



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a request (ZTA 2013-07) to amend Title 104, 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.
<b>Agenda Date:</b>	Tuesday, November 19, 2013
<b>Applicant:</b>	Daniel Dailey representing the Dailey Family Limited Partnership.
<b>File Number:</b>	ZTA 2013-07

### Staff Information

<b>Report Presenter:</b>	Scott Mendoza smendoza@co.weber.ut.us (801) 399-8769
<b>Report Reviewer:</b>	RS

## Applicable Ordinances

- Weber County Land Use Code, Title 104 (Zones) Chapter 7 (Forestry Zones F-5, F-10, and F-40).
- Weber County Land Use Code, Title 108 (Standards) Chapter 21 (Agri-tourism).

## Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code text amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for making a recommendation, related to a legislative matter, require compatibility with the general plan and existing codes.

## Background

The applicant is requesting that Weber County amend Title 104, 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 or from the Valley floor.

The applicant believes that the agricultural land located up the South Fork Canyon is also very visible and is a significant 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.

## Summary of Planning Commission Considerations

- Is the proposed amendment consistent with the Ogden Valley General Plan?
- Is the proposed amendment consistent with the *Purpose and Intent* section of the Weber County Agri-tourism Ordinance?

### **Purpose and Intent**

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

## 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 Forestry-5 (F-5) Zone.

## Staff Recommendation

Based on the following findings, Staff agrees that the Ogden Valley Planning Commission may recommend 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 (e.g., camping and boating) 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.
- The land area within the South Fork Canyon is traversed by State Highway 39 which is a State designated scenic byway. This designation suggests that 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.

# 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 <span style="font-size: 1.2em;">10/30/2013</span>	Received By (Office Use) 	Added to Map (Office Use) ZTA 2013-07
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**Property Owner Contact Information**

Name of Property Owner(s) <span style="font-size: 1.2em;">The Dailey Family Limited Partnership</span>	Mailing Address of Property Owner(s) <span style="font-size: 1.2em;">1546 E. Sunnyside Ave SLC, Utah 84105</span>
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Phone <span style="font-size: 1.2em;">801-633-7254</span>	Fax <span style="font-size: 1.2em;">N/A</span>
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Email Address <span style="font-size: 1.2em;">Daileyjava@aol.com</span>	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail
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**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.

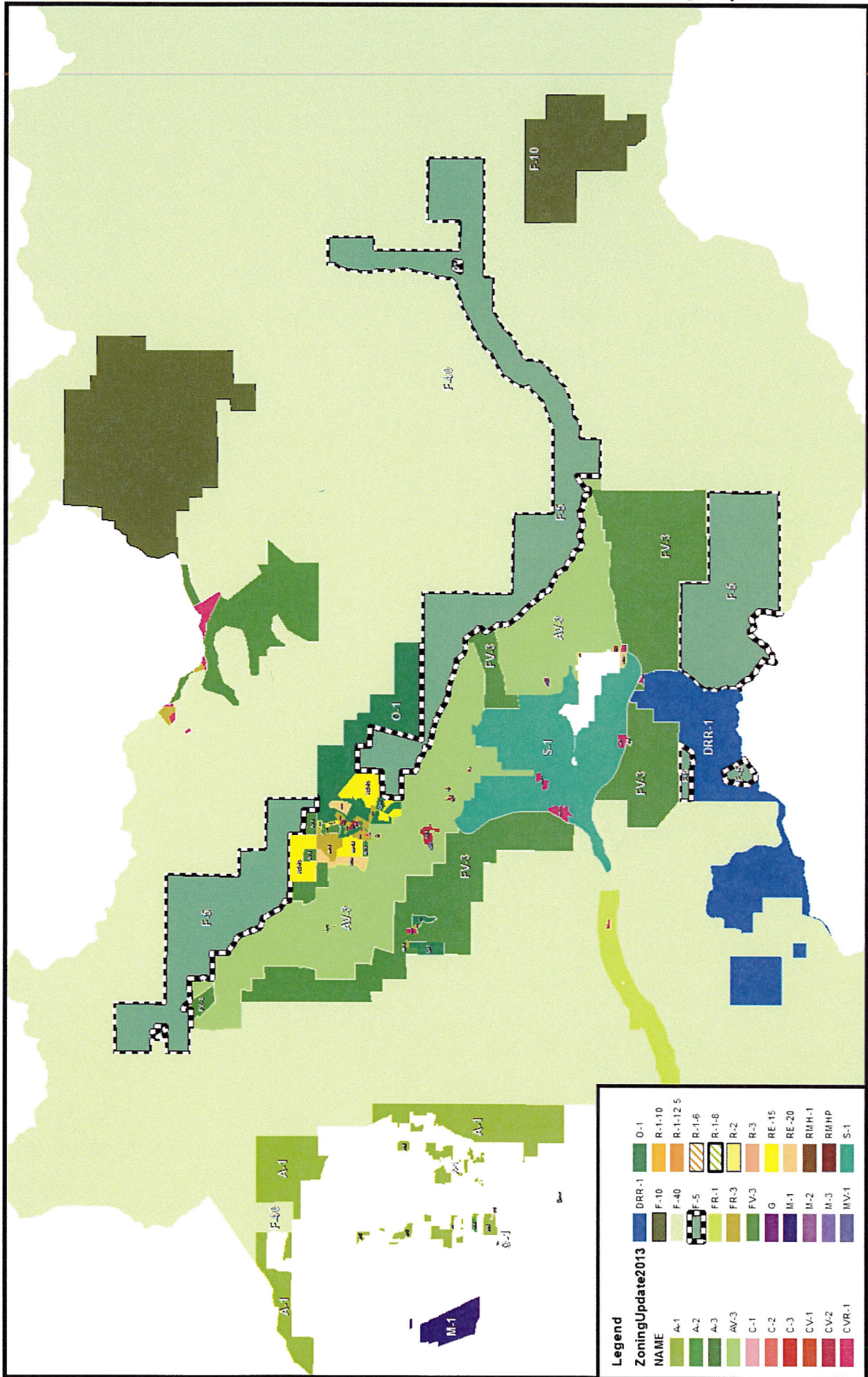
(Ord. of 1956, § 8-4; Ord. No. 3-72; Ord. No. 16-72; Ord. No. 6-88; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-21; Ord. No. 2000-10; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2012-1, § 2, 1-3-2012)

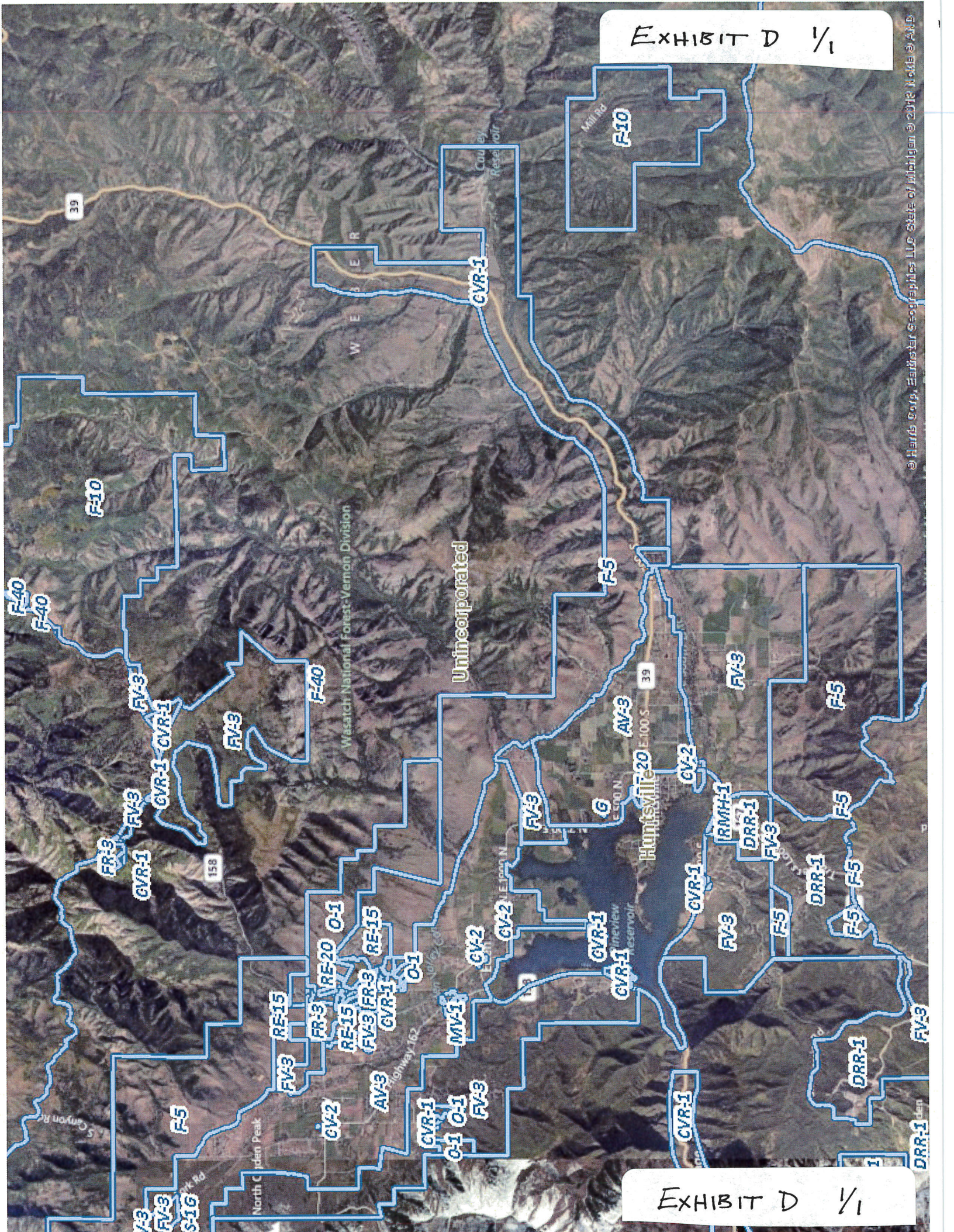
**Sec. 104-9-4. Minimum lot area, width and yard regulations.**

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.*
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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)





Unincorporated

Wasatch National Forest-Vermont Division