

WESTERN WEBER PLANNING COMMISSION MEETING

MEETING AGENDA

September 12, 2023

Work Session 5:00 p.m.

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

Work Session:

WS1: Discussion regarding the proposed Ali Farms rezone and future subdivision layout, including a specific discussion regarding open space and/or park requirements. Applicant presenter: Trek Loveridge. **Staff Presenter: Bill Cobabe.**

WS2: Discussion regarding a proposed amendment to the Subdivision ordinance to include a parks and open space project improvement contribution, or fee in lieu. **Staff Presenter: Tammy Aydelotte**

WS3: Discussion regarding proposed amendments to the Agritourism ordinance, including expanding the zones in which it is allowed, closing loopholes, replacing subjective language with objective language, and similar changes. **Staff Presenter: Charlie Ewert**

WS4: Discussion regarding a proposal to update the ordinance pertaining to required street trees as part of a subdivision improvement, as well as the creation of a street tree ordinance, generally. **Staff Presenter: Bill Cobabe**

WS5: Discussion regarding a proposed ordinance amendment pertaining to financial guarantees for subdivision improvements, including requiring a contingency, rules pertaining to escrow releases and timing, and alternative guarantees for street trees and other required landscaping. **Staff Presenter: Bill Cobabe.**

Adjourn

The work meeting will be held in the Weber County Commission Chambers Break-out Room, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8374 before the meeting if you have questions or comments regarding an item.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8374

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

Public comment may NOT be heard during Administrative items, the Planning Division Project Manager may be reached at 801-399-8371 before the meeting if you have questions or comments regarding an item.

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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



Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: William Cobabe, Planning
Date: September 12, 2023
Subject: Proposed Zoning Map Amendment – Ali Farms

Planning Commissioners,

Attached to this memo is a map showing the location and current zoning of a proposed zoning map amendment. The proposed zone change would be from the current zone Agricultural (A-1) to a Residential Estate Zone (RE-15). The applicant has noted:

With the passing of the new Master Plan for Western Weber County, we are requesting that Ali Farms be zoned to the R-1-15 Zoning. We have met with the Planning Department Staff and have provided the requested roadway and pathway connections. The development is in accordance with the General Plan and provides a mix of lot sizes needed to create a livable community. There is a parcel set aside for the construction of a regional lift station, as requested by Weber County Engineering. The proposed development will incorporate the Smart Growth Principals of the Master Plan.

The site is located in an area that is expected to experience significant growth. The General Plan calls for this area to be a mix of “Mixed Use Residential” and “Mixed Use Commercial. Further, the site was included in the recently-adopted Form Based Code village area centered on the intersection of 4700 W and 12th St. The area covered by this property is shown as “Multi-Family Residential”, “Medium Lot Residential” and “Small Lot Residential” according to the street regulating plan. While Form Based Code is not what is being sought in this instance, the overall density being proposed could be supported by the General Plan and the FBC.

One of the concerns that Staff has is with regard to the parks district and making sure that the density that is being sought is accompanied by a fair compensation to the parks district. There is ongoing conversation between the park district and the developer regarding how that compensation is structured, which is something that will need to be resolved prior to County Commission review and approval.

Please feel free to contact me with any questions.

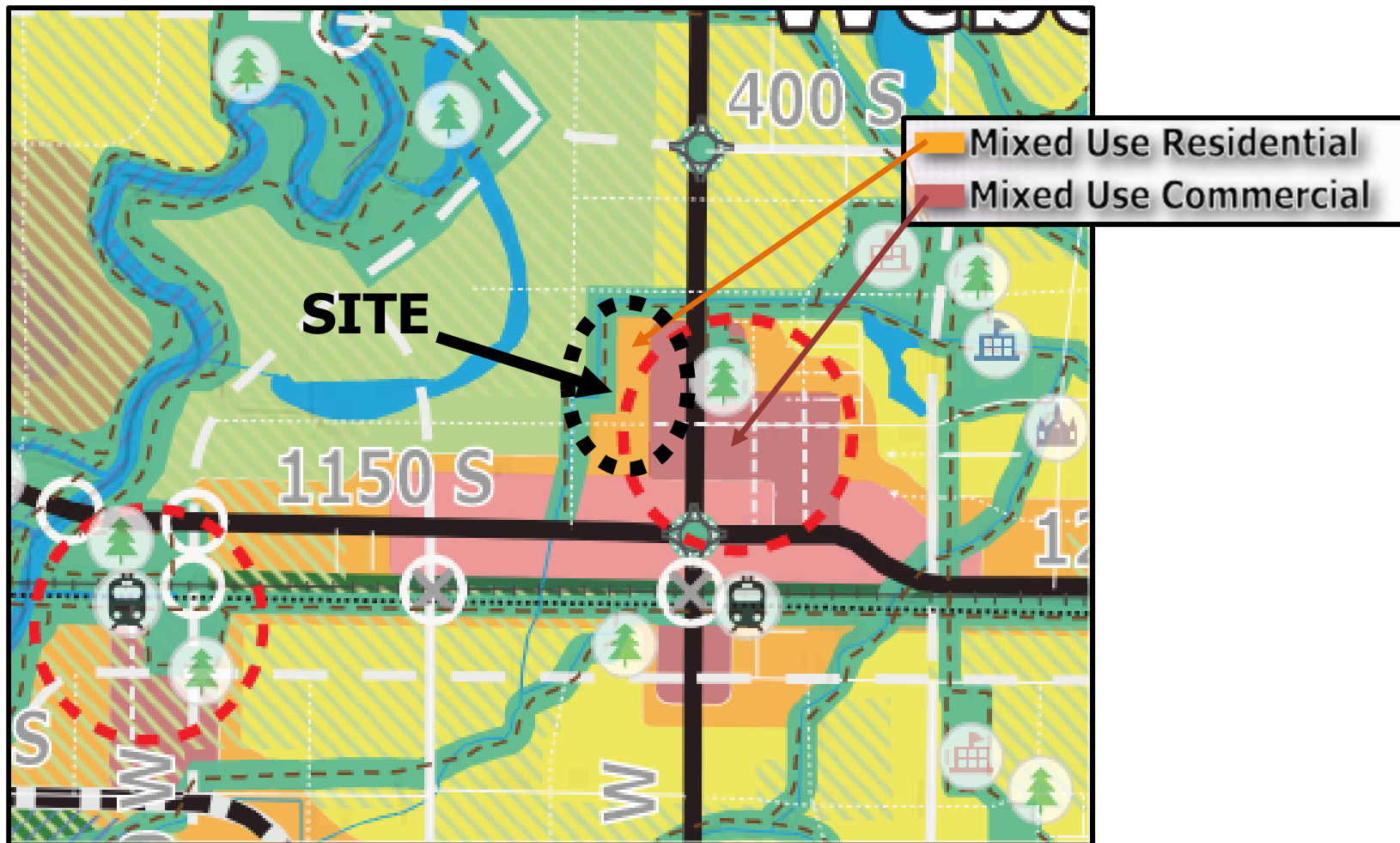
Best,

William Cobabe
Planner III
801-399-8772



Weber County Planning Division

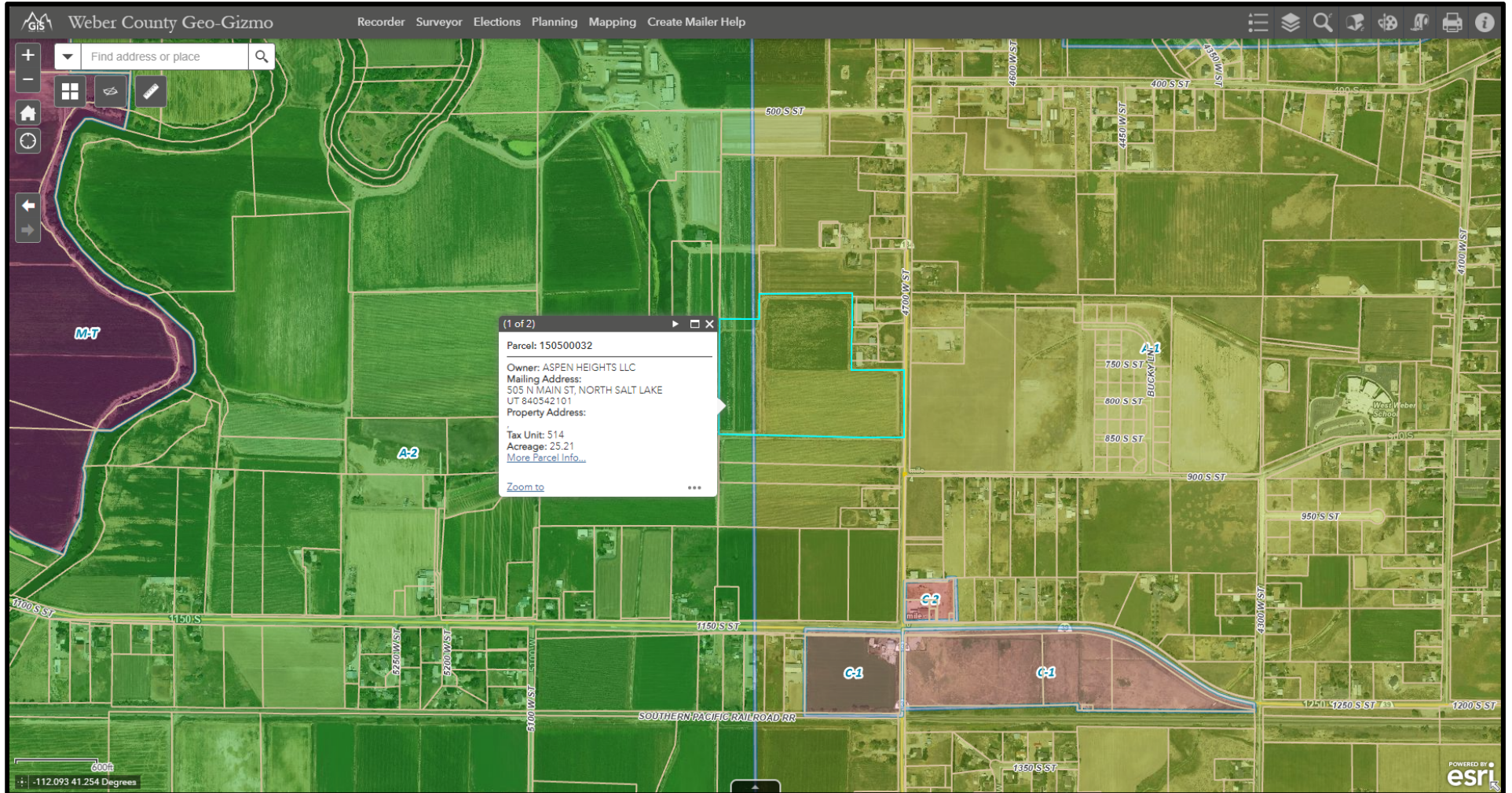
General Plan – Future Land Use Map





Weber County Planning Division

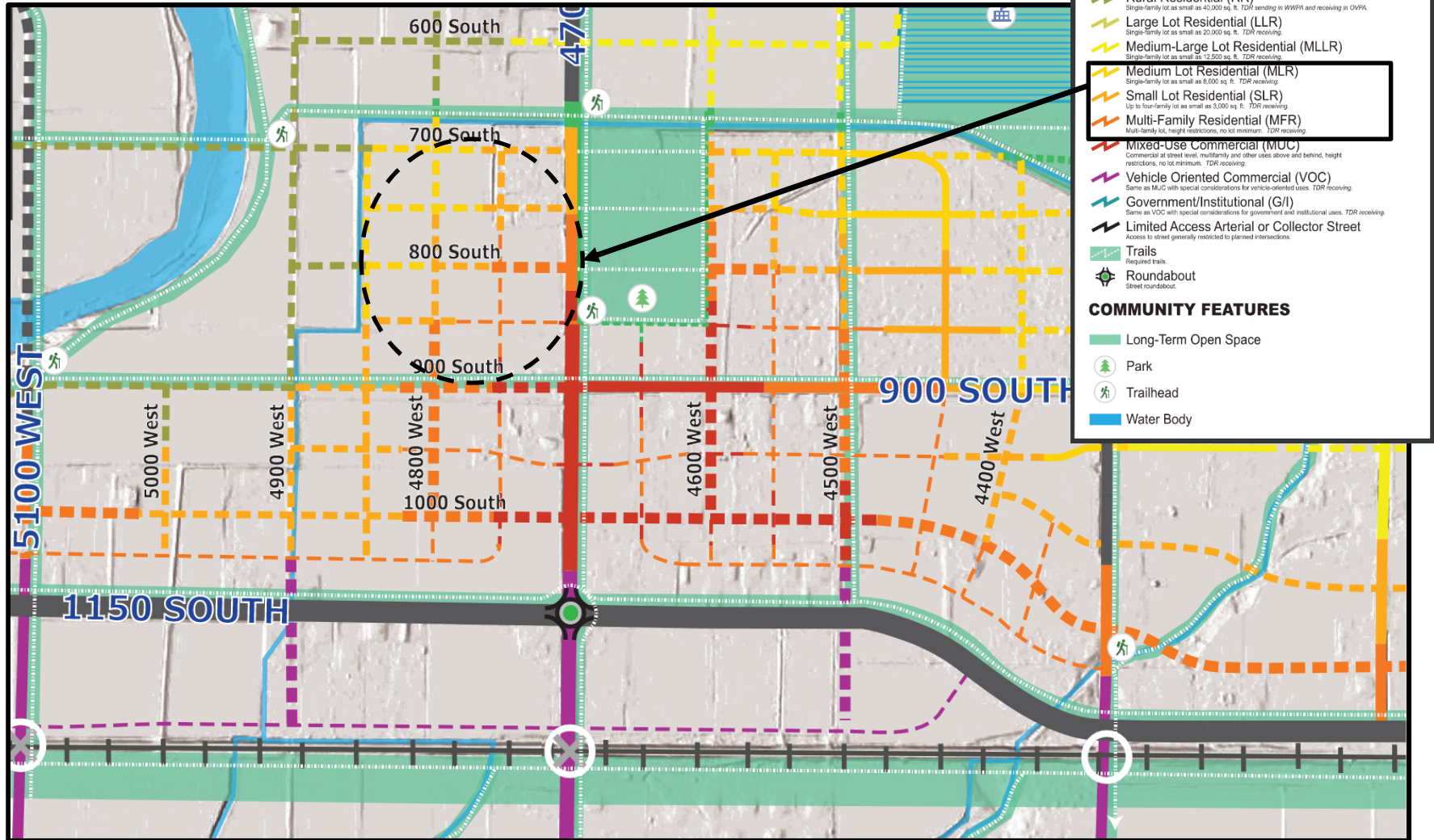
Current Zoning





Weber County Planning Division

Street Regulating Plan





Weber County Planning Division

Proposed Site Layout





Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: Tammy Aydelotte, Planning
Date: September 12, 2023
Subject: Discussion of Park Requirements

Planning Commissioners,

This is a memo to initiate discussion regarding park requirements tied to Zoning Map Amendment and Subdivision applications. The discussion should be surrounding general, across-the-board requirements. A starting point may be to discuss the national standard of a 10-acre park per every 1000 residents (NRPA.org).

This discussion should include possible ways to fund park infrastructure, as well as equitable contributions from developers. Discussion will also include impact fees vs. fee-in-lieu project fees.

Please feel free to contact me with any questions.

Best,

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

MEMO

To: Western Weber Planning Commission
From: Charles Ewert
Date: August 2, 2023, 2023
RE: September 12, 2023 Work Session Item: Agritourism Ordinance Amendments

The Ogden Valley Planning Commission received a request to allow agritourism to occur within the shoreline zone. In reviewing that request, the OVGP discovered that the agritourism ordinance is written in a manner that can be abused by one desiring to obtain a new use in the zone that would not otherwise be allowed unless under the guise of agricultural accessory, or agritourism. In other words, the ordinance has quite a bit of loopholes that should be closed with more precise language before the OVPC is comfortable expanding it's allowance into other zones.

In the attached reline proposal, staff has provided amendments to the agritourism ordinance that will close the loopholes of concern. The amendments also address a number of the OVGP's other concerns about the agritourism ordinance.

Because the agritourism ordinance is applicable in both Ogden Valley and Western Weber planning areas, this is coming to the Western Weber Planning Commission as well for consideration.

In the event any of the changes desired by the Ogden Valley Planning Commission are not desired by the Western Weber Planning Commission, we can write different requirements for each planning area.

I look forward to meeting with you next week to conduct this review.



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

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

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

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

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

1 **TITLE 101 GENERAL PROVISIONS**

2 ...

3 **CHAPTER 101-2 DEFINITIONS**

4 **Sec 101-2-2 A Definitions**

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

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

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

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

21 ...

22 ~~**Agri-tourism.** The term "agri-tourism" means a use, an agricultural accessory to an agricultural use, that
23 which can provide a means of diversifying agricultural a farm's income through broadening its the agricultural
24 use's offerings and adding value to its agricultural products. They An agritourism use operates during more
25 than six (consecutive or non-consecutive) days per year and provides agriculturally related, and in some
26 instances, non-agriculturally related products, and activities, provides product, activities, and other uses
27 that are clearly related and incidental to the agricultural use, that attract members of the public to the farm
28 for retail, educational, recreational, and/or general tourism purposes.~~

29 **Agritourism events facility.** The term "agritourism events facility" means an agritourism use or activity
30 that provides the opportunity for agritourists to rent an area that can act as a venue for events, including,
31 but not limited to, birthdays, weddings, family reunions, small scale fundraisers, or corporate picnics or
32 outings that do not constitute a special event as defined by Title 38.

33 **Agritourism farm tour.** The term "agritourism farm tour" means an agritourism use or activity that offers
34 opportunities for the public to learn how a farm functions and where and how food, fiber, fuel, and other
35 agricultural products are produced. Farm tours frequently highlight the history of the subject farm and, in
36 general, educate the public about agricultural practices and technology.

37 **Agritourism fee fishing.** The term "agritourism fee fishing" means an agritourism use or activity, approved
38 by the appropriate local, state and federal agency, which provides the opportunity for anglers to pay a fee
39 for the right to fish on a farm.

40 **Agritourism glamorous camping.** The term "agritourism glamorous camping" means an agritourism use
41 or activity that provides the opportunity for agritourists to rent, on a nightly basis, fully furnished tents or
42 rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury

Commented [E1]: Changing from "special occasion"

Commented [E2]: Search code for conflicts or redundancies

Commented [E3]: Moved from elsewhere to here

Commented [E4]: Moved from elsewhere to here

Commented [E5]: Moved from elsewhere to here

43 [hotel room. Furnishings, amenities, and comforts may include but are not limited to luxurious decor, beds,](#)
44 [linens, baths, veranda, spa services, concierge, dining, and chef.](#)

45 [Agritourism health farm.](#) The term "agritourism health farm" means a farm building designed for the
46 [purpose of providing proactive health and wellness education or physical exercise and diet regimens that](#)
47 [can improve one's quality of life in a rural or spa-like environment. Health and wellness opportunities may](#)
48 [consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes](#) and
49 [consultations, organic cooking classes or workshops, yoga, meditation, and massage therapy.](#)

Commented [E6]: Moved from elsewhere to here

50 [Agritourism hunting preserve.](#) The term "agritourism hunting preserve" means an agritourism use or
51 [activity, approved by the appropriate local, state and federal agency, which provides the opportunity for an](#)
52 [individual or group to pay a fee for the right to hunt on a farm.](#)

Commented [E7]: Moved from elsewhere to here

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

Commented [E8]: Validate with new gross acreage requirements in (f) of 108-21-3

Is this term still used?

57 [Agritourism you-pick operation, agri-tourism.](#) The term "agri-tourism you-pick operation" means an
58 [agri-tourism use or activity that provides the opportunity for customers to pick or harvest fruits and](#)
59 [vegetables directly from the plant grown on a farm location.](#)

Commented [E9]: Moved from elsewhere to here

60 ...

61 **Agricultural arts center.** The term "agricultural arts center" means a facility designed for the purpose of
62 offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of
63 concepts related to art, art history, and art theory. In a conducive agricultural setting, it acts as a venue for
64 the community to experience, appreciate, and consume art in a variety of forms, including, but not limited
65 to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not
66 provide accommodation for overnight lodging ~~farm-stays~~; however, it may serve meals when served to
67 event participants and/or guests.

68 ...

69 **Store, agricultural product.** The phrase "Agricultural Product Store" means a market that is part of an
70 onsite agritourism operation that offers for sale a wide variety of Agricultural Products that were produced
71 in Weber County, and at least one of which is a product produced onsite. An Agricultural Product Market
72 does not consist of multiple vendors. It offers for sale agricultural products and goods derived from the farm
73 on which the harvest market is located as well as other agricultural operations.

74 ...

75 **Agro-ecology research and education center (AREC).** The term "agro-ecology research and education
76 center (AREC)" means a facility designed for the purpose of providing academic training in the techniques
77 of agro-ecology and sustainable agricultural systems. An AREC ~~Agroecology Research and Education~~
78 ~~Center~~ conducts (theoretical and applied) research and community outreach while offering academic
79 education, practical experience, training, and public service and instructional opportunities for audiences
80 ranging from local-school children to international agencies. ~~Such a facility may afford meals and overnight~~
81 ~~lodging facilities for faculty, staff, and/or students/apprentices.~~

82 ...

83 **Sec 101-2-3 B Definitions**

84 ~~**Bed and breakfast (B&B) farm dwelling, agri-tourism.** The term "agri-tourism B&B farm dwelling" means~~
85 ~~an owner-occupied farm house further utilized for the purpose of providing overnight lodging~~
86 ~~accommodations and meals to overnight guests.~~

Commented [E10]: Consolidated into "lodging house"

87 ~~**Bed and breakfast (B&B) farm retreat, agri-tourism.** The term "agri-tourism B&B farm retreat" means an~~
88 ~~owner-occupied farm house further utilized for the purpose of providing overnight lodging accommodations~~
89 ~~as well as meals to overnight guests and the visiting day-use public within an internally incorporated dining~~
90 ~~area.~~

Commented [E11]: Consolidated into "lodging house"

91 ...

92 **Sec 101-2-5 D Definitions**

93 ~~**Dude ranch.** The term "dude ranch" means a commercial vacation ranch operation that provides~~
94 ~~activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and~~
95 ~~which may also offer short-term rental accommodations a lodging house for guests engaged in these~~
96 ~~activities.~~

Commented [E12]: Definition already in current code.

97 ...

98 **Sec 101-2-7 F Definitions**

99 ~~**Farm inn, agri-tourism.** The term "agri-tourism farm inn" means a farm building designed for the purpose~~
100 ~~of providing overnight lodging accommodations as well as meals to overnight guests and the visiting day-~~
101 ~~use public within an internally incorporated dining area.~~

Commented [E13]: Consolidated into "lodging house"

102 ~~**Farm stay, agri-tourism.** The term "agri-tourism farm stay" means a general agri-tourism use/activity~~
103 ~~category that comprises a variety of overnight lodging accommodations made available at a working farm~~
104 ~~that is approved for an agri-tourism operation. A farm stay, for any group or individual, does not exceed 14~~
105 ~~(consecutive or non-consecutive) calendar days per month; however, farm stays may serve as an~~
106 ~~interactive recreational activity that offers agri-tourists, including children, opportunities to participate in~~
107 ~~feeding animals, collecting eggs, and/or learning how a farm functions through practical day-to-day~~
108 ~~experience. A farm stay may also consist of a retreat or be described as a work exchange, where the~~
109 ~~guests, for recreational purposes, work in exchange for free or discounted accommodations.~~

Commented [E14]: The proposed changes herein make this definition irrelevant.

Commented [E15]: This is a standard, not a definition

110 ~~**Farm tour, agri-tourism.** The term "agri-tourism farm tour" means an agri-tourism use/ or activity that~~
111 ~~offers opportunities for the "non-farm" public to learn how a farm functions and where and /how food, fiber,~~
112 ~~fuel, and other agricultural products are produced and/or packaged. Farm tours frequently highlight the~~
113 ~~history of the subject farm and, in general, foster a broader understanding of the importance of agriculture~~
114 ~~and educate the public as to current agricultural practices and technology.~~

115 ~~**Fee fishing, agri-tourism.** The term "agri-tourism fee fishing" means an agri-tourism use/activity, approved~~
116 ~~by the appropriate local, state and/or federal agency, which provides the opportunity for anglers to pay a~~
117 ~~fee for the right to fish on a farm. Fee fishing is a non-agriculturally related use unless provided as an~~
118 ~~accessory to a bona fide aquaculture operation.~~

119 ...

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

121 ...

122 ~~**Glamorous camping (glamping), agri-tourism.** The term "agri-tourism glamorous camping (glamping)"~~
123 ~~means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis,~~

124 fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts
125 offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited
126 to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

127 ...

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

129 ...

130 ***Harvest market, agri-tourism.*** The term "agri-tourism harvest market" means an agri-tourism use/activity
131 that provides the opportunity for customers to purchase a wide variety of farm products at one farm location.
132 A harvest market does not consist of multiple farm vendors; however, it offers for sale, agricultural products
133 and goods derived from the farm on which the harvest market is located as well as other commonly owned
134 and/or independent or unaffiliated Weber County farms.

135 ...

136 ***Health farm, agri-tourism.*** The term "agri-tourism health farm" means a farm building, including overnight
137 lodging facilities, designed for the purpose of providing proactive health and wellness education and/or
138 physical exercise and diet regimens that can, in a rural and spa-like environment, improve one's quality of
139 life in a rural and spa-like environment. ~~Health and wellness opportunities may consist of, but are not limited~~
140 ~~to, general and specialized exercise, wellness, and nutritional classes/consultations, organic cooking~~
141 ~~classes or workshops, yoga, meditation, and massage therapy. A health farm may serve meals only when~~
142 ~~served to participating clientele.~~

143 ...

144 ***Hunting preserve, agri-tourism.*** The term "agri-tourism hunting preserve" means an agri-tourism use or
145 activity, approved by the appropriate local, state and/or federal agency, which provides the opportunity for
146 an individual or group to pay a fee for the right to hunt on a farm. A hunting preserve is a non-agriculturally
147 related use unless provided as an accessory to a bona fide agricultural operation.

148 ...

149 **Sec 101-2-13 Loc - Lod Definitions**

150 ...

151 ***Lodging house/boardinghouse.*** The term "~~Lodging H~~ouse/boardinghouse," also referred herein as
152 "~~E~~boardinghouse," means a building ~~where lodging only is provided~~ designed for temporary lodging for
153 compensation, ~~in which no provision is made for cooking in any individual quest room or suite. Unless~~
154 ~~otherwise more specifically provided in this Land Use Code, a Lodging House has between one in five or~~
155 ~~more and 15 guest rooms, but not exceeding 15 persons.~~

156 ...

157 **Sec 101-2-14 M Definitions**

158 ...

159 ***Motor coach/caravan area, agri-tourism.*** The term "agri-tourism motor coach/caravan area" means an
160 area, within an approved agri-tourism operation, that provides individual sites for the temporary parking
161 and occupation of recreational vehicles (i.e., motor coach, camper van, trailer, etc.).

162 ...

Commented [E16]: Revising this definition using similar language found in hotel. A hotel is defined this same way except has 16+ rooms.

163 **Sec 101-2-16 O Definitions**

164 ~~**On-farm store/retail market, agri-tourism.** The term "agri-tourism on farm store/retail market" means an~~
165 ~~agri-tourism use/activity that provides the opportunity for a farmer to sell retail quantities of agriculturally~~
166 ~~related products and, in some cases, non-agriculturally related products directly to the consumer or agri-~~
167 ~~tourist.~~

168 ...

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

170 ...

171 ~~**Play area, agri-tourism.** The term "agri-tourism play area" means an area within an agri-tourism~~
172 ~~operation's activity center that is dedicated to open and informal play. The play area may include, but not~~
173 ~~be limited to, conventional and unconventional playground equipment.~~

174 ...

175 **Product, agricultural.** The term "agricultural product" means any raw product which is derived from
176 agriculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock,
177 aquaculture ~~products~~, water plants, horticultural ~~specialties~~, and other similar products that can be broadly
178 classified as a food, fiber, fuel, or a raw material group. Specific foods may include cereals, fruits,
179 vegetables, and meat. Fibers may include cotton, wool, hemp, silk and flax. Raw materials may include
180 lumber and other plant products.

181 ~~**Product, agriculturally related.** The term "agriculturally related product" means any item that is sold at a~~
182 ~~specific farm, approved for agri-tourism, which attracts customers and promotes the sale of agricultural~~
183 ~~products. Such items may include, but are not limited to, all agricultural products, baked goods, cheese, ice~~
184 ~~cream and ice cream-based desserts and beverages, jams, honey, and other food stuffs or products that~~
185 ~~feature ingredients produced on a specific farm, approved for agri-tourism, or other farm located within~~
186 ~~Weber County. Additional agriculturally related products may consist of, but are not limited to, gift items,~~
187 ~~clothing and other items that directly promote the specific farm and/or the agriculture industry in Weber~~
188 ~~County.~~

189 ~~**Product, non-agriculturally related.** The term "non-agriculturally related product" means any item that is~~
190 ~~sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from that~~
191 ~~farm's operation or other farm located in Weber County. Non-agriculturally related products may include,~~
192 ~~but are not limited to, novelty t-shirts or other clothing, crafts, knick-knacks and/or products imported from~~
193 ~~other counties, states or countries.~~

194 ...

195 **Sec 101-2-20 Sp Definitions**

196 ...

197 **Recreational vehicle or travel trailer.** The term "recreational vehicle/travel trailer," [also known herein](#)
198 [as "travel trailer,"](#) means a vehicular unit, other than a mobile home, designed as a temporary dwelling for
199 travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another
200 vehicle including, but not limited to: travel trailer, camp trailer, folding tent trailer, truck camper, or motor
201 home, [but not including mobile or manufactured homes.](#)

202 ...

Commented [E17]: No longer needed. Revised code replaces this phrase with "market," which does not need a specialized definition outside of Merriam Webster.

Commented [E18]: Is this definition needed? If it is, is it overly vague? For example, would a noisy and dusty dirt-bike track fit under this?

Commented [E19]: The proposal steers away from this term, in favor of specifically stating that non-ag products can only be offered for sale if offered alongside product produced by the farm.

Commented [E20]: This proposed amendment eliminates the need for this definition.

203 **Sec 101-2-20 S Definitions**

204 ...

205 ~~***Special occasion, agri-tourism.*** The term "agri-tourism special occasion" means an agri-tourism use/ or~~
206 ~~activity that provides the opportunity for agri-tourists to rent an area that can act as a venue for events,~~
207 ~~including, but not limited to, birthdays, weddings, family reunions, small-scale fundraisers, and/or corporate~~
208 ~~picnics/outings that do not constitute a special event as defined by title [Title 38](#), special events~~

209 ...

210 **Sec 101-2-22 U Definitions**

211 ~~***U-pick operation, agri-tourism.*** The term "agri-tourism u-pick operation" means an agri-tourism~~
212 ~~use/activity that provides the opportunity for customers to pick or harvest fruits and vegetables directly from~~
213 ~~the plant grown on a farm location.~~

214 ...

215

Commented [E21]: Replacing with "events facility"

216 **TITLE 104 ZONES**

217 ...

218 **Chapter 104-9 Forest Zones F-5, F-10, And F-40**

219 **Sec 104-9-1 Purpose**

220 (a) The intent of the forest zones is to protect and preserve the natural environment of those areas of the
221 county that are characterized by mountainous, forest or naturalistic land, and to permit development
222 compatible to the preservation of these areas.

223 (b) The objectives in establishing the forest zones are:

224 (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the
225 natural resources, vegetation and attractions;

226 (2) To reduce the hazards of flood and fire;

227 (3) To prevent sanitation and pollution problems and protect the watershed;

228 (4) To provide areas for private and public recreation and recreation resorts; and

229 (5) To provide areas for homes, summer homes, and summer camp sites.

230 **Sec 104-9-2 (Reserved) Permitted Uses**

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

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

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

236 ~~(c) Agriculture.~~

237 ~~(d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.~~

238 ~~(e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to~~
239 ~~the animal. The keeping of animals and fowl for family food production. Golf course, except miniature~~
240 ~~golf courses.~~

241 ~~(f) Home occupations.~~

242 ~~(g) Household pets.~~

243 ~~(h) Private stables, not to exceed one horse per acre.~~

244 ~~(i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements~~
245 ~~of the Forest Campground Ordinance of Weber County; public buildings.~~

246 ~~(j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less~~
247 ~~than 180 days for recreational use only and not for longer term placement nor for full time living. The~~
248 ~~following additional conditions shall apply:~~

249 ~~(1) The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-~~
250 ~~40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster~~
251 ~~subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this~~
252 ~~chapter.~~

253 ~~(2) County environmental health department approval as to waste disposal by an approved septic tank~~
254 ~~and drain field with approved connection to the R.V., and a land use permit from the county planning~~
255 ~~commission for each unit, which shall expire after 180 days from date of issue, and including only~~
256 ~~the following accessory uses: not more than one storage shed of not more than 200 square feet~~
257 ~~per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck~~

Commented [E22]: This section reformats the F zones to follow the same conventions as other zone sections. No changes are intended except to add agritourism as an allowed use in all forest zones.

258 of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace;
 259 picnic table and chairs and tent type screens.

260 (3) ~~A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or parcel as~~
 261 ~~qualified in subsection (f)(2) of this section containing a minimum area of two acres excluding land~~
 262 ~~known as common land and/or open space.~~

263 (4) ~~The following state and local division of health codes and requirements are complied with:~~

264 a. ~~International Utah Plumbing Code.~~

265 b. ~~Rules and regulations relating to public water supplies.~~

266 c. ~~Code of Waste Disposal Regulations.~~

267 d. ~~Code of Solid Waste Disposal Regulations.~~

268 e. ~~Recreation regulations.~~

269 (k) ~~Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley~~
 270 ~~area.~~

271 (l) ~~Single family residences.~~

272 **Sec 104-9-3 Land Use Table Conditional Uses**

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

277 (a) Accessory uses. An accessory use is prohibited unless located on the same lot or parcel as the
 278 main use to which it is accessory.

	F-5	F-10	F-40	Special Regulations
Accessory building, accessory and incidental to the use of a main building.	P	P	P	
Accessory dwelling unit.	P	P	P	See Title 108, <u>Chapter 19.</u>
Accessory use, accessory and incidental to the main use.	P	P	P	
Family food production, accessory to a residential use. Keeping of animals and fowl for family food production.	P	P	P	<u>See Section 104-9-4</u>
Home occupation, accessory to a residential use.	P	P	P	<u>See Chapter 108-13.</u>
Household pets, accessory to a residential use.	P	P	P	

Commented [E23]: 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.

Main building , designed or used to accommodate the main use.	P	P	P	
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279 (b) [Agricultural uses, non-animal.](#)

	F-5	F-10	F-40	<u>Special Regulations</u>
Agriculture.	P	P	P	
<u>Aquaculture.</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Commented [E24]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

280 (c) [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.

	F-5	F-10	F-40	<u>Special Regulations</u>
Animal grazing. Animal grazing, as defined in Section 101-2.	P	P	P	See Section 104-9-4.
<u>Apiary.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Aquaculture, animal related.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Aviary.</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Corral, stable or building for keeping animals or fowl.	P	P	P	See <u>Section 104-9-4.</u>

Commented [E25]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

Commented [E26]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

Commented [E27]: Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

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

	F-5	F-10	F-40	<u>Special Regulations</u>
<u>Agri-tourism.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>See Chapter 108-21.</u>
Campground and picnic area.	C	C	C	See Title 108, <u>Chapter 20.</u>
Forest industries. Production of forest products.	C	C	C	

Golf course, except miniature golf course.	P	P	P	
Skeet or trap shooting range	N	N	C	
Ski resort.	C	C	C	

284 (e) Institutional uses.

F-5 F-10 F-40 [Special Regulations](#)

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

285 (f) Residential uses.

F-5 F-10 F-40 [Special Regulations](#)

Recreation lodge	C	C	C	
Single-family dwelling.	P	P	P	

286 (g) Recreational noncommercial uses. The following are recreational uses that are typically owned or
 287 operated by a nonprofit or governmental entity.

F-5 F-10 F-40 [Special Regulations](#)

Recreational vehicle parking.	P	P	P	See Section 104-9-4
Private park, playground or recreation area. No privately owned commercial amusement business.	C	C	C	
Public campground and picnic area.	P	P	P	See <u>Title 108, Chapter 20.</u>
Public park, recreation grounds and associated buildings.	P	P	P	

Public or nonprofit skeet or trap shooting range	N	N	C	
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288 (h) Utility uses.

	F-5	F-10	F-40	Special Regulations
Hydro-electric dam.	C	C	C	
Public utility substations.	C	C	C	
Radio or television station or tower.	C	C	C	
Wastewater treatment or disposal facilities	C	C	C	
Water storage reservoir, when developed by a utility service provider.	C	C	C	See Title 108, Chapter 10.
Signs	P	P	P	

Commented [E28]: Sign code already governs this

289 (i) Other uses.

	F-5	F-10	F-40	Special Regulations
Heliport.	N	N	C	See Section 104-9-4
Mines, quarries, gravel pits.	C	C	C	Compliance with the Weber County Excavation and Clean Fill Ordinance required.

290
 291 ~~The following uses shall be permitted only when authorized by a conditional use permit obtained as~~
 292 ~~provided in this Land Use Code:~~
 293 ~~(a) Agri-tourism, in the Forest-5 Zone, subject to the requirements of the Weber County Agri-Tourism~~
 294 ~~Ordinance.~~
 295 ~~(b) Cemeteries, Churches.~~
 296 ~~(c) Forest industries; production of forest products.~~
 297 ~~(d) Dams.~~
 298 ~~(e) Educational/Institutional identification sign.~~
 299 ~~(f) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber~~
 300 ~~County Excavation Ordinance.~~

- 301 ~~(g) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the requirements~~
 302 ~~of the Forest Campground Ordinance of Weber County. Dude ranches.~~
- 303 ~~(h) Public utility substations and transmission lines.~~
- 304 ~~(i) Radio and television towers.~~
- 305 ~~(j) Ski resorts.~~
- 306 ~~(k) Skeet and trap shooting ranges as an accessory use to public and/or private camps in the F-5 and F-~~
 307 ~~40 Zones.~~
- 308 ~~(l) Skeet and trap shooting ranges in the F-40 Zones.~~
- 309 ~~(m) Water pumping plants and reservoirs.~~
- 310 ~~(n) Wastewater treatment or disposal facilities meeting the requirements of the Utah State Department of~~
 311 ~~Environmental Quality Division of Water Quality but not including individual water disposal systems.~~
- 312 ~~(o) Recreation lodge.~~
- 313 ~~(p) Conference/education center.~~
- 314 ~~(q) Heliport in the F-40 Zone subject to the following standards:~~
- 315 ~~(1) A heliport must be located on a single parcel of record which is not less than 40 acres in area.~~
- 316 ~~(2) A heliport must be located at an elevation of at least 6,200 feet above sea level.~~
- 317 ~~(3) A heliport must be located at least 200 feet from any property line. The planning commission may~~
 318 ~~grant exceptions to the setback requirement if it can be demonstrated that locating the heliport~~
 319 ~~closer than 200 feet to the property line provides a more beneficial situation for purposes of safety,~~
 320 ~~noise abatement, access, or other valid reasons as determined by the planning commission.~~
- 321 ~~(4) The heliport landing surface must be dust proof and free from obstructions.~~
- 322 ~~(5) Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation~~
 323 ~~Administration (FAA) is required, if necessary.~~

324 **Sec 104-9-4 Special Regulations**

325 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-9-3. Due
 326 to the nature of the use, each shall be further regulated as follows:

327 (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except
 328 when in compliance with the following:

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

331 (2) It shall not exceed a density of 40 head per acre of used land.

332 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining
 333 parcel of land.

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

336 (c) **Family food production.**

337 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
 338 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five
 339 turkeys, five ducks, five geese, or five pigeons.

340 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than
 341 40,000 square feet.

Commented [E29]: Pasting these regulations in from the corresponding section of the agricultural zones chapter. (Consistency)

342 ~~(4)~~(3) [No more than six combined sets of Group A animals and sets of Group B animals or fowl](#)
 343 [may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater](#)
 344 [than two acres, except that an additional six combined sets of Group A and sets of Group B animals](#)
 345 [or fowl may be kept per each additional acre greater than two.](#)

346 ~~(b)~~(d) **Heliport.** This use shall comply with the following minimum standards:

Commented [E30]: This regulation already exists

- 347 (1) It shall be located on a single parcel of record which is not less than 40 acres in area.
- 348 (2) It shall be located at an elevation at least 6,200 feet above sea level.
- 349 (3) It shall be located at least 200 feet from any property line. The Land Use Authority may grant
- 350 exceptions to this setback if it can be demonstrated that locating the heliport closer than 200 feet
- 351 to the property line provides a more beneficial situation for purposes of safety, noise abatement,
- 352 access, or other valid reasons as determined by the Land Use Authority.
- 353 (4) The landing surface shall be dust proof and free from obstructions.
- 354 (5) Prior to the issuance of a permit, written approval from the Federal Aviation Administration (FAA)
- 355 is required, if necessary.

356 ~~(e)~~(e) **Recreational vehicle use.** A recreational vehicle shall be temporarily parked on a lot or parcel for
 357 periodic short-term intervals of 180 days or less and shall be limited to recreational use only and not
 358 for longer term placement or for full-time living. The use may be accompanied by no more than one
 359 storage shed no greater than 200 square feet and shall not include electrical or plumbing, one prepared
 360 recreational vehicle pad, one raised deck of no more than two feet in height adjacent to the recreational
 361 vehicle, one outdoor camp fireplace, and picnic table, chairs, tent-type screen. The following additional
 362 conditions shall apply:

Commented [E31]: This regulation already exists.

- 363 (1) The lot shall meet minimum lot requirements as specified in this Land Use Code, or be a
- 364 nonconforming lot as specified in Title 108, Chapter 12.
- 365 (2) Health department approval is required for waste disposal by an approved septic tank and drain
- 366 field with approved connection to the recreation vehicle.

367
 368 **Sec 104-9-4-5 Site Development Standards**~~Minimum Lot Area, Width And Yard Regulations~~
 369 ~~The following minimum lot areas, widths, and yard regulations apply to the Forest Zones F-5, F-10, and F-~~
 370 ~~40: The following site development standards apply to a lot or parcel in the Forest Zone F-5, F-10, and F-~~
 371 ~~40, unless specified otherwise in this Land Use Code.~~

372 (a) **Lot area:**

	F-5	F-10	F-40
Minimum for all uses:	5 acres	10 acres	40 acres

373 (b) **Lot width:**

	F-5	F-10	F-40
Minimum for all uses:	300 feet ¹	400 feet ¹	660 feet ¹

374 ¹ *The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced*
 375 *by up to one-third, provided the required minimum lot width is provided back from the front lot line*
 376 *at a distance of 100 feet in the F-5 Zone; 140 feet in the F-10 Zone.*

377 (c) **Yard setback:**

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

	F-5	F-10	F-40
Minimum front yard setback:	30 feet	50 feet	75 feet

379 (2) [Side yard setback:](#)

	F-5	F-10	F-40
Minimum for all uses:	20 feet	20 feet	40 feet

380 (3) [Rear yard setback:](#)

	F-5	F-10	F-40
Main building:	30 feet		
Accessory building:	10 feet		

381 ~~(e)~~(d) [Building height:](#)

	F-5	F-10	F-40
Minimum main building height:	1 story		
Maximum main building height:	35 feet		
Maximum accessory building height:	25 feet unless meeting requirements of Section 108-7-16 , Large accessory buildings		

382

383

	F-5 Zone	F-10 Zone	F-40 Zone
Area	5-acres	10-acres	40-acres
Width	300 ft.*	400 ft.*	660 ft.*
**			
Yard, front	30 ft.+	50 ft.	75 ft.
Yard, side	20 ft.	20 ft.	40 ft.
Yard, rear	30 ft.	30 ft.	30 ft.

1)*The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the required minimum lot width is provided back from the front lot line at a distance of 100 feet in the F-5 Zone; 140 feet in the F-10 Zone.

2)**In the F-40 Zone where property lot lines follow a basic rectangular pattern based upon section lines or regular divisions of section lines, road frontage requirements may be reduced to a minimum of 100 feet for each lot, but this in no way permits a reduction in the minimum required lot width which must be maintained.

3) + In the F-5 Zone, front yard setbacks will be 50 feet on right-of-way of 80 feet or more.

4) Main building maximum height	35 ft.	35 ft.	35 ft.
5) Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings.		

384 ...

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

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

- 387 (a) The shoreline zone has been established as a district in which the primary use of the land is for farming
 388 and for recreational purposes. In general, this zone covers the portion of the unincorporated area of
 389 the county ~~which that~~ is occupied by Pineview Reservoir and shores adjacent thereto.
- 390 (b) This zone is characterized by farms and pasture lands situated adjacent to the shore of the Pineview
 391 Reservoir and interspersed by dwellings, recreational camps, resorts and outdoor recreation facilities.
- 392 (c) The ~~purposes of objectives in establishing~~ the Shoreline Zone S-1 are:
- 393 (1) To promote the use of the land for agriculture and for fish, wildlife and recreational purposes both
 394 public and private;
- 395 (2) To facilitate the conservation of water and other natural resources;
- 396 (3) To reduce hazards from floods and fires;
- 397 (4) To preserve open space, natural scenic attractions, natural vegetation, and other natural features
 398 within the zone;
- 399 (5) To ensure adequate provision for water supply, domestic sewage disposal and sanitation.
- 400 (d) In order to accomplish these objectives and purposes and to protect the essential characteristics of the
 401 zone, the following regulations shall apply in the Shoreline Zone S-1.

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

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

- 404 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~
 405 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
 406 ~~incidental to a main use.~~
- 407 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 408 ~~(c) Agriculture, grazing and pasturing of animals.~~
- 409 ~~(d) Boating.~~

Commented [E32]: Consolidating into Land Use Table below.

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

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

420 [The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural](#)

421 [zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a](#)

422 [conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that](#)

423 [is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.](#)

424 ~~(j)(i)~~ [Accessory uses. An accessory use is prohibited unless located on the same lot or parcel as the](#)

425 [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 [E33]: 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.

426 ~~(j)(k)~~ [Agricultural uses, non-animal.](#)

S-1 Special Regulations

Agriculture.	P	
Aquaculture.	P	

427 (k)(l) Animal-related noncommercial uses. The following are animal-related uses that do not and shall
428 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.
<u>Apiary.</u>	P	
<u>Aquaculture, animal related.</u>	P	
<u>Aviary.</u>	P	
Corral, stable or building for keeping animals or fowl.	P	See Section 104-10-4.

Commented [E34]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

Commented [E35]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

Commented [E36]: Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

429 (m) Commercial uses. The following are uses that typically generate for-profit customer-oriented traffic
430 to the lot or parcel.

S-1 Special Regulations

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

Commented [E37]: Applicant's request

431 (n) Institutional uses.

S-1 Special Regulations

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

432 (o) Residential uses.

S-1 Special Regulations

Single-family dwelling.	P	
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433 (e)(p) Recreational noncommercial uses. The following are recreational uses that are typically owned
 434 or operated by a nonprofit or governmental entity.

S-1 Special Regulations

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

Commented [E38]: Unnecessary to regulate in the land use code. This is not a land use.

Commented [E39]: Unnecessary to regulate in the land use code. This is not a land use.

Commented [E40]: Unnecessary to regulate in the land use code. This is not a land use.

435 (p)(q) Utility uses.

S-1 Special Regulations

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

Commented [E41]: Sign code already governs this

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

437 (e)(f) General use regulations. The above specified uses shall be permitted only under the following
 438 conditions:

- 439 (1) Public health requirements concerning domestic water supply and sewage disposal shall comply
 440 with provisions of section 108-7-9.
- 441 (2) No building or structure shall be constructed within the boundaries of any public reservoir as
 442 determined by the public agency having jurisdiction or within the boundaries of any natural
 443 waterway or watercourse as determined by the county engineer wherein no buildings or structures
 444 shall be constructed or land subdivided. Where buildings are to be constructed within 50 feet of the
 445 exterior boundaries of a flood channel existing at the effective date of the ordinance from which this
 446 chapter is derived, adequate measures must be taken as determined by the Weber County

447 Engineer so as to protect the building or structure from damage due to floods and so as not to
448 increase the hazard to surrounding lands and buildings.

449 (3) The required yard space shall be kept free of debris, refuse or other inflammable material which
450 may constitute a fire hazard.

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

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

454 (1) Animal grazing. This use shall not include the supplementary or full feeding of the animals, except
455 when in compliance with the following:

456 a. It may only be carried on during times that are reasonable and necessary due to lack of natural
457 growing feed as a result of seasonal changes or extreme and temporary meteorological events.

458 b. It shall not exceed a density of 25 head per acre of used land.

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

461 (2) Corral, stable or building for keeping animals or fowl. This use shall be located no less than
462 100 feet from a public street and not less than 25 feet from any side or rear lot line.

463 (3) Family food production.

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

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

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

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

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

476 ~~(e)~~(e) Lot area:

S-1

Minimum for all uses:

5 acres

477 ~~(e)~~(f) Lot width:

S-1

Minimum for all uses:

300 feet

478 (g) Yard setback:

479 (1) Front yard setback:

Commented [E42]: Redundant.

Commented [E43]: Pasting these regulations in from the corresponding section of the agricultural zones chapter. (Consistency)

S-1

Minimum front yard setback:	30 feet
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480 (2) Side yard setback:

S-1

Minimum for all uses:	20 feet
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481 (3) Rear yard setback:

S-1

Main building:	30 feet
Accessory building:	10 feet

482 (f)(h) 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

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

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

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

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

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

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

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

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

492 ...

493

494 **CHAPTER 108-21 AGRITOURISM**

495 **Sec 108-21-1 Purpose And Intent**

496 The County desires to create a culture that supports and celebrates its agrarian heritage and open spaces
497 in the unincorporated areas. This chapter's purpose is to do this by providing owners of agricultural
498 operations the ability to generate additional income from land uses that are not otherwise allowed in the
499 zone, provided those uses are accessory, incidental, and inextricably related to the an onsite agricultural
500 operation. The intent of this chapter is to create allowances and regulations that govern agriculture-oriented
501 land uses that cater to tourists and other visitors coming to the site for recreational, educational,
502 gastronomical, or similar agriculture-oriented attraction.

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

512 **Sec 108-21-2 Applicability and Qualifications**

513 (a) **Applicability.** The standards found in this chapter shall apply to all agritourism operations. Application
514 and review provisions for an agritourism conditional use permit are set forth in Title 108, Chapter 4 of
515 this Land Use Code. Any additional detail required by this chapter shall supplement the conditional use
516 permit application. An agritourism event or activity that operates outside of expected hours of operation,
517 or that involves crowds in a number greater than that which can be served by existing facilities, shall
518 obtain a Special Event Permit pursuant to Title 38 of the Weber County Code.

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

528 (b) **Primary use.** All agritourism operations shall clearly be accessory and incidental to a primary
529 agricultural use of the property. To this end, at no time shall the activity area of an agritourism operation
530 be greater than the actual area of the agricultural operation. Agriculture is the preferred use in
531 agricultural zones; therefore, all agri-tourism uses/activities shall be complementary and clearly
532 accessory to the primary agricultural use. To guarantee legitimacy and viability, an agri-tourism
533 operation shall demonstrate that the subject property has been qualified under the Farmland
534 Assessment Act or that the subject property is currently, or will be within the next growing season,
535 producing an agricultural product in an amount that meets or exceeds the production requirement as
536 established by the Farmland Assessment Act. A farmer, whose primary agricultural use is that of an
537 apiary, shall be required to maintain two hives per acre with a ten-hive minimum. No more than 20
538 hives shall be necessary when a farm exceeds ten acres.

Commented [E44]: This paragraph is intended to do the same thing while also eliminating fluff and subjective language.

Commented [E45]: Most of these entities are already expected to be a part of the conditional use permit review process. Stating them here is redundant and may create conflict as codes evolve over time.

Commented [E46]: It is not advisable to have a non-county entity as a reviewing entity. Rather, the planner will solicit comment from other experts if necessary during the review process.

539 (c) **Qualifications.** An agricultural operator seeking an agritourism permit shall demonstrate the following:

540 (1) The agricultural operator has owned the subject property for the last two years.;

541 (2) The agricultural operator has commercially sold an agricultural product that was produced on the

542 subject property for greater than one year;

543 (3) The subject property:

544 a. Has been qualified under the Farmland Assessment Act;

545 b. Is currently, or will be within the next growing season, producing an agricultural product in an

546 amount that meets or exceeds the production requirement as established by the Farmland

547 Assessment Act; or

548 c. If an apiary, contains at least ten hives.

549 (d) **Permit enforcement.** An agritourism permit includes all conditions of approval as may be applied by

550 the Land Use Authority. At no time shall an agritourism operation be conducted in a manner that

551 conflicts with the details of the agritourism permit application or the conditions of approval. If a condition

552 of approval conflicts with any detail provided in the application, the condition of approval shall prevail.

553 (e) **Supplemental application ~~N~~narrative.** In addition to the application requirements listed in ~~title-Title~~

554 108, ~~chapter-Chapter~~ 4 of this Land Use Code (~~conditional-uses~~), all agri-tourism applications shall be

555 accompanied by a detailed~~concise~~ narrative describing the ~~farm-agricultural operation~~ and the overall

556 vision for the proposed agri-tourism operation. The narrative shall also include the following:

557 (1) **History.** ~~farm-~~The history of the agricultural operation along with evidence that demonstrates the

558 operation meets the minimum qualifications herein.;

559 ~~— A description of the agricultural operation, its general functions, maintenance, product(s), and~~

560 ~~customer base, a description or plan for the general maintenance of its agricultural product(s).~~

561 (2) **Description of anticipated changes.** A description of any plans for changes to the agricultural

562 operation, its general functions, maintenance, product(s), and customer base.

563 (3) **Description of use's incidental and accessory nature.** A description of how the agritourism

564 operation is incidental and accessory to the agricultural operation, and a plan for how the owner

565 will ensure the agritourism operation remains incidental and accessory in perpetuity.

566 (4) **Description of new infrastructure and buildings.** A description of all intended new infrastructure,

567 including streets, driveways, parking lots, buildings, and utilities.

568 (5) **Description of operation.** An explanation or description of the agritourism operation including; ~~and~~

569 ~~proposals for the following~~

570 ~~Offerings for agriculturally-related and non-agriculturally-related-p~~

571 a. Products that will be sold onsite.

572 b. ~~—and uses/a~~Activities offered onsite.

573 c. The type of customer or clientele base that is expected to patronize the operation, categorized

574 based on the intensity of their visitation and the specific product or activity for which they are

575 or will be visiting. For example, the customer-base for a produce store may be the general

576 public with customers coming and going many hours throughout the day; the clientele for a

577 barn dance might be a private party of a specified number of people that come and go once on

578 [the day of the party; and the customers or clientele for a lodging house might be pre-registered](#)
579 [or reserved individuals or small groups.](#)

580 d. [Agriculturally related and non-agriculturally related types of facilities and equipment to be used](#)
581 [and their maintenance plan\(s\).](#)

582 e. [Traffic, circulation, and parking plan that accommodates the parking needs of both employees](#)
583 [and patrons.](#)

584 f. [Hours of operation and number of patrons.:](#) ~~Time(s) of normal day-to-day o~~

585 1. [Normal and routine hours of operation, and anticipated events, dates, and times, or](#)
586 [examples of anticipated events, dates, and times, that operations may go beyond those](#)
587 [normal and routine hours, as referenced in title 38, special events](#)

588 2. [Anticipated number of normal and routine daily patrons and employees, and vehicles, and](#)
589 [anticipated number of patrons, employees, and vehicles at times or for events that go](#)
590 [beyond what is normal and routine.](#)

591 3. [For the purpose of this paragraph, the phrase "normal and routine" means the time or](#)
592 [amount specified in the application, or if different, the approval. If the application or](#)
593 [approval does not specify:](#)

594 i. [As it relates to time, this shall mean the hours of operation specified in Section 108-](#)
595 [21-3](#)

596 ii. [As it relates to patrons or employees, this phrase means 25 people or less, or ten](#)
597 [typical passenger vehicles onsite at any one time.](#)

598 **Sec 108-21-3 General Development Standards**

599 The development standards imposed by this section do not alter, supersede or nullify any codes,
600 ordinances, statutes, or other applicable standards which may also regulate these same [land](#)
601 [uses/activities.](#)

602 ~~(b) **Lot of record (lawfully created lot).** Notwithstanding title 106, subdivisions, a landowner who meets~~
603 ~~the standards, as set forth by this chapter, may develop an agri-tourism operation and its associated~~
604 ~~uses (excluding a single-family dwelling, B&B farm dwelling, and B&B farm retreat) as a lot of record.~~
605 ~~The parcel(s) shall be subject to the following:~~

606 ~~(1) The agri-tourism operation shall remain in compliance with approvals granted through further~~
607 ~~review and subsequent issuance of a conditional use permit.~~

608 ~~(2) The parcel and/or combination of all individual parcels shall consist of an area that is not less than~~
609 ~~twice the minimum lot area that is required by the zone in which the agri-tourism operation is~~
610 ~~located. For example an agri-tourism operation that lies in a zone that requires three acres as a~~
611 ~~minimum lot area shall be required to have at least a six-acre farm size. Parcels that are unable to~~
612 ~~meet this area requirement may pursue a legal (lot of record) status by demonstrating that the~~
613 ~~subject parcel(s) qualifies as lot of record through any other available means provided by the~~
614 ~~definition of a lot of record or by meeting the requirements of the Weber County Subdivision~~
615 ~~Ordinance.~~

616 (a) **Access and frontage.** ~~Notwithstanding section 108-7-31 (access to a lot/parcel using a private right-~~
617 ~~of-way/easement), an~~ [An agri-tourism operation shall provide customers access from an Arterial Street](#)
618 [or Collector Street. It is not required to have actual frontage on a street, but the access from the Arterial](#)
619 [Street or Collector Street to the operation shall either by owned in fee or recorded easement by the](#)

620 agricultural operation. The access from the public right-of-way to the operation shall meet the
621 requirements of Section 108-7-29 unless specified otherwise by the local fire authority. ~~or access~~
622 ~~directly off of a public or privately dedicated roadway.~~ The Land Use Authority may allow access from
623 a Major Neighborhood Street or Minor Neighborhood Street as long as the street is public and as long
624 as the agritourism operation does not increase traffic beyond that which is typical for the type of street.
625 Evidence of this shall be submitted with the application.

626 (b) **General site and building design/layout.** An agri-tourism operation shall have a general design and
627 layout that concentrates all tourism uses and activities into a distinct activity center(s). The area within
628 an developed activity center ~~or combined area of multiple activity centers, excluding productive agri-~~
629 ~~tourism acreage, trail corridors, and/or a half-acre for a farmer's residence and any uses confined~~
630 ~~thereto (i.e., home office, B&B, etc.), may consist of a total area that does~~ shall not exceed 20 percent
631 of an farm's agricultural operation's overall gross acreage. The agricultural operation's gross acreage
632 shall be determined by the area that is routinely maintained in an agriculturally productive manner,
633 including barns and similar buildings or structures intended to serve the agricultural operation. ~~The~~
634 ~~remaining acreage, shown outside of all activity centers, shall be maintained in an agriculturally~~
635 ~~productive manner that is consistent with the farm's main agricultural use(s). Acreage that is incapable~~
636 ~~of being agriculturally productive due to a topographic condition, physical constraint, and/or~~
637 ~~circumstance (i.e., wetlands, drainages, steep slopes, occupation by barn and/or farm equipment~~
638 ~~storage structure(s) etc.) that physically interferes with farm production may be kept in its natural,~~
639 ~~historic, or constructed state.~~ Newly constructed buildings and facilities intended for agri-tourism
640 purposes and/or to serve the agri-tourism needs operation shall reflect an architectural vernacular that
641 is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if
642 found necessary, they shall be discretely incorporated into the agri-tourism operation and completely
643 screened from street and adjacent property view.

644 (c) **Ownership.** An agri-tourism operation may consist of multiple properties; ~~however, all~~ All properties
645 shall have identical and common ownership and shall be contiguous except where contiguity is
646 interrupted by a public street right-of-way.

647 (d) **Production.** An agricultural operation to which an agri-tourism operation is accessory shall, with
648 exception of the winter season, actively and continuously produce an agricultural product ~~for sale and~~
649 ~~purchase on all of the 80 percent of the agricultural operation's gross acreage, as specified in~~
650 Subsection (f) of this Section. In the event that the ~~agri-tourism operation's~~ agricultural operation's
651 productivity ceases or becomes improperly maintained, as determined by the ~~planning~~
652 ~~commission~~ Land Use Authority, the ~~right to operate an~~ agri-tourism business operation's ~~under a~~
653 conditional use permit may be revoked.

654 (e) ~~Agri-tourism uses/activities.~~ To ensure an appropriate balance and mixture of agriculturally related
655 and non-agriculturally related uses/activities, it shall be required that a minimum of one-half of all
656 uses/activities be agriculturally related as defined in section 101-1-7 of this Land Use Code. The
657 method, by which measurements are made, shall be based on one agriculturally related use/activity
658 being equal to one non-agriculturally related use/activity. Uses/activities involving the sale of any
659 products or goods shall be prohibited from selling motorized vehicles and/or equipment. Exceptions to
660 this standard are made for the occasional sale of farm equipment personally owned by the farm owner
661 and/or other farm equipment sales events approved through title 38, special events.

662 (f) **Hours of operation.** ~~Agri-tourism uses/activities, not~~ Not including residential overnight lodging
663 accommodations, and unless specified otherwise in an approved application or other conditions of
664 approval, and/or those conducted within a completely enclosed building, ~~the hours of operation shall~~
665 be limited to between operating during the daily hours of 8:00 a.m. and 8:00 p.m., except if the use or

Commented [E47]: Is this section needed? There is already a use table in Section 108-21-5.

This paragraph conflicts with the "agriculturally related" requirement.

666 activity is restricted to an area of the property that is at least 500 feet from an existing dwelling unit
667 located on another property. ~~10:00 p.m. The planning commission.~~The Land Use Authority may, but is
668 not obligated to, consider a variation to this allow other hours of operation if the applicant can
669 demonstrate mitigation of detrimental effects. ~~standard upon finding that a proposed use/activity is~~
670 ~~reliant on and/or based on making observations that can only occur during hours otherwise not~~
671 ~~permitted.~~

672 (g) ~~Development agreement.~~ An agri-tourism operation shall, prior to the construction of any structure
673 intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial
674 development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-
675 tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of
676 structures that qualify for an agricultural exemption are excepted from this standard when developed in
677 accordance with the requirements found in the Weber County Land Use Code.

Commented [E48]: Is this needed? Isn't the CUP enough?
Maybe just a notice needs to be recorded to the property to
tell future owners that the lodging facilities can only be used
if a part of the agritourism operation?

678 **Sec 108-21-4 Agricultural Operation Designation**

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

680 (a) ~~Market g~~**Market garden agricultural operation** includes an agriculturally productive property consisting of
681 three acres or more, but fewer than five acres.

682 (b) ~~Family farm agricultural operation~~ includes an agriculturally productive property area consisting of
683 five acres or more, but fewer than ten acres.

684 (e)(a) ~~Small farm agricultural operation~~ includes an agriculturally productive ~~property area~~ consisting
685 of ~~ten six~~ acres or more, but fewer than 20 acres.

686 (e)(b) ~~Medium agricultural operation farm~~ includes an agriculturally productive ~~property area~~ consisting
687 of 20 acres or more, but fewer than 40 acres.

688 (e)(c) ~~Large agricultural operation farm~~ includes an agriculturally productive ~~property area~~ consisting
689 of 40 acres or more, but fewer than 80 acres.

690 (f)(d) ~~Ranch~~ includes an agriculturally productive ~~property area~~ consisting of 80 acres or more.

691 **Sec 108-21-5 Permitted Uses and /Activities Table**

692 If an applicant can demonstrate appropriate mitigation of detrimental effects, as specified in Chapter 108-
693 4, the following uses and /activities have been determined desirable when thoughtfully incorporated into
694 an approved shall be allowed for an agri-tourism operation when marked with an "A" under their
695 corresponding agricultural operation designation. The use or activity is not allowed if marked with an "N."
696

697 As stated above, these uses/activities may be subject to other requirements beyond those imposed by this
 698 chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements
 699 contained in other codes, ordinances, statutes, or applicable standards. Those uses/ or activities marked
 700 with an asterisk (*) have additional design and/or limitation standards beyond any provided within other
 701 specific, codes, ordinances, statutes, or other applicable standards. See section Section 108-21-7-6 for
 702 these specific design and/or limitation standards associated with each use/activity marked with an asterisk
 703 (*).

704

Uses/Activities <u>USES OR ACTIVITIES</u>	<u>AGRICULTURAL OPERATION DESIGNATION</u> Farm Designations						<u>SPECIAL REGULATIONS</u>
	Garden	Family	Small	Medium	Large	Ranch	
Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities							
<u>Apiary</u>			A	A	A	A	<u>If the apiary is the primary agricultural operation, then the operation shall have no less than two hives per acre and a ten-hive minimum. However, no more than 20 hives are required.</u>
<u>Accessory dwelling unit*</u>	*	*	*	*	*	*	
<u>Agro-ecology research and education center (AREC)*</u>	*	*	*	*	*	*	
<u>Children's Camp</u>			A	A	A	A	<u>The camp shall be based on an agricultural theme and provide agriculturally related activities.</u>
<u>Dude Ranch</u>			N	N	N A	A	
<u>Lodging House:</u>	<u>with up to 2 quest rooms: B&B farm dwelling (2 room)*</u>	*	*A	*A	*A	*A	<u>No more than two quest rooms per each acre of the agricultural operation.</u> <u>See Section 108-21-7</u>
	<u>with 3 to 7 quest rooms: B&B farm retreat (7 room)*</u>	*	*A	*A	*A	*A	
	<u>with 8 to 16 quest rooms: B&B farm inn (16 room)*</u>			N	*A	*A	
<u>Glamorous camping (glamping)*</u>	*	*	*A	*A	*A	*A	

Commented [E49]: This table needs to be re-alphabetized.

Commented [E50]: An accessory dwelling unit is only allowed as an accessory to a single-family dwelling use.

Commented [E51]: This is already listed in this table.

Commented [E52]: Standard taken from agroecology research and education center and applied to all lodging houses. Seems generally applicable for all lodging.

Commented [E53]: Moved to "camping"

Conference or Education Center²:			A	A	A	A	Conferences and educational topics shall relate to agriculture, agritourism, vegetation management, or similar.
Single-family dwelling; a.k.a. Farm house*							
Agritourism Health Farm²:			A	A	A	A	Limited to Health and wellness opportunities may consist of, but are not limited to, general and specialized exercise, wellness, and nutritional, and cooking classes/consultations, education, organic cooking classes or workshops, and exercise and yoga classes, and meditation, and massage therapy. A health farm may serve meals only when served to participating clientele.
Motor coach/caravan area, agri-tourism*			A	A	A	A	
Agriculturally-Related Uses/Activities							
Agro-ecology research and education center (AREC)²:			A	A	A	A	Lodging, if any, is limited to accommodations for faculty, staff, and students.
Barn dance²:			A	A	A	A	
Camping	Luxury-Glamorous camping area:		A	A	A	A	No more than two tents, cabins, recreational vehicles, or combination thereof, per each five acres of gross agricultural operation, and no more than six people per tent or cabin. Tent and cabin area shall be completely screened from the view of adjoining properties.
	Recreational Vehicle area-Motor coach/caravan area, agri-tourism ² :		N	A	A	A	
Rental garden or garden row(s).Community garden/rent-a-row²:			A	A	A	A	
Community supported agriculture²:							
Corn maze²:			A	A	A	A	
Educational classes²:			A	A	A	A	All courses of study or subject matter shall incorporate and consist of an agricultural or ecological component related to an Agricultural Product produced onsite.

Commented [E54]: Adding this qualifier

Commented [E55]: Unnecessary. This use is already allowed in all of the zones in which agritourism is allowed.

Commented [E56]: Moved to camping.

Commented [E57]: According to the USU Extension Office, this is essentially a farm-to-table program where locals collectively own a farm and hire a grower to grow their produce. Listing this here is unnecessary because there are no other land use regulations that govern farm ownership.

Commented [E58]: Combined into "seasonal amusement" below.

<u>Agritourism Events Facility:</u>			A	A	A	A	
<u>Farm museum:</u>	*	*	A*	A*	A*	A*	
<u>Agritourism Farm Tour:</u>	*	*	A*	A*	A*	A*	
<u>Agritourism Fee Fishing (if aquaculture)</u>	*	*	A*	A*	A*	A*	
Harvest market*	*	*	*	*	*	*	
Multi-farmer open air (farmer's) market <u>Farmers Market. A farmer's market where multiple agricultural operators may sell their products;</u> agri-tourism*			N	A*	A*	A*	
<u>Greenhouse or nursery (plant cultivation)</u>	*	*	A*	A*	A*	A*	<u>Sales are limited to plants produced on the premises.</u>
<u>Petting farm/zoo:</u>	*	*	A*	A*	A*	A*	
<u>Sleigh or hay ride:</u>			A*	A*	A*	A*	
Special event; as defined by title 38, special events	*	*	*	*	*	*	
Special occasion; agri-tourism			*	*	*	*	
Agritourism you-pick operation/pumpkin patch:	*	*	A*	A*	A*	A*	
Non-Agriculturally Related Uses/ and Activities							
<u>Agricultural arts center:</u>			A*	A*	A*	A*	
Agricultural Value-added Product Processing and Packaging; *	*	*	A*	A*	A*	A*	<u>Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.</u>
Conference/education center*					*	*	
<u>Fee fishing:</u>	*	*	A*	A*	A*	A*	
<u>Food Prep:</u>	<u>Bakery or cafe</u> <u>café featuring farm products*</u>		N	A*	A*	A*	<u>At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product.</u>
	<u>Food concessions stand;</u> *		A*	A*	A*	A*	

Commented [E59]: Changing from "special occasion"

Commented [E60]: Moved to "Agricultural Product Store" in the Store category below.

Commented [E61]: Unnecessary to specify here. Already provided in Title 38.

Commented [E62]: Changing to "events facilities" above.

Commented [E63]: Already listed above

Store:	Restaurant featuring farm products*			N	A*	A*	A*	At least one type of the onsite agricultural operation's products shall be continuously offered for sale.
	Agricultural Product Store:			A	A	A	A	The market shall only be operated by the owner or manager of the onsite agricultural operation, and is limited to Agricultural Products, at least one of which must be produced onsite.
	Gift shop (retail)	*	*	A*	A*	A*	A*	
	Market:			N	N	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product. Products shall be limited to those commonly offered by a small grocer.
Haunted house/hay stack/farm Seasonal amusement such as haunted house, corn maze, hay stack slide or climbing area, and similar seasonal amusement uses:				A*	A*	A*	A*	
Agritourism Hunting preserve/Preserve*				N	N	N	A*	See Section 108-21-7
On-farm store/retail market, agri-tourism*						*	*	
Play area, agri-tourism		*	*	*	*	*	*	
Health farm*					*	*	*	
Motor coach/caravan area, agri-tourism*					*	*	*	

Commented [E64]: Moved to "Market" in the Store category above.

Commented [E65]: Already listed above.

Commented [E66]: Check ref.

705

706 **Sec 108-21-6 Use/Activity Site Development Standards And Limitations Regulations**

707 The following table contains certain uses listed in the Use or Activity Table in Section 108-21-5. Each use
708 shall comply with the development standards provided in the table.

709 To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses
710 listed below shall be subject to additional standards beyond any provided within other, expressed and/or
711 unexpressed, codes, ordinances, statutes, rules, or requirements. The uses listed below correspond with
712 certain uses listed in the Use or Activity Table in Section 108-21-5. Due to their nature, each shall be further
713 regulated as follows. One or more of these additional standards and/or limitations, restrictions may be
714 waived by the Planning Commission/Land Use Authority upon finding that either: a proposed use poses no
715 detrimental effects to neighboring properties due to unique circumstances, or that a proposed use can be
716 mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions
717 that justify the use's or activity's approval.

		SETBACK STANDARDS		MAXIMUM ALLOWED FOOTPRINT
		From agricultural operation's exterior boundary	From existing dwelling on an adjacent lot	
<u>Agroecology Research and Education Center:</u>		50100 feet ¹	400200 feet ¹	Not applicable
<u>Agricultural Product processing and packaging:</u>		Same as zone 100 feet	200 feet ¹	200 square feet ²
<u>Camping:</u>	<u>Glamorous camping area:</u>	300 feet ¹	500 feet ¹	Not applicable
	<u>Recreational Vehicle area:</u>			
<u>Conference or education center:</u>		300 feet ¹	500 feet ¹	Not applicable
<u>Educational classes:</u>		100 feet ¹ Same as zone	200 feet ¹ Same as zone	Not applicable
<u>Food Prep:</u>	<u>Bakery or café:</u>	150200 feet ¹	3400 feet ¹	Not applicable
	<u>Restaurant</u>			
<u>Market, farmers:</u>		200 feet ¹	3400 feet ¹	Not applicable
<u>Lodging House:</u>	<u>2 quest rooms</u>	5100 feet ¹	4200 feet ¹	
	<u>3 to 7 quest rooms</u>	4200 feet ¹	3400 feet ¹	Not applicable
	<u>8 to 16 quest rooms</u>	3400 feet ¹	5600 feet ¹	
<u>Petting farm/zoo.</u>		Same as zone 400 feet ¹	Same as zone 600 feet ¹	Not applicable
<u>Store:</u>	<u>Agricultural Product Store:</u>	Same as zone 100 feet	Same as zone 200 feet ¹	Not applicable
	<u>Gift shop:</u>	100 feet ¹ Same as zone	200 feet ¹ Same as zone	200 square feet ²
	<u>Market:</u>	150 feet ¹	300 feet ¹	

Commented [E67]: Current code terms this “motor coach/caravan area.”

Commented [E68]: New standard not in current code

Commented [E69]: Previously called “harvest market.” Changing term because “harvest” usually refers to the harvesting of a crop at particular times of year, but this type of market is not limited herein on times of year or types of produce.

719 ¹ The setback distances listed in this table may be reduced by up to one-half when a six-foot high landscape berm is
 720 installed that screens the potential visual or audible impacts to neighboring properties.

721 ² This may be increased to 400 square feet for a medium agricultural operation, 600 for a large, and 800 for a ranch.
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Sec 108-21-7 Special Regulations.

The uses listed below correspond with certain uses listed in the Use or Activity Table in Section 108-21-5.
Due to their nature, each shall be further regulated as follows.

Commented [E70]: Check ref.

(a) Agricultural product processing and packaging.

- a. Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products produced by the onsite agricultural operation.
- b. Agricultural Product processing and packaging shall be limited to and agricultural operation with a gross area, as provided herein, of five acres or greater. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the Agricultural Product processing and packaging will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the agricultural operation's property boundary.

(b) Agritourism Hunting pPreserve.

- a. Limited to the Western Weber County Planning Area.
- b. Limited to upland game and waterfowl hunting only.
- c. Subject to Utah Division of Wildlife Resource standards.

Commented [E71]: Where is this possible? All upland areas either public or developing in WW...

(c) Lodging House. For an agritourism operation, a Lodging House is governed as follows:

Commented [E72]: Replacing terms with those more commonly used in this Land Use Code.

- (1) The Lodging House shall be owned and managed by the same owner or manager as the agritourism operation.
- (2) The agritourism operator or manager shall be onsite at all times that Lodging House guests are onsite.
- (3) Despite the definition of "Lodging House" in Title 101, Chapter 2, a Lodging House that is part of an Agritourism operation may have as little as one quest room or suite.
- (4) In addition to providing lodging to customers and clients of the agritourism operation in general, a Lodging House may provide lodging for an Agroecology Research and Education Center, a Conference or Education Center, ~~or a Health Farm,~~ or a Dude Ranch conducted as part of the agritourism operation.
- (5) No more than one Lodging House shall be operated on an agritourism operation.

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

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

~~An AREC shall be limited to providing overnight lodging accommodations for faculty, staff, and/or students/apprentices only.~~

~~An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms that does not exceed two rooms per one gross acre.~~

~~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.~~

761 An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line
762 and in no case located closer than 100 feet to an existing dwelling on an adjacent lot/parcel. These
763 standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a
764 minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or
765 audible impacts to neighboring property.

766 ~~B&B farm dwelling (two guest rooms).~~

Commented [E73]: Replacing terms with those more commonly used in this Land Use Code.

767
768 An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)
769 conference/education center, or health farm.

770 A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.

771 A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title
772 106, subdivision.

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

774 An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)
775 conference/education center, or health farm.

776 A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.

777 A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter
778 boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent
779 lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape
780 screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate
781 potential visual and/or audible impacts to neighboring property.

782 A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106,
783 subdivision.

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

785 An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn)
786 conference/education center, or health farm.

787 A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.

788 The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter
789 boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent
790 lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape
791 screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate
792 potential visual and/or audible impacts to neighboring property.

793 Luxury camping (glamping).

794 Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does
795 not exceed two tents or cabins per five gross acres.

796 ~~Occupancy shall not exceed six persons per tent or cabin.~~

797 ~~Meals shall only be served to overnight guests.~~

798 ~~Glamping area(s) shall be completely screened from street view.~~

799 ~~Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter~~
800 ~~boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent~~
801 ~~lot/parcel. These standards may be reduced by up to one half when a substantial natural landscape~~
802 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate~~
803 ~~potential visual and/or audible impacts to neighboring property.~~

804 ~~Accessory dwelling unit.~~

805 ~~An agritourism operation may have one or more accessory dwelling units onsite. The number of~~
806 ~~accessory dwelling units shall not exceed the following calculation: net developable acreage of the~~
807 ~~parcel upon which an accessory dwelling unit is located, divided by the minimum lot area required by~~
808 ~~the zone in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage /~~
809 ~~minimum lot area) × 20 percent = Maximum number of accessory dwelling units at an approved agri-~~
810 ~~tourism operation.~~

811 ~~Meals shall only be served to overnight guests.~~

812 ~~An accessory dwelling unit shall not be located closer than 150 feet to the agri-tourism operation's~~
813 ~~exterior boundary, and in no case located closer than 300 feet from an existing dwelling on an adjacent~~
814 ~~lot/parcel. These standards may be reduced by up to one half when a substantial natural landscape~~
815 ~~screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate~~
816 ~~potential visual and/or audible impacts to neighboring property.~~

817 ~~Conference/education center.~~

818 ~~An agri-tourism operation shall be limited to one conference/education center.~~

819 ~~A conference/education center shall be limited to a maximum of 20 guest units/rooms.~~

820 ~~Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's~~
821 ~~perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an~~
822 ~~adjacent lot/parcel. These standards may be reduced by up to one half when a substantial natural~~
823 ~~landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to~~
824 ~~mitigate potential visual and/or audible impacts to neighboring property.~~

825 ~~Health farm.~~

826 ~~An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn,~~
827 ~~or hotel).~~

828 ~~A health farm shall be limited to a maximum of ten guest units/rooms.~~

829 ~~A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter~~
830 ~~boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent~~
831 ~~lot/parcel. These standards may be reduced by up to one half when a substantial natural landscape~~

832 screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate
833 potential visual and/or audible impacts to neighboring property.

834 ~~Motor coach/caravan area.~~

835 ~~A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number~~
836 ~~of individual sites that does not exceed one site per five gross acres. In no case shall a motor~~
837 ~~coach/caravan area or combination of areas exceed 20 sites.~~

838 ~~A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's~~
839 ~~perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an~~
840 ~~adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural~~
841 ~~landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to~~
842 ~~mitigate potential visual and/or audible impacts to neighboring property.~~

843 ~~Single family dwelling; a.k.a. farm house.~~

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

846 ~~Agriculturally related uses/activities.~~

847 ~~Argo ecology research and education center (AREC).~~

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

849 ~~Educational classes. All courses of study or subject matter shall incorporate and consist of an agricultural~~
850 ~~and/or ecological component.~~

851 ~~Harvest market. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.~~

852 ~~Multi farmer open air (farmer's) market.~~

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

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

861 ~~Petting farm/zoo. Limited to parcels with access provided by a collector or arterial road when located~~
862 ~~within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation~~
863 ~~information.~~

864 ~~Non-Agriculturally Related Uses/Activities.~~

865 ~~Bakery/cafe featuring farm product(s).~~

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

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

874 ~~Farm stay.~~

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

876 ~~Gift shop (retail).~~

877 ~~A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to~~
878 ~~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.

879 ~~**a. Hunting preserve.**~~

880 ~~**(a) Hunting preserve.**~~

881 ~~**b.a. Limited to the Western Weber County Planning Area.**~~

882 ~~**c.a. Limited to upland game and waterfowl hunting only.**~~

883 ~~**(b) Subject to Utah Division of Wildlife Resource standards.**~~

884 ~~**(1) Motor coach/caravan area.**~~

885 ~~**a. See section 108-21-6(a)(1).**~~

886 ~~**(2) On-farm store/retail market.**~~

887 a. ~~Not less than one agricultural product, offered at an on-farm store/retail market, shall be~~
888 ~~raised/cultivated and/or produced by the farm on which the on-farm store/retail market is~~
889 ~~operated.~~

890 b. ~~An on-farm store/retail market and its outdoor display area or on-farm store/retail market area~~
891 ~~within a multi-use building shall be limited to the following size standards:~~
892

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

893 c. ~~Products made available at an on-farm store/retail market shall be limited to those commonly~~
894 ~~offered by a small-scale neighborhood grocer.~~

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

901 (3) ~~Restaurant featuring farm product(s).~~

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

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

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

912 d. ~~VAPPP Agricultural Product processing and packaging shall be limited to fowl, livestock, dairy,~~
913 ~~apiculture, aquaculture, and botanical products that have been raised, produced, and/or~~
914 ~~cultivated by the farm produced by the onsite agricultural operation, upon which the processing~~
915 ~~and packaging is taking place.~~

916 e. ~~VAPPP, related to the products listed immediately above, Agricultural Product processing and~~
917 ~~packaging shall be limited to and agricultural operation with a gross area, as provided herein,~~
918 ~~of five acres or greater, agri-tourism operations and parcels consisting of five acres or more.~~
919 ~~The planning commission may allow up to a two-acre reduction to this limitation if it is found~~
920 ~~that the Agricultural Product processing and packaging VAPPP will take place in a completely~~
921 ~~enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or~~
922 ~~objectionable smell at the agricultural operation's subject farm's property boundary.~~

923 f. ~~An Agricultural Product processing and packaging VAPPP building and any outdoor work area~~
924 ~~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.

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

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PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 16TH DAY OF MAY, 2023.

AYE NAY ABSENT ABSTAIN

Gage Froerer
Jim "H" Harvery
Sharon Arrington Bolos

Presiding Officer

Attest

Gage Froerer, Chair

Ricky D. Hatch, CPA, Clerk/Auditor



Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: William Cobabe, Planning
Date: September 12, 2023
Subject: Proposed Zoning Code Text Amendment – Street Trees

Planning Commissioners,

Attached to this memo is an update to the County's Land Use Code governing street trees. This extensively modifies Section 106-4-2.080, which currently reads:

Sec 106-4-2.080 Street Trees

Street trees shall be planted by the applicant when so required by the planning commission and of a variety and location as approved by the planning commission.

We are also proposing to add a new Section to Chapter 108-7-7, indicating how trees in the public right of way should be maintained.

The attached documents have two parts: one is the proposed amendments to the Code, while the other is a proposed list of approved trees, plants, and ground covers that meet local requirements and conditions. The proposed approved vegetation list is to be adopted as a resolution rather than an ordinance for ease of adaptation/modification in the future.

Please feel free to contact me with any questions.

Best,

William Cobabe
Planner III
801-399-8772

106-4-2.080 Purpose

The purpose of this section is to provide guidance for the development and maintenance of landscaped areas, both natural and enhanced, and recognize the importance of trees within the community. The County has adopted and implemented landscaping standards to address both aesthetics and conservation concerns for new development. These provisions are included in various chapters of this Code relating to but not limited to water connection/development fees for residential and commercial development, master planned development and subdivision applications, and construction projects subject to sensitive lands criteria. Trees add to the beauty of the community, stabilize surface drainage, soil erosions, and mitigate siltation of streams. A well-designed landscape planting can reduce air and sound pollution, mitigate impacts due to urban heat islands, increase shady areas for pedestrian, and regulate solar radiation and wind control.

(a) Street Trees Required

All new development shall submit a landscaping plan showing areas to be landscaped, including street cross sections and park strips, common areas, and other landscaped areas. Trees, shrubs, and other plantings shall be shown on the plans in accordance with the appropriate regulations and as noted herein. Street trees shall be included in the Financial Guarantee as outlined in Section 106-4-3.

(b) Regulations For Planting Trees And Landscaping In The County's Right-Of-Way

Tree planting on public ways shall be coordinated with required open or landscaping areas on private property so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. All trees planted in the public rights-of-way and all tree planting spaces shall be approved by the Planning Division Director who shall supervise such locating and planting according to approved plans and in a manner meeting the following considerations:

- (1) **REPLACEMENT.** Trees that must be removed shall be replaced by a new planting except in circumstances which the Planning Division Director deems impractical.
- (2) **QUANTITY AND SPACING.** Street trees shall be provided sufficient to create a full canopy. This means that if the crown of a selected and installed street tree is 30' at full growth, trees shall be planted not further than 30' apart. The number of street trees required will thus vary based on the species selected.
- (3) **DISTANCE FROM CURB AND SIDEWALK, STREET CORNERS, FIRE HYDRANTS, UTILITIES AND SNOW STORAGE.** The County shall give special consideration to locations and species of plantings from curb and sidewalk, street corners (clear view triangle areas, as defined in **Sec 108-7-7.030 Clear View of Intersecting Streets**), fire hydrants, utilities and for snow removal. Determinations will be based on health and safety issues and will be based on what is best for the County's needs.
- (4) **SPECIES LIST.** A list of plant materials and trees is hereby adopted and maintained separately. These plant materials and trees are approved for use in the County's rights-of-way and public spaces. Any deviation from this list must be approved by the planning director. Information for each plant regarding botanical name, mature size, light exposure, foliage color, flower season, fruit, and if the plant is native or drought tolerant is available through contacting the Planning Division.
- (5) **ADDITIONS TO REQUIRED LANDSCAPING.** Any deviation from the required landscaping plans may be reviewed and approved by the Planning Commission, provided they meet the minimum standards stated in this Section and other Sections of this Code.

...

Section 108-7-7.040 Public Tree Care

The County shall have the right, at its sole discretion, to plant, prune, maintain, and remove trees, plants and shrubs within rights-of-way, streets and public property as may be necessary to ensure public safety or to preserve or enhance public grounds.

(a) Illegal To Cut Trees And/Or Tree Topping

It is unlawful for any person to remove trees situated on County property, including streets and roadways of the County, without obtaining permission from the Planning Division Director for that purpose.

It is unlawful as a normal practice for any person, firm, or County department to top any tree. Topping is the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Planning Division Director.

(b) Pruning, Corner Clearance

Subject to the provisions of Section (d), every owner of any tree or shrub overhanging any street, sidewalks, or right-of-way within the County shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct and create a hazard on a sidewalk. Said owners shall remove and replace all dead, diseased, or dangerous trees and shrubs, or broken or decayed limbs, which constitute a menace to the safety of the public. The County shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, interferes with visibility of any traffic control device, sign or sight triangle at intersections, or constitutes a hazard on a sidewalk. Any costs incurred by the County will be collected from the adjacent property owner.

(c) Removal and Replacement Of Dead and/or Hazardous Trees/Plantings on the County's Right-Of-Way; Property Owner Responsibility

The removal of any tree, living or dead, is subject to the permit process, as outlined in Section (g). Dead trees and/or hazardous planting on the County's right-of-way will be removed and replaced at the adjacent property owner's expense. If the dead tree is determined by the County to be a hazard and the adjacent property owner refuses to cooperate with its removal, it shall be removed and replaced by the County and any costs incurred will be collected from the adjacent property owner. The County accepts responsibility for maintenance of planted areas on public property and the County's rights-of-way for County installed projects, which are regularly maintained by County staff.

(d) Permit To Remove Trees Or Vegetation From County Property

Any person desiring to cut and remove trees or vegetation from County property, including the County's rights-of-way, shall first make written application to the Planning Division and the application shall contain the following information:

- (1) The exact number of trees to be removed and the location of each with reference to street designations.
- (2) A statement that the applicant will cut and remove the trees at his/her own cost and expense within thirty (30) days of the date of the permit.

- (3) A statement that the applicant will restore the County property to the satisfaction of the County and will replant such trees as the County may require and where the County may specify.
- (4) That the applicant will indemnify the County against any damage to the County property or to the adjacent property owners or to any injury to persons or property sustained in cutting and removing of the trees.

Weber County Approved Species List

A list of plant materials and trees is hereby adopted and shown below. These plant materials and trees are approved for use in the County's rights-of-way and public spaces. Any deviation from this list must be approved by the planning director. Information for each plant regarding botanical name, mature size, light exposure, foliage color, flower season, fruit, and if the plant is native or drought tolerant is available through contacting the Planning Division.

Trees shall be installed at a minimum 2" diameter at breast height (DBH). All plants shall be planted in accordance with standard practices and full irrigation.

<u>Coniferous Trees</u>	<u>Deciduous Trees</u>
Austrian Pine	Amur Maple*
Blue Spruce	Autumn Blaze Maple
Bosnian Red Cone Pine	Bigtooth Maple*
Bristlecone Pine	Bolleana Poplar Burr Oak*
Douglas Fir	Canada Red Chokecherry*
Engelmann Spruce	Columnar Swedish Aspen*
Limber Pine	Common Hackberry*
Norway Spruce	Common Pear Tree Crabapple*
Pinyon Pine	Downy Serviceberry*
Ponderosa Pine	Emerald Queen Norway Maple
Rocky Mountain Juniper	Gambel Oak; Scrub Oak
Scotch Pine	Japanese Tree Lilac
Single-needed Pine	Kentucky Coffeetree*
Sub Alpine Fir	Lindon Trees*
Utah Juniper	Manchurian Ash
Vanderwolf Pine	Marshall Seedless Ash
Western White Pine	May Day Tree*
White Fir	Narrowleaf Cottonwood*
	Patmore Green Ash
	Quaking Aspen*
	Rocky Mountain Maple*
	Saskatoon Serviceberry or Juneberry*
	Sensation Boxelder*
	Sycamore Maple*
	Tatarian Maple*
	Thornless Hawthorn*
	Turkish Filbert*
	Western Catalpa*

Shrubs

Adam's Needle*	Leatherleaf Viburnum*
Alpine Current*	Lewis' Mockorange*
Antelope Bitterbrush*	Littleleaf Mockorange*
Apache Plume	Meideland Rose Mentor Barberry, Red Leaf
Ash Leaf False Spirea*	Barberry, Rose Glow Barberry*
Austrian Copper Rose	Mountain Lover*
Beauty Bush*	Mountain Mahogany*
Big Basin Sage	Mountain Snowberry*
Bigelow's Sage	New Mexico Locust*
Black Chokeberry*	Ninebark*
Black Sage	Oakbrush Sumac, Skunkbrush
Blue Mist Spirea*	Oregon Grape*
Boulder Thimbleberry*	Peking Cotoneaster*
Bridal Wreath Spirea*	Purple Sand Cherry*
Bumald Spirea*	Pygmy Pea Shrub
Butterfly Bush	Red Chokeberry*
Chenault Coralberry*	Redleaf Rose
Chokecherry*	Rock Spray Spiraea*
Cliff Jamesia*	Rose Daphne
Cliff Rose*	Rubber Rabbitbrush
Clove Currant*	Rugosa Rose
Common Lilac (many cultivars)*	Sand Sage
Common Snowberry*	Saskatoon Serviceberry*
Compact Oregon Grape*	Sea Buckthorn*
Cranberry Cotoneaster*	Shrubby Cinquefoil*
Crimson Pygmy Barberry*	Siberian Pea Shrub*
Curl-leaf Mountain Mahogany*	Silver Buffaloberry*
Yew*	Silver Sage*
Diabolo Ninebark*	Smoke Tree
Dwarf Korean Lilac*	Smooth Sumac
Dwarf Mountain Mahogany*	Spreading Cotoneaster*
Dwarf Mugo Pine	Squaw Currant
Dwarf Smooth Sumac	Staghorn Sumac
Dwarf Winged Euonymous*	Tallhedge Buckthorn*
Elderberry*	Thinleaf Alder*
Fernbush	Utah Serviceberry*
Flowering Almond*	Wayfaring Tree*
Forsythia*	Western Sand Cherry*
Fringed Sage	Winged Euonymous*
Golden Currant	Winterfat
Greenleaf Manzanita*	Wolfberry
Harison's Yellow Rose	Woods Rose*
Harriman's Yucca*	
Honeysuckle Species*	
Indian Currant Coralberry*	

Perennials

Barrenwort	Orange Coneflower*
Bearded Iris; German Iris*	Oriental Poppy
Bergenia, Saxifrage*	Ozark Coneflower*
Black Eyed Susan*	Pale Evening Primrose*
Blanket Flower*	Palmer Penstemon*
Bloody Cranesbill*	Partridge Feather
Blue Flax; Lewis' Flax*	Pasque Flower*
Blue Mint Bush	Pearly Everlasting
Bluebells-of-Scotland	Persian Rockcress
Bronze Evening Primrose*	Pine-leaf Penstemon*
Butterfly Milkweed*	Pine-leafed Garden
Candytuft*	Pink Plume-flowered Salvia*
Catmint	Poppy Mallow; Prairie Winecup*
Chocolate flower*	Prairie Coneflower; Mexican Hat*
Common Thrift	Prairie Purple Coneflower*
Coral Bells*	Prairie Skullcap
Creeping Germander	Pussytoes
Creeping Phlox*	Pussytoes; Pink Pussytoes; Rosy
Dalmatian Bellflower	Red Hot Poker*
Daylily*	Rock Soapwort
Desert Four O'Clock	Rockrose
Desert Penstemon*	Rocky Mountain Columbine*
Dotted Gayfeather	Rocky Mountain Penstemon*
Eaton's Beardtongue	Rose Campion
Endress Cranesbill*	Russian Sage
English Lavender (many cultivars available including Munstead, Hidcote, Nana, and Jean Davis)	Sand Penstemon*
False Indigo	Scarlet Bugler
Fernleaf Yarrow	Serbian Yarrow
French Lavender	Showy Goldeneye
Garden Pinks	Showy Milkweed
Garden Salvia	Showy Stonecrop*
Gaura, Whirling Butterflies	Shrubby Sandwort
Gayfeather	Siberian Iris*
Germander Sage	Siskiyou Pink Mexican Primrose*
Globemallow*	Sticky Geranium*
Golden Columbine*	Sulfur Flower
Greek Yarrow	Sweet Iris*
Green Santolina*	Texas Mist Flower
Hens And Chicks*	Threadleaf Coreopsis
Hollyhocks	Tufted Beardtongue
Hummingbird Flower	Tufted Evening Primrose
Hummingbird Trumpet	Utah Lady finger; Utah Milkvetch
Keys Of Heaven, Jupiter's Beard, Red*	Valerian*
Kitchen Sage	Wall Germander
	Wasatch Beardtongue
	Western Columbine*

Lady's Mantle* Lavender Cotton Leadplant* Leather Leaf Powder Puff Licorice Hyssop* Lilyleaf Ladybells Mat Penstemon* Missouri Evening Primrose* Mount Atlas Daisy* Mountain Gold Alyssum	Western Coneflower* Whipple's Penstemon* Wild Hyssop Wormwood Yarrow Yellow Corydalis Yellow Stork's bill
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Annuals

Ageratum; Flossflower Annual Chrysanthemums; Marguerites Annual Coreopsis* Bachelor's Buttons* Bells-of-Ireland Blue Marguerite Calendula; Pot Marigold California Poppy* Canterbury Bells Carnation; China Pinks China Aster Cleome; Spiderflower Coleus* Cosmos* Creeping Zinnia* Dusty Miller* Flanders Poppy* Flowering Kale and Cabbage* Flowering Tobacco Forget-me-not* Garden Petunia* Garden Verbena*	Garden Zinnia Geranium Globe Amaranth Gloriosa Daisy* Icelandic Poppy* Klondike Cosmos Larkspur; Annual Delphinium Lobelia* Love-in-a-mist Love-lies-bleeding Marigolds* Nasturtium* Painted Tongue; Velvet flower Pansy; Viola* Salvia; Flowering Sage* Snapdragon* Statice Strawflower Sunflower Sweet Alyssum* Sweet Pea* Sweet William*
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Turfgrasses and Ornamental Grasses

Alkali Sacaton Arizona Fescue Blue Avena Grass; Blue Oat Grass Blue Fescue Blue Grama* Deergass Feather Reed Grass Foerster Reed Grass Fountain Grass Galleta Grass; Curly Grass; James' Grass Great Basin Rye* Indian Rice Grass* Indiangrass	Maidenhair Grass Mountain Muhly Muhly Grass Muttongrass Needlegrass Overdam Reedgrass Pine Dropseed; Hairy Dropseed Prairie Junegrass Sideoats Grama* Spike Dropseed Spike Muhly Switch Grass
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Little Bluestem*	Tall Wheatgrass
<u>Groundcovers</u>	
Ajuga; Bugleweed Autumn Amber Sumac Blue Woolly Speedwell Chenault Coralberry Clematis* Common Juniper Creeping Juniper Creeping Oregon Grape* Creeping Thyme Dead Nettle Gray Creeping Germander Gro-low Sumac Halls Honeysuckle Japanese Honeysuckle* Kinnikinnick Lamb's Ear	Lily-Of-The-Valley* Mount Atlas Daisy Mountain Gold Alyssum Purple-leaf Winter Creeper Pussy Toes; Pink Pussy Toes Rockspray Cotoneaster* Snow In Summer* Stonecrop* Sweet Woodruff* Thyme-leaf Speedwell Trumpet Vine Turkish Speedwell Virginia Creeper, Boston Ivy Wild Strawberry Woolly Thyme

**Classified as Firewise plants. All plant locations, quantities, and maintenance must abide by Weber County Code Chapter 20-3 and the Utah Wildland-Urban Interface Code.*



Weber County Planning Division

MEMORANDUM

To: Western Weber Planning Commission
From: William Cobabe, Planning
Date: September 12, 2023
Subject: Proposed Zoning Code Text Amendment – Financial Guarantee for Subdivision Improvements

Planning Commissioners,

Attached to this memo is an update to the County's Land Use Code governing guarantees for improvement. This modifies Section 106-4-3, which is shown below/attached. The main points are summarized as follows:

- Modification of exceptions to the improvements required prior to issuance of building permits.
- Sewer improvements requirements revisions to match the adopted water improvements requirements.
- Allowance for installation of a driveway apron for lots greater than 60' until after site plan approval.
- Financial guarantees for required improvements set forth, providing for:
 - 100% of the estimated future costs of incomplete improvements, plus a 10% warrantee.
 - Guarantee expiration and default if not complete after 2 years.
 - Partial releases of guarantee funds.
 - Warranty guarantees and conditional acceptance of improvements procedures.
 - Final acceptance and release of warrantee guarantee procedures.
 - The authority of the County to use remaining/unused funds to complete required improvements.

Please feel free to contact me with any questions.

Best,

William Cobabe
Planner III
801-399-8772

1 **Title 106 Subdivisions**

2 ...

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

4 ...

5 **Sec 106-4-1 General Requirements**

6 ...

7 (d) **Improvements to be installed prior to issuance of permits.** All required subdivision
8 improvements shall be installed and pass inspection, pursuant to Section 106-4-3, prior to issuance
9 of any land use permit in a subdivision. This shall not apply to street trees or other required
10 landscaping the asphalt, chip and seal, landscaping, street monuments, or curb, gutter, and
11 sidewalk as long as a sufficient financial guarantee of improvements exists or is provided as
12 required by Section 106-4-3 for the incomplete improvements. A certificate of occupancy shall not
13 be issued until the missing improvements are installed and pass inspection.

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

15 ...

16 **Sec 106-4-2.020 Sewage Disposal**

17 (a) **Sanitary sewer system required.** The applicant is responsible for providing a wastewater
18 collection system from or on each Lot. The standard method for accomplishing this, and the default
19 requirement, is for the applicant to connect to an existing sanitary sewer service provider's system
20 in accordance with the service provider's requirements. However, to benefit applicants in certain
21 circumstances, connection to a private septic system may be allowed as an alternative, as
22 described in this Section and pursuant to the requirements of the Local Health Department. A
23 sanitary sewer system connection shall comply with the following:

24 (1) Sanitary sewer service provider connection.

25 a. **Connection requirement.** If any lot within the subdivision is located within a
26 distance of 300 feet multiplied by the number of proposed lots from a public
27 sanitary sewer system's existing and functional main line and the system's service
28 provider is willing and able to serve the subdivision, then in accordance with the
29 service provider's standards and any applicable County standards, each lot within
30 the subdivision shall be connected to the system. Where any part of a building
31 situated within the unincorporated areas of the county is within 300 feet of any
32 street, alley, court, passageway or area in which a public sewer or sewer owned
33 or operated by any special improvement sanitary sewer district is in existence and
34 use, or where the building is close enough in the determination of the county health
35 officer to require a connection, the applicant shall connect sanitary sewer and
36 provide adequate lateral lines to the property line of each lot. Sewer systems shall
37 be approved by the county health official, and connections shall comply with the
38 public work standards of the county.

39 b. **Multiple local systems.** If multiple existing sanitary sewer systems are available,
40 connection to the system that will yield the best organization of sewer infrastructure
41 in the area is required. If conflict arises in making such a determination, the County
42 Engineer shall make the final determination. Overlapping infrastructure should be
43 avoided whenever possible.

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44 (b) ~~Where the construction of a sewer trunk line is required to serve the subdivision,~~
45 ~~the applicant shall be required to construct the trunk line in accordance with plans~~
46 ~~and specifications approved by the county and sewer improvement district. The~~
47 ~~new trunk line shall be designed with sufficient capacity for the service area as~~
48 ~~determined by the county engineer. The applicant may be entitled to~~
49 ~~reimbursement for the oversized costs through impact fee or development~~
50 ~~agreement within the service area for a period of ten years from the date of~~
51 ~~acceptance by the county.~~

52 (2) Private septic system connection. Where a public sanitary sewer system is not
53 accessible, the applicant shall obtain approval from the ~~county health officer~~ local health
54 department for individual sewage disposal for each ~~of the lots~~ Lot. Written approval from
55 the ~~county health officer~~ local health department shall be submitted to the ~~planning~~ Planning
56 division ~~Division~~ at the time the subdivision application is submitted. ~~Septic tanks shall be~~
57 ~~installed according to the specifications and under the inspection of the county health~~
58 ~~officer.~~

59 (b) Sewer system improvements required

60 (1) Improvements required for sewer system improvements. The following requirements
61 are a minimum. The applicable sewer service provider may have additional requirements

62 a. Main line extents. Sanitary sewer trunk lines shall be provided to the furthest
63 extent of the subdivision boundary within a public street right-of-way or a public
64 utility easement, and laterals shall be stubbed to each lot.

65 b. Infrastructure capacity and oversizing. Infrastructure shall be designed with
66 sufficient capacity for the system service area, as determined by the service
67 provider, or as may otherwise be required by the County Engineer. The applicant
68 shall be required to construct the trunk line in accordance with plans and
69 specifications approved by the County and the sewer service provider. The
70 applicant may be entitled to reimbursement for the oversized costs through impact
71 fee or development agreement within the service area for a period of ten years
72 from the date of acceptance by the county.

73 c. Improvements operational before permit. Sewer service lines shall be
74 operational before building permits are issued for any structure.

75 d. Conflicting requirements. The County Engineer has discretion to waive or modify
76 any of the foregoing requirements in Subsection (b)(1) of this Section 106-4-2.1 if
77 in conflict with the service provider's requirements.

78 e. Prior to County's final acceptance. The applicant shall submit to the county
79 written approval and acceptance of the new sewer infrastructure from the sewer
80 service provider prior to final acceptance of the subdivision's improvements by the
81 County Engineer.

82 f. No obligation to County. Acceptance of the subdivision's improvements shall not
83 constitute an obligation to the county for the ownership or operation of the sewer
84 facilities.

85 g. Where a new sewer treatment facility is being approved by the State of Utah
86 Department of Environmental Quality Division of Water Quality, a letter of feasibility

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87 is required for preliminary approval and a construct permit from the state is
88 required before final approval can be granted ~~by the planning commission.~~

89 ~~(1)(2)~~ Improvements required for septic system. Septic tanks shall be installed
90 according to the specifications and under the inspection of the county health officer~~local~~
91 health department.

93 ...
94 **Sec 106-4-2.050 Curbs And Gutters**

95 (a) **Curb and gutter.** Curbs and gutters shall be installed on existing and proposed streets by the
96 applicant. The County Engineer may allow curb and gutter to be deferred to a later time if it is in
97 the best interest of the street system. Deferrals shall be documented by recorded agreement, in a
98 form as approved by the County Attorney, between the County and the owner. Curb and gutter
99 shall be installed by the applicant in subdivisions along abutting Utah State Highways unless
100 specified in writing by the Utah State Department of Transportation.

101 (b) **Driveway aprons.** The applicant shall install driveway aprons to each Lot that has a Lot Width of
102 60 feet or less. These driveway aprons shall be provided on construction drawings. No such
103 driveway apron shall be of greater width than 25-20 feet and no lot shall have more than one
104 driveway apron. Driveway aprons shall be constructed of concrete. Installation of a driveway apron
105 for a Lot that has a Lot Width greater than 60 feet may be postponed until after the approval of a
106 site plan.

107 **Sec 106-4-2.060 Sidewalks and Pathways**

108 (a) **Sidewalk.** Five foot wide sidewalks are required on both sides of the street, unless specified
109 otherwise in this Land Use Code or other adopted street right-of-way standard. Where no sidewalk
110 currently exists in the area, or where a subdivision's required sidewalk is premature given existing
111 conditions, the required sidewalk may, at the sole discretion of the County Engineer, be deferred
112 to a later time by recording a deferral agreement to each lot in a form as approved by the County
113 Attorney, County Engineer, and County Planning Director.

114 (b) **Pathway.** A pathway, either paved or concrete as determined by the County Engineer given site
115 conditions, shall be substituted for a sidewalks along routes that are delineated on an adopted trail
116 or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at the option of
117 the developer, a pathway may be substituted for a sidewalk as long as it is constructed of a material
118 as determined by the County Engineer.

120 ...
121 **Sec 106-4-3 Guarantee of Improvements**

122 (a) **Financial guarantee for the completion of improvements.** An applicant who desires to record any
123 subdivision plat prior to the completion of subdivision improvements shall provide a financial
124 guarantee ~~to assure for the~~ completion of ~~incomplete the~~ improvements within a two year period.

125 (1) **Financial guarantee cost estimate.** The applicant shall furnish and file with the county a
126 escrow agreement or a letter of credit in an amount equal to ~~40-100~~ percent of the
127 estimated future cost of the installation of ~~incomplete the~~ improvements, plus a 10 percent
128 warranty guarantee. ~~at the termination of the two-year improvement completion period.~~

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The estimated future cost shall include a 10 percent construction contingency that is separate from the 10 percent warranty guarantee. The estimated cost shall be as-estimated provided by the applicant's engineer and verified by the county engineer, to assure the installation of improvements within two years.

(a)(2) **Financial guarantee expiration and default.** If the subdivision is not complete within two years, the financial guarantee is in default unless an extension of the financial guarantee is requested, in writing, by the applicant and approved by the County Engineer. An extension shall not be granted unless the applicant provides an updated estimated future cost for remaining improvements to be installed. At this time the financial guarantee shall be reassessed and increased to reflect cost increases, if any.

(1)(3) **Allowed financial guarantees.**

(1)a. **Escrow agreement.** An escrow agreement, and the associated funds, requires the approval of the County Engineer and County Attorney. Escrow funds shall be deposited with the County Treasurer at the time the escrow agreement is executed.

(2)b. **Letter of credit.** An applicant may only use a letter of credit if the following conditions are met:

a-1. The engineer's cost estimate for installation of the improvements exceeds \$5,000,000.00;

b-2. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members or shareholders has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance, in completing developments in the State of Utah. The Planning Director or County Engineer may require the applicant to provide a performance history from other jurisdictions;

c-3. The applicant's financial institution has a history of positive performance in fulfilling its financial obligations, as determined by the county treasurer and based on typical conventions of the financial industry;

d-4. The applicant's financial institution provides the letter of credit on a standard letter of credit form supplied by Weber County or in a form that provides equal or greater financial protection to the county, as determined by the County Attorney;

e-5. The County Attorney, County Treasurer, and County Engineer approve the letter of credit, which they shall do if all of the conditions above are met unless they have reasonable, objective indications of a substantial risk that either the applicant or the applicant's financial institution will not fulfill its obligations related to the completion of improvements or the financial guarantee; and

f-6. A cash escrow is deposited with the county treasurer at the time the letter of credit is executed equal to the full cost to revegetate any removed vegetation in the event the applicant, his successors or heirs, or his financial institution fails to perform.

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173 (2) **Acceptance of financial guarantee.** A financial guarantee under this section is accepted
174 when the County Engineer signs a standard subdivision improvement agreement and an
175 escrow agreement or letter of credit. After the subdivision improvement agreement is
176 approved and executed, the applicant may record the subdivision, as long as all other
177 recording requirements have been met. The recording of the subdivision will allow the
178 developer to sell the lots, but not allow building and/or land use permits to be issued until
179 all improvements are installed, except as listed in this Title.

180 (b) **Partial release of financial guarantee.** Unless otherwise specified by the terms of the subdivision
181 improvement agreement, the county is only obligated to offer a partial release of the financial
182 guarantee for an independent improvement system, ~~including but not limited to those specified in~~
183 ~~section 106-4-2,~~ that is completed to the satisfaction of the County Engineer. An independent
184 improvement system includes but is not limited to those improvements specified in Section 106-4-
185 2]. At no time shall the balance of the financial guarantee be reduced below the actual cost to
186 complete an incomplete improvement system, regardless of the engineer's cost estimate. If, in the
187 opinion of the County Engineer, costs are increasing or have increased greater than anticipated by
188 the initial engineer's cost estimate, the guarantee shall be reassessed and increased to reflect cost
189 increases, if any.

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190 (c) **Warranty guarantee, and conditional acceptance of improvements.**

191 (1) Upon satisfactory completion of all improvements, as determined by the County Engineer,
192 the improvements shall enter a conditional acceptance period. At this time, remaining
193 financial guarantee funds may be released, except those necessary for the warranty
194 guarantee, as specified in Subsection (c)(2) of this section. If street trees or other required
195 landscaping, or driveway aprons for Lots with a Lot Width greater than 60 feet, are not
196 installed by the time the rest of all other required improvements meet satisfactory
197 completion, then, at the discretion of the County Engineer, all other improvements may
198 enter the conditional acceptance period.

199 ~~(1)(2)~~ Ten percent of the approved estimated cost of all improvements, using current
200 market costs as approved by the County Engineer, financial guarantee shall be remitted or
201 retained by the county for an improvement warranty guarantee, for a period as defined by
202 U.C.A. 1953, § 17-27a-103. If any improvement fails within the warranty guarantee period,
203 the failure shall be remediated by the developer, and the warranty guarantee period shall
204 restart. At the discretion of the ~~county~~ County engineer ~~Engineer~~, the warranty guarantee
205 period, and conditional acceptance, may be restarted for any individual improvements
206 needing replacement or repairs, rather than restarting the entire warranty guarantee period,
207 prior to the end of the conditional acceptance period.

208 ~~(c)(d)~~ **Final acceptance of improvements.** After the warranty guarantee period has expired, if
209 the improvements have performed to the County Engineer's satisfaction, the County Engineer shall
210 release the ~~remainder of the financial~~ warranty guarantee. At this time the County Engineer may
211 also offer final acceptance of the improvements. Final acceptance may be withheld if circumstances
212 unforeseen at the time of conditional acceptance become known that expose the county or the
213 public to unreasonable financial or safety risk. The county is not responsible for operations or
214 maintenance of public improvements that have not received final acceptance. At the time of final
215 acceptance of all other improvements, if street trees or other required landscaping is not
216 satisfactorily installed or has not satisfactorily performed through the minimum warranty period,
217 then the appropriate amount of financial guarantee shall be retained by the County in an amount
218 sufficient to satisfactorily install the trees or other landscaping, and to ensure proper performance

219 of the trees or other required landscaping through the duration of the minimum required warrantee
220 period.

221 (e) **County's authority under default.** If a financial guarantee authorized by this section is defaulted,
222 the County shall have the authority, in its sole discretion, to use the remaining defaulted funds to
223 make whatever improvements the County deems necessary to bring the subdivision into or closer
224 to compliance with the requirements of this Land Use Code. For any subdivision that has a
225 defaulted financial guarantee, the County is authorized, but not obligated, to release financial
226 guarantee funds to a third party that performs the work that the County has deemed necessary.

227

