



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public Hearing to consider and take action on a request (ZTA 2013-07) to amend Title 104 (Zones), Chapter 9 (Forestry Zones F-5, F-10, and F-40) of the Weber County Land Use Code by adding Agri-tourism to the list of Conditional Uses allowed in the Forest-5 (F-5) Zone.

Agenda Date: Tuesday, December 17, 2013

Applicant: Daniel Dailey representing Dailey Family Limited Partnership.

File Number: ZTA 2013-07

Staff Information

Report Presenter: Scott Mendoza
smendoza@co.weber.ut.us
(801) 399-8769

Report Reviewer: RS

Applicable Ordinances

- Weber County Land Use Code, Title 104 (Zones) Chapter 9 (Forestry Zones F-5, F-10, and F-40).
- Weber County Land Use Code, Title 108 (Standards) Chapter 21 (Agri-tourism).

Background

The applicant is requesting that Weber County amend Title 104 (Zones), Chapter 9 (Forestry Zones F-5, F-10, and F-40) of the Weber County Land Use Code by adding Agri-tourism to the list of Conditional Uses allowed in the Forest-5 (F-5) Zone only. See Exhibit A for application. See Exhibit B for the existing Forestry Zone Code.

Weber County adopted a new agri-tourism ordinance in December of 2012. As a part of the discussions leading towards the adoption, certain zones were specifically chosen to allow agri-tourism. The zones that currently allow agri-tourism in the Ogden Valley are the Agricultural Valley-3 (AV-3) and the Forest Valley-3 (FV-3) Zones. These zones were chosen because it was thought that the AV-3 and FV-3 Zones contain the agricultural operations or open space that is most visible on the Valley floor.

The applicant believes that the agricultural land located up the South Fork Canyon is also very visible and is also a very important contributor to Ogden Valley's rural and agricultural character. The F-5 Zone comprises a total of 23,418 acres in the Ogden Valley with approximately 4,400 of those acres located within the South Fork Canyon. See Exhibit C for the Ogden Valley Zoning Map that shows the F-5 Zone outlined with a checkerboard line-type. See Exhibit D for an aerial photo and Zoning Map. See Exhibit E for proposed ordinance.

Summary of Suggested County Commission Considerations

- Is the proposed amendment consistent with the Ogden Valley General Plan?
- Can the amendment result in the preservation of agriculture and enhance recreation as called for in the Ogden Valley General Plan?
- Can the amendment promote the purpose and intent of the Weber County Agri-tourism Ordinance?

Weber County Agri-tourism - Purpose and Intent

The purpose of Agri-tourism is to provide support and economically feasible land use alternatives to local and enterprising farm owners who are devoted to their land and are committed to providing authentic, agriculturally related products and experiences to the public. Agriculture is a very important contributor to Utah's economy and observably, an integral and indispensable part of Weber County's rich cultural heritage; therefore, it is the County's desire to create an

environment in which agriculture is not only encouraged but can thrive. It is intended to benefit farm owners and the residents of Weber County through its ability to generate supplementary farm income while promoting the preservation of agricultural open space and significantly enhancing leisure, recreational, educational, and gastronomic opportunities for those in pursuit of such experiences in a rural farmland setting.

Conformance to the General Plan

The proposed amendment is consistent with guidance given in the Ogden Valley General Plan due to its ability to further promote agriculture, education, and recreation in the Ogden Valley.

Ogden Valley Township Planning Commission Recommendation

The Ogden Valley Planning Commission, on the evening of November 19, 2013, voted unanimously (4-0 vote) in favor of the proposed amendment to the Forest-5 Zone. Their recommendation was based on the findings listed in the Planning Staff recommendation below.

Staff Recommendation

Based on the following findings, the Planning Staff recommends that the Weber County Commission approve and adopt the proposed amendment to Title 104, Chapter 9 (Forestry Zones F-5, F-10, and F-40) of the Land Use Code:

- The Ogden Valley General Plan states and affirms that residents of the Ogden Valley are proud of the Valley's agricultural lands which are a "unique characteristic" that should be promoted.
- The General Plan guides Weber County to establish mechanisms by which open spaces and sensitive areas, such as agricultural lands, can be protected.
- The Recreation Element of the Ogden Valley General Plan states that Weber County should encourage private business and entrepreneurs to meet the growing demand for recreational facilities by developing additional recreation opportunities on private land.
- The Recreation Element directs Weber County to adopt an open space program that includes the use of various policies and tools so as to protect as much open space as possible while maintaining the right for every property owner to receive a fair return on their real estate investment.
- Weber County's South Fork Canyon is traversed by State Highway 39 which is a State designated scenic byway. This designation suggests that the open land lying within South Fork Canyon is a significant visual resource.

Exhibits

- A. Application.
- B. Existing Forestry F-5, F-10, and F-40 Zoning Ordinance.
- C. Ogden Valley Zoning Map.
- D. Aerial Photo with Ogden Valley Zoning.
- E. Proposed (draft) Ordinance.

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted

10/30/2013

Received By (Office Use)

[Signature]

Added to Map (Office Use)

ZTA 2013-07

Property Owner Contact Information

Name of Property Owner(s)

The Dailey Family Limited Partnership

Mailing Address of Property Owner(s)

1546 E. Sunnyside Ave
SLC, Utah 84105

Phone

801-633-7254

Fax

N/A

Email Address

daileyjava@aol.com

Preferred Method of Written Correspondence

Email

Fax

Mail

Ordinance Proposal

Ordinance to be Amended

104-9 - Agri - Tourism into Conditional Uses.

Describing the amendment and/or proposed changes to the ordinance:

Request to Amend Title 104 chapter 9 (Forestry Zones F.5, F.10 and F40) of the Weber County Land use code by adding Agri-Tourism to the conditional uses in the F5 zone only.

- (5) To provide areas for homes, summer homes, and summer camp sites.
(Ord. of 1956, § 8-1; Ord. No. 4-71; Ord. No. 99-21; Ord. No. 2009-15)

Sec. 104-9-2. Permitted uses.

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

- (1) Agriculture.
- (2) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.
- (3) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to the animal. The keeping of animals and fowl for family food production. Golf course, except miniature golf courses.
- (4) Home occupations.
- (5) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County; public buildings.
- (6) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less than 180 days for recreational use only and not for longer term placement nor for full time living. The following additional conditions shall apply:

- a. The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-40 Zone or is determined to be a legally approved or legal non-conforming lot or parcel or cluster subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this chapter.
- b. County environmental health department approval as to waste disposal by an approved septic tank and drainfield with approved connection to the R.V., and a land use permit from the county planning commission for each unit, which shall expire

**CHAPTER 9. FOREST ZONES F-5, F-10,
AND F-40**

Sec. 104-9-1. Purpose.

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

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

- (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;
- (2) To reduce the hazards of flood and fire;
- (3) To prevent sanitation and pollution problems and protect the watershed;
- (4) To provide areas for private and public recreation and recreation resorts; and

after 180 days from date of issue, and including only the following accessory uses: not more than one storage shed of not more than 100 square feet per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and tent type screens.

- c. A second recreation vehicle may be placed on any lot, parcel, legal non-conforming lot or parcel as qualified in subsection (6)b of this section containing a minimum area of two acres excluding land known as common land and/or open space.
 - d. The following state and local division of health codes and requirements are complied with:
 - 1. International Utah Plumbing Code.
 - 2. Rules and regulations relating to public water supplies.
 - 3. Code of Waste Disposal Regulations.
 - 4. Code of Solid Waste Disposal Regulations.
 - 5. Recreation regulations.
 - (7) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley area.
 - (8) Accessory buildings and uses customarily incidental to the primary use.
 - (9) Single-family residences.
 - (10) Facilities for persons with a disability meeting the requirements of section 108-7-13.
 - (11) Private stables, not to exceed one horse per acre.
 - (12) Household pets.
- (Ord. of 1956, § 8-2; Ord. No. 96-35; Ord. No. 99-21; Ord. No. 2001-4; Ord. No. 2003-14; Ord. No. 2009-15; Ord. No. 2010-20)

Sec. 104-9-3. Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in this Land Use Code.

- (1) Cemeteries. Churches.
- (2) Forest industries; production of forest products.
- (3) Dams.
- (4) Educational/institutional identification sign.
- (5) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber County Excavation Ordinance.
- (6) Planned residential unit development in accordance with this Land Use Code.
- (7) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County. Dude ranches.
- (8) Public utility substations and transmission lines.
- (9) Radio and television towers.
- (10) Ski resorts.
- (11) Skeet and trap shooting ranges as an accessory use to public and/or private camps in the F-5 and F-10 Zones.
- (12) Skeet and trap shooting ranges in the F-40 Zones.
- (13) Water pumping plants and reservoirs.
- (14) Wastewater treatment or disposal facilities meeting the requirements of the Utah State Department of Environmental Quality Division of Water Quality but not including individual water disposal systems.
- (15) Recreation lodge.
- (16) Recreation resort.
- (17) Conference/education center.

(18) Heliport in the F-40 Zone subject to the following standards:

- a. A heliport must be located on a single parcel of record which is not less than 40 acres in area.
- b. A heliport must be located at an elevation of at least 6,200 feet above sea level
- c. A heliport must be located at least 200 feet from any property line. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the property line provides a more beneficial situation for purposes of

safety, noise abatement, access, or other valid reasons as determined by the planning commission.

- d. The heliport landing surface must be dust-proof and free from obstructions.
- e. Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.

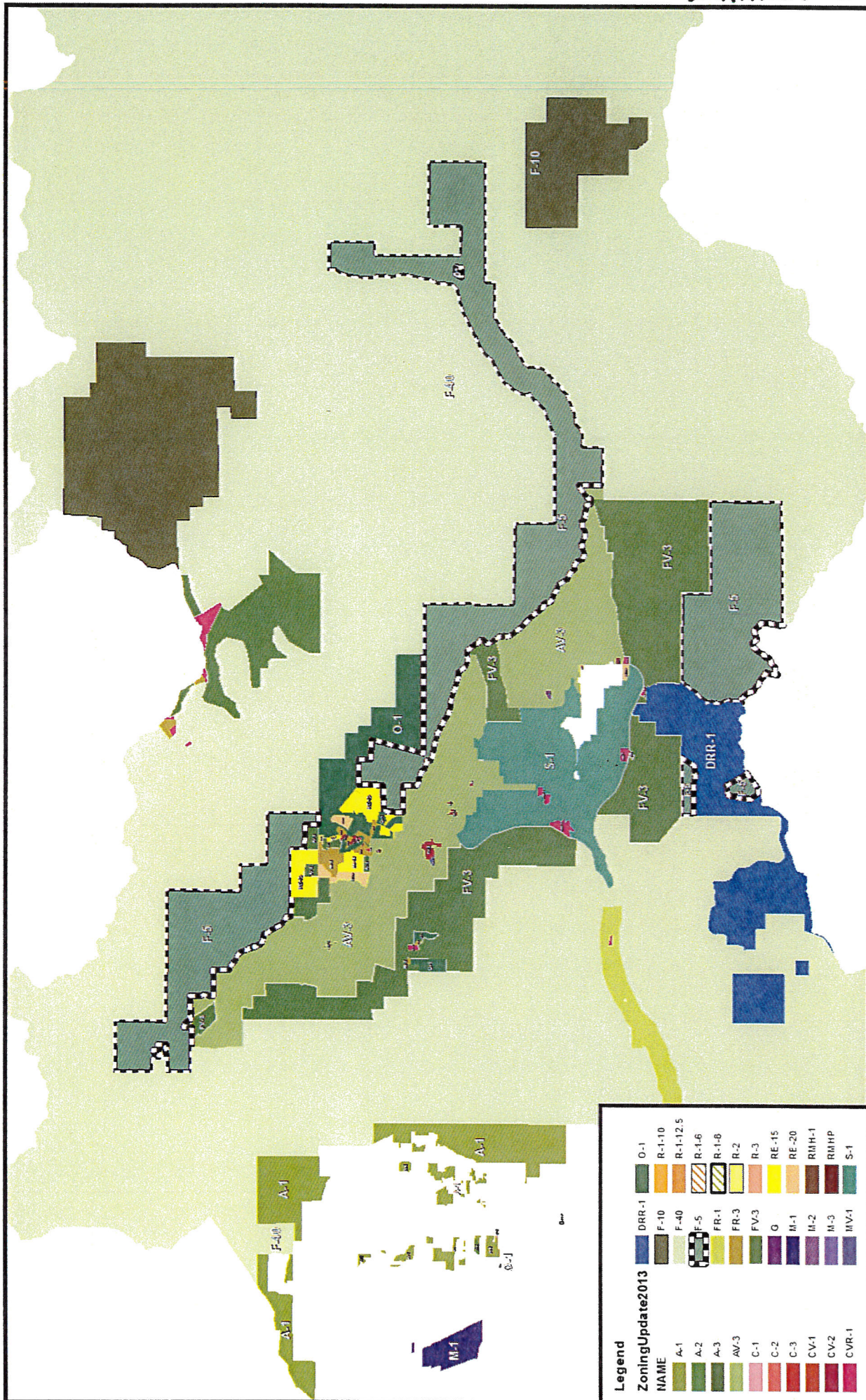
(Ord. of 1956, § 8-4; Ord. No. 3-72; Ord. No. 16-72; Ord. No. 6-88; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-21; Ord. No. 2000-10; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2012-1, § 2, 1-3-2012)

Sec. 104-9-4. Minimum lot area, width and yard regulations.

The following minimum lot areas, widths, and yard regulations apply to the Forest Zones F-5, F-10, and F-40:

	<i>F-5 Zone</i>	<i>F-10 Zone</i>	<i>F-40 Zone</i>
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.		

(Ord. of 1956, § 8-5; Ord. No. 8-72; Ord. No. 99-21; Ord. No. 2001-21; Ord. No. 2002-8; Ord. No. 2009-14; Ord. No. 2009-15)



ORDINANCE _____

An ordinance of Weber County amending Title 104 (Zones) Chapter 9 (Forestry Zones F-5, F-10, and F-40) of the Weber County Land Use Code by adding Agri-Tourism to the list of Conditional Uses in the Forestry-5 (F-5) Zone.

WHEREAS, The Ogden Valley General Plan states and affirms that residents of the Ogden Valley are proud of the Valley's agricultural lands which are a "unique characteristic" that should be promoted; and

WHEREAS, The General Plan guides Weber County to establish mechanisms by which open spaces and sensitive areas, such as agricultural lands, can be protected; and

WHEREAS, The General Plan further guides Weber County to discourage development within "prime agricultural land" by developing a means of compensating property owners for not developing these sensitive areas; and

WHEREAS, The Recreation Element of the Ogden Valley General Plan states that Weber County should encourage private business and entrepreneurs to meet the growing demand for recreational facilities by developing additional recreation opportunities on private land; and

WHEREAS, The Recreation Element directs Weber County to adopt an open space program that includes the use of various policies and tools so as to protect as much open space as possible while maintaining the right for every property owner to receive a fair return on their real estate investment; and

WHEREAS, The Agri-tourism Ordinance has the ability to generate supplementary farm income while promoting the preservation of agricultural open space and significantly enhance public recreation and education opportunities; and

WHEREAS, The Ogden Valley Township Planning Commission provided appropriate notice, held a public meeting on November 19, 2013, and has unanimously recommended approval of the proposed ordinance amendment; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, after appropriate notice, held a public hearing on December 17, 2013 to allow the general public to comment on the proposed amendment; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, find that the proposed amendment complies with the goals and objectives of the Ogden Valley General Plan and will promote the general welfare of the residents of the County; and

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

Part 1 of 1

The Zoning Ordinance of Weber County is hereby amended, by adding Agri-tourism to the list of Conditional Uses in the Forest-5 (F-5) Zone as presented below:

TITLE 104 (ZONES) CHAPTER 9 (FORESTRY ZONES F-5, F-10, and F-40)

Sec. 104-9-3. Conditional Uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in this Land Use Code.

1. Agri-tourism, in the Forest-5 Zone, subject to the requirements of the Weber County Agri-Tourism Ordinance.
2. Cemeteries. Churches.

3. Forest industries; production of forest products.
4. Dams.
5. Educational/Institutional identification sign.
6. Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber County Excavation Ordinance.
7. Planned Residential Unit Development in accordance with this Land Use Code.
8. Private parks and recreation grounds. Private campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County. Dude ranches.
9. Public utility substations and transmission lines.
10. Radio and television towers.
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12. Skeet and trap shooting ranges as an accessory use to public and/or private camps in the F-5 and F-10 Zones.
13. Skeet and trap shooting ranges in the F-40 Zones.
14. Water pumping plants and reservoirs.
15. Wastewater treatment or disposal facilities meeting the requirements of the Utah State Department of Environmental Quality Division of Water Quality but not including individual water disposal systems.
16. Recreation lodge.
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18. Conference/education center.
19. Heliport in the F-40 Zone subject to the following standards:
 - a. A heliport must be located on a single parcel of record which is not less than 40 acres in area.
 - b. A heliport must be located at an elevation of at least 6,200 feet above sea level.
 - c. A heliport must be located at least 200 feet from any property line. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the property line provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.
 - d. The heliport landing surface must be dust-proof and free from obstructions.
 - e. Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.

DRAFT



Passed, adopted, and a synopsis ordered published this 17th day of December, 2013 by the Board of County Commissioners of Weber County, Utah.

Commissioner Gibson	Voting _____
Commissioner Zogmaister	Voting _____
Commissioner Bell	Voting _____

Kerry W. Gibson, Chair

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor