dwelling units, ~~including transfers within the Form-Based Zone, the base~~ Base
845 Density, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed
846 in the prior zone. ~~This shall be documented by recording a covenant to the Lot or Parcel~~lot or parcel
847 ~~that provides a calculation of the base density. The covenant shall run with land, and be between~~
848 ~~the owner and the County.~~

849 (2) Transferred density. Additional ~~residential~~ Residential dwelling Development ~~units~~ Rights are
850 permitted on any lot that has street frontage on, or gains primary access from, any street type in
851 the street regulating plan except an Estate Lot Residential street, ~~a general~~ General open ~~Open~~
852 space ~~Space~~ street, ~~and, in the Western Weber Planning Area, a Rural Residential street.~~ However,
853 no additional ~~density~~ Residential Development Right is allowed ~~unless~~ until after the landowner has
854 successfully ~~negotiated~~ completed the ~~reallocation~~ transfer of an equal number of Residential
855 dwelling unit Development Rights from another ~~Lot or Parcel~~ Lot or Parcel that has ~~an~~ the available number of
856 Residential dwelling unit Development Rights being pursued, ~~as determined by~~ A Residential
857 Development Right is deemed available for transfer if the Lot or Parcel's Base Density
858 calculation, ~~and together with adjusted~~ adjustments for any previous Residential Development
859 dwelling unit right Right reduction or addition, demonstrates that the Residential Development Right
860 could be developed on the lot or parcel given compliance with the provisions of this Land Use Code.
861 A Residential Development Right reduction or addition is any of the following:

862 a. Use of the Residential Development Right for construction of a residential unit onsite.

863 b. Transfer of a Residential Development Right to another Lot or Parcel.

864 c. Receipt of a Residential Development Right from another Lot or Parcel.

865 d. Restriction of the construction, development, or subdivision of or on the Lot or Parcel for
866 residential purposes as provided in County laws not otherwise in this Land Use Code, State or

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867 Federal laws, regulations, or restrictions; private contracts, covenants, or restrictions;
868 conservation or preservation easements or agreements, or any other lawful development
869 restriction or prohibition that makes the Residential Development Right unbuildable on the Lot
870 or Parcel.

871 e. The reallocation shall be ~~made completed~~ by recording a Notice of Transfer Document
872 ~~covenant~~ to each affected Lot or Parcel~~lot or parcel~~.

873 i. Each Notice of Transfer Document ~~covenant~~ shall run with the land ~~and be between the~~
874 ~~owner and the County.~~

875 i.ii. Each Notice of Transfer Document ~~covenant~~ shall document the applicable lot-Lot or

876 Pparcel's ~~calculated-estimated base-Base density~~Density; the number of dwelling-Dwelling
877 ~~units-Units~~ already developed on the lot-Lot or Pparcel; the number of Residential
878 ~~Development~~dwelling-unit ~~R~~Rights subtracted from, or added to, the base-Base density
879 ~~Density~~ by any other means; and the number of dwelling-unitResidential Development
880 ~~R~~ights remaining for the Llot or Pparcel.

881 (a)(b) Ogden Valley Planning Area Form-Based Zone transfers.

882 (1) **Transfer allowances and limitations.** Residential Development Rights may be transferred to a
883 Lot or Parcel in a FB Zone from any Lot or Parcel in the following zones within the Ogden Valley
884 Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.

885 (2) **Transfer ratio.** The transfer ratio shall be one to one. This means for every one Residential
886 Development Right transferred from a sending Lot or Parcel in the Ogden Valley Planning Area,
887 one is allowed to be constructed on a receiving Lot or Parcel within the FB Zone.

888 (3) **Transfer calculation and review.** In the Ogden Valley, the Planning Commission is the review
889 authority for transferable development rights. An application for Subdivision or Design Review that
890 is submitted with the intention of receiving transferred Residential Development Rights shall be
891 reviewed by the Planning Commission.

892 a. **Calculating Base Density.** When calculating a sending Lot or Parcel's Net Developable Area,
893 the follow areas shall be considered area Unsuitable for Development, and thereby not
894 included in the Lot or Parcel's Base Density:

895 i. Slopes over 30 percent.

896 ii. Wetlands as mapped by the Army Corp of Engineers.

897 iii. Area within stream corridor setbacks; and

898 iv. Floodplains.

899 b. **Review.** In addition to other process and requirements in this Land Use Code, after receiving
900 recommendation form Planning Staff, the Planning Commission shall review each Subdivision
901 and Design Review application to verify the proposal to Transfer Residential Development
902 Rights complies with this subsection. The Planning Commission's approval of the Design
903 Review or the Subdivision's preliminary plat constitutes the Planning Commission's approval
904 of the proposed transfer(s). After approval of the Subdivision's preliminary plat or Design
905 Review, staff shall record the approved transfers as otherwise provided in this Section. No final
906 plat application shall be approved and no building permit shall be submitted until after the
907 transfer(s) has been approved by each landowner and recorded to each parcel's title in the
908 Office of the County Recorder.

909 (4) **Banking of Residential Development Rights not allowed.** Transferred rights may be held on the
910 receiving Lot or Parcel until they are constructed on the Lot or Parcel. No transferred Residential
911 Development Rights is permitted to be transferred to another Lot or Parcel. No more Residential
912 Development Rights ~~should~~ be transferred to a Lot or Parcel than can actually be constructed on
913 the Lot or Parcel given compliance with the requirements and standards of this chapter, as well as
914 any other applicable provision of this Land Use Code. If excess Residential Development Rights
915 are transferred to a Lot or Parcel than can actually be constructed, the excess Residential
916 Development Rights are forfeit.

917 (c) **Western Weber Planning Area Form-Based Zone transfers.**

Commented [E15]: This means it is the landowner's responsibility to not transfer more than the land can actually handle, not necessarily the County's. If too much is transferred, the excess is forfeit.

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- 918 (1) **Transfer allowances and limitations.** A Residential Development Right may be transferred to a
919 Lot or Parcel in a FB Zone from any Lot or Parcel in the following zones within the West-Central
920 Weber area: A-1, A-2, and A-3. Unless negotiated otherwise in a development agreement, a
921 transfer from any Lot or Parcel is prohibited if the Lot or Parcel received a rezone after January 1,
922 2023 that increased the Base Density.
- 923 (2) **Transfer ratio.** The transfer ratio shall be one to three. This means for every one Residential
924 Development Right transferred from a sending Lot or Parcel in the Western Weber Planning area,
925 three are allowed to be constructed on a receiving Lot or Parcel within the FB Zone.
- 926 (3) **Transfer calculation and review.** A landowners may submit a request for approval of a transfer
927 of Residential Development Rights at any time. Planning Division Staff shall review each request
928 for compliance with applicable regulations. If the transfer is merited, Planning Staff shall prepare a
929 Notice of Transfer Document for each affect Lot or Parcel in a form as approved by the County
930 Attorney's Office.
- 931 a. A transfer is not complete until a notice of transfer has been signed by each affected landowner
932 of record for each affect Lot or Parcel, the reviewing staff, and the Planning Division Director,
933 and then filed to the title of each affected Lot or Parcel in the Office of the County Recorder.
- 934 b. Approval of a Subdivision's preliminary plat or a Design Review that is based on the receipt of
935 transferred Residential Development Rights is conditioned, by reference herein, on the
936 applicable transfers being complete. Approval is void if the transfer is not completed.
- 937 c. No final plat application shall be approved or recorded and no building permit shall be submitted
938 or approved until after the transfer(s) are complete.
- 939 ~~(3)~~(4) **Banking of Residential Development Rights.** A Lot or Parcel within the Form-Based
940 Zone in the West-Central Weber area may be used to bank Residential Development Rights. These
941 rights may be held on the Lot or Parcel until they are either constructed on the Lot or Parcel, or
942 transferred to another eligible Lot or Parcel. There is no limit to the number of Residential
943 Development Rights that can be transferred to a Lot or Parcel in the Form-Based Zone. However,
944 the number of Residential Development Rights actually constructed on the parcel shall be limited
945 by what can be constructed given compliance with the requirements and standards of this chapter,
946 as well as any other applicable provision of this Land Use Code.

947 **Sec 104-22-12 Workforce Housing**

948 Participation in creating workforce housing is required as follows, except when developing along a Large
949 Lot Residential, Rural Residential, or Estate Lot Residential Street.

950 (a) **No transfer required.** Workforce housing dwelling units will not be deducted from the Lot or parcel's
951 Parcel's development rights and is not required to be established through transferable development
952 rights in an amount that does not exceed 15 percent of the development's total number of market-rate
953 dwelling units.

954 (1) **Lot development standard reduced.**

955 a. Unless the applicable lot development standards are more permissive, a structure that is
956 exclusively devoted to, and deed restricted for, workforce housing may have a front yard setback
957 of 20 feet, and a side and rear yard setback of five feet, and has no minimum area requirement.

958 b. In the event the provision for the required workforce housing results in the inability to realize the
959 number of dwelling units that would otherwise be allowed if workforce housing was not required,
960 then the applicable minimum lot development standards in the development may be reduced to
961 no less than half of the applicable minimum lot development standard.

962 (b) **Workforce housing requirements.** Unless otherwise negotiated by development agreement, one or
963 more of the following workforce housing requirements shall be provided by the developer.

964 (1) **Building and reservation of dwelling units.** Dwelling units, in an amount that is equal to or
965 greater than five percent of the non-workforce housing units being developed, shall be constructed
966 and deed restricted for workforce housing;

967 (2) **Fee in lieu.** In lieu of building affordable housing units, a fee equaling up to two percent of the
968 dwelling unit's market value, shall be paid for each dwelling unit constructed. This shall be

Last updated 4/17/2023

- 969 implemented by a covenant recorded on title of each dwelling unit, and shall be paid at the time a
970 building permit is issued, or prior to the transfer of the property's title after the dwelling unit has
971 been completed;
- 972 (3) **Buildable lot in lieu.** In lieu of building affordable housing units, a lawfully subdivided ~~lot~~-Lot or
973 Lots in a size and configuration that is capable of supporting dwelling units in an amount that is
974 equal to or greater than 10 percent of the non-workforce housing units being developed, shall be
975 donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this
976 requirement; or
- 977 (4) **Floor area in lieu.** Along G&I, VOC, MUC, MFR and SLR streets, floor area, in a size and
978 configuration that is capable of supporting dwelling units in an amount that is equal to or greater
979 than five percent of the non-workforce housing units being developed, shall be donated, with
980 stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement.
- 981 (c) **Workforce housing location.** The required housing units, Lots, or floor area provided for workforce
982 housing may be located outside of the proposed development as long as they are located along -but
983 no greater than one-quarter mile from a ~~G&I~~Governmental/Institutional, VOCVehicle Oriented
984 Commercial, or MUCMixed Use Commercial, MFRMulti-Family Residential, Small Lot Residential,
985 Medium Lot Residential, or Medium-Large Lot Residential street designation in the same planning area,
986 as depicted on the street regulating plan map(s), or within one mile of a commercial or manufacturing
987 GV-1, GV-2, or GVR-1 zone in the same planning area.
- 988 (d) **Weber housing authority.** Eligibility and long-term monitoring of qualification for workforce housing is
989 the responsibility of the Weber Housing Authority.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item:	ZMA 2023-06. A public hearing to consider a proposal to rezone 22.94 acres from AV-3 to the Form Based (FB) zone, property located at 2700 N 5600 E, Eden.
Application Type:	Legislative
Agenda Date:	Tuesday, April 25, 2023
Applicant:	Dog & Bone LLC
File Number:	ZMA 2023-06

Property Information

Approximate Address:	2700 N 5600 E, Eden
Zoning:	AV-3
Existing Land Use:	Vacant
Proposed Land Use:	Form Based, single family residential
Parcel Number:	22-050-0017

Adjacent Land Use

North:	Residential, Cemetery	South:	Residential, Vacant
East:	Residential	West:	Residential

Adjacent Land Use

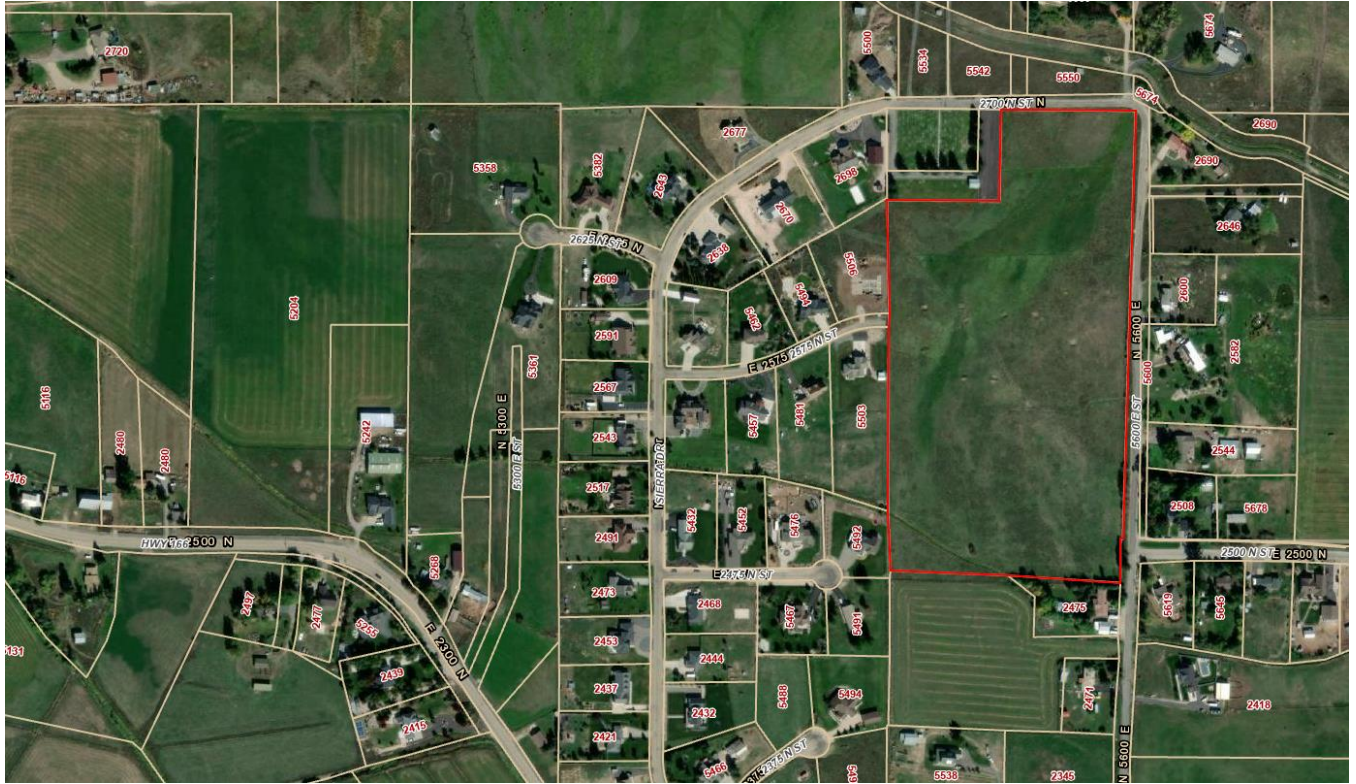
Report Presenter:	Steve Burton sburton@webercountyutah.gov 801-399-8766
Report Reviewer:	CE

Summary

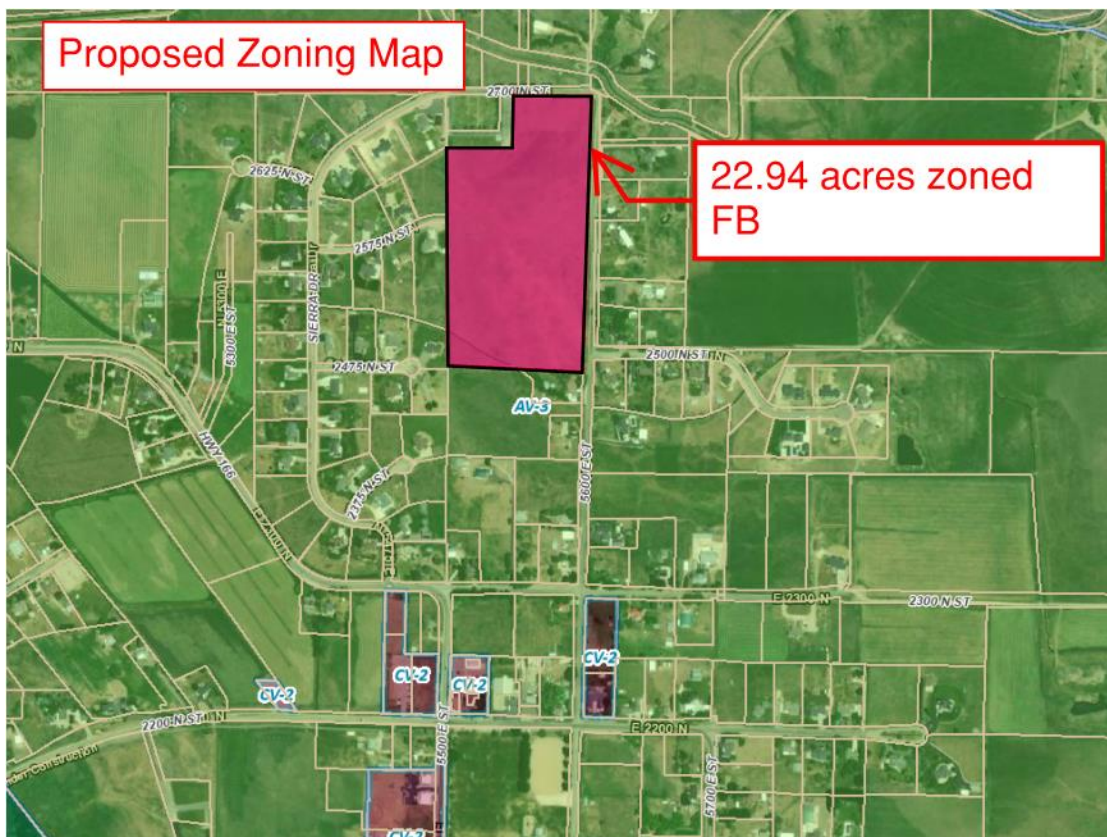
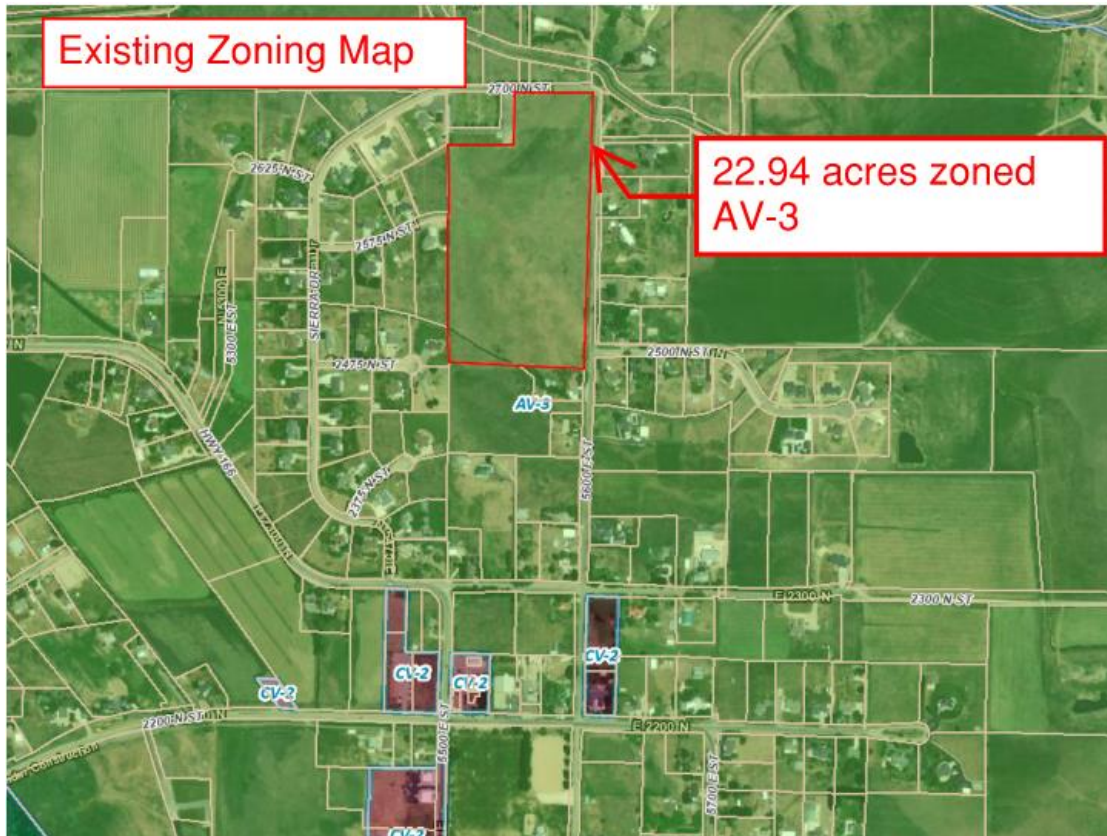
On January 19, 2023 the applicant submitted a request to rezone 22.94 acres from the AV-3 zone to the FB (Form-Based) Zone. The property is located in an area of Eden that is included in the Street Regulating plan for the Old Town Eden Area found in the Form Based zoning ordinance. The street regulating plan shows this property with a potential of lots as small as one-acre on this property.

The applicant's request is to rezone to the FB zone, so that the street regulating plan will apply, and allow them to plat one-acre lots on the property. The 22.94 acres in the AV-3 zone allows the applicant seven development rights. The applicant is proposing to transfer eight development rights from Sunnyfield farm, (also shown on the Old Town Eden Street regulating plan) to the 22.94 acre parcel, so that a total of 15 one-acre lots can be platted.

Area Map



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



Policy Analysis

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

A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and

Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:

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

County Rezoning Procedure (a)

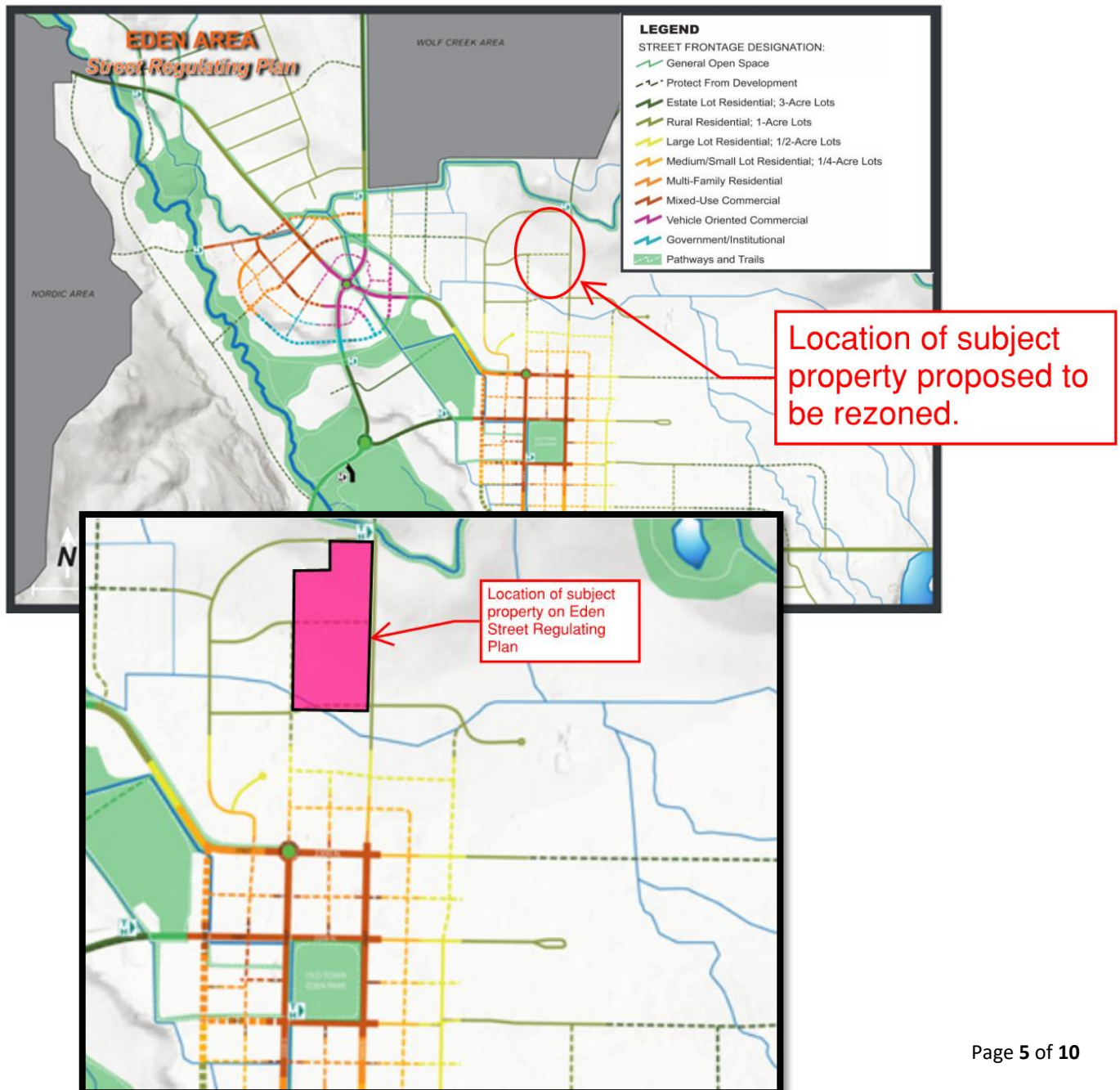
- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.

Ogden Valley General Plan: The Ogden Valley General Plan states that small area plans should be created near the nodes shown as villages on the Commercial Locations and Village Areas map. These small area plans "Should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multi-modal and active transportation to and within each area" (2016 Ogden Valley General Plan, Commercial Development Implementation 1.1.1, pg. 33) In January of 2022 the Form Based zoning ordinance was adopted by the County Commission.

The FB zoning ordinance implements, in large part, the small area planning that was anticipated by the general plan in three areas of the Ogden Valley. Currently the FB zoning ordinance includes a street regulating plan for Old Town Eden, New Town Eden, and the Nordic Valley village areas. A rezone to the FB zone complies with the Ogden Valley General Plan. Residential uses in the FB Zone require development rights to be transferred from undeveloped or underdeveloped property on the valley floor.

Form Based Zone

The subject property is located in the Eden area and is shown as having a potential of one-acre lots on the FB zone's street regulating plan, as shown on the following image.



Section 104-22-1 states the following regarding the FB Zone:

The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design.

This proposal is for single-family residential lots, which will be on the outer perimeter of the village. Rural residential lots on the perimeter of the village area will allow residents to use active transportation to frequent the nearby commercial and mixed-use properties in the center of the village. The rural residential lots are also a transition from higher density uses into the three acre zoning that lies outside of the Eden Area regulating plan.

Street type, description, and purpose

The FB zone states the following regarding the purpose of Rural Residential lots.

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

If the property is rezoned to the FB zone, the developer will be required to dedicate property to allow a street width between 60 to 66 feet with sidewalk, curb, and gutter along each lot. During subdivision review an asphalt pathway may be allowed to replace sidewalk on one side.

Lot development standards

The FB zone lists the following lot development standards for the Rural Residential lots.

- 40,000 square feet minimum lot area
- 150 feet minimum lot width
- 30 feet front yard minimum setback
- 10 feet side yard minimum setback
- 30 feet rear yard minimum setback
- 20 percent maximum lot coverage by buildings

Transfer of Density

The FB zone does not create any new density in the Ogden Valley. The applicant has seven development rights on the existing 22.94 acre property in the AV-3 zone (22.94 divided by 3 = 7 development rights). The applicant will transfer eight development rights from Sunnyfield Farm located near 2200 N and 5500 E in Eden to the 22.94 acres to develop 15 lots. Sunnyfield farm is currently in the AV-3 zone and has 36 acres. The transfer of density will need to be documented and recorded with the county before the owner can begin platting the 15 lots.

Workforce Housing

The applicant is not proposing workforce housing, and will not be expected to provide workforce housing.

County Rezoning Procedure (b)

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

The FB zone was designed with the overall character of existing development in the vicinity of the subject property in mind. The FB zone in this area, if approved, will allow for one-acre lots. The subject 22.94 acres sits between two subdivisions of one acre residential lots to the east and west. The proposal to FB for one-acre lots is compatible with the character of existing development in the vicinity of the subject property.

County Rezoning Procedure (c)

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

All adjacent properties are currently zoned AV-3. Adjacent properties include several five acre lots and Mountain View cemetery to the north, residential subdivisions to the east and west, and a mix of residential lots and agriculture to the south.

Currently, the AV-3 zoning allowances are very similar to the allowances of Rural Residential allowances of the FB zone, in that residential use is limited to single family dwellings with no short-term rentals permitted. There are also no retail

commercial operations permitted in either zones. Given that there are eight one-acre lots adjacent to this property, the rezone to allow for one-acre lots is not anticipated to adversely affect adjacent properties.

County Rezoning Procedure (d)

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

The subject property is not located within any mapped sensitive lands, as defined by county code. There are no wetlands, geologic hazards, floodplain, groundwater protection, or important wildlife habitat areas mapped on the subject properties. Given this information, it is not anticipated that the proposed rezone will substantially degrade natural/ecological resources or sensitive lands.

County Rezoning Procedure (e)

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

The applicant has not submitted a traffic mitigation plan. Planning staff has not requested a traffic mitigation plan at this stage, and may request one when the developer submits a more specific subdivision plan, if the rezone is approved. The Planning Commission may request a traffic mitigation plan before making a recommendation to the county commission for a rezone.

County Rezoning Procedure (f)

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

The applicant has provided a will-serve letter from Eden Water Works for the proposal. The project is not in a sewer service area, so it is expected that the owner will provide septic approval letters from the health department, or they will expand sewer service before applying for a building permit. There are irrigation ditches that are planned to be piped once development occurs. Piping of ditches will be required to be engineered so that the ditch carries water in the same capacity, or in greater capacity than it has historically.

Currently the owner has the ability to plat seven single-family lots on the property and is proposing to transfer eight development rights for a total of 15 residential lots on 22 acres. The increase of eight residential lots is not expected to warrant a significant increased demand for school, police and fire, and refuse collection facilities, as the eight transferred units come from property in the area that is currently zoned AV-3 (Sunnyfield farm), that could be developed today without a rezone.

Summary of Planning Commission Considerations

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

Sec 102-5-6(b)(3).

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.
- c. The extent to which the proposed amendment may adversely affect adjacent property.
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Staff Recommendation

Staff recommends that the Planning Commission consider the proposed rezone from AV-3 to the FB (Form Based) zone as proposed, and offer the applicant feedback for additional consideration, if any. If the Planning Commission is comfortable with the proposal, a positive recommendation can be passed to the County Commission

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is**:

I move that we forward a positive recommendation to the County Commission for File # ZMA 2023-06, an applicant driven rezone application to amend the zoning map on 22.94 acres from AV-3 to the Form Based (FB) zone, property located at 2700 N 5600 E, Eden. **I do so with the following findings:**

Example findings:

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

Motion to **table**:

I move that we **table** action on File # ZMA 2023-06, an applicant driven rezone application to amend the zoning map on 22.94 acres from AV-3 to the Form Based (FB) zone, property located at 2700 N 5600 E, Eden to [_____ state a date certain _____], so that:

Examples of reasons to table:

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

Motion to recommend **denial**:

I move that we forward a recommendation for **denial** to the County Commission for File # ZMA 2023-06, an applicant driven rezone application to amend the zoning map on 22.94 acres from AV-3 to the Form Based (FB) zone, property located at 2700 N 5600 E, Eden. **I do so with the following findings:**

Examples of findings for denial:

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

Exhibits

Exhibit A – Applicant’s Narrative

Exhibit B – Water Service Acknowledgement

Sunnyfield, LLC has been dedicated to the preservation of agriculture and agricultural land here in the Ogden Valley. As part of that Sunnyfield has worked diligently and spent a lot of resources to restore existing structures at Sunnyfield Farm including the restoration of the farm shop (old milk barn) and the continued restoration of the large barns. Sunnyfield has devoted 36 developable acres to agricultural uses. Sunnyfield continues to work along side of a 5th generation local farmer to help facilitate the operation of a working farm that is becoming a destination and also a source of local farm raised product for the families within the Ogden Valley. The dream of Sunnyfield LLC is to continue to re-invigorate a long-standing working farm that had been a part of the community since 1868 so it can be here for the community to enjoy for many generations to come.

Sunnyfield requests to transfer 8 development rights from 2103 N. 5500 E. area as described in the attached legal description. This would leave a remaining 3 development rights on that described property.

The 8 development rights are to be transferred to Weber County Parcel # 220500017 which is approx. 22.94 acres. Under current land use code the 22.94 acres would allow 7 current development rights. The 8 TDR's along with the existing 7 development rights would then allow for 15 development rights on Weber County Parcel #220500017.

This TDR will help Sunnyfield to continue using its current land for agricultural uses. Additionally removing density in this area provides an excellent agricultural gateway into the Old Town Eden village node and moves the density into an area that is already developed on all sides including an existing subdivision (Eden Acres) which consists of higher density 1 acre lots.

Sec 104-22-11 Form-Based Zone Transferrable Development Rights discusses the ability to transfer development rights as provided in the Ogden Valley General Plan. The 9 TDRs would be transferring within the village node to an area that is designated for higher density and would be contiguous with and connected to an existing subdivision (Eden Acres) that consists of 1 acre lots. See map illustration below taken from the Land Use Code Sec 104-22-8.



Land Use Principle 1.4 in the general plan states the general plan should “Employ mechanisms such as TDRs to reallocate existing authorized development units from less suitable to more suitable locations”. This TDR accomplishes that as it takes density out of the gateway into Old Town Eden additionally preserving viewsheds of Pineview Reservoir and transfers that density to be contiguous with an established 1-acre subdivision (Eden Acres).

The Ogden Valley General plan discusses Gateways and Viewsheds as follows: “Ogden Valley’s natural setting provides opportunities for spectacular views of local agriculture, the mountains, Pineview Reservoir, and the stars in the night sky. The visual values of the Valley are most evident at major entry points, or gateways, and from roadways extending through the community. Residents feel that an important aspect of preserving the Valley’s rural character includes maintaining the sense of arrival at Ogden Valley gateways and preserving open view corridors at key points within the Valley. Residents do not want development to be obtrusive or to unduly compromise these views.” The plan goes on to state that “integral elements of the character of the Ogden Valley plan area are the open farm fields, grasslands and pastures of the Ogden Valley. In much of the rural west, agriculture areas provide for well-managed open spaces that are enjoyed by residents and visitors to the area. The presence of livestock, farm machinery and isolated farm houses contribute to the rural character of Ogden Valley.”

Additionally, Land Use Goal 2 in the general plan states that “a goal of Weber County is to support continued agricultural operations in Ogden Valley”.

The transfer of TDRs is not adding any overall density to the village node. Rather it transfers existing development rights to an already established higher density area, preserves open agricultural open space in the gateway to Old Town Eden and helps support the viability of keeping an agricultural farm in the Ogden Valley. The transfer of TDR’s fits within the guidelines and goals of the Ogden Valley General plan and would be beneficial to the community

Sunnyfield believes that the Ogden Valley General Plan supports Sunnyfield’s transfer of TDR’s and the plan supports the goals of the Ogden Valley General plan. Keeping Sunnyfield a farm is a huge benefit to the community. Farming is difficult both physically and financially, however, this TDR will go a long way in helping the farm to stay a farm.

A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.

Culinary water at the property is to be provided by Eden Waterworks company and the property has 40-acre feet of water allotted to parcel #22-050-0017. Wastewater will be disposed by septic tank and a storm water plan will be developed by an engineer and presented at the time of a subdivision application.

March 23, 2023

Weber County Planning Department:

Sunnyfield, LLC understands that code change to the Form Based Code is coming which would no longer require workforce housing on our project. Sunnyfield LLC requests that you remove the two Form Based Code - Workforce Housing lots from our application and that our project is considered without any Workforce Housing.

Please contact me at (801) 232-4153 with any questions.

Sincerely,



Shawn Clegg
(Manager) Sunnyfield, LLC

October 18, 2022

Weber County

RE: Eden Water Works Statement of Feasibility

Dog & Bone LLC

Parcel # 22-050-0017

To whom it may concern,

This letter is in response to Weber County land use code Sec. 106-1-4.1.4. This letter confirms that Eden Water Works (EWW) presently has the capacity to provide culinary water for **DOG & BONE LLC DEVELOPMENT**, consisting of **16 LOTS**. EWW will not provide secondary water or sewer for the Project. This Statement is that EWW has culinary water capacity for the Project at the current time, it is no guarantee that EWW will have capacity for the Project at the time the parcel owner applies for a can and will serve letter from EWW for building permits for lots within the Project. This Statement is issued on the above date and expires in one year for any lot within the Project if application for building permit is not completed.

EWW will require a full set of construction plans of the development prior to authorizing any laying of pipe for infrastructure. The Developer will connect to main supply line, install all main lines in the development. All connections will be subject to EWW's design and construction specifications and standards and subject to EWW's approval. Developer will bear all costs of connection to EWW's system. The proposed source of culinary service will be EWW's water rights and sources including, but not limited to, 35-7189, E5208, E5966, and E3098.

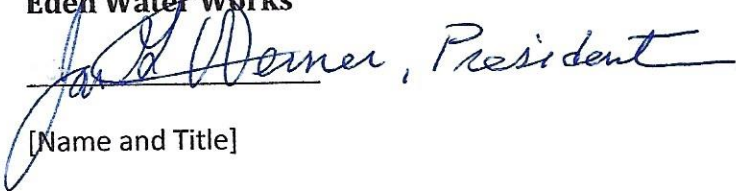
Service is subject to scheduled maintenance and construction, power failures, natural disasters, and unforeseen circumstances, water services will be provided in accordance with applicable federal, state and local statutes, laws, rules, regulations, ordinances and standards. Culinary water service to the Project is subject to and contingent on the following:

1. Compliance with EWW's articles, bylaws, and policies and procedures as each may change from time to time;
2. Natural fluctuations in water supplies;
3. Subsequent decisions and regulation by local government, the Utah State Engineer, Utah Division of Drinking Water, Utah Division of Water Resources, the United States Department of the Interior, or any other applicable governmental agency.
4. Payment of hook up costs and standard billings for service that apply at the time a building permit is sought for each lot within the Project. Failure to pay these costs and billings will result in

temporary suspension and/or permanent cessation of service. Residential "Class D" Stock is currently \$13,792.14 per connection.

5. Developer conveying to EWW easements for and ownership of all components of the water facilities installed for the Project, extending to the individual lot meter. Developer agrees to the above terms and to the terms set forth in EWW's articles, bylaws, and policies and procedures as they each may change from time to time and agrees that each lot within the Project will be bound to the same.

Eden Water Works


[Name and Title]

[Developer]

[Name and Title]

Printed Name:

Date: _____



Staff Report to the Ogden Valley Planning Commission
Weber County Planning Division

Synopsis

Application Information

Agenda Item: ZMA 2023-05. A public hearing to consider a proposal to rezone 2.7 acres from AV-3 and CV-2 to the Form Based (FB) zone, property located at 5461 E 2300 N, Eden.
Application Type: Legislative
Agenda Date: Tuesday, April 25, 2023
Applicant: ZW Investments and ZBF Investments
File Number: ZMA 2023-05

Property Information

Approximate Address: 5461 E 2300 N, Eden
Zoning: AV-3, CV-2
Existing Land Use: Vacant
Proposed Land Use: Form Based
Parcel Number: 22-047-0001, 22-051-0047, 22-316-0002, 22-316-0003

Adjacent Land Use

North: Residential	South: Commercial, Residential
East: Commercial	West: Agricultural

Adjacent Land Use

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

Summary

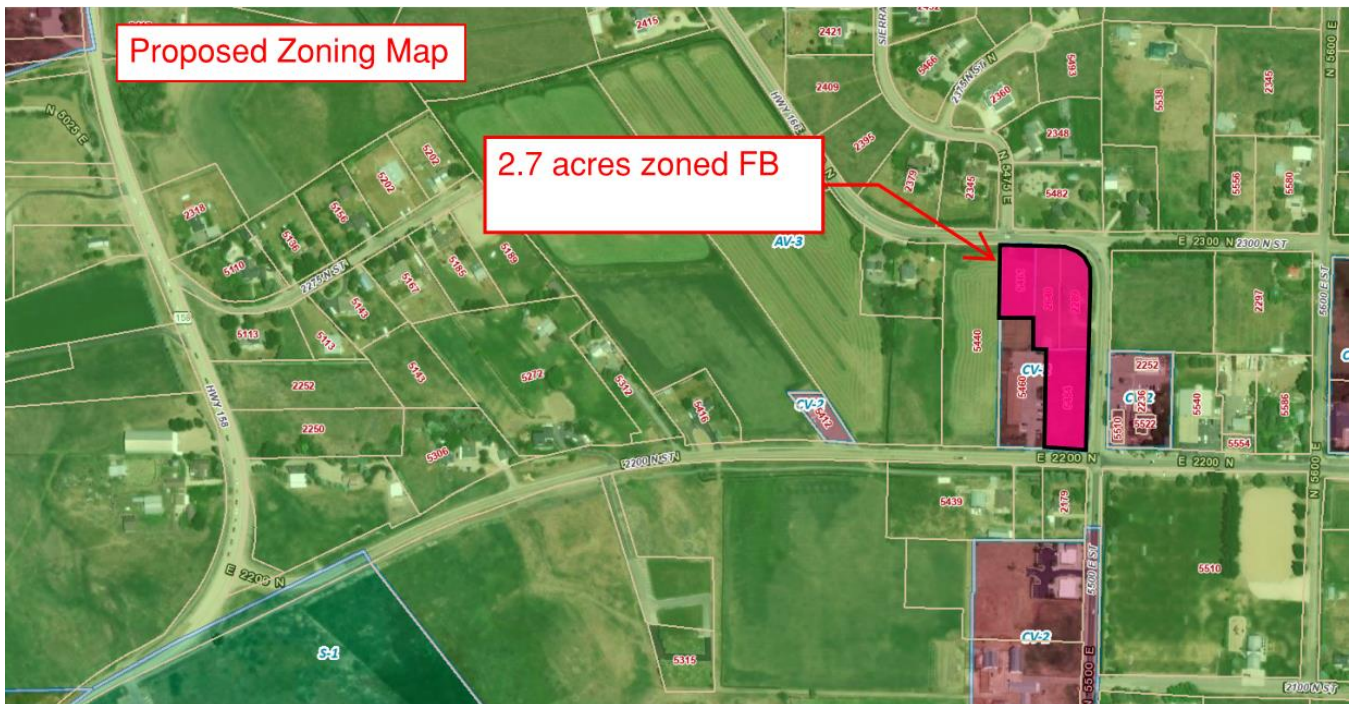
On February 3, 2023 the applicant submitted a request to rezone 2.7 acres from the AV-3 and CV-2 zone to the FB (Form Based) Zone. The property is located in an area of Eden that is included in the Street Regulating plan for the Old Town Eden Area found in the Form Based zoning ordinance. The street regulating plan shows this property with a potential of mixed-use commercial and multi-family residential on the property.

The applicant’s request is to rezone to the FB zone, so that the street regulating plan and FB zoning will apply, and allow them to build mixed-use commercial buildings with streetfront commercial retail on the first floor, and a variety of uses, including a possibility of residential apartments above and behind. Out of the 2.7 acres, there are two parcels in the AV-3 zone that each contain one grandfathered development right, for a total of two existing development rights on the project as a whole. The applicant is proposing to transfer development rights from the AV-3 zone on the valley floor to the 2.7 acres before constructing more than two apartments above the commercial streetfront floor of the first building.

Area Map



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



Policy Analysis

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

A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and

Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:

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

County Rezoning Procedure (a)

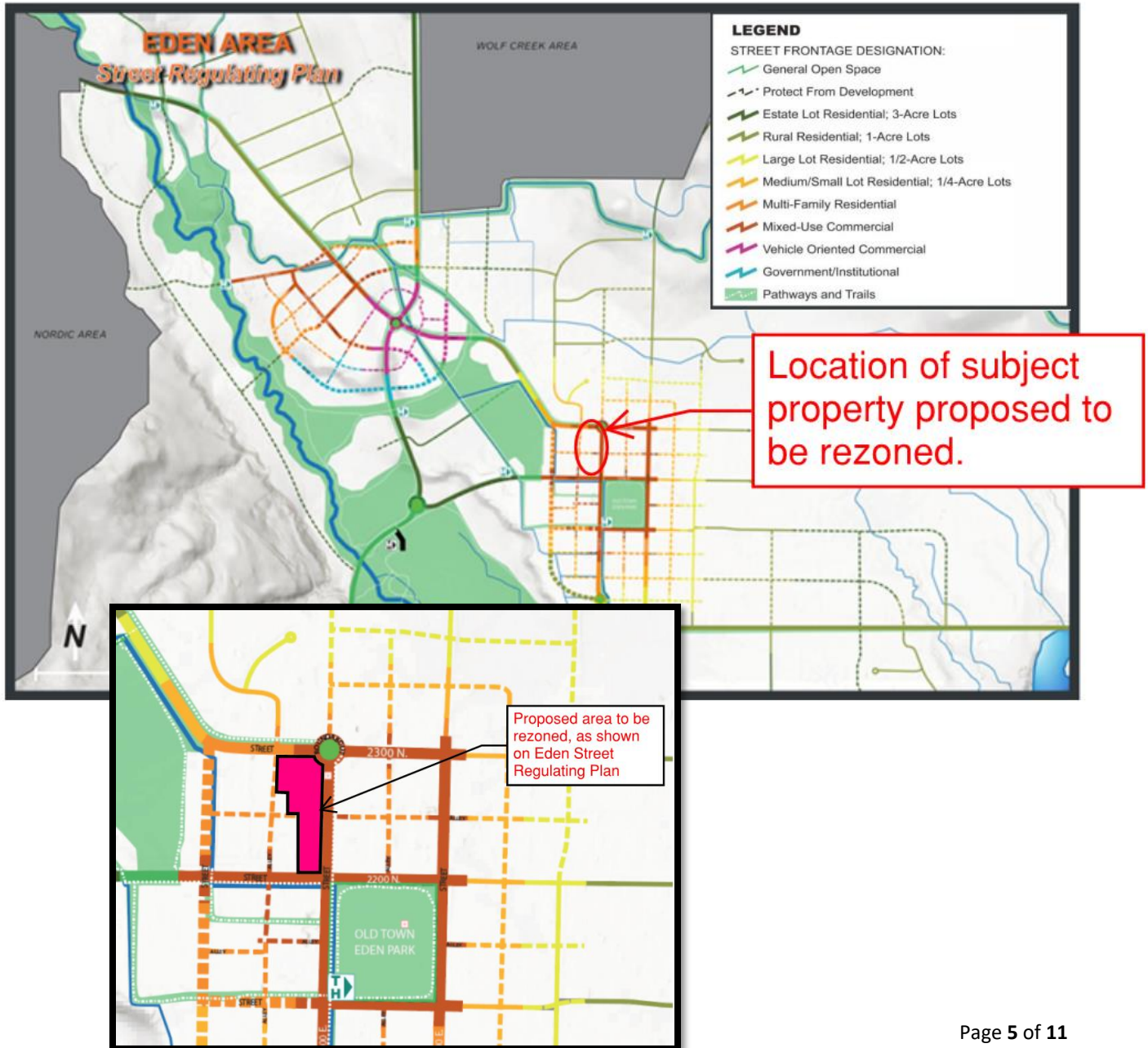
- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County’s general plan.

Ogden Valley General Plan: The Ogden Valley General Plan states that small area plans should be created near the nodes shown as villages on the Commercial Locations and Village Areas map. These small area plans “Should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multi-modal and active transportation to and within each area” (2016 Ogden Valley General Plan, Commercial Development Implementation 1.1.1, pg. 33) In January of 2022 the Form Based zoning ordinance was adopted by the County Commission.

The FB zoning ordinance implements most of the small area planning that was anticipated by the general plan in three areas of the Ogden Valley. Currently the FB zoning ordinance includes a street regulating plan for Old Town Eden, New Town Eden, and the Nordic Valley village areas. A rezone to the FB zone complies with the Ogden Valley General Plan. Residential uses in the FB Zone require development rights to be transferred from undeveloped or underdeveloped property on the valley floor.

Form Based Zone

The subject property is located in the Eden area and is shown as having a potential of mixed-use commercial and multi-family residential on the FB zone’s street regulating plan, as shown on the following image.



Section 104-22-1 states the following regarding the FB Zone:

The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design.

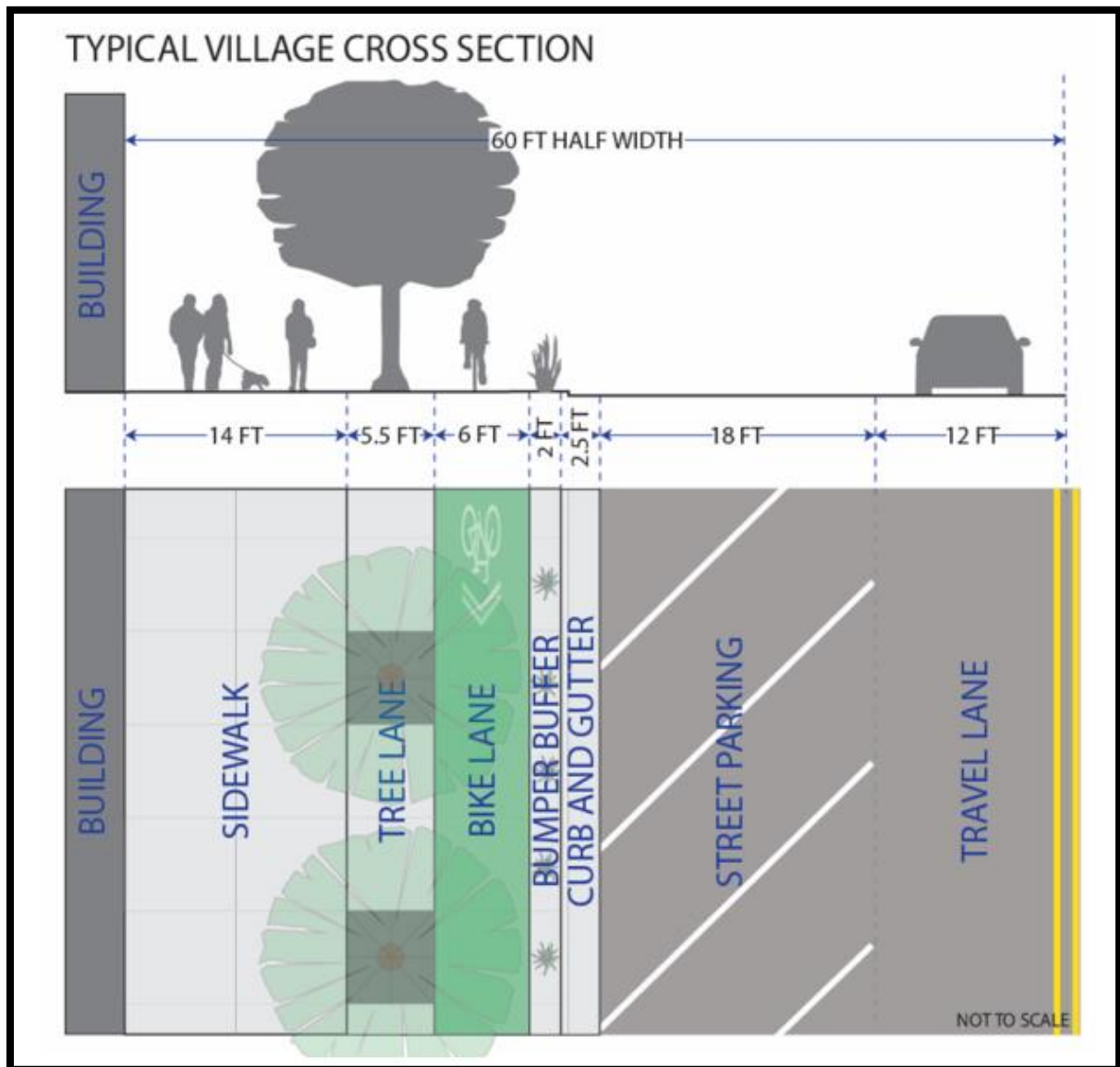
This proposal is to establish the FB zone so that the applicant can develop a mixed-use commercial project, with a possibility of doing multifamily residential on the second floor of the mixed-use commercial structures.

Street type, description, and purpose

The FB zone states the following regarding the street configuration of a mixed-use commercial street.

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

If the property is rezoned to the FB zone, the developer will be required to work with the county to implement the street cross section shown below, as well as other street improvements required by the FB zone:



Lot development standards

The FB zone lists the following lot development standards for the mixed-use commercial and multi-family areas.

- No minimum lot area
- 12 feet minimum lot width
- No minimum yard minimum setback for first floor street level façade.
- 5 ft maximum yard setback from front property line.
 - 40 ft minimum for other building facades.
- No minimum side setback, no maximum.
- No minimum rear setback.
- No maximum lot coverage by buildings.
- 50 ft maximum building height.

Transfer of Density

The FB zone does not create any new density in the Ogden Valley. The applicant has two development rights on the existing 2.70 acres in the AV-3 zone. The applicant will transfer development rights from the valley floor, as allowed by the FB zone, to this project in order to construct more than two second floor apartment buildings. The transfer of density will need to be documented and recorded with the county before the owner can begin platting the second floor apartments.

Workforce Housing

The FB zone requires the applicant to participate in providing for workforce housing in the area. The applicant has chosen the following method of providing workforce housing within the 2.7 acre project.

Sec. 104-22-12 (c)(1). Building and reservation of dwelling units. Dwelling units, in an amount that is equal to or greater than five percent of the non-workforce housing units being developed, shall be constructed and deed restricted for workforce housing;

The applicant has proposed to build and deed restrict the number of units that is equal to or greater than five percent of the non-workforce housing units being developed.

County Rezoning Procedure (b)

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

The FB zone was designed with the overall character of existing development in the vicinity of the subject property in mind. Many of the existing commercial buildings have architectural elements unique to the Old Town Eden area. Visually, the FB zone will require development to implement similar architectural features to those in the vicinity of the subject property.

The uses that are permitted in the mixed-use commercial and multi-family residential areas of the Eden Area Street regulating plan are not expected to be incompatible with the existing commercial, agricultural, and residential properties that are in the vicinity of the subject property. The FB zone includes standards that are intended to ensure compatibility of new structures and uses with the built environment in the neighborhood. The following is an example:

Sec 104-22-4.1. All uses, generally. All uses listed in the use table are indoor uses, unless specifically stated otherwise. All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or airborne particulate matter, refuse, or anything else that is uncommon to the established character of the neighborhood to such a degree as to be perceptible to constitute a nuisance to the occupants of the immediate area.

County Rezoning Procedure (c)

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

Adjacent properties include 2.56 acres of vacant property zoned AV-3 to the west, two residential lots with homes zoned AV-3 to the north, 2 acres of vacant property zoned AV-3 to the north-east, one acre of property in CV-2 to the East, and three residential lots with homes zoned AV-3 to the south.

The uses that will be allowed in the FB zone are primarily indoor and are prohibited from creating a nuisance to adjacent properties. Currently, the CV-2 zoning that is present in this area is less strict in terms of allowed uses that have a greater likelihood of adversely impacting adjacent property, including vehicle oriented uses like self-storage units, convenience store, gas station, and car wash, none of which are permitted in the mixed-use commercial and multi-family residential areas of the FB zone.

County Rezoning Procedure (d)

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

The subject properties are not located within any mapped sensitive lands, as defined by county code. There are no wetlands, geologic hazards, floodplain, groundwater protection, or important wildlife habitat areas mapped on the subject properties. Given this information, it is not anticipated that the proposed rezone will substantially degrade natural/ecological resources or sensitive lands.

County Rezoning Procedure (e)

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

The applicant has not submitted a traffic mitigation plan. Planning staff has not requested a traffic mitigation plan because the project is only 2.7 acres, and currently no sewer serves the area to significantly increase residential and commercial densities on the subject property. The Planning Commission may request a traffic mitigation plan before making a recommendation. It is the recommendation of staff to require a traffic mitigation plan at the time the developer submits specific plans for Design Review, because it is at that time that the applicant will have more specific building and use plans.

County Rezoning Procedure (f)

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

The streets along the mixed-use commercial and multi-family residential areas of the FB zone will require significant right of way dedication and improvement. Development in these areas will require the land owner to dedicate enough area for, and improve a 60 foot half width street, as shown on page 6 of this report. The dedication and improvement will be done when the owner submits a design review application and building permit. The eight acre Eden park across the street is anticipated to be the primary open space for this village center, the size and current facilities of which are expected to be sufficient for a project of this size.

The Weber Fire District has given unconditional approval of the rezone on the county's review website, indicating that proper fire protection exists in this area for the proposal. The applicant has provided a will-serve letter from Eden Water Works for the proposal. The project is not in a sewer service area, so it is expected that the owner will provide septic approval letters from the health department, or they will expand sewer service before applying for a building permit. There are irrigation ditches that are planned to be piped once development occurs. Piping of ditches will be required to be engineered so that the ditch carries water in the same capacity, or in greater capacity than it has historically.

Staff has not reached out to police, schools, and refuse collection to determine if adequate services exist for this rezone, and it is recommended that these specific services be assessed at the time the owner has more specific plans, at the time of design review.

Summary of Planning Commission Considerations

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

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.
- c. The extent to which the proposed amendment may adversely affect adjacent property.
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Staff Recommendation

Staff recommends that the Planning Commission consider the proposed rezone from AV-3 and CV-2 to the FB (Form Based) zone as proposed, and offer the applicant feedback for additional consideration, if any. If the Planning Commission is comfortable with the proposal, a positive recommendation can be passed to the County Commission

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is:**

I move that we forward a positive recommendation to the County Commission for File # ZMA 2023-05, an applicant driven rezone application to amend the zoning map on 2.7 acres from AV-3 and CV-2 to the Form Based (FB) zone, property located at 5461 E 2300 N, Eden. **I do so with the following findings:**

Example findings:

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

Motion to **table:**

I move that we **table** action on File # ZMA 2023-05, an applicant driven rezone application to amend the zoning map on 2.7 acres from AV-3 and CV-2 to the Form Based (FB) zone, property located at 5461 E 2300 N, Eden, **to [_____ state a date certain _____], so that:**

Examples of reasons to table:

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

Motion to recommend denial:

I move that we forward a recommendation for denial to the County Commission for File # ZMA 2023-05, an applicant driven rezone application to amend the zoning map on 2.7 acres from AV-3 and CV-2 to the Form Based (FB) zone, property located at 5461 E 2300 N, Eden. I do so with the following findings:

Examples of findings for denial:

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

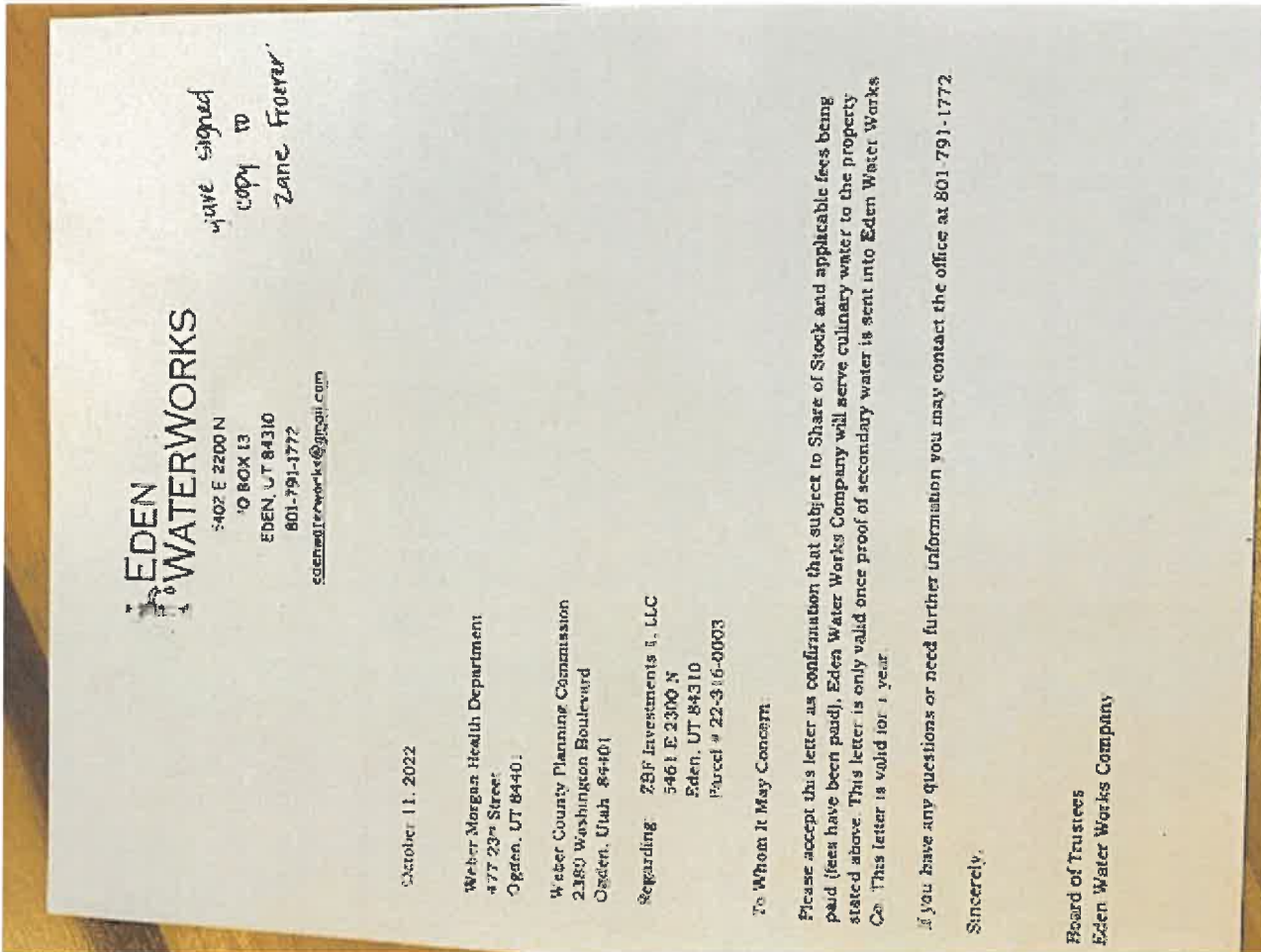
Exhibits

Exhibit A –Water Service Acknowledgement

Burton,Steven

From: Lance Froerer <lance@froerer.net>
Sent: Tuesday, February 21, 2023 12:10 PM
To: Burton,Steven
Subject: [EXTERNAL] Water letter

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. Think Before You Click!



Sent from my iPhone



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
cewert@co.weber.ut.us
(801) 399-8763

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.*

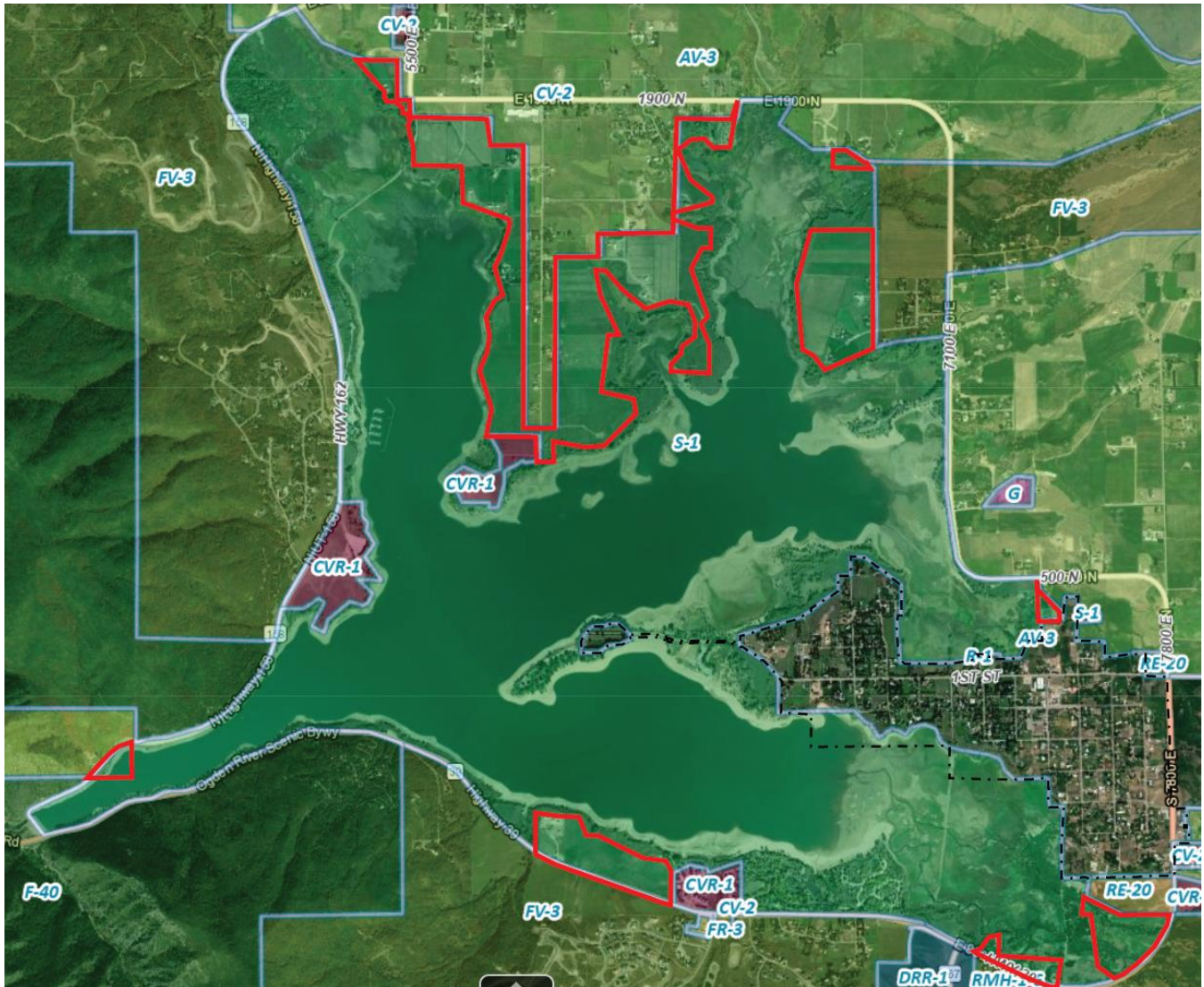
Figure 1 of this report illustrates all of the land in the Shoreline (S-1) Zone in the Ogden Valley in a greenish-blue color. Staff has outlined in red all of the property that is privately owned within the Shoreline Zone. The remainder of the zone not outlined in red is currently owned by the United 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.

Staff Recommendation

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

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is**:

I move we forward a positive recommendation to the County Commission for File #ZTA2023-02, an 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. I do so with the following findings:

Example findings:

1. *The proposal is not detrimental to the effect of the general plan.*
2. *The proposal will help implement provisions of the general plan.*
3. *The proposal provides edits that help clarify, organize, and standardize the Land Use Code*
4. *The changes are not detrimental to the general health and welfare of Ogden Valley residents.*
5. [_____ *add any other desired findings here* _____].

Motion for positive recommendation **with changes**:

I move we forward a positive recommendation to the County Commission for File #ZTA2023-02, 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, **but with the following additional edits and corrections**:

Example of ways to format a motion with changes:

1. *Example: On line number _____, it should read: _____ **state desired edits here** _____.*
2. *Example: remove all staff-suggested amendments and only include the applicant requested amendments.*
3. [Etc.]

I do so with the following findings:

Example findings:

1. *The proposal is not detrimental to the effect of the general plan.*
2. *The proposal will help implement provisions of the general plan.*
3. *The changes are not detrimental to the general health and welfare of Ogden Valley residents.*
4. [Example: the additional requested changes will/are _____.]
5. [Etc.]

Motion to **table**:

I move we **table** action on 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, to [_____ **state a date certain** _____], so that:

Examples of reasons to table:

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

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	
--------------------------------	---	--

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.

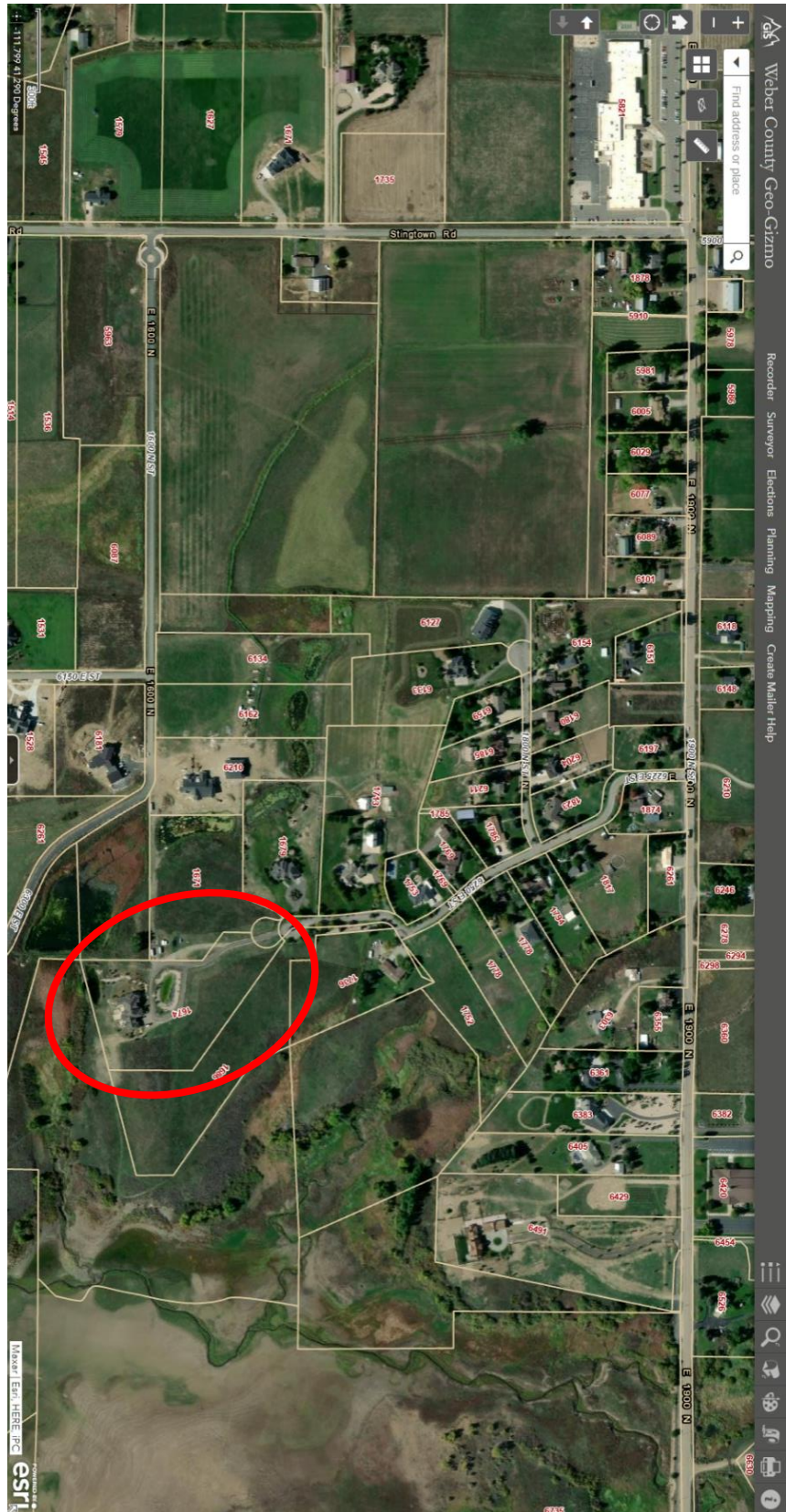
Thank you for your time and consideration. Should you require any additional information or have any questions, please contact me at 801-647-9165 or djohnson@maglebydevelopment.com.

Sincerely,

Dayson Johnson

Magleby Development

Exhibit A





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A work session to discuss File ZTA2023-03, an applicant initiated request to amend the Form-Based Village zoning ordinance to adjust the New Town Eden Street Regulating Plan and to provide alternative design standards for New Town Eden.

Applicant: Eric Langvardt
Agenda Date: Tuesday, April 25, 2023 (*Work Session*)
File Number: ZTA 2023-03

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§104-22: Form-Based Zone (FB)

Legislative Decisions

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

Summary and Background

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Policy Analysis

Policy Considerations:

Proposed Text Amendment (Exhibit A)

The proposed text amendment is fairly straightforward, but the application of the amendment has broader effects on the New Town Eden Area. The amendment creates alternative architectural design standards for the New Town Eden Area, and a revised street regulating plan map that includes additional streets in the northeastern quadrant of the New Town Eden Area (northeast of the intersection of Hwy 158 and Hwy 162. To help ease the effect of the new streets requested, staff has provided four alternative street regulating plans, three of them represent changes to most if not all of the streets on the periphery of the New Town Eden village area, and one alternative reflecting the status quo option (no changes).

Proposed new architectural design theme.

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

If the Planning Commission supports this additional design theme option, it is captured in the proposed Exhibit A. Alternatively, if the Planning Commission supports the new design theme in the New Town Eden area, but would

rather separate its use from the areas that have/will use the existing agricultural theme, the proposal can be modified to designate one theme to be used for specifically selected areas. For example, assuming the Planning Commission is comfortable with amending the New Town Eden street regulating plan, perhaps the mountain modern theme can be applied to the northeast quadrant of New Town Eden, while the agricultural theme is applied to other areas within the village. If such an alternative is desired, the Planning Commission should direct staff accordingly.

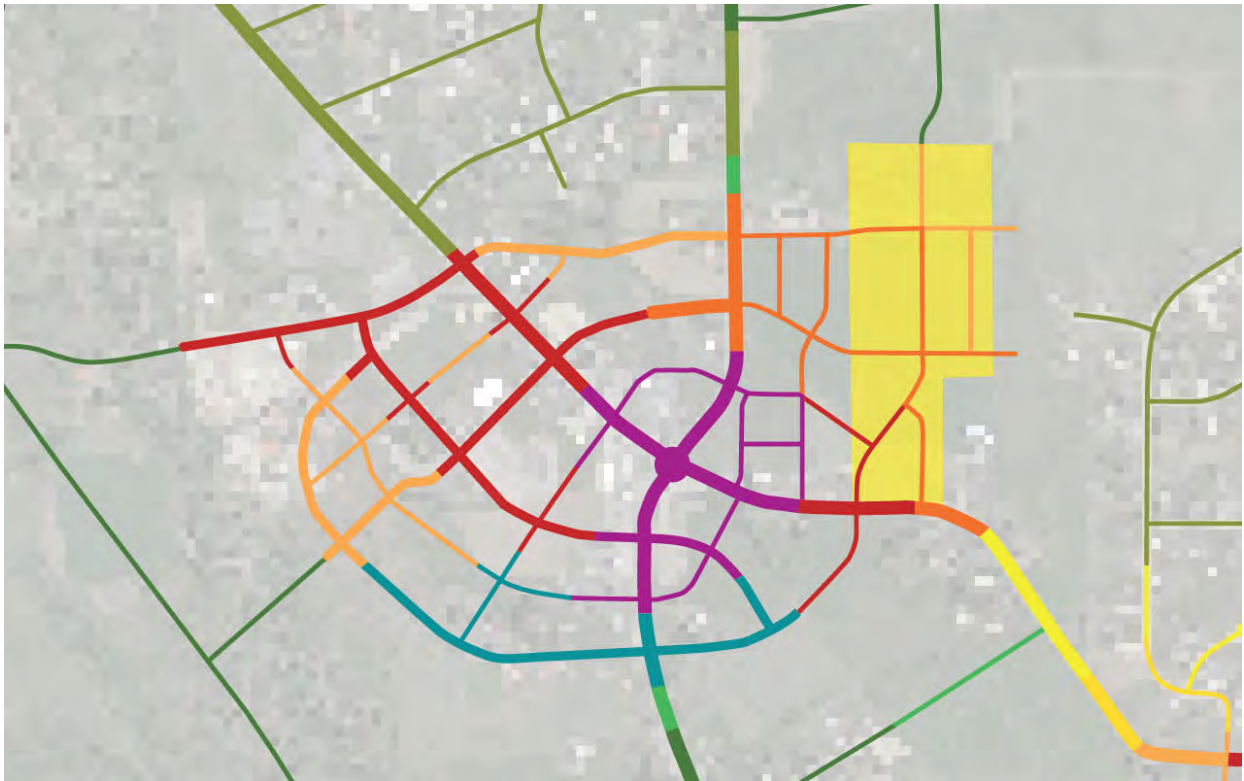
Illustrations of the Mountain Modern design theme being proposed:





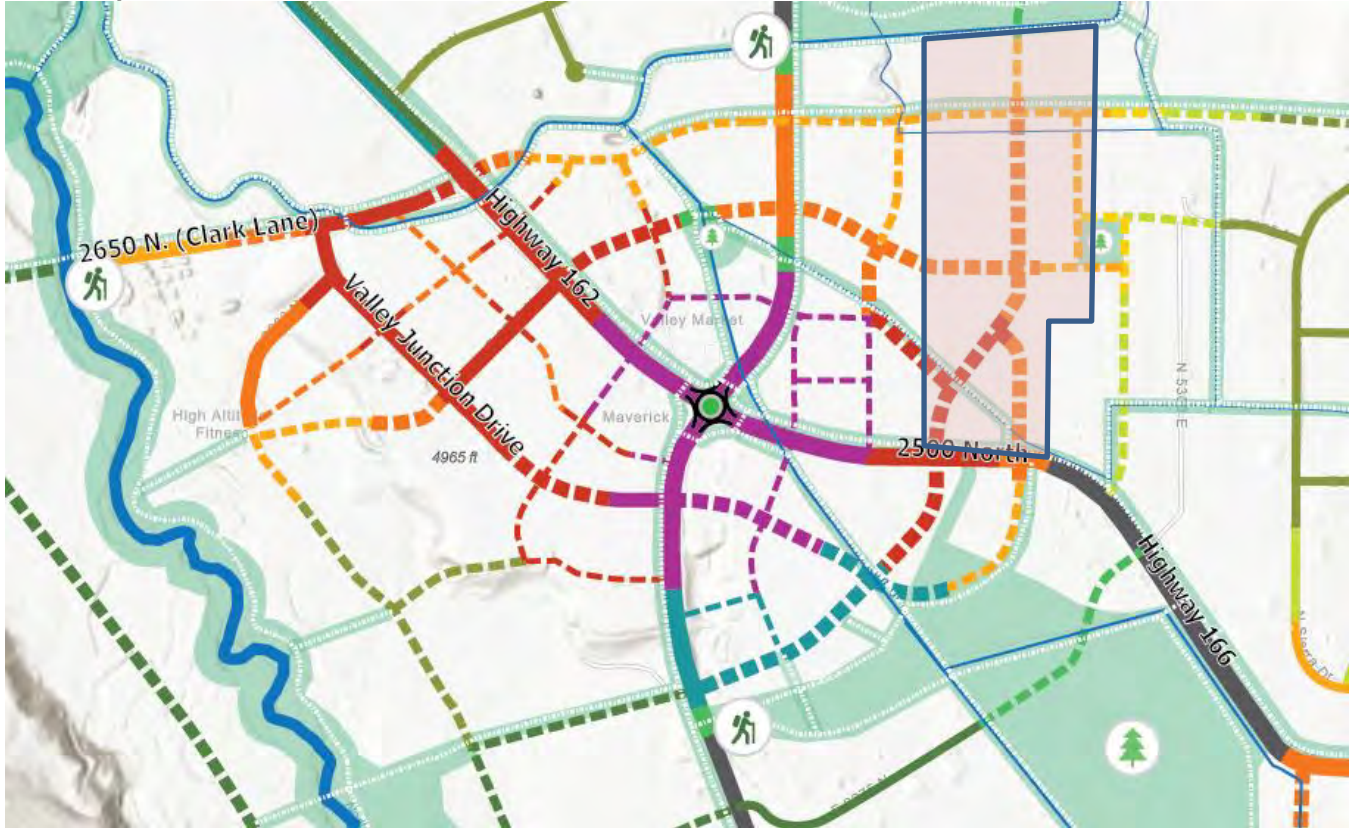
Proposed street regulating plan.

To facilitate the potential amendments, staff request that the applicant provide their requested street regulating plans amendments that are specific to their intended project, and also include other street connections that show how their proposed streets can eventually connect to other existing or planned streets. Their proposed street regulating plan is as follows, with their property in yellow:



In reviewing the applicant's proposed street regulating plan, and hearing prior concerns expressed by the planning commission regarding "village creep," staff has explored the possibility of reconfiguring the New Town Eden area's street regulating plan with the following four options for the Planning Commission to consider. Each attempt to offset the "creep" effect of adding new high-intensity streets. While there are a few specific reasons streets are laid out as they are in each alternative, the Planning Commission should feel at liberty to explore with staff other ways streets can be configured and designated that might make for a better future village.

Staff Proposed Alternative A



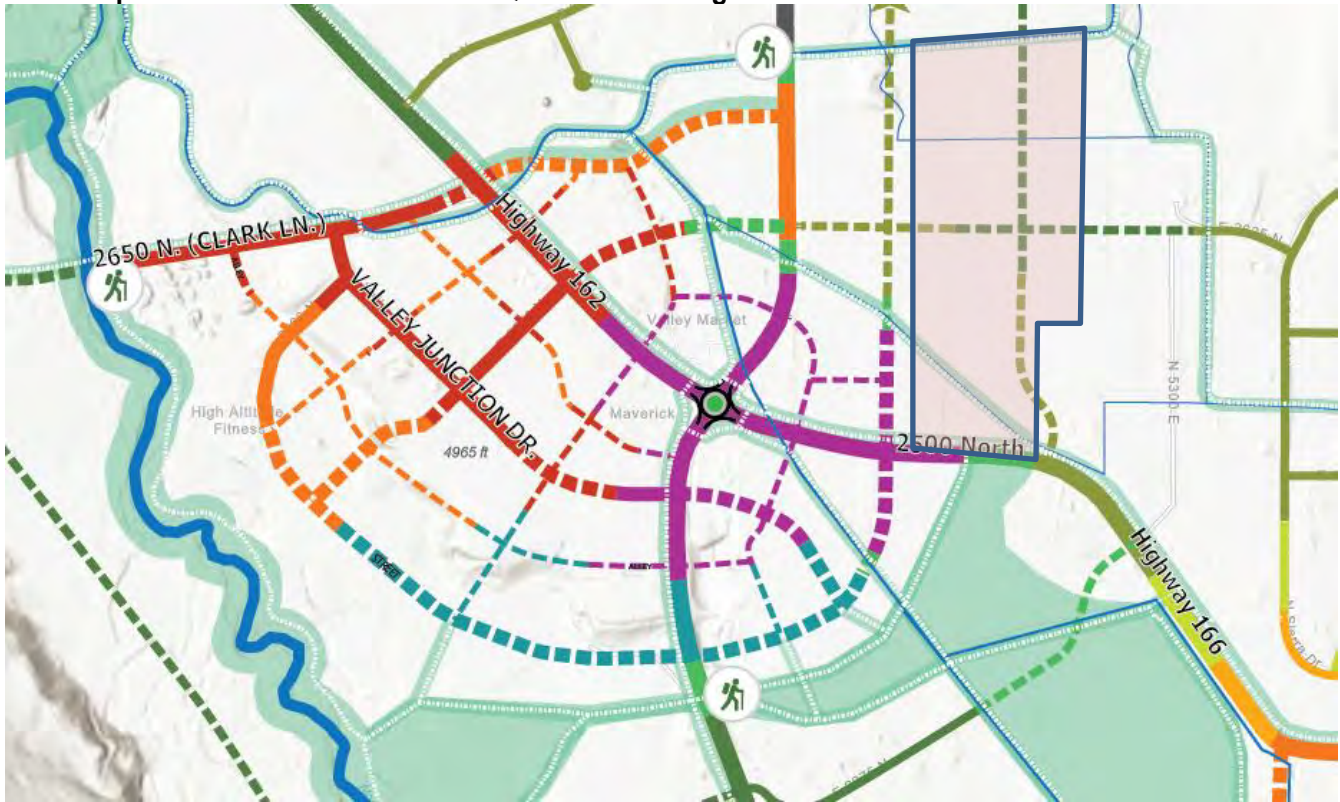
Staff Proposed Alternative B



Staff Proposed Alternative C



Staff Proposed Alternative D – “Status Quo” – No Changes



General Plan Review

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

*Vision: The Ogden Valley community desires a variety of housing types to meet the needs of a diverse population of various income levels, ages and stages of life. Neighborhoods should have convenient access to community amenities¹ and be designed in a manner that protects the valley's character. Residential development should be centered around **villages** and town centers and designed to provide open spaces and efficient uses of the land.*

All of the other land-use goals, policies, and implementation strategies should be reviewed within the context of this vision.

Map 8 of the general plan illustrates the general location of intended Village Areas. The following graphic illustrates a zoomed version of Map 8 that focuses on the area that the current Form-Based zone calls New Town Eden.

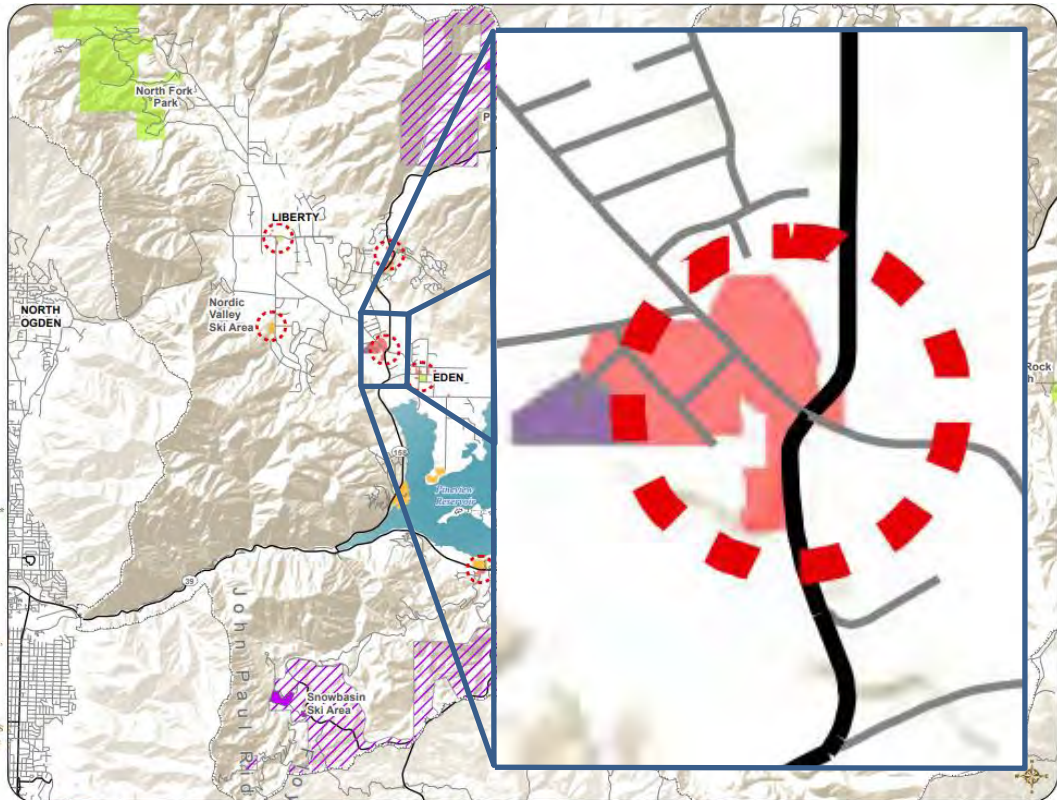
New Town Eden Village Area (Zoomed), Map 8 of the Ogden Valley General Plan

Legend

- Ogden Valley Boundary
- Lakes
- Parks
- Roads
 - State Route
 - Local Road
- 2015 Zoning/Master Planned Areas
 - CV-1, Commercial Valley
 - CV-2, Commercial Valley
 - CVR-1, Commercial Resort
 - MV-1, Manufacturing
 - DRR-1, Resort
 - Resort Master Planned Comm/Mixed-Use**
- Future Planning
 - Village Area*
 - Huntsville Annexation Area

* The village areas are shown as ¼ mile radius circles centered on each area. For these purposes, the study areas are not intended as growth boundaries, but are the areas within walking distance of each village center.

** Master Planned Commercial/Mixed-Use areas are for representative purposes only. See specific resort master plans for exact alignments.



Commercial Locations & Village Areas

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

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

Commercial Development Implementation 1.1.1: Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.). Small area plans should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multi-modal and active transportation to and within each area, as may be appropriate. The village areas are shown as ¼ mile radius circles centered on each area on Map 8. For these purposes, the study areas are not intended as growth boundaries, but are the areas within walking distance of each village center.

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

Commercial Development Implementation 1.2.1: As also provided in the Transportation Element Streetscape implementation 1.1.1, develop and adopt multimodal streetscape cross sections for village areas, and implement key elements during programmed road maintenance and upgrade projects. Evaluate current commercial development standards in Ogden Valley to ensure opportunities for internal walkability and connections to the trail system.

Exhibits

- A. Proposed Amendments to the Form-Based (FB) zoning ordinance (Redlined Copy).
- B. New Town Eden Street Regulating Plan Maps – Four Alternatives.
- C. Application Information.

EXHIBIT A

WEBER COUNTY
ORDINANCE NUMBER 2023-_____

AN AMENDMENT TO THE FORM-BASED (FB) ZONE TO CREATE AN “EDEN CROSSING” STREET REGULATING PLAN MAP AND RELATED ARCHITECTURAL STANDARDS FOR THE OGDEN VALLEY PLANNING AREA.

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

WHEREAS, _____; and

WHEREAS, _____; and

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

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

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

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

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

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

- 1 **Part II Land Use Code**
- 2 ...
- 3 **TITLE 104 ZONES**
- 4 ...
- 5 ***Chapter 104-22 Form-Based Zone FB***
- 6 ...
- 7 **Sec 104-22-6 Building Design Standards**

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

9 **Sec 104-22-6.020 Building Design Standards By Area**

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

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

12 **Sec 104-22-6.045 Alternative New Town Eden Area Building Design Standards**

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

14 ...

15 **Sec 104-22-6.045 Alternative New Town Eden Area Building Design Standards**

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

- 18 (a) **Design theme.** All buildings shall have architectural styling and materials that implement mountain
19 modern-style architecture. Mountain modern-style architecture shall incorporate at least three of the
20 following five options:
- 21 (1) Either a gable roof at a 6/12 or greater slope, a flat roof, a shed roof, or a combination of the roof
22 types.
 - 23 (2) A shed-roof at a 2/12 or greater slope that is attached to the side of the building but not attached
24 to the main roof structure.
 - 25 (3) A prominent covered porch, deck element, chimney, or other unique architectural feature or
26 features approved by the Land Use Authority.
 - 27 (4) Vertical rectangular windows, single, paired, or in triples. Paired and tripled windows shall all be
28 the same dimensions. The composition of all windows on a building's façade shall be balanced.
 - 29 (5) Appurtenances such as exposed roof rafter tails, decorative kickers, and exposed beams or column
30 detailing.
- 31 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
32 roofline, each of varying design features and building material.
- 33 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent
34 rooflines.
- 35 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no
36 less than a six inch shift in the plain of adjacent walls. Each street-facing façade shall be designed and
37 constructed to have a building base, building body, and varying building roofline, each having varying
38 building materials or design techniques.
- 39 (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of
40 material. The primary building material shall be wood siding or similar appearing siding. At least one of
41 the building materials used on the building façade shall also be used on all other sides of the building.
- 42 (1) Brick or stone may be used in place of wood if approved by the Land Use Authority.
 - 43 (2) Metal siding may be used on the building's body, as long as the building's base is made of brick or
44 stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet,
45 and is treated to create a natural-appearing aged patina.
 - 46 (3) Stucco may be used as an accent material, but may not comprise more than 30% of a building's
47 facade
- 48 (f) **Colors.** Warm muted earth-tone colors are required. No more than 70 percent of a building's facade
49 shall be white.
- 50 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
51 images. Any conflict between details in the images and regulations in this chapter shall be interpreted
52 in favor of the regulations in the chapter.

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69 **Sec 104-22-8 Street Regulating Plans**

70 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
71 illustrate the intended street layout of the area and the designated street types. The plan is intended to be
72 a guide for the placement of streets and mid-block alleys, and is not designed to survey-level accuracy. A
73 mid-block alley shall be as close to the middle of the block as is practicable, and the street placement
74 shall be within 200 feet of the location depicted on these maps. A land owner proposing development in
75 an area that a street or alley is planned shall be responsible for dedicating the land and constructing the
76 street or alley improvements.

77

78 *(b) New Town Eden Street Regulating Plan*



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[Proposed Alternative A]



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[Proposed Alternative B]



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[Proposed Alternative C]



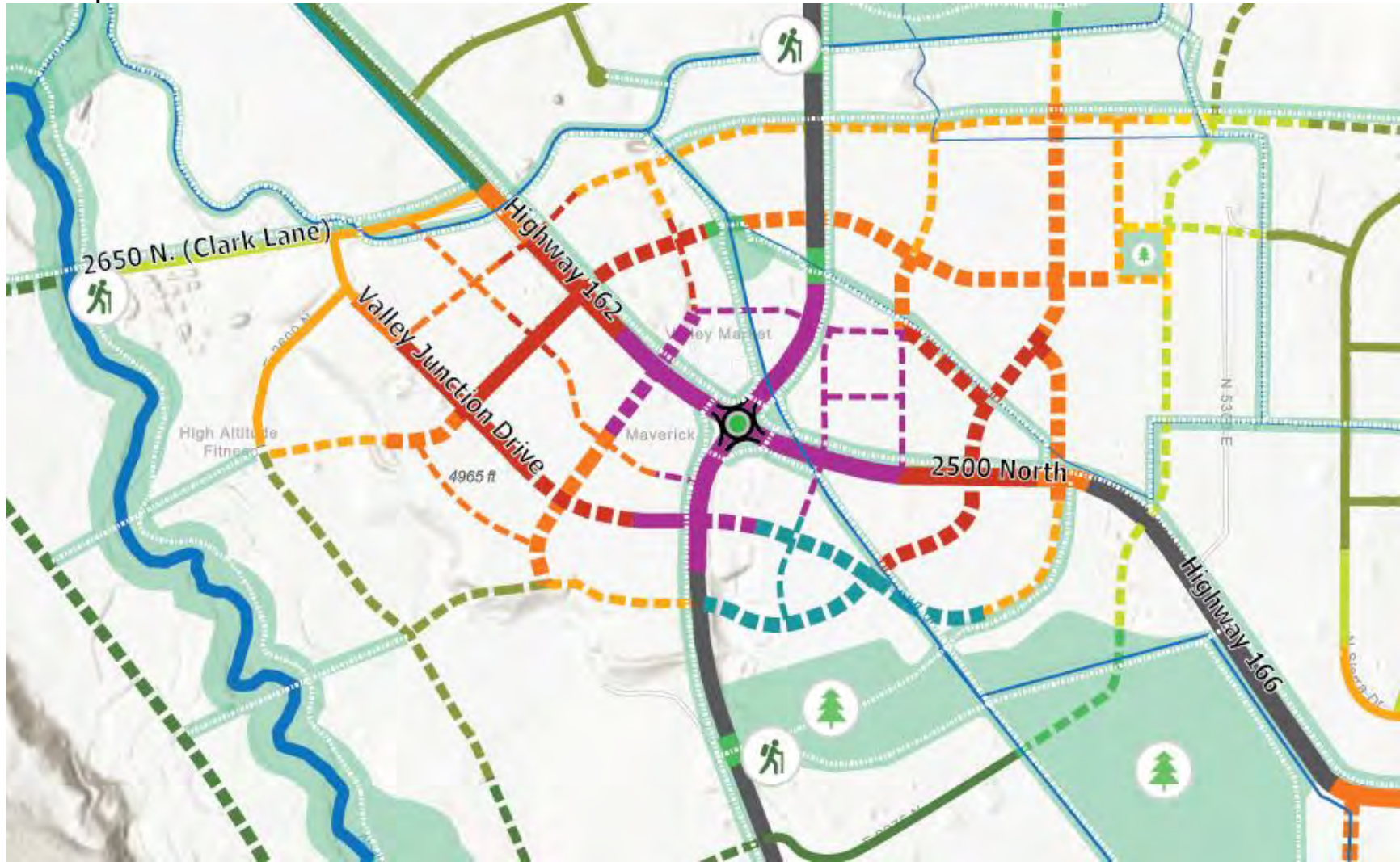
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EXHIBIT B

Staff Proposed Alternative A



Staff Proposed Alternative B



Staff Proposed Alternative C



Staff Proposed Alternative D – “Status Quo” – No Changes



EXHIBIT C

Sec 104-22-6.4 New Town Eden Area Building Design Standards

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

1. **Design theme.** All buildings shall have architectural styling and materials that implement mountain-style architecture. Mountain-style architecture shall incorporate at least three of the following five options:
 1. Either a gable roof at a 6/12 or greater slope, a flat roof, a shed roof or a combination of the roof types.
 2. An attached shed-roof at a 2/12 or greater slope that is not attached to the main roof structure.
 3. A prominent porch, deck element, chimney or other approved unique architectural feature or features.
 4. Vertical rectangular windows, single, paired or in triples and with balanced composition.
 5. Appurtenances such as exposed roof rafter tails, decorative kickers, exposed beams or column detailing.
2. **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.
3. **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.
4. **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.
5. **Building material.** Building façade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
 1. Brick or stone may be used in place of wood if approved by the Land Use Authority.
 2. Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.
 3. Stucco may be used as an accent material but may not comprise more than 40% of a building elevation.
6. **Colors.** Warm earth-tone colors are required. No more than 70 percent of a building's facade shall be white.

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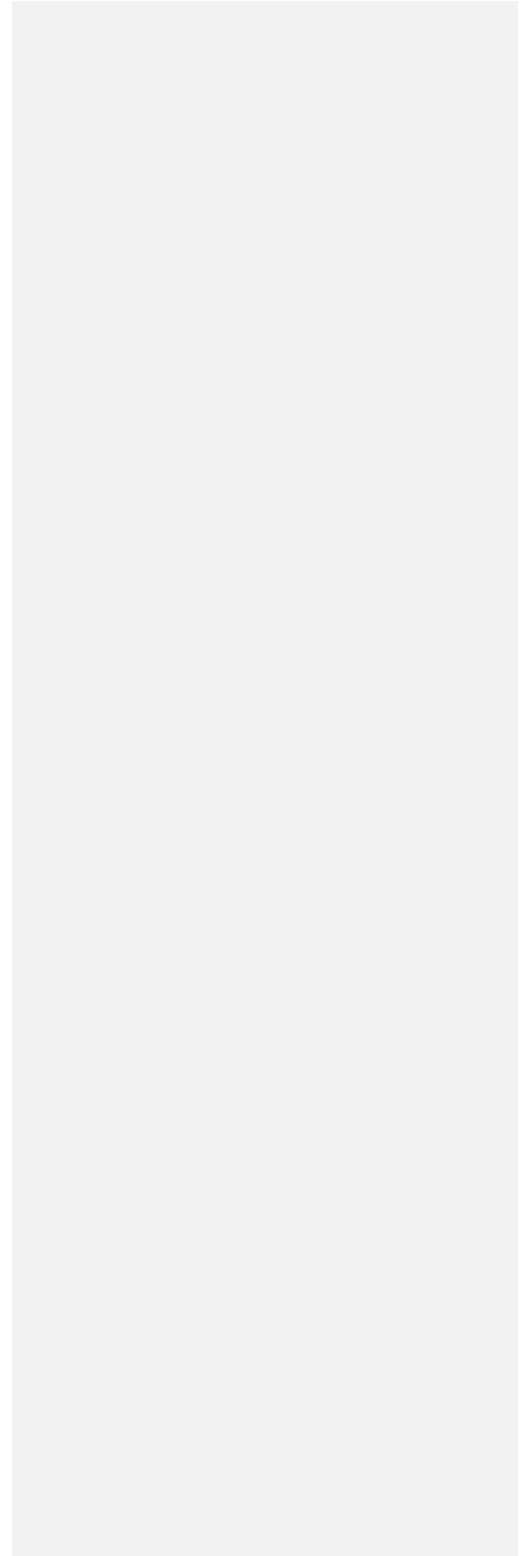
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7. **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.





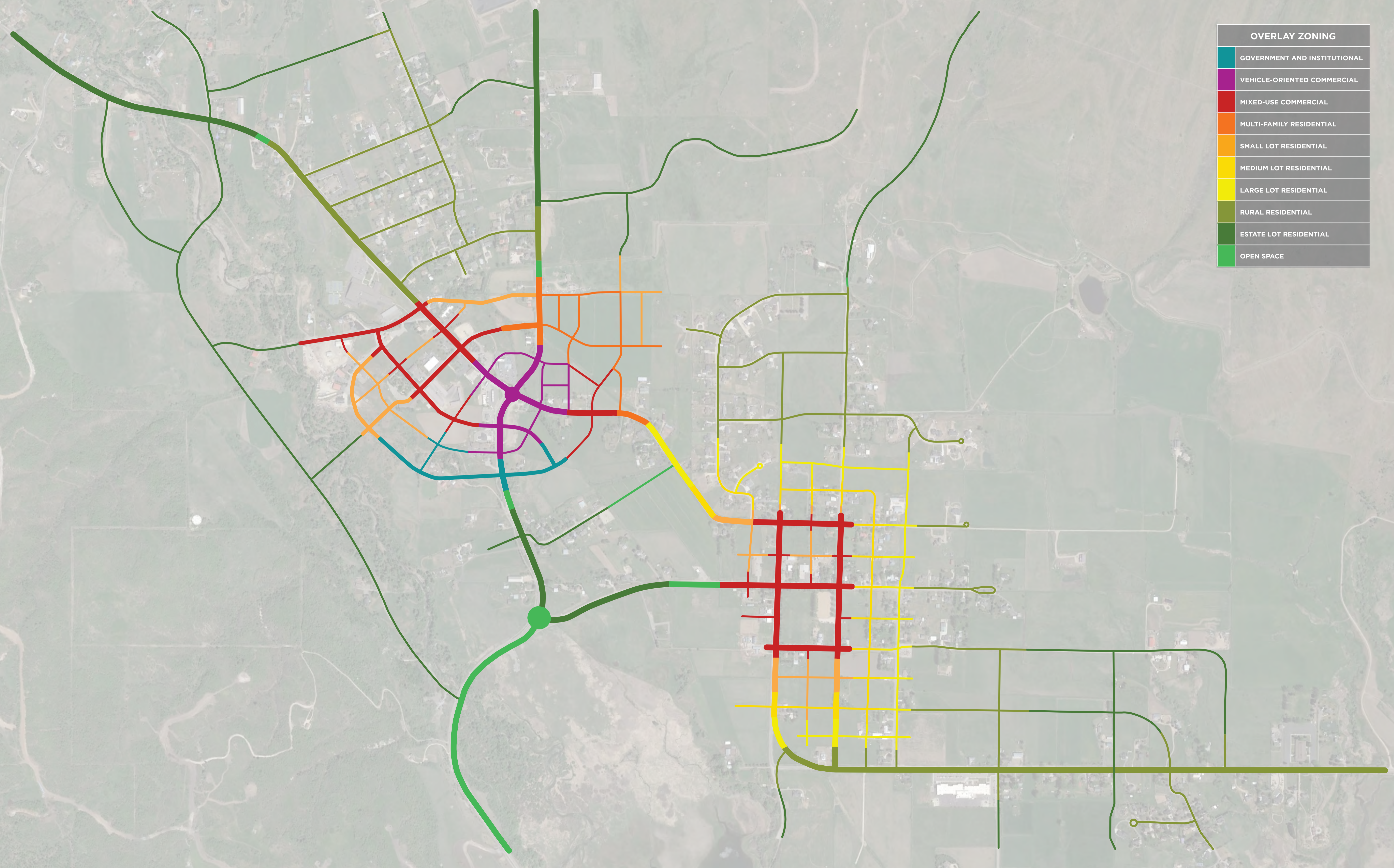
**EDEN CROSSING
VILLAGE**
*Mixed-Use Commercial
Multi-Family Residential*















ZIMBI DENTAL

Integrity Construction



OVERLAY ZONING	
	GOVERNMENT AND INSTITUTIONAL
	VEHICLE-ORIENTED COMMERCIAL
	MIXED-USE COMMERCIAL
	MULTI-FAMILY RESIDENTIAL
	SMALL LOT RESIDENTIAL
	MEDIUM LOT RESIDENTIAL
	LARGE LOT RESIDENTIAL
	RURAL RESIDENTIAL
	ESTATE LOT RESIDENTIAL
	OPEN SPACE