



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: A request for a 53-foot variance (leaving a 22-foot setback) to the 75-foot stream corridor setback requirement from a year-round stream on a lot of record located at 3390 N 5100 E, in Eden to allow for the construction of a single-family residence.

Agenda Date: Thursday, April 28, 2022

Applicant: Mark and Angelina Grant (Applicant & Owner)

File Number: BOA2021-09

Property Information

Approximate Address: 3390 N 5100 E, Eden, UT 84310

Project Area: 1.1 acres

Zoning: Agricultural Valley 3 (AV-3)

Existing Land Use: Lot of Record, Residential

Proposed Land Use: Residential

Parcel ID: 22-021-0033

Township, Range, Section: T7N, R1E, Section 27, NW

Adjacent Land Use

North: Vacant	South: Residential
East: Vacant	West: Vacant

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
801-399-8772

Report Reviewer: SB

Applicable Codes

- Title 102 (Administration) Chapter 3 (Board of Adjustment)
- Title 104 (Zones) Chapter 2 (Agricultural Zones)
- Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands) Section 2 (Stream Corridors, Wetlands, and Shorelines)

Development History

County records indicate that the subject property contains a single-family dwelling that was constructed in 1900 (highlighted in blue in **Exhibit D**). Records also indicate that the property boundaries match those which were present in 1966 when zoning was enacted in the Ogden Valley. These two pieces of information allowed the County to classify the parcel as a “Lot of Record” per the land use code definition of LUC Sec. 101-2-13 resulting in the issuance of a Notice of Buildable Parcel (see **Exhibit E**)

On December 5, 2005, the Board of County Commissioners adopted Ordinance 2005-19, which established river and stream corridor setback requirements (see **Exhibit F**). Per this Ogden Valley Sensitive Lands ordinance and its associated map of stream corridors (see **Exhibit B**), a “Stream” or “Braided Stream” is depicted traversing the subject property from its northwestern boundary through to its southeastern boundary.

Due to this encumbrance, the applicant submitted a request to the Board of Adjustment on June 23, 2021 for a 53-foot variance (leaving a 22-foot setback) to the 75-foot stream corridor setback (see **Exhibit A**).

Background and Project Summary

The applicant is requesting this variance to facilitate the placement of a new single-family detached home and detached garage on the lot. The existing home built in 1900 is proposed to remain on the property and will be converted into an art studio or storage shed.

The special circumstance on the property that is driving this variance request is the unique path that this stream runs through the middle of the historical lot of record. Per the Ogden Valley Sensitive Lands ordinance, this stream requires a 75-foot setback from its high water mark, thus creating a large encumbrance on the property.

The Land Use Code (Sec. 104-28-2(b)(1)), states the following regarding stream corridor setbacks:

No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the Weber County engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream...

b. Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the high water mark of the stream.

This section of code was first implemented in 2005 through the adoption of Ordinance 2005-19 (see **Exhibit F**). As mentioned above, this lot of record dates as far back as at least 1966, predating the stream setback requirements.

The granting of a 53-foot variance would allow the applicant to build a structures to within 22 feet of the stream's high water mark.

Summary of Board of Adjustment Considerations

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

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

Staff Analysis

Listed below is staff's analysis:

- a. Literal enforcement of the 75-foot stream setback would limit the placement of a single-family detached home and detached garage on the lot.
- b. The special circumstance that exists on the property is the location of the stream and its required 75-foot setback from high water marks. As mentioned above, this setback requirement was adopted several decades following the creation of this lot of record. As such, the lot was not designed to accommodate additional setbacks to the stream. The stream's 75-foot setbacks from high water mark, coupled with the required structural setbacks of the AV-3 zone, significantly reduces the lot's developable area (see **Exhibit D**). Thereby limiting the placement of new structures as compared to the placement of homes on other residential lots in the area.
- c. Granting the variance would allow the owner of the parcel to build a single-family home and detached garage in a location on the lot that would be similar to adjacent residences and other single-family lots found in the AV-3 zone.
- d. The General Plan indicates that this area should be developed as is planned and zoned; thereby the variance and future residential development is not contrary to any public interest.

- e. This variance request is not an attempt to avoid or circumvent the requirements of the County Land Use Code. The applicant has gone through the proper channels in applying for a variance.

Conformance to the General Plan

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

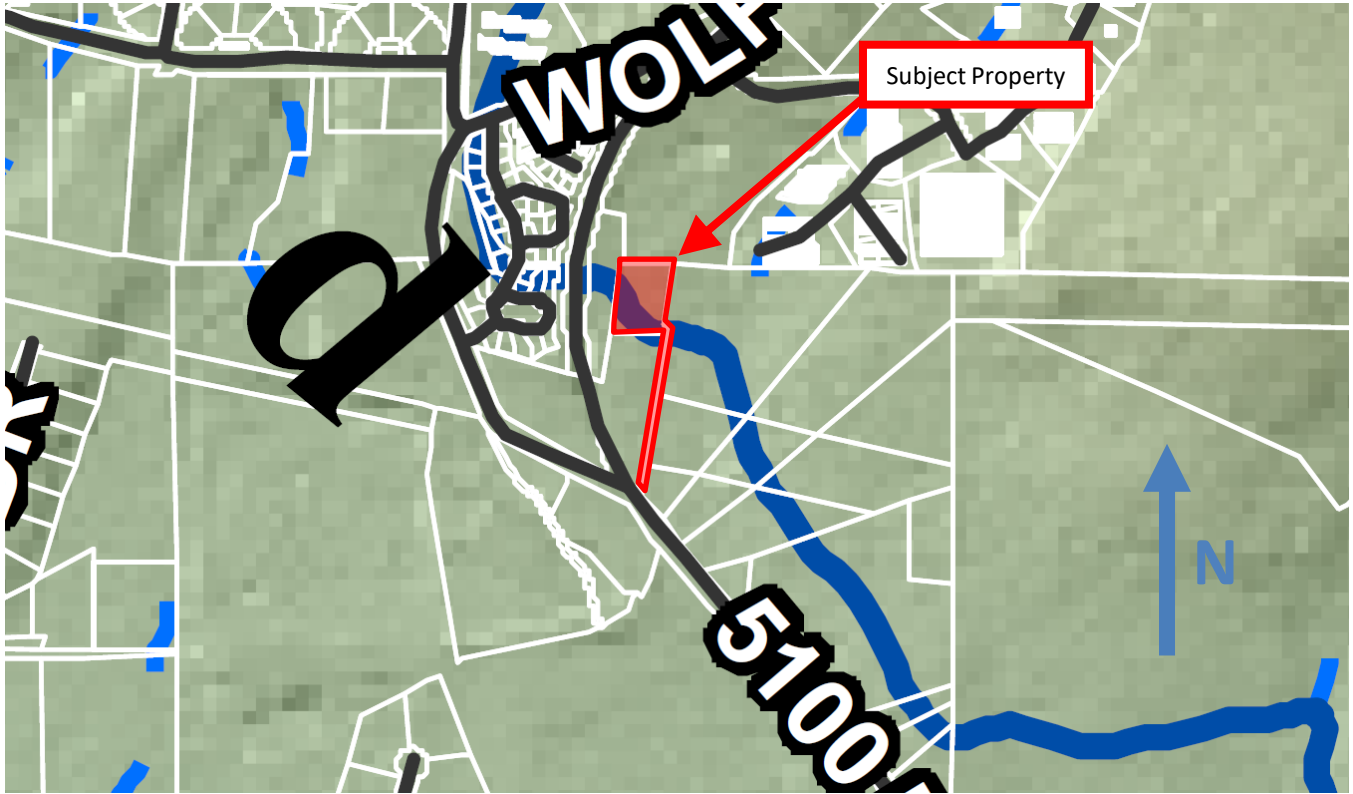
Exhibits

- A. 2021 County Recorder's Plat
- B. Ogden Valley Sensitive Lands - Stream Corridor Map
- C. Variance Application & Narrative
- D. Site Plan Showing Setbacks
- E. Notice of Buildable Parcel
- F. Excerpts of the 2005 Ogden Valley Sensitive Lands Ordinance

Area Map



Exhibit B: Ogden Valley Sensitive Lands – Stream Corridor Map



	Roads		Elevation	0 0.25 0.5 1 Miles
	Intermittent stream	9700 ft		
	Stream or braided stream	4075 ft		
	Ogden Valley Boundary			
	Lakes, Ponds			

NAD 1983
State Plane Utah North
FIPS 4301 Feet
1:36,000

Map by Justin Morris
Weber County Planning
jmorris@co.weber.ut.us
801-368-8791
6-18-2008

weber county
planning commission

WEBER COUNTY

This is not an official map but for reference use only. The data was compiled from the best sources available, so various errors from the sources may be inherent on the map. All boundaries and features therein should be treated as such. For official boundary information, the pertinent County department or Municipality should be contacted. This map is a representation of ground features and is not a legal document of their locations. The scale represented is approximate, nonexistent or has been changed, so this is NOT a Survey or Engineering grade map and should by no means be used as such. This map is not intended for all uses. Weber County is not responsible or liable for any derivative or misuses of this map.

Exhibit C: Variance Application & Narrative

Weber County Board of Adjustment Application			
Application submittals will be accepted by appointment only. (801) 399-8374. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) Angelina Grant		Mailing Address of Property Owner(s)	
Phone 904-334-1377	Fax		
Email Address IMAngelaFL@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) Mark Grant (husband)		Mailing Address of Authorized Person	
Phone 904-806-7730	Fax		
Email Address Mgrant8875@aol.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Appeal Request			
<input checked="" type="checkbox"/> A variance request: ___ Lot area Yard setback Frontage width Other: <u>Stream corridor offset</u>			
<input type="checkbox"/> An Interpretation of the Zoning Ordinance <input type="checkbox"/> An Interpretation of the Zoning Map <input type="checkbox"/> A hearing to decide appeal where it is alleged by appellant that there is an error in any order, requirement, decision or refusal in enforcing of the Zoning Ordinance <input type="checkbox"/> Other: _____			
Property Information			
Approximate Address 3390 N 5100 E, Eden UT 84310		Land Serial Number(s) 22-021-0033	
Current Zoning AV-3			
Existing Measurements		Required Measurements (Office Use)	
Lot Area 1.1 Ac	Lot Frontage/Width 160'(limited frontage)	Lot Size (Office Use)	Lot Frontage/Width (Office Use)
Front Yard Setback 40'	Rear Yard Setback 145'	Front Yard Setback (Office Use)	Rear Yard Setback (Office Use)
Side Yard Setback 96'	Side Yard Setback 48'	Side Yard Setback (Office Use)	Side Yard Setback (Office Use)

Applicant Narrative

Please explain your request.

The purpose of this variance request is to enable construction of a single-family residence on parcel 22021003, while considering the Ogden Valley Sensitive Lands Ordinance. This is a legal, non-conforming parcel. The applicant is requesting a variance for the required 75' setback from the high-water mark of a small stream that runs across the property (refer to attached diagram 1). The parcel is only one acre, making it impossible to build the desired structure on the property while maintaining the required setback from the stream and the property boundaries. The property does have a small (640 sq ft) existing structure which is located near the stream. According to the Weber County property records, the structure dates to the year 1900. This structure is approximately 21' from the high-water location of the stream on the SW corner. The plan for the property is to build a single-family residence located near the northeast corner of the property, as well as a detached garage. That residence is planned to be approximately 49' wide by 34' deep. The garage is planned to be 30' wide by 22' deep. The planned locations are shown on diagram 2. This location will maintain a setback of approximately 22' from the high-water mark of the stream, while maintaining a reasonable setback of 20' from the side property boundary. The existing small structure will remain in the current location. The stream appears to be dry the majority of the time based on observations during a variety of seasons. Granting the variance will allow the applicant to construct a residence on the property, consistent with current land use ordinances and zoning, while still maintaining a 22' setback from the stream, which is greater than the setback for the existing structure on the same property.

Key considerations regarding site hardship:

- Stream is small, normally dry, and routes near the center of the property.
- Lot is build-able, but unusually small compared to others with the same zoning (1.1 versus 3 ac).
- Required setbacks make it impossible to build the structure without a variance.
- Proposed structure will maintain 22' setback from stream, greater than existing structure dating to 1900.

Variance Request

The Board of Adjustment may grant a variance only if the following five criteria are met. Please explain how this variance request meets the following five criteria:

1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.

a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

Proposed structure is NOT BUILDABLE with literal enforcement of the ordinance. There is no feasible location on the lot that allows for building and maintaining 75' setback and property boundary setbacks.

Variance Request (continued...)

2. There are special circumstances attached to the property that do not generally apply to the other properties in the same zone.

a. In determining whether there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.

Please describe the special circumstances attached to the property that do not generally apply to the other properties in the same zone:

1. The required stream setback would prevent usage of the lot for the desired construction.
2. The lot is only 1.1 ac, compared to many of the lots with the same zoning that are larger than 3 ac, limiting the options for placement of structure.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

The variance is essential to allow the owner to build on the lot, which is determined "buildable" by the county. The classification of the lot as "buildable" was discussed with the county prior to the purchase of the lot and before the identification of the stream was known. The property was deemed buildable in Weber County documents labelled "Notice of Buildable Parcel" dated February 24, 2012. This understanding also supported by existence of structure already on the property.

Variance Request (continued...)

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

The lot exists with a structure already in place. The variance will not substantially affect the general plan. Setback from stream will be sufficient given the small stream size and infrequent flow. The proposed structure is located at the furthest point from the stream.

5. The spirit of the land use ordinance is observed and substantial justice done.

Because of the limited space available to build and the location of the stream, a variance should be granted. The spirit of the ordinance is observed since the placement of the residence will maintain a 22' clearance from the high water mark.

Property Owner Affidavit

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

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20_____.

(Notary)

Authorized Representative Affidavit

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

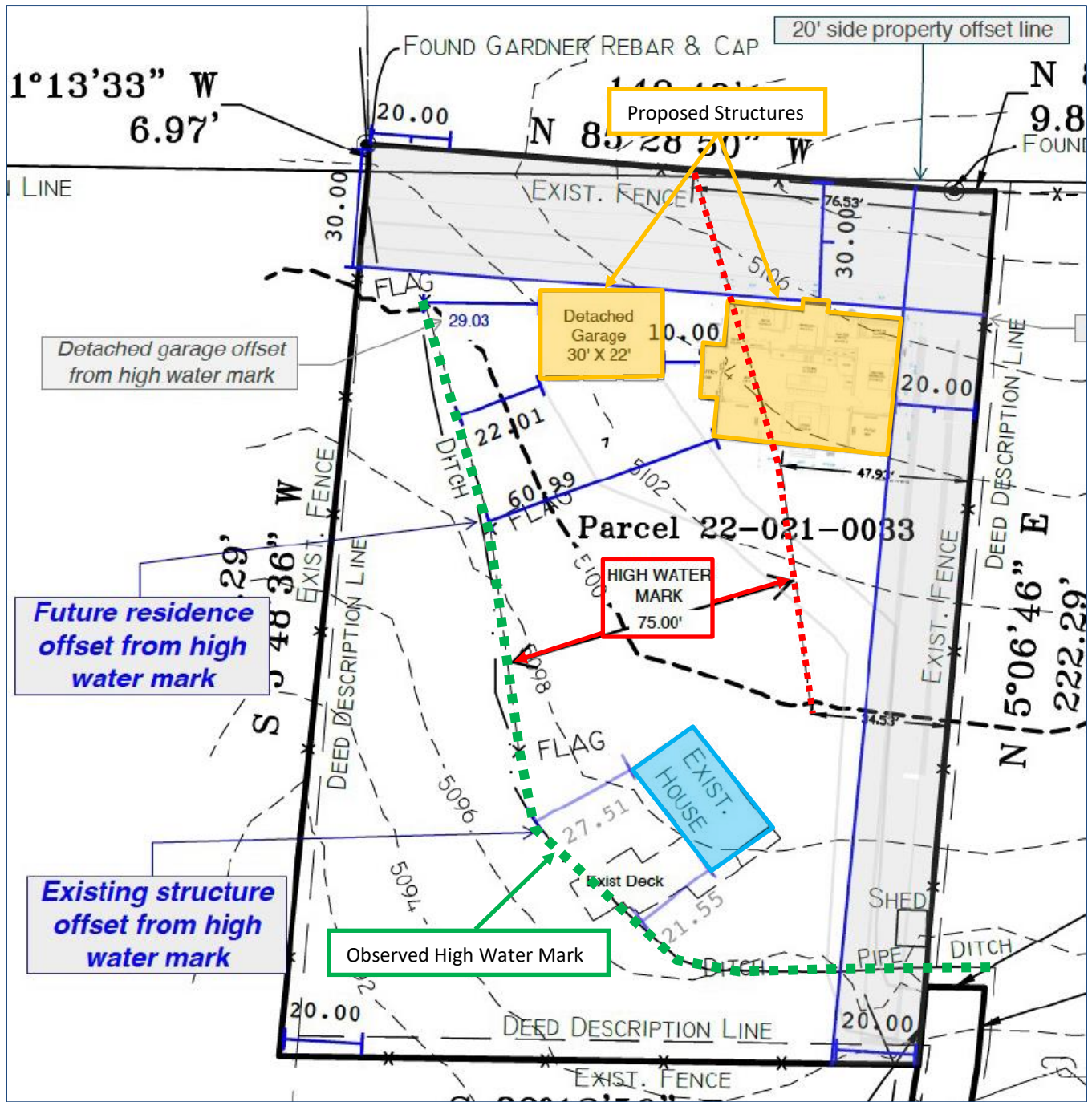
(Property Owner)

(Property Owner)

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

(Notary)

Exhibit D: Site Plan Showing Proposed Setbacks





Weber County

February 24, 2012



W2563860

EN 2563860 PG 1 OF 5
ERNEST D ROWLEY, WEBER COUNTY RECORDER
24-FEB-12 401 PM FEE \$1.00 DEP SPY
REC FOR: WEBER COUNTY PLANNING

Notice of Buildable Parcel

Legal Description

PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING SOUTH 89D38' EAST 1524 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 04D54' WEST 220 FEET; THENCE SOUTH 89D38' EAST 160 FEET; THENCE NORTH 04D54' EAST 220 FEET; THENCE NORTH 89D38' WEST 160.0 FEET TO THE POINT OF BEGINNING. ALSO; BEGINNING AT A POINT WHICH IS SOUTH 89D38' EAST 1524 FEET; SOUTH 04D54' WEST 220.0 FEET AND SOUTH 89D38' EAST 160.0 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 27 AND RUNNING THENCE SOUTH 8D36' WEST 554.2 FEET, MORE OR LESS, TO THE NORTH LINE OF THE COUNTY ROAD; THENCE SOUTH 39D53'30" EAST ALONG THE NORTH LINE OF THE COUNTY ROAD 20.02 FEET; THENCE NORTH 8D36' EAST 564.47 FEET, MORE OR LESS, TO A POINT WHICH IS SOUTH 89D38' EAST OF THE PLACE OF BEGINNING; THENCE NORTH 4D54' EAST 20 FEET; THENCE NORTH 89D38' WEST 15.0 FEET; THENCE SOUTH 4D54' WEST 20 FEET TO THE PLACE OF BEGINNING.

RE: Land Serial # 22-021-0033 Notice of Buildable Parcel

The parcel of land with the Land Serial Number 22-021-0033 is currently zoned Agricultural Valley 3 (AV-3) which requires a minimum lot size of three acres and a minimum lot width of 150 feet on a dedicated right of way for a single family dwelling. This parcel contains only 1.1 acres, and has minimal access to a public road. However, this parcel meets the requirements of the Weber County Zoning Ordinance Chapter 28 Section 10 which states: "Any legally created lot and/or parcel of land, which existed prior to adoption of the Weber County Zoning Ordinance/Zoning Map may apply to develop any of the permitted or conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or parcel of land is located. In Western Weber County the 1962 ownership plats are used as the legal reference point, and in the Ogden Valley, the 1966 ownership plats are used as the legal reference point."

This parcel of land is shown on the 1966 ownership plat with the same access and legal description that exist today. Therefore, the Weber County Planning Division does consider this a nonconforming (legal) building parcel with the legal description shown above.

This letter addresses the legal status of the parcel based on area and frontage requirements only. The site has not been inspected to ensure that existing uses are allowed and existing structures meet required yard setbacks. These factors can affect a land owner's ability to obtain a Land Use Permit and Building Permit. There may also be additional requirements that need to be met prior to a Building Permit being issued.


Sean Wilkinson
Weber County Planning Division

Dated this 24th day of February, 2012



Weber County

STATE OF UTAH)
 :SS
COUNTY OF WEBER]

On the 24th day of FEBRUARY, 2012, personally appeared
before me SEAN WILKINSON the signer(s) of the foregoing instrument,
who duly acknowledged to me that he/she/they executed the same.

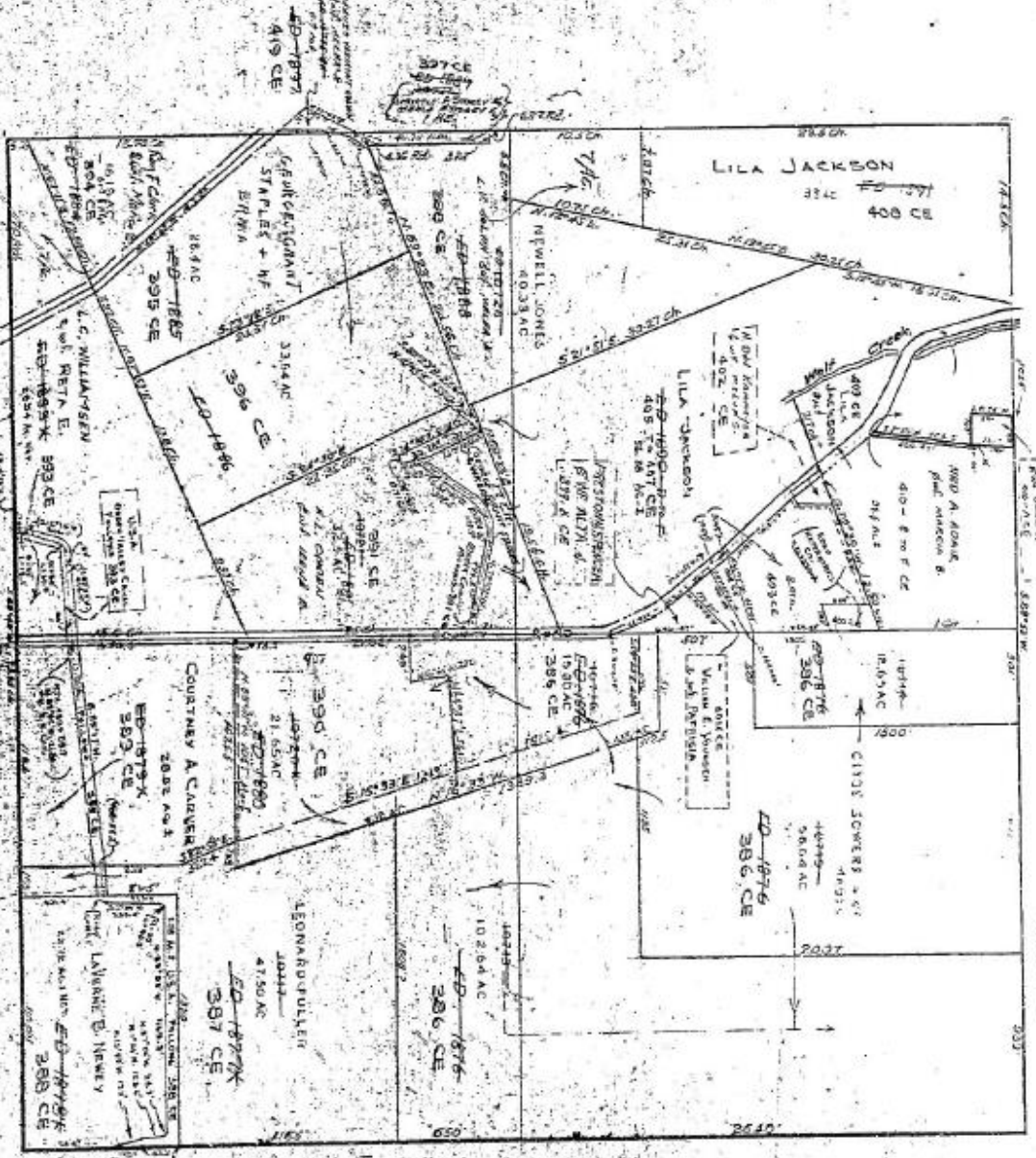
Notary Public

Kary C. Serrano
Residing at:



PL 2563860-26-4-25-5

1966 Ownership Plat



SECTION 27 T. 7 N. R. 1 E. S. L. B. & M.
 Eden District
 Scale 1/400 feet

EDEN CEMETERY MAINTENANCE DISTRICT

Abstract of Title showing 1964 legal description

WEIBER COUNTY

ABSTRACT OF TITLE - SECTION LANDS

SECTION 22 T. N. R. 16E

TRACT	GRANTOR	GRANTEE	DATE	RECORDED	INDEXED	REMARKS	SECTION	TOWNSHIP	RANGE
1	W. J. & M. J.	22	N.	16E
2	22	N.	16E
3	22	N.	16E
4	22	N.	16E
5	22	N.	16E
6	22	N.	16E
7	22	N.	16E
8	22	N.	16E
9	22	N.	16E
10	22	N.	16E
11	22	N.	16E
12	22	N.	16E
13	22	N.	16E
14	22	N.	16E
15	22	N.	16E
16	22	N.	16E
17	22	N.	16E
18	22	N.	16E
19	22	N.	16E
20	22	N.	16E
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22	22	N.	16E
23	22	N.	16E
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44	22	N.	16E
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47	22	N.	16E
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93	22	N.	16E
94	22	N.	16E
95	22	N.	16E
96	22	N.	16E
97	22	N.	16E
98	22	N.	16E
99	22	N.	16E
100	22	N.	16E

Weber County Rebuild Letter Request

Requests are recommended to be submitted with an appointment.
(801) 399-8791. 2380 Washington Blvd, Suite 240, Ogden, UT 84401

Date Submitted / Completed
February 7, 2012

Fees (Office Use)

Receipt Number (Office Use)

Requesters Contact Information

Name
Scott Conlin

Mailing Address
1974 East 1350 North
Layton, UT 84040

Phone
801-718-3490

Fax

Email Address
conlinsj@ldschurch.org

Preferred Method of Written Correspondence
 Email Fax Mail

Property Information

Address
3390 North 5100 East
Eden, UT 84310

Current Zoning
Residential

Land Serial Number(s)
22-021-0033

Property Owner Affidavit

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


(Property Owner)



Subscribed and sworn to me this 21st day of Feb., 2012.


(Notary)

Authorized Representative Affidavit

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

(Property Owner)

(Property Owner)

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

(Notary)



WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

cms314a
 Page 1 of 1

*** Save this receipt for your records ***

Date: 24-FEB-2012

Receipt Nbr: 606

ID# 2023

Employee / Department: ANGELA MARTIN - 4181 - PLANNING
 Monies Received From: REBUILD LETTER
 Template: PUBLIC WORKS
 Description: SCOTT CONLIN

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	_____	.00
Total Coin	\$	_____	.00
Total Debit/Credit Card	\$	_____	.00
Pre-deposit	\$	_____	.00
Total Checks	\$	_____	25.00
Grand Total	\$	_____	25.00

Account Number	Account Name	Comments	Total
2012-01-4181-3419-0550-000	ZONING FEES		25.00
TOTAL \$			25.00
Check Amounts			
			25.00
Total Checks: 1		Total Check Amounts: \$	25.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***

Summary of Ordinance No. 2005-19

An Ordinance of Weber County, amending the zoning ordinance by adding Section 23-37 River and Stream Corridors. The new section places setback requirements for building adjacent to year-round and ephemeral streams, with the exception of a segment of the Ogden River below Pineview Reservoir. Was adopted and ordered published the 20th day of December 2005, by the Board of County Commissioners of Weber County, Utah, with Commissioners Bischoff, Cain and Dearden voting aye.

A copy of the complete ordinance is available for public inspection at the office of the Weber County Clerk/Auditor, 2380 Washington Blvd, Suite 320 Ogden, Utah.

An Ordinance of Weber County, amending Chapter 23 of the Zoning Ordinance by adding Section 23-37, River and Stream Corridor Setbacks.

WHEREAS, Weber County finds that river and stream corridors provide important aesthetic ecological and recreational resources, including wildlife habitat, and the protection of water quality in the County's rivers and streams; and

WHEREAS, these resources are put at risk of being lost or significantly impaired due to land development activities within river and stream corridors; and

WHEREAS, the need to protect river and stream corridors is identified in both the Ogden Valley and West Central Weber County General Plans.

NOW THEREFORE, The Board of County Commissioners of Weber County, State of Utah, Ordain as follows:

The Uniform Zoning Ordinance of Unincorporated Weber County is hereby amended by adding Section 23-37, River and Stream Corridor Setbacks:

CHAPTER 23

SUPPLEMENTARY AND QUALIFYING

- 23-1. Effect of Chapter
- 23-2. Lots in Separate Ownership
- 23-3. Yard Space for One Building Only
- 23-4. Every Dwelling to be on a "Lot"
- 23-5. Separately Owned Lots - Reduced Yards
- 23-6. Sale or Lease of Required Space
- 23-7. Creation of Lots Below Minimum Space Requirements
- 23-8. Yards to be Unobstructed - Projections Permitted into Required Yards
- 23-9. Wall, Fence, or Hedge May be Maintained
- 23-10. Area of Accessory Building
- 23-11. Deleted Section - 2002-9
- 23-12. Exceptions to Height Limitations
- 23-13. Minimum Height of Main Building 2002-9
- 23-14. Deleted Section -
- 23-15. Clear View of Intersecting Streets
- 23-16. Animals and Fowl
- 23-17. Water and Sewage Requirements
- 23-18. Effect of Official Map
- 23-19. Signs and Lighting
- 23-20. Lots and Dwellings on Private Rights-of-Way, Special Provisions

23-21.	Required Building Setb. from Designated Collector or Arterial Street	
23-22.	Group Dwelling Special Regulations	
23-23.	Zero Side Yards	
23-24.	Dish Antennas	
23-25.	Towers	
23-26.	Residential Facility for Persons with a Disability - Facility Requirements	17-87
23-27.	Residential Facility for Troubled Youth - Facility Requirements	6-92
23-28.	Residential Facility for Elderly Persons - Facility Requirements	12-91
23-29.	Large Accessory Buildings	14-91,19-04
23-30.	Building in Newly Approved Subdivisions and Planned Residential Unit Developments	14-91, 2002-9
23-31.	Deleted	
23-32.	Family Swimming Pool	14-92
23-33.	Building on Dedicated Streets or Public By Right of Use Roads which are below County Improvement and/or R.O.W. Width Standards	
23-34.	Dwelling or Sleeping in Recreational Vehicles	
23-35.	No Obstruction of Irrigation Ditches, Drains and/or Canals	2002-9
23-36.	Temporary Real Estate Sales Office	2003-8
23-37.	River and Stream Corridor Setbacks	

23-1. Effect of Chapter.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

23-2. Lots in Separate Ownership.

The requirements of this Ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time this ordinance becomes effective.

23-3. Yard Space for One Building Only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

23-4. Every Dwelling to be on a "Lot".

Every dwelling shall be located and maintained on a "lot" as defined in this Ordinance; such lot shall have the required frontage on a public or approved private street or on a right-of-way which has been approved by the Board of Adjustment.

23-5. Separately Owned Lots - Reduced Yards.

On any lot under a separate ownership from adjacent lots and on record at the time of passage of this Ordinance, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width provided that on interior lots the smaller of the two yards shall be in no case less than five (5) feet, or the larger less than eight (8) feet; and for corner lots the side yard on the side street shall be in no case less than ten (10) feet or the other side yard be less than five (5) feet.

23-36. Temporary Real Estate Sales Office

A temporary real estate sales office may, by Conditional Use Permit, be allowed within the model home or the garage area of a model home located within a residential subdivision development of ten (10) or more lots or phase of more than ten (10) lots, for the sale of real estate within that specific subdivision.

1. A Building Permit may be issued for the temporary sales office 15 days after approval of the Conditional Use Permit; however, prior to use, shall meet all requirements of the Zoning Ordinance and Subdivision Ordinance prior to issuance of a Certificate of Occupancy.
2. The front yard of the Model Homes with temporary sales offices shall be landscaped, as approved with the Conditional Use Permit.
3. If the sales office is established in the garage, the garage door may be temporarily replaced with French doors, sliding glass doors or as approved by the Planning Commission with the Conditional Use Permit. Permanent changes to the site are prohibited. When the temporary use expires, the applicant shall restore the structure to its originally intended use as a residence and/or garage.
4. Temporary Sales Office is limited to one per development or phase, if development is a minimum of ten (10) or more lots and if the phase is a minimum of ten (10) or more lots.
5. Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Zoning Ordinance for the zone in which the use will be conducted and as approved with the Conditional Use Permit. All signs shall be removed when the Permit expires. Any zoning requirements for lighting shall be in compliance.
6. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.
7. A Conditional Use Permit for temporary sales office in a model home shall be limited to a five (5) year time period, from the time the Certificate of Occupancy is issued. Time Extensions to be considered on a case by case basis by the Planning Commission.
8. If construction of the model home temporary sales office is not completed within one (1) year of the approval by the Township Planning Commission, the Permits shall be considered to be null and void.

23-37. River and Stream Corridor Setbacks

No Structure, accessory structure or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the County Engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native flora and fauna along the river or stream.

1. Structures, accessory structures or parking areas shall not be developed or located within 100 feet on both sides of the Weber River and the North Fork, South Fork and Middle Fork of the Ogden River, from the high water mark of the river.
2. Structures, accessory structures, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the high water mark of the stream.
3. Structures, accessory structures, or parking areas shall not be developed or located within 50 feet from the high water mark of a natural ephemeral stream.

Exceptions:

1. Bridges or stream alterations approved by the Army Corps of Engineers and Utah Department of Water Resources, Division of Water Quality.

2. Trails built in conformance to Chapter 40, Ogden Valley Pathways, of the Zoning Ordinance.
3. The Ogden River below Pineview Reservoir to its' confluence with the Weber River.

Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include storm water runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Stream water courses where the definition may apply are those that appear on the U.S.G.S. Quad maps.

Passed, Adopted and Ordered published this 20th day of December, 2005, by the Board of County Commissioners of Weber County, Utah,

Commissioner Bischoff	Voting	<u>aye</u>
Commissioner Cain	Voting	<u>aye</u>
Commissioner Dearden	Voting	<u>aye</u>

Kenneth A. Bischoff
 Kenneth A. Bischoff, Chair

ATTEST:

Linda G. Luncetford
 Linda G. Luncetford, CPO Weber County Clerk