



PLANNING MEETING AGENDA

February 24, 2015

5:00 p.m.

*Pledge of Allegiance*

*Roll Call:*

1. Minutes: Approval of the November 25, 2014, January 06, 2015, January 27, 2015, and February 03, 2015 Meeting Minutes
2. Consent Agenda:
  - 2.1. CUP 2014-32: Consideration and action on a Conditional Use Permit request for a contracted (Utah Department of Alcoholic Beverage Control or DABC) Type 1 Package Agency doing business as Outpost Spirits located at 3900 North Wolf Creek Drive in the Commercial Valley-2 (CV-2) Zone (Paul Strange representing SMHG Management, LLC, Applicant)
  - 2.2. DR 2014-13: Consideration and action on a request for a Design Review approval of a Master Signage Plan for the North Fork Table & Tavern and Arbor Lodge building at Wolf Creek Resort located at 3900 North Wolf Creek in the Commercial Valley-2 (CV-2) Zone (Paul Strange representing SMHG Management, LLC, Applicant)
  - 2.3. UVS102914: Consideration and action on a request for final approval of the Sandhill Crane Cluster Subdivision, consisting of seven lots located at 2500 N 5700 E in the Agricultural Valley-3 (AV-3) Zone (Blake Wahlen representing JW Valley Properties, LLC, Applicant)
  - 2.4. CUP 2015-15: Consideration and action on a Conditional Use Permit for two buildings existing at Wolf Creek Resort for retail and rental equipment and office and real estate services located at 3900 N Wolf Creek Drive in the Commercial Valley-2 (CV-2) Zone and Commercial Valley Resort Recreation-1 (CVR-1) Zone (John Lewis representing Wolf Creek Utah LLC, Applicant)
3. Administrative Items
  - a. New Business:
    1. CUP 2015-03: Consideration and action for a Conditional Use Permit for an Agri-Tourism operation identified as the Dancing Moose Farms, Huntsville Art Ecology Center located at 13485 E Hwy 39 in the Forest-5 (F-5) Zone (Daniel Daily, Applicant)
    2. CUP 2015-04: Consideration and action for a Conditional Use Permit for an auto repair and service shop, including the required design review for a new commercial building in Eden located at 4930-4938 E 2550 N in the Commercial Valley-2 (CV-2) Zone (Justin Pack representing Dog and Bone, LLC, Applicant)
4. Legislative Items: Public Hearings
  - a. New Business:
    1. ZTA 2014-05: Consideration and recommendation on a proposal to amend the Weber County Land Use Code to provide for the nonconforming designation of lots made smaller by right-of-way expansions, and to provide administrative clarifications related to those sections.
    2. ZTA 2014-06: Consideration and recommendation on a proposal to amend the Weber County Land Use Code to provide clarification in the regulations and permissions of main buildings and accessory buildings, and main uses and accessory uses.

4. Public Comment for Items not on the Agenda
5. Remarks from Planning Commissioners
6. Report of the Planning Director
7. Remarks from Legal Counsel
8. Adjournment

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting*



*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*

Minutes of the Ogden Valley Planning Commission Regular meeting held on November 25, 2014, in the Weber County Library, Ogden Valley Branch, Huntsville, UT commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Greg Graves, Will Haymond, Laura Warburton, Kevin Parson, John Howell

**Absent/Excused:** Ann Miller

**Staff Present:** Sean Wilkinson, Planning Director; Scott Mendoza, Principal Planner, Charlie Ewert, Principal Planner; Ronda Kippen, Planner; Dustin Parmley, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call:***

Chair Hollist asked if any member had ex parte communications to declare. No ex parte communications were declared.

**1. Petitions, Applications and Public Hearings**

**1.1. Administrative Items**

**a. New Business:**

- 1. UVS102914:** Consideration and action on a request for preliminary approval for Sandhill Crane Cluster Subdivision (7 Lots) located at 2500 N 5700 E within the Agricultural Valley AV-3 Zone (JW Valley Properties LLC, Applicant, Blake Wahlen, Agent)

Jim Gentry said what they have is preliminary approval for Sandhill Crane Cluster Subdivision and the applicant is requesting a 30% bonus; 10% is for doing a cluster subdivision, 10% for doing an agricultural preservation, and another 10% for the trails. The property is approximately 17.95 acres and consists of 7 lots, 10.360 acres of open space that will be part of the agricultural preservation easement. The requirement is for 60% of the subdivision to be open and they meet that requirement. Most of the open space is in a flood zone and our ordinance does allow flood zones to be considered on the property, but there is also sheet flow. The applicant is proposing berms to help direct that sheet flow coming into the property with a detention base. The applicant is proposing a cul-de-sac because of the floodplain and the limited amount of circulation. The applicant has provided agricultural preservation information in the form of a letter from the state on what could be done to increase its value for preservation. If the 10% bonus is granted for that, the Planning Commission should make it as part of their recommendation as well as other things that is called out in that letter.

Jim Gentry said the property is in the AV-3 Zone and most of the lots will be a minimum width of 100 feet, and 40,000 sq. ft. or larger. The block length proposed is approximately 1442.18 feet. For a cul-de-sac lot, the maximum width is 800 feet; they have the circulation plan, and they need to recommend whether it will be a cul-de-sac for erosion to continue on. He is proposing a trail that goes nowhere; and staff recommends that the full 10% not be granted for that trail. The property is 17.96 acres with 17.22 acres of net developable area. Under the three acre zoning it would hold 5.74 lots with the 30% bonus which would give 7 lots. Culinary water will be provided by Eden Water Works and secondary water will be provided by Eden Irrigation. The Engineering Office and the Fire District has reviewed it with the cul-de-sac measuring 75 foot diameter and they are requesting 80 feet. Staff recommends preliminary approval subject to the following; compliance with all applicable standards, review agencies, deferral for curb, gutter, and sidewalk, and if a 10% bonus is granted for agricultural. The recommendation from the extension office needs to be part of that motion.

Commissioner Warburton asked with the Fire Department, the 75 feet diameter that is currently there, they require 80 feet, they're not asking us to give the applicant any kind of deferral. Mr. Gentry replied no, the berms were put on there to prevent the sheet flow that comes down on the property to help deflect and control where that water flows.

Chair Hollist said the acreages of each of the seven parcels are .952, .964, .974, .973, .975, 1.008, and 1.009; are all of them very nearly an acre. Jim Gentry replied yes, 40,000 sq. ft. or larger and an acre is 43,000 sq. ft. and just under an acre.

Commissioner Howell said his concern of this subdivision and the location is the water. Some years back when they first put a subdivision there, people built houses with basements where they got flooded, and they still flood.

This was engineered before when they built that subdivision there and it wasn't adequate because this still floods. Mr. Gentry replied that he could ask the applicant or make a recommendation that they don't put basements in.

Commissioner Howell asked if this area had a drainage system running someplace also. Jim Gentry replied that he is sure that the Weber County Engineers are familiar with the situation there.

Blake Wahlen, JW Valley Properties LLC, said that the original subdivision was approved with five lots and two of those lots were in the floodplain area. When they bought this property, the application had expired and they didn't like the idea of building homes in the floodplain so they looked at it to see if there was a better way to develop this property. The question was asked why they set up their subdivision this way. Their concept was to build a seven lot cul-de-sac that would allow people to have access to that agricultural area. This means that everyone in that cul-de-sac could walk out their backdoor and have access to that agricultural area.

Blake Wahlen said that the concept was to get homes out of the floodplain. It was told to them by the County Engineer that there are times that sheet flows down. They would build a berm along that north side so anything that comes would be forced into the flood plain. Their concept is to have no basements, everything above grade, and no livable area anything below 1.75 feet above grade. When he bought this property, the idea was to provide this open space concept, and they had figured there was a bonus density for the cluster, a bonus density for the agricultural easement, and a bonus density for the trails. He has met with Robert Fuller who owns property to the south of this property with the concept to continue that pathway down to that next street. The trail goes nowhere now but the plan is to take that down through with the development of the adjoining property. They provided a letter from the Utah Extension Office, suggesting they get this property leveled and watered.

Commissioner Warburton asked if the preservation area would be owned by the Home Owners Association. Mr. Wahlen replied yes with a recommendation from staff to allow them public access to a trail on other subdivisions in the area.

Steve Waldrip, who is also with the applicant, said that this parcel currently is an un-platted open parcel owned by Robert Fullmer and other family members. They are amiable to continuing this trail, and this would tie into 2200 North to provide for community access between neighbors. The other point is the grading in this area; this would allow a grade so that not only does this berm pick it up, but it also contains it and sends it out. There is an existing ditch and it ties into the county's storm drain system.

Commissioner Parson asked if this has a Home Owners Association so that people could have a cow or horse for that agricultural area. Mr. Wahlen replied that there is an agreement for the duration of that agricultural parcel. The dedication is there with the limitations from the agricultural preservation easement.

Commissioner Howell asked where your subdivision is located and that undeveloped area to the east; how much higher is the subdivision than the property to the east? Mr. Wahlen replied these are one foot contours, and right now the intent is to build up the lot so that they are 1.75 feet above that natural grade. The intent is to build this up higher and anything that comes off that mound is directed out.

Chair Hollist said to the left of the platted subdivision the sheet flow would flow right down the center of that street. Mr. Wahlen replied that they have low areas where the storm drain would allow for that flow.

Commissioner Parson said that he didn't see the detail on that piping; is that where they are planning to catch the diversion of the water that is coming down from that stream of the pathway? Mr. Wahlen replied that there is a pipe in this area that goes into a detention basin and anything that is generated on this road or on this site, will actually become part of the storm drain line going through this detention basin which is taken back out to the ditch. Anything that comes offsite; for instance the sheet flow, it is their intention to build a berm, raise these lots in buildable areas, and keep that flow off those buildable areas.

In answer to a question by Chair Hollist regarding property ownership, Mr. Wahlen replied that it's a limited partnership with him and Bruce Jeradine and the Boyer Company is not involved.

Chair Hollist asked if there are sufficient water rights from Eden Irrigation to adequately irrigate the ten acres in the back. Could he translate that to acre feet of water right? Mr. Wahlen replied that they have 12 shares from the Eden Irrigation Company. He had talked to Ruby and they are having difficulties quantifying that to acre feet but he would request that information again.

Chair Hollist asked how many feet of culinary water they are requiring for each of their seven properties. Mr. Wahlen replied that they have a letter from the Eden Waterworks Company that will supply water to those seven lots. They visited with Weber Basin Water on contract and Weber Basin Water has agreed to sell that water and file an exchange.

Chair Hollist said according to his calculation that makes it five lots; with current zoning and law, and this is for a regular subdivision with five lots. With that being said, the Sandhill Crane Cluster Subdivision, with the bonuses they need 30 points to give them two more lots. Mr. Wahlen replied that they would need 22 or 23% to get the seven lots.

Chair Hollist said they need to talk about the 10 points for the cluster subdivision, and about the 10% for the agricultural use of those ten acres that the Utah State Extension was not supportive of. Mr. Wahlen replied that when he talked to them the land hadn't been irrigated and needed to be leveled. The intent was to level that ground, put some water on it, and plant it to a pasture.

Chair Hollist said that they need to designate that as an agriculture preserve to get the ten points. James Barnhill replied that he would not give the land a high priority for preservation. Mr. Wahlen replied that the intent is to put water on it, grade it, and make it more productive. There is plenty of productive agricultural use on all of the adjacent properties.

Chair Hollist asked how they would distribute water to those ten acres. Mr. Waldrip replied that when they talked to James Barnhill he indicated they needed to make this more productive. So the intent is to level it, and provide a distribution system along that area.

Chair Hollist asked about the 10% bonus for trail; does that mean that a trail the developer is going to put in connects to our trails' master plan, or connects to some other trail. What is the intent of the law? Mr. Gentry replied that there is no real standard, but the bonuses are at the discretion of the Planning Commission. Director Wilkinson added that the ordinance states up to a 10% may be granted, and they need a total of 22% in order to maintain the seven lots. They are not asking for the full 10%; it's 2% for the trail if the other two receive the full bonus.

Blake Wahlen said the challenge in any of these agricultural areas is kids climbing over barbwire, or knocking down barbwire and the landowners get upset because someone is knocking down their fence, and this would preclude that kind of maintenance.

Chair Hollist said that staff has recently completed a comprehensive study on maximum build out in Ogden Valley. The latest study says that given existing laws, existing zoning, and existing construction ordinances, etc., maximum build out for this valley is 26,000 units. He needs compelling argument as to why he would make that 26,002. Mr. Wahlen replied that they tried to create a cluster subdivision; with three acres on this, or five one-acre lots, which they don't believe, have the same value. The water district said they needed to install an upgraded waterline. There should be a credit for the cluster because of smaller lots, smaller value of those lots, and there is still a lot of costs associated in the preservation easement, in the berming, and this is a better plan that what was previously submitted in 2007/2008.

Chair Hollist asked if he bought one of those properties, could he buy one acre and have access to ten; where he and his neighbors could build a structure like a barn, buy hay jointly, and those that want to could run a horse in that area? Mr. Wahlen replied that they are required to designate as part of their preservation easement, a buildable area with a common barn, and they could also build on a one-acre parcel with a gate on that ten-acre parcel, and would have to be owned by the Homeowners Association.

Kirk Langford, who resides in Eden, said that they have appropriately figured out that this area is a sheet water retention area which is why in 2013 he did not subdivide it. He wanted to point out the drainage issue; this whole area is underwater during the spring, and the sheet water runs all throughout. They made a drain that rolls the water out through pipes, comes out to this one drainage ditch, and water cannot drain because the county has never cleaned it out. Then the water turns and runs all the way down on this 20 acres to the east end, then underneath the road to his place on 2300 North, and then runs out into a ten acre field. Because this ditch doesn't work, this whole area is always causing sheet water flooding that is over your knees. There is also the Lindsey Ditch that carries a tremendous amount of sheet water. When the sheet water is frozen, the ground water melts, it runs across the surface ground, across the surface of the ditches, and there is no ditch or anything that will move that water. When it finally warms up, the ditches will begin to flow.

Kirk Langford said his concern with the berm is to not have that berm there; let the people deal with that sheet water that has been there for 30 years. He has called the County Engineer several times to get that ditch cleaned. He plans to see the County Commission to let them know that when they built this drainage ditch, they promised the Planning Commission that they would maintain it, clean them out, keep it trimmed yet no maintenance has been done on this drainage system.

Commissioner Howell asked in that culvert, where does it go from there? Mr. Langford replied that from the property on the corner, it runs east so the sheet water could theoretically run in it, and then it's dished out. It's not big enough and needs to be bigger, wider, and needs to be maintained and mowed.

Mark Paulson, who resides in Eden, said his family owns property to the north, and his assumption is that the outside fence is going to be barbwire. The fencing inside the subdivision around the lots, will that be the same fencing, or will each owner have their own fence? The fencing along the lot-lines should be capable of keeping the elk from pushing and eating their hay. This should also prevent horses from getting out; and if someone wants a cow or pig, they could use that common ground.

Mike Gillespie, who resides in Eden, asked if Mr. Wahlen or Mr. Jardine intend to live in any of these units, and who is going to own, operate, take care of the land, and pay the taxes on the open area? Mr. Wahlen replied that he has family that would be interested in living there. They would create a homeowners association, with each homeowner paying dues, to pay for the maintenance and taxes. Mr. Gillespie said this is a neat market plan to market as horse property, to buy one acre, and have the advantage of ten. In reality not every one of those seven landowners wants to participate and without anybody to take care of that property, this becomes a weed patch.

Chair Hollist asked legal counsel as to how the homeowners association would handle the taxes and maintenance of that property. Dustin Parmley, Legal Counsel, replied generally with the Homeowner's Association, they would all pay an accumulative fee, which would be all the lot owners in the subdivision. They are all responsible collectively to pay the taxes on that community property.

Mike Gillespie said that he would recommend strong enough CC&R's. If they don't pay attention to them, they could run into problems, like his subdivision with someone who wanted to add a dog kennel which is not commensurate with a subdivision.

Chair Hollist asked legal counsel if the developer enacts the CC&R's not the Homeowners Association (HOA). Dustin Parmley replied that it would depend on how it was structured. The CC&R's can also be amended and changed by the HOA after development.

Commissioner Warburton said that if the CC&R's conflict with ordinances, the ordinances rule. Even if they said no to the Doggy Daycare, the ordinances allowed for the Doggy Daycare. Dustin Parmley said the county does not enforce CC&R's; the county enforces zoning ordinances. However, the private landowners may have a private right of action for a breach of the CC&R's, and deal with them through the court system.

Blake Wahlen said that the ability to create a cluster subdivision not only benefits them but also benefits the area. There is an issue with drainage and they have talked about this not only to landowners but also the County Engineer. It doesn't matter to him if it's a family member that lives there or anyone they sell these lots to; he

didn't want phone calls that their house is underwater. They are building upwards with some additional input from the County Engineer. They met twice with them with regards to flooding issues. They are hoping to get some density credits. They have not thrown out the idea that it would be open to discussions of an additional path around the parameter of this parcel, where not only the homeowners but those in the area could utilize it.

**MOTION:** Commissioner Warburton moved to recommend to the County Commission that preliminary approval is given to UVS102914 Sandhill Crane Cluster Subdivision (7 Lots) with a 10% bonus for clustering, 10% bonus for preservation, and 2% for the trails, for the cul-de-sac to be expanded to 80 feet in diameter. Commissioner Parson seconded.

**DISCUSSION:** Commissioner Warburton said the biggest issue is the 2% bonus for the trails and she believes it is not worth 10% bonus but it could be for a 2% bonus. Commissioner Howell said his concern is the water problem and that should be looked at very closely. Chair Hollist asked counsel if there was recent case law in Utah against the developer where homes were destroyed, and the homeowners went after the county or the city. Dustin Parmley replied that if there is a recent case law as it is currently in process. Commissioner Warburton replied that the developer stood up and helped with rebuilding that house and the community stood up for the homeowner. Chair Hollist asked what this commission's responsibility to ensure that buyers are not blindsided with drainage problems that are not solved. Dustin Parmley replied that they have a responsibility to do their best at the preliminary approval stage; with their recommendations to further study the drainage situation. The Engineering Department needs to approve adequate drainage.

Commissioner Warburton said that she did not add into her motion that this was based on all recommendations by county departments and adding in an amendment to require the county to write an agreement to keep those ditches open. Chair Hollist said that in addition to having the ditch open; the water cannot dump on someone else's property. Commissioner Graves said they are getting into an issue that isn't tied to this application. Commissioner Warburton said she believed they have a right to put up berms to protect their houses. Everybody has a right to protect their own property. Commissioner Graves said that he isn't saying that, but it isn't addressed on the application. Commissioner Warburton asked why they can't require that the county agree to clean the ditches because it will affect them too. Commissioner Graves said they can make the request but he did know if anyone can force County Engineering to do so. Director Wilkinson said they will have this conversation with the Engineering Division.

**FRIENDLY AMENDMENT:** Commissioner Parson added that before they are granted the 2% bonus, the applicant needs to have written permission that the pathway would be able to be on Robert Fuller's land and it would run in perpetuity with the land if there was a sale.

**DISCUSSION:** Chair Hollist asked Mr. Wahlen what evidence he had that raising the level of these dwelling places by 1.7 feet will sufficiently protect them. Blake Wahlen replied that was a requirement from the County Engineer. Commissioner Graves said that 10% for the cluster is good, and 10% for the agricultural preservation is okay, as long as the recommendations are followed. When they plant it he didn't care and pasture is fine as it's probably the only thing that will grow on that land. He is willing to give the 10% provided that those measures are put in place. There has been ample evidence that adding trails doesn't always happen in the timeframe that they would like, but he could be persuaded to go 2%, but not 10% for a trail that goes nowhere. Commissioner Howell recommended that the applicant make that to be above three feet above grade. Commissioner Graves said based on County Engineer recommendations they have to defer to the judgment of the engineers. Commissioner Haymond asked if Mr. Wahlen plans on having Reeves and Associates do an engineer design for the runoff like a 50 year plan. Blake Wahlen replied they were having a detailed discussion to look at that in conjunction with the county engineer to look at the information so that they can take their recommendation made to them. Commissioner Haymond asked if he was looking for deferral of the curb, gutter, and sidewalks. Mr. Wahlen replied yes, and they want to match what was done there. Commissioner Warburton said that Commissioner Haymond could make a friendly amendment to the deferral. Commissioner Haymond replied that the Planning Commission is used to dealing with projects where you have to retain so much to avoid circumstances like that. He didn't think the city engineers are going to direct how to do that. Mr. Wahlen replied that one thing that they talked with the engineer about was the detention basin and from the numbers they showed us, they will not be able to stop the sheet flow with a detention basin that serves the development of the subdivision. They will go

back to the county and see what their overall master plan is for that area; not only the thought process, but the maintenance because they want to be part of the solution.

**FRIENDLY AMENDMENT:** Commissioner Graves added that the motion includes deferral of curb, gutter and sidewalk.

**FRIENDLY AMENDMENT:** Commissioner Haymond added that the motion includes a professional engineering design review related to runoff, building height above grade and foundation.

**AMENDED MOTION:** Commissioner Warburton moved for preliminary approval of UVS102914 Sandhill Crane Cluster Subdivision (7 Lots) with a 10% bonus for clustering, 10% bonus for preservation, and 2% for the trails, for the cul-de-sac to be expanded to 80 foot in diameter, to include deferral of curb, gutter, and sidewalk, to contact the adjacent owner for the permanent trail, that the agricultural preserved area is to be irrigated, planted, and graded, that there is a professional engineering design review related to water runoff, and slab height above grade. The motion is subject to all review agency requirements including all recommendations by the county. Commissioner Parson seconded.

**VOTE:** A vote was taken with Commissioner's Graves, Haymond, Warburton, Parson, Howell, and Chair Hollist voting aye. Motion Carried (6-0)

2. **CUP 2014-25:** Consideration and action on a Conditional Use Permit (CUP) application for an auto repair and service shop located at approximately 4022 North 3500 East in Liberty, in the Commercial Valley-2 (CVR-2) Zone (Justin Pack, Applicant)

Chair Hollist declared an ex parte communication on this next item. Mike Rhodes, President of Liberty Pipeline Company, had a discussion on how they (both members of Liberty Pipeline Company) would provide water to this property that is located south west of Liberty Park. He asked if he had to recuse himself from this discussion and voting.

Commissioner Warburton asked if he had any personal financial interest in this project. Chair Hollis replied that he had none. Commissioner Warburton said that she didn't think he needed to recuse himself. Dustin Parmley, Legal Counsel concurred.

Chair Hollist said this action is in two parts, and what this commission has decided to do, is treat the two parts as one discussion. There is an administrative part and there is a legislative part of this action, and when they have finished with the discussion, subject to counsel, they will vote on the two parts of the application as two different motions.

## 2.2. Legislative Items

### a. New Business:

1. **ZDA 2014-02:** Consideration and action on a request to amend the "Conceptual Development Plan" within the Zoning Development Agreement that was previously approved as Contract #2007-271 and amended by Contract #2009-182 (Dog and Bone, LLC, Applicant, Justin Pack, Agent)

Ronda Kippen said on the Zoning Development Agreement, the applicant is requesting to amend the Conceptual Development Agreement that was part of the previously approved Zoning Development Agreement that was initiated in 2007 and amended in 2009. When the applicant petitioned the county to rezone a portion of their property from AV-3 to the CV-2 Zone, they did so by Zoning Development Agreement. As part of that development agreement, they had approved a site plan and a proposed architectural type of a design. The applicant marketed trying to find suitable tenants for this commercial area, and they found one with Mr. TJ Parmley who is a resident of the valley. Mr. Parmley has all the equipment for this auto repair shop contingent upon the approval of the Development Amendment and the CUP. They removed one part of the Developmental Agreement due to recent legislative issues, and anything about damages being awarded to the petitioner or the county.



Ronda Kippen said this is the new proposed layout; and is one more fashioned after a mid-50's retro-look utilizing the blacks, reds, and slate colors. They designed this as more of a strip mall, with a brick front with painting that was done back then. The applicant would like to move forward with the phasing that has been implemented with the zoning development agreement. In order to do that, they would have to do all of the site improvements for all of the parcels to include all of the parking, sidewalk, curb and gutter, landscaping, and the rest of the building layout. There is the automotive repair shop and a part shop and the rest of the building is mirrored; however, that would be modified to the need and the color and the façade will stay the same. The application was reviewed against the CV-2 Zone, which does not have a minimum lot area on lot width, but it does have a front setback of 20 feet unless they utilize the complete street design. The building height is a minimum of one story and a maximum of 35 feet; the lot cannot be more than 60% covered by the building on the lot.

Ronda Kippen said that the applicant has opted to go with the complete street design which is also used in the Blacksmith Shop. The complete street is being used because the rear parcel requires so much landscaping along the rear and it doesn't allow for enough room in the back of the building for parking. It has sidewalks, drive in approaches, parking, and minor landscaping in between each unit. There is adequate parking for the conditional use that is being reviewed at the time. The applicant has proposed up to 19 stalls; however, four of them do not meet the standards. The parking will be evaluated with each additional unit buildouts. The architectural renderings included the wall sign design; with actual dimensions, so they are not taking more than 5% of the store front, and they cannot include the false front as part of their calculations. The applicant has been able to address the minimum landscaping requirements, and all of the proposed lightening adheres to Ogden Valley Lighting, and night sky requirements. The applicant currently has connections with Liberty Water and they also have secondary water stubbed to the rear of the property for irrigation. This conditional use permit is contingent upon the approval of the development agreement. If the Development Agreement Conceptual Design cannot be modified, then this conditional use permit becomes null and void, because this has been reviewed against that potential design. They will not be able to get a building permit until they have that final approval from the County Commission.

Commissioner Howell asked if the applicant indicated hours of operation since there are homes across the street. Mrs. Kippen replied they did not, but that would be a reasonable condition that is put on businesses to ensure the mitigation of noise.

Commissioner Warburton asked staff who was noticed on this. Mrs. Kippen replied everybody within 500 feet degree radius and that would be about 30 notices that were sent out.

Commissioner Warburton asked on staff's recommendation of the complete street design, would that address the deed. Ronda Kippen replied that she put a condition in that the deed would be recorded to combine the parcels, and one of the conditions addresses that adequate dedication of the public right of way that abuts the property.

Commissioner Graves said this is an automotive repair shop and they are going to do actual repairs. Mrs. Kippen replied this is a repair shop and auto parts service.

Chair Hollist said it appears that they have at least four major items:

1. To change a Development Agreement
2. There needs to be some combination of divergent land parcel
3. There is a conditional approval
4. There is a dedication of roadway space and its subsequent zero front lot line

Ronda Kippen replied that is correct and basically the complete street design is up to this Planning Commission to build it so that it fits, that they like the design, the traffic flow, and safe passage way for pedestrians.

Chair Hollist said that the development of this property will set the tone for the entire valley and this affect coupled with the four major items, this seems to be more then what they can handle. Director Wilkinson asked as far as the entire development or just this conceptual plan? Ronda Kippen said that Chair Hollists' concern is with having the amendment to the agreement, dedication of the road, combining land parcels, and conditional approval. Director Wilkinson replied that the combination of the land parcels was very minor and the dedication is

required of every development. These issues are uncommon for any development that you would see; the only real issue is whether or not this conceptual plan being proposed is better than the previous plan that was proposed. The zoning is in place to allow the use.

Commissioner Parson asked what about the roadway issue. Mrs. Kippen replied that if they do a deed they just have to make sure the word dedication is not in the deed, and if they do a dedication plat, it's dedicated to the county.

Commissioner Howell said that in this location traffic will not be a problem. Mrs. Kippen replied that it will provide the one and only auto repair shop for Ogden Valley. Director Wilkinson added that the conditional use is allowed, so they are looking at the site.

Commissioner Graves asked if what they are proposing meets the architectural standards that are place in the valley. Mrs. Kippen replied that it does and brick is allowed but it needs to be muted earth tones, such as black and red accent colors.

Justin Pack, Agent, who resides in Eden, said that he might have led staff in the wrong direction with the façade; the look is the old turn of the century sandstone bricks. These bricks did not hold up in weather, so after the turn of the century, sometime in the 20's and 30's, they started to paint all the brick to preserve it because they were sand bricks that were dried in the sun and not baked. They are doing a brick façade and then painting them to bring in that era. There is a story with everything they build. As far as the uses, the combining of the parcels is a condition; they can't get a building permit unless they do that. The 40 foot setback is more than anyone has given on that entire street. Everyone else is still only doing 30 feet from the center. This building would meet all the requirements for traffic for years to come.

Justin Pack said the reason for the design with the overhead doors in front of every other unit, as they were working on the Blacksmith Shop, the need in the valley has shown him a lot of multi use, and this building has a lot of multiple uses. The doors can be glass doors and people could retail stuff inside those overhead doors. There are a lot of different uses and a lot of thinking behind this building and design to accommodate multiple business types.

Commissioner Warburton said that she saw in one of the renderings that this shop is going to be bigger than the rest of the units, so what about minimizing the generators. Mr. Pack replied that is two of seven units and in reality the newer machines like the compressors and pneumatics are not like that.

Commissioner Warburton asked if he had someone for the shop and what happens down the road when he decides to move somewhere else to another place. Mr. Pack replied that he already has a tenant lined up and she would have to ask him about his equipment.

Commissioner Warburton asked as a builder, how difficult would it be to apply sound proofing to the inside of that section of the shop. Mr. Pack replied over and above the normal insulation, this building is sound proof.

Chair Hollist asked Mr. Pack if he realized that he would be setting precedence for that village. Justin Pack replied yes, he was the first one to move in there, what happens after that, they don't necessarily have to follow.

Chair Hollist said this is Phase One of approximately a third of the six phases; what happens if Phase One does not generate the requisite income to be a viable business? Mr. Pack replied like any property, he will find someone else. He didn't know what to go on except for the track record of the owner. The Blacksmith Shop took a lot of time to plan to develop, it took a lot of funds to build, and it took a lot of thought and process. The first building just got leased and is going to a very viable tenant.

Chair Hollist asked if he could retrofit Phase One to another purpose or repurpose it. Mr. Pack replied absolutely and very easy.

Chair Hollist said on the Blacksmith Shop, Mr. Pack indicated that it took years to build; he is matching brick and building onto a landmark with hand cut oak trim, which took a lot of years. Does he anticipate that the first phase will be years in its development? Mr. Pack replied that their project has been streamlined. This can go relatively fast, six months for the first phase.

Chair Hollist said that there are seven segments and does Mr. Pack anticipate that all seven segments regardless of the occupant of that segment, will have the same façade. Will that be what they see from the street when all six phases are done? Mr. Pack replied yes.

Commissioner Howell said on the first phase, you will have the big door; as other tenants that come in don't want that big door, is that going to be a problem? Mr. Pack replied that they anticipate the building looking like he has proposed and if he had to change anything, he couldn't just do that, he would have to come back with any changes.

Chair Hollist asked staff if they are doing a conditional use permit here and not a conceptual approval. Mrs. Kippen replied they are doing a conceptual approval as part of zoning development agreement which is extremely conceptual. The design review is only for the CUP.

Commissioner Graves said that the idea of the complete street according to the staff report, and what is included in the complete street, like pathway, equestrian lights, shade trees, safe crossings, and clear view of intersection is really not an issue here. In Exhibit B, the Landscape Plan, there are four trees on the entire property. If there were possibly trees in a grate in the walkway, would that screw it up and make it all visible or can that accommodate some vegetation up front? If it's a complete street, he would like to see more vegetation, and somehow incorporate some trees in there, with the possibility of a tree grate. Mr. Pack replied that they are very open to that and that would be fine. They have submitted the minimum and that meets the requirements. The landscape plan has to be approved as a condition before they get a building permit.

Gary Fullmer, who resides in Eden, said he has two concerns. The first is that this has raised the standard for this commercial node. They need to be careful about the architectural design, but he questions the color scheme. They essentially would have business nodes in the valley, based on the Blacksmith Shop, based on the Log Cabin Community, and then the 1920's design. He is happy to see new business in the valley and the overall schematic design, but questioned the painted brick aspect; is that really what they want for the valley? The brick is great and the recommendations in the Utah State Study with the architectural study guidelines. His second concern is where they plan to park vehicles that are under serviced, and where would they put these vehicles waiting for parts or to be serviced?

Ross Mertlick, who resides in Liberty, and is the Chairman for Liberty Park, said to his understanding the zoning use will allow a garage or this type of facility. The CV-2 Zoning does allow an automotive repair facility as a conditional use. That means that this commission may attach to that use, certain conditions particularly associated with vibration, noise, pollution, etc. He doesn't have a problem with the aesthetic look but a garage area needs to be in an industrial area and not in that major street, with vehicle parking, unlicensed vehicles, or whatever conditions these vehicles might be in.

Chair Hollist asked how wide that piece of property and the process is combining parcels so there is more than Kramer Property involved. Mrs. Kippen replied that parcel when this property is combined, overall will be 290.40 feet wide. Currently it is 263 feet by 27 feet and that's the length and its 181.5 feet deep.

T.J. Parmley, who resides in Eden, said that he would be the first tenant for this property. The last thing he would want to do is cause noise pollution on the nearby residents. He does have upgraded equipment, his compressor which is of the most concern is a 90 gallon compressor. He purposely bought it for the quietness of operation; it's a two phase compressor and you can be standing 50 feet away and all you hear is the hum. As for the hours of operation, his intention is to run the standard 9 to 5, or 10 to 6, Tuesday through Saturday, and nothing on Sunday. Any hours after work will be the exception and it would mostly be for catch up on paperwork but the doors will be closed. He won't be a major fabrication shop, with long hours of grinding and sanding. He has \$95,000 currently of upgraded equipment ready to move in, his forklift operates on propane, and his tow truck

does have a muffler on it. He has been an Eden resident about two years, his intention is for the next 20 years, and to provide a valuable service to Eden, Huntsville, and Liberty residents.

Chad Anderson, who resides in Liberty, said he owns property just south of property; it's currently a vacant lot, and there is a potential road between his property and this property. He bought property as an investment in the AV-3 Zone, and that property is in the CV-2 Zone. Does his property have the potential of becoming commercial, and does the value of his property change? Chair Hollist replied that there is a small area that is zoned CV-2. There have been some commercial activities there that include the Liberty Park. The intent has always been given the road coming off of the North Ogden Divide and north of Highway 162, which is a natural place to put a commercial village or a commercial node. In doing future planning, they have said that is a natural, but none of us feel that the acreage associated with the CV-2 Zone is sufficient for what might eventually be there.

Mike Rhodes, who resides in Liberty, and is a representative of Liberty High Plain Company, said there is a service there for residential so there might be an issue; they have never done a commercial service for a culinary system and that needs to be addressed. He is also a trustee of the park board, where those units would be right next to the park. They currently don't have enough parking, and we have looked at expanding that park. Chair Hollist replied that this meeting is where that input is collected, considered, and this commission either grants or not grants a conditional use permit for that piece of property.

Commissioner Warburton said this is a conditional use permit, and this use is allowed in this zone. The only thing that they can do is mitigate the detrimental effects and she did not know about noticing.

Ronda Kippen said that on administrative items, noticing is basically a courtesy; it's not required by state statute on administrative action. Therefore, they only do a courtesy notice for 500 feet radius from the property line. The legislative action is that the Planning Commission and the County Commission can take in public comments and wants from the community for that area. These are typically rezones and land use ordinance updates. It was in 2007 that there was a petition for the rezone of the CV-2 Zone. This is administrative and as long as it meets the code, they can put conditions in place to mitigate impact, but the applicant is entitled approval. As to the water, prior to them getting approval for a building permit, they will have to provide adequate proof of water for both culinary and secondary water.

Chair Hollist asked legal counsel for advice. Dustin Parmley, Legal Counsel, said on the notice, anybody who is interested even if they don't receive mail notices, the notice and agenda for the meetings is always available on the county website; it is also posted in the county building, and also the state website. Anybody is welcome to participate in the public meetings. Public meetings are where any action, decisions, or even discussions on these types of matter will occur and you are welcome to participate as frequently as you would like. With respect to this application, he wanted to remind this Planning Commission that there are two questions, two applications that they are discussing. They have very little discretion on one of the applications, and the other they have almost unlimited discretion. The application to amend the Zoning Development Agreement Conceptual Design, they can make any decisions they want with respect to that application as long as there is a reason for that decision. The question of whether a garage or an auto shop is compatible with the other uses in the area, has already been decided by rezoning it to a commercial zone, and the applicant is entitled to rely on that prior decision. The question that they should be spending their time on what is the character of the area they want to promote. Do they want to stick with the prior conceptual plan already approved, or do they want a new look or feel for the area.

Chair Hollist said that their decision has to be based on that law and that is what counsel just informed us of, but being able to change an already approved conceptual design that is substantially different. They have a lot of latitude as to whether they approve a change to the previously approved conceptual development agreement. They are going to deal with that legislative issue first because if it is not approved, then the conditional uses goes away and they are done.

Brett Hansen, who resides in Liberty, said that he didn't know what the original conceptual plan was, and how many units were indicated in that plan. How many separate commercial buildings did that allow? Mrs. Kippen

displayed the original conceptual plan and said this was extremely conceptual. There wasn't an amount of units, it was just a footprint, how the landscaping would look, etc.

Brett Hansen asked if the muted brick tone building was part of the original concept. He likes what Mr. Pack is doing but that is a drastic change from what was originally started. When staff was doing her presentation, she said there would be 19 parking spaces but they had to tweak two of them. Mrs. Kippen replied there are four of them that don't quite meet the depth so they could be lost.

Brett Hansen asked if they did approve these seven units; they have 15 spaces, a garage that has cars, six other building units, and people going in and out. Are they going to need 19 spaces there if one of them is a garage that is very successful? How many cars are going into the 25 foot bay, what if he has seven other customers waiting?

Chair Hollist responded that parking is number four on his list and that he believed the requirement was 29. Mrs. Kippen replied when you count the original design the count was 29. The county code states that it is based on a case by case situation, and that is why they currently can only look at what was before which was an automotive use. County Code requires a 9 foot width and 18 foot depth. However; based on Mr. Parmley, if they utilize parking in the back area, they are required to have a solid screening, which is not part of the current landscaping.

Commissioner Warburton indicated that she looked up the 1920 brick and asked if they can they go with the beautiful brick. Mr. Pack replied that they can put the conditions on it. This is what they designed but if you decide you would prefer brick that is a condition you can impose.

Brett Hansen said that as a person that is very close to this property, you're asking to change the conceptual plan that was approved. He understands his right to make a living and have the business there. He personally believed that the people that live close to that property should have the opportunity to weigh in on major changes of this conceptual plan.

**MOTION:** Commissioner Warburton moved to recommend approval on ZDA 2014-02 to the County Commission to amend the new Conceptual Development Plan. Commissioner Parson seconded.

**DISCUSSION:** Commissioner Warburton asked where this is legislative, how many more people would be noticed. Mrs. Kippen replied that a Zoning Development Agreement is not required to be noticed. It's the rezone that is required to be noticed. Commissioner Warburton said she would feel good about going with this approval, because they are very limited on what they can change. They meet all the requirements and she has to make a motion to approve the CUP and she would like to see a change where they use natural brick or something that is 1920's. Chair Hollist suggested that she stay in the conceptual plan. Commissioner Warburton asked if they okay with the new look, the brick, they layout, the design, and that this doesn't have to look like the Blacksmith Design. She is having a difficult time with the painted brick. Commissioner Graves said that his reaction was bad but appreciated that the applicant took the time in educating him of what he was trying to do, why the paint was used, when it was used, and why he was going for that look. It's not his favorite look, but he realized that there was a lot of thought and consideration into going that route. A brick look would be more generally accepted across the valley. The applicant could capture the same kind of details that he is looking for in his façade using brick. He doesn't have problem with the use, the phasing, but he is not sure about the parking issue.

**FRIENDLY AMENDMENT:** Commissioner Graves moved to amend the motion to keep the brick with the old conceptual design and not according to the conditional use design.

**VOTE:** A vote was taken with Commissioner's Warburton, Graves, Howell, Haymond, and Parson voting aye and Chair Hollist voting nay. Motion Carried (5-1).

**MOTION:** Commissioner Warburton moved to approve CUP 2014-25 with all applicable approvals with staff and other agency requirements. Commissioner Howell seconded.

**FRIENDLY AMENDMENT:** Commissioner Graves moved to amend the motion to include trees within the tree grades in the sidewalk.

**FRIENDLY AMENDMENT:** Commissioner Howell moved to add the hours of operation from 7 a.m. to 7 p.m. and closed on Sunday.

**VOTE:** A vote was taken with Commissioner's Warburton, Graves, Howell, Haymond, and Parson voting aye and Chair Hollist voting nay. Motion Carried (5-1).

**b. Old Business:**

- 1. ZO 2009-04:** Consideration and action on an amendment to Title 108 (Standards), Chapter 3 (Cluster Subdivisions) and Title 106 (Subdivision), Chapter 2 (Cluster Subdivisions, Special Provisions) of the Weber County Land Use Code (Western Weber Township Planning Commission, Applicant)

Scott Mendoza said that he wanted to give them an update on the formatting which is just a little bit different. He wanted to point out that this is an amendment to the cluster subdivision code as well as the subdivision code Title 106 Chapter 2 Subdivision Standards, within that chapter, Section 106-2-6 Western Subdivision special provisions. That section lies within the subdivision code and what they have been able to do is go to that section and pull out one standard. Everything that's in the subdivision code was already in the cluster code. To have it in the cluster code and the subdivision code is unnecessary and there was one standard in the special provisions on Page 4 of 15, Line 130. He crossed out that first sentence and added this new sentence, and if they recall there was a discussion about that. Everything cluster is in the cluster code. What they are asking is for the Planning Commission to consider recommending approval to the County Commission to adopt the new cluster code as amended.

Chair Hollist asked if this change to the cluster subdivision code excludes bonus units in a cluster subdivision for Ogden Valley but not Western Weber. Mr. Mendoza replied that it clearly states that bonus potential is only available in the Western Weber Township.

Commissioner Warburton asked on Line 56, where they are referring to another title and chapter, do they want to change it when it changes? Scott Mendoza replied yes, in this case it references that part of the code because code could change from time to time.

Commissioner Warburton asked on Line 170, where it talks about open space, isn't this all contingent upon open space that everybody shares, so there is a difference between preservation and open space? Mr. Mendoza replied not necessarily, the code talks about the open space preservation plan. There are preservation parcels, individually owned and called preservation parcels and open space is a general term. Mr. Parmley added that the purpose of this is to have preserved open space; so open space preservation parcels is one concept, and within that one concept they can be individually owned or they can be community owned. That flexibility is granted to the developers who are putting together the subdivision.

Gary Fullmer said this ordinance contains many of the issues that came up with 212 people that showed up and a lot of those things are in this ordinance. Mr. Mendoza did an excellent job.

Jan Fullmer congratulated Mr. Mendoza for a job well done. The fact that this is requiring an HOA to be created that has conditions, restrictive covenants, and all of that has to be presented through Weber County so they can make sure it's very clear who is financially responsible for the taxes of the open areas. If an HOA does not perform, is there any remedy for those? Mr. Mendoza replied it is back to where they are today allowing cluster subdivisions or any subdivision to have common area.

Jan Fullmer said there are communities that have CC&R's that are very sensing and straight forward, that the people living there have elected not to have a board which defeats the whole purpose. When people buy homes or a lot, those CC&R's are a legal document that goes with the sale for that community. If they're not holding up to their end of the HOA, is there any recourse? Mr. Mendoza replied that built within this code, the Planning Commission has the ability to ask what backup plan there is and what is supposed to be done with the land.

Jan Fullmer said that once the developer is out and removed, it falls with the people that live there. There needs to be some attempt to exercise what's in their CC&R's or get some sort of organization, otherwise it just defeats

the purpose. Scott Mendoza replied in addition to the Planning Commission’s ability to set up a plan, the developer on the dedication plat they will grant the county, the public, and the folks in the cluster subdivision an open space easement. In addition to the open space preservation parcels, there will be a separate easement granted to the homeowners and the county; and there will be a plan attached to that so the county will have the ability to enforce that agreement. Dustin Parmley added that the county is acquiring a property right in those parcels to that open space preservation easement, and if it’s not being followed, the county can enforce that property and insist that the plan be followed.

**MOTION:** Commissioner Parson moved to recommend approval of ZO 2009-04 to Title 108 (Standards) Chapter 3 (Cluster Subdivision) and Title 106 (Subdivision) Chapter 2 (Cluster Subdivisions, Special Provisions) of the Weber County Land Use Code to the County Commission. Commissioner Graves seconded.

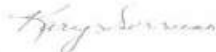
**VOTE:** A vote was taken with Commissioner’s Graves, Haymond, Warburton, Parson, Howell, and Chair Hollist voting aye. Motion Carried (6-0)

**2.3. Presentation: Addendum to the 2002 Zoning Development Agreement for Wolf Creek**

Eric Householder, Householder Group, gave a brief presentation of the Zoning Development Agreement for Wolf Creek.

**3. Adjourn:** The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary,  
Weber County Planning Division

Minutes of the Ogden Valley Planning Commission Regular meeting January 06, 2015 in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Ann Miller; John Howell; Greg Graves; Will Haymond; Laura Warburton; Kevin Parson

**Absent/Excused:**

**Staff Present:** Jim Gentry, Principal Planner; Charlie Evert, Principal Planner; Ronda Kippen, Planner; Dustin Parmley, Legal Counsel; Kary Serrano, Secretary

**Pledge of Allegiance**

**Roll Call:**

1. **Minutes:** Approval of the October 28, 2014 and December 02, 2014 meeting minutes

**MOTION:** Chair Hollist declared the meeting minutes approved as written.

Chair Hollist asked if any member had ex parte communications to declare. No ex parte communications were declared.

Commissioner Warburton said that she wanted to declare ex parte and the other planning commissioners stated that she did not have ex parte as she didn't have any monetary gain.

Steven Robins, who resides in Eden, said he wanted CUP 2014-34 moved from the consent agenda and so Chair Hollist moved the agenda item.

2. **Consent Agenda:**

- 2.1. **CUP 2014-33:** Consideration and action for approval of a conditional use permit for a golf cart storage building located at 3844 North Wolf Creek Drive within the Open Space-1 (O-1) Zone. (Wolf Creek Utah LLC, Applicant; John Lewis, Agent)

**MOTION:** Commission Howell moved to approve conditional use permit CUP 2014-33 for a golf cart storage building subject to all conditions listed in the staff report. Commission Parson seconded.

**VOTE:** A vote was taken with Commissioner's Miller, Howell, Haymond, Warburton, Parson, and Chair Hollist voted aye. Chair Hollist said that the motion carried (6-0)

Commissioner Graves arrived at this time.

- 2.2. **CUP 2014-34:** Consideration and action for approval of a conditional use permit for a classic/vintage car dealer known as Blacksmith Garage in the Blacksmith Village located at 2143 North 5500 East, Eden UT, within the Commercial Valley-2 (CV-2) Zone. (Horseshoe LLC, Applicant; Shawn Clegg, Agent)

Ronda Kippen, Planner said that the application for the Blacksmith Garage is conditionally allowed in the CV-2 Zone and is more restrictive than what is allowed by development agreement. The development agreement that was by the county and developer was limited to antique car sales and that is what is being proposed for the Blacksmith Garage CUP. This was put on the consent agenda because the development agreement had a conceptual design that was approved by the county and was signed off by the Building Official for temporary occupancy and there are some things that need to be completed for final approval. All that was left from the Engineering Division to do is the site improvements with the striping of the parking lots and then it will be signed off. The Engineering and Planning Departments have no objection to the request because the entire action of this use is within the inside the building. Conditional Uses run with property; and staff wants to allow someone else to come in and occupy Building B, and they could relocate to a different suite with the Blacksmith Village without having to go through an entirely new conditional use permit. The request is to bring some foreign antique cars and sell them in this suite. Due to the small size of these cars, they anticipate they can get about 10 inside. The sales are going to be extremely specific; it will be one employee with just one customer, and this will not have special financing that is allowed in most car lots. They do want to allow the applicant to take one or two of the vehicles, and put them out in the parking area, where there is a high amount of traffic, such as during a holiday. This will be during business hours and will not require a special event use. Due to the uniqueness of this type of request, we have the ability to modify the required amount of parking stalls; they are asking one parking stalls per customer and one per employee.



Commissioner Howell asked the square footage of Building B? Director Wilkinson replied that it is just over 2,500 sq. ft.

Commissioner Howell asked if those cars would be parked in the back of the building or would they be allowed to be parked on the sidewalk. Mrs. Kippen replied more than likely, because the side utilizes the complete street design and the front abuts up to the road, with landscaping and sidewalks that are already there. They could not put a car on the sidewalk as that would interrupt the pedestrian walkway through there.

Chair Hollist said that he wouldn't like to see automobiles displayed out in front, so would it be permissible to put a condition on an approval that states that they may not display automobiles out front except on special events. Mrs. Kippen replied that the applicant is not here but Sean Tuttle could give more of a vision as to what they would like to put there.

Commissioner Parson said that they could get a special events permit as that is already permissible; so they don't necessarily have to indicate which time they can do it when they get their permit.

Commissioner Howell stated that in the application it states sales and service, so what kind of service would this involve? Mrs. Kippen replied that the applicant could answer that question.

Shawn Tuttle, who resides in Eden, said that the Blacksmith Garage as described is a classic car dealership and just by their nature of classic cars, they are not what would be found in normal used car lots. The cars are of significant value and there is certain degree of care that takes place with these vehicles. The concerns about the cars being left out are not likely as there is a lot of money invested. The garage is to be able to provide and sell cars with historic value and a collector value to interested parties. This is not a walk in traffic; scenario as most classic cars will be sold through the internet, and the buyer would buy sight unseen or come by on a one to one contact. The store hours would be by appointment, and will not always be open. There were several comments about servicing, and he didn't know of any car dealership that didn't have some sort of servicing; anything that they do would be inside.

Chair Hollist asked as part of their marketing, would he intend to put these vehicles so they can be seen from the road outside of the building, say for a day. Shawn Tuttle replied that there will be times when they would like to put a car out so somebody can see it, such as an event would an ideal opportunity to display. This would only be for the business hours and they don't have any plans to leave them out all night. These are not old junk cars; they are well maintained vehicles that people would be interested in seeing. He would like to be able to show these cars and demonstrate that they have something of value.

Steven Robbins, who resides in Eden, said his property borders this proposed dealership. Over the last couple of years he has witnessed the demolition and construction of conditional use permits that have been passed, and he was given consideration by the Weber County Commissioners in voicing his concerns about residing next to a CV-2 property. A screened fence along the canal was proposed and passed but he is still waiting for that to happen. As for a vintage classic car dealership, this is a residential community and if he or his neighbors want to buy a vehicle, they go somewhere else, not to Eden. With a car lot whether it be vintage, new, or used, this brings noise, crime, and lights. He didn't believe that Scott Best would allow a junk yard to form, but he may not be here tomorrow. The conditional use permit that you are considering to pass will be here tomorrow, and he would request that they consider this when making a decision.

Shawn Tuttle said that he understood that some neighbors might have some concerns about an auto dealership. He didn't think there would be any issues with crime or problems of that nature. The impact with the amount of traffic and things like that are fairly less than a small store or convenient store. They will have a much smaller group there, and they will not be adding any significant lighting. They will have non-lit signs that will go on the building. He didn't see any issues with continuing that space or impacting it in any way.

**MOTION:** Commissioner Parson moved to approve CUP 2014-34 with a condition that before they are allowed their business license, they have to follow through with whatever agreement was put in place previously regarding the landscaping and fencing. The motion is subject to staff and all review agency requirements of landscaping, fencing, and screening of a classic/vintage car dealership in the Blacksmith Village located at 2143 N 5500 E Eden, UT. The motion is based on the finding of facts that this plan was approved in the CV-2 Zone with uses that were allowed as a conditional use and that it does affect the neighbors, that the screening mitigates that with the landscaping. Commissioner Miller seconded.

**DISCUSSION:** Commissioner Warburton asked if the petitioner owned the property. Could they hold the applicant's business license approval when the property owner is in charge of getting that landscaping done? Director Wilkinson replied unless the site is fully in compliance then yes they can and they will look into that. Commissioner Warburton said that a conditional use is allowed as long as they can mitigate any possible detrimental effects; that's the law. Director Wilkinson read one of the conditions from the development agreement. On number eleven it states, "Year around landscape or other permanent screening will be used along all project boundaries that are adjacent to parcels with existing homes." So they will ensure that is met, any boundary of the project that is adjacent to a parcel with a home. Commissioner Warburton said that before the conditional use is permitted, that won't go forward until that screening is done, is that correct? Director Wilkinson replied that is correct and they will make sure that is addressed. Commissioner Graves said he assumed that everyone is okay with the parking. Commissioner Miller asked if they needed to add that to the motion. Commissioner Graves replied that is a specific condition that may need to be mentioned in the motion.

**FRIENDLY AMENDMENT:** Commissioner Graves said they should add that the required parking for the Classic Car/Vintage Dealership will be a minimum of one space per employee and one space for clientele.

**DISCUSSION:** Commissioner Miller said that in their previous discussion prior to Commissioner Grave's arrival and they indicated that it needs to be one space for the employee and two for the customers. Commissioner Graves said according to staff's recommendation it was one space for employee and one for clientele, and if they had changed that, now is the time to let him know of the changes. Commissioner Parson said that they had changed that. Commissioner Warburton said before they do that, it was a thought that there was no evidence that the applicant would need that, because that does not limit what other businesses could be in there, and she would like to hear from staff.

Mrs. Kippen replied that would be her recommendation that they only have two spaces dedicated to this, because they currently have a limited amount of parking. It will limit what they can actually approve in a different building; if the use changes, then they would have to readdress parking, especially if the hours of operation are different from the typical days of Monday through Friday, from 8 a.m. to 5 p.m. This commission has the ability to increase or decrease parking because of the unique circumstance of the business.

Commission Warburton clarified that what is being recommended is one space for employee and one space for customer for a total of two. Mrs. Kippen replied that is correct. That is something that they can keep an eye on as far as enforcement, and if that appears to be taking away parking from the additional units, then they can address that at that time. Commissioner Haymond said this applies to the complex and not just one specific building. Mrs. Kippen replied yes and let's say that they build the next building behind and it's on the same parcel and they want to move this to a different building, they should be able to do that without having to come in for another conditional use permit. The CV-2 Zone allows for new and used cars but the development agreement has restricted it more than that; it is specific to antique classic cars. Director Wilkinson said if they looked on Page 3 of the Development Agreement, there is a whole section that addresses the types of cars that can actually be there.

**FRIENDLY AMENDMENT:** Chair Hollist said to allow the parking or the display of not more than one automobile at a time being in the front and only and only during the day. There will be two dedicated parking spaces; one for employee and one for the customer.

Chair Hollist called for the vote of the motion of approving CUP 2014-34 consideration and action for approval of a conditional use permit for a Classic/Vintage Car Dealership, known as Blacksmith Garage in the Blacksmith Business Village, located at 2143 North 5500 East, Eden UT, within the CV-2 Zone. With the additional proviso that one car may be displayed during the day during business hours in the front of the southernmost building, and that the parking will include one customer and one employee.

VOTE: Chair Hollist said that the motion carried 7-0.

### 3. Petitions, Applications and Public Hearings

#### 3.1. Administrative Items:

##### a. Old Business:

- 1. CUP 2014-29:** Consideration and action on a Conditional Use Permit (CUP) application for a condominium project including lockout rooms and allowance to exceed the required 25 feet in building height located at 3567 Nordic Valley Way in Eden, in the Commercial Valley Resort-1 (CVR-1) Zone. (Skyline Mountain Base LLC, Applicant)

Ronda Kippen indicated that this item was tabled in the December meeting to allow the applicant to address the lighting and see what steps could be taken to insure the North Fork Park would not be jeopardized with their desire to become Dark Sky internationally recognized. They also needed to verify from the Fire Marshal that they would not have to purchase new equipment to battle a fire on that large a structure. They were looking for legal interpretation of a lockout specifically towards density that would come into play, and what impact it would have as far as noise and dust. The applicant requested that this be tabled until the January 27<sup>th</sup> meeting originally, but since then have pushed this back to the February meeting so they could make some modifications to the building; to mitigate some of the concerns as far as the height, to make some modifications to the area of the windows to minimize the amount of light pollution that could come from the interior of the building, even though that is not something that we look at. She did prepare a staff memo in the packet that did include the legal opinion on lockout as far as density and what that comes down to. Based on the CVR-1 Zone and how they determine that area, a lockout room is a quarter of the requirements of the area; and according to our Legal Counsel, a quarter of the density units. The Fire Marshal; required modification of the site plan to move the building over another jaunt to allow for a fire access lane, with a hammerhead turnaround to the end of the site so they can get up to both sides of the building. The new site plan that staff was working with the applicant on will identify the new lane that goes to the southern property between the subdivision and the Skyline Property.

Chair Hollist said that counsel has given us a more than adequate evaluation and analysis of the legality of the 54 condominium units and the 54 lockout units. That is not an issue and they are in full compliance with the law. The issue of equipment to fight the blaze there, the Fire Chief has the equipment, and has certified that they can fight the fire there to the best of their ability, and the building moved a number of feet to allow the fire access lane. That is no longer an issue for discussion.

Ronda Kippen said that one of the site plans she looked at with the relocation of that building, they are looking at over 150 feet from the closest residence to the structure. As she was doing her research at the commissioner's request; she looked over the Powder Mountain and Snowbasin development agreement, and how they were handling the resort area abutting single family homes. They had put in those development agreements a 100 foot buffer; it is still very similar to what they are seeing in other resorts. From the last public comments; a few people have asked how the general plan plays into this; if it met with the general plan, and what staff looks at in the general plan. When she looks at an application that is brought in, she starts with the general plan. The general plan does go over keeping the Ogden Valley rural by preserving it, they are going to do these key factors. They are going to keep development off of steep and unstable slopes, keep it off our ridgelines and protect the skyline, going to protect our wildlife habitat area that is designated there, and going to keep our scenic and entry corridors. They have identified key design that they want to put in to help enhance that rural feel. Those are the design standards in our land use code. Those are the key things they look at in the general plan.

Chair Hollist said that one of questions that came out in December's meeting was if they approve this, how many footprints like that are allowed in that zone? Staff did some analysis and found that the CVR Zone was smaller then what was originally stated to them. Mrs. Kippen replied that upon doing a thorough research, she checked to see if there was ever a development agreement there, and what was in place. She talked to the other staff members and they weren't aware of anything. After the meeting, it was evident that this wasn't what a lot of people thought was going to happen there. Later Mr. Mendoza had found a very old map; and on the map it had identified two separate ordinances that had rezoned this property. They went back to the old ordinances, found the old applications, and found that in 1977, the property owner requested a rezone of this area. This ski resort was established prior to the county adopting the land zone ordinance in Ogden Valley. So what they wanted to do is make the area conform to the zone, by changing the use. They petitioned the county and asked for the base area to be rezoned to Commercial Resort-1 (CR-1); and the county did grant that rezone but they only granted for an area of 400 feet by 400 feet, which is exactly where the lodge was.

Ronda Kippen said that in 1980, the property owner again petitioned the county to rezone the rest of the base area to a commercial resort zone, and at that time, they rezoned another area 400 feet by 470 feet, tying that rezone to the south line of the earlier rezone, and to the north line of the Silver Bell Subdivision. What has been identified in our zoning map was the CVR-1 Zone took up that full 12.29 acres. However, in reality what was legally there is only 7.98 acres. The ability to have three or four more of these condo units at the base is just not allowed as they're limited with frontage, 150 feet of frontage for each unit is required. As they worked with Legal Counsel and the applicant, what was established and what

was confirmed, was that the entire footprint of the condominium has to be in the CVR-1 Zone. Based on this finding, the applicant has had to move the rear of the building of what is now the FV-3 Zone, which was previously thought to be the CVR-1 Zone. They had to move it up so that its full footprint is in the commercial zone. They have to have 2/3 in the area requirements in the most restrictive zone. Legal Counsel has gone over this with us and it has been established that between the CVR-1 and the FV-3 Zone, the CVR-1 Zone is the most restrictive zone. They have to have an overall of 2/3 of the required acreage, with the remaining 1/3 of an acre going into that FV-3 Zone.

Commissioner Parson asked if they had any consideration for the front setback with a minimum of 30 feet. Mrs. Kippen replied they may have been able to prior to finding the zoning. By pushing that building close to the road, it actually has some design benefits, especially when they are looking at creating a resort village development. It takes that whole development and separates it from everyone; with this walk able community within that resort.

Commissioner Haymond asked if they were changing the building footprint, or are they just sliding the footprint as proposed before? Mrs. Kippen replied that she believed the footprint has been minimized some and she didn't have the new overall design of what it's going to be.

Commissioner Parson referred to the lockouts if they were nightly rentals or if they were 30 day rentals. Director Wilkinson clarified that currently that is a misprint in the ordinance; nightly rentals are classified as anything less than 30 days, and they are allowed in the CVR-1 Zone. These lockout rooms can be rented on a nightly basis.

Commissioner Howell asked with the parking being underneath, is there going to be two parking stalls per unit. Ronda Kippen replied there is going to be more, it's actually going to be two and half stalls per unit. When she had done the review, she had looked at the parking as an apartment/hotel as identified in the use table. However; she did not notice in that section table that it was for non-dwellings. They have to conform to a townhome type that requires one and three quarter spaces per unit. It also states that for each additional lockout rental rooms an additional 3/4 of a parking space will be allocated. They have gone from having 107 spaces; to having to identify 135 spaces to meet our parking ordinances.

Commissioner Parson asked if those lockout units could be rented out when the owner is in the unit. Can a lockout be a rental and managed by a manager? Mrs. Kippen replied that is literally how the definition is and how they manage it so it's not more intense than what the definition states.

Dustin Parmley said legally the way this is structured is the owner of an individual condo unit could rent out the whole thing; they could reside in the main unit and rent out the lockout sleeping room. If they rent out the whole thing, they could rent it out as a unit; or they could rent it out as two separate rentals, the main rental unit as well as the lockout sleeping rental.

Chair Hollist said that the reason he had asked staff the question was due in part to Title 104-11-5, which is the CVR-1 Zone requirement with the proportional space that was an issue. Staff tried to get some numbers but could not arrive at a number. Mrs. Kippen replied as per the current code they have to make a finding that this amenity is proportionate to the recreation element so that it's not more of an amenity.

Josh Richards, who resides in Eden, and is the CEO of Nordic Valley, Eden Park, and Skyline Base, said that he has heard that there is a problem with the building heights and the lights. To address these issues they are going to change it from 100 feet to 150 feet. There were concerns in the valley that they would be setting a height precedence; so he went around and took some pictures of what is out there, and found buildings that were 100 feet tall. They have to stay within a certain footprint on the road. When they submit their next building, he has asked his architect to go through great lengths to ensure that they have mitigated as best they can with both light and height for this building, while still being able to take advantage of their property rights. They have the mitigating factor that Nordic Valley blocks the night sky from the park. They are going to use different materials for their windows, they are going to decrease the size of their windows, and the intent is to take the light that would have emanated from this building from the inside, and reduce it a minimum of 50%. They are trying to be a good neighbor without really knowing who the neighbors are, even though they have invited people over. He thanked the staff that they have been working with; it's been very positive in every situation.

Chair Hollist said the opportunity to hear is by the Planning Commission's decision here now, and minutes will be available from the last meeting and this meeting, from a number of people, so he hopes they will all listen carefully. He is glad that Mr. Richards was here to listen and try to mitigate their concerns.

Chair Hollist said that he had prepared nine statements from the general plan; but he had decided to contract that to one statement from the general plan; it is Paragraph 3.02 Vision maintain the valley's rural atmosphere and rural lifestyle. It is the second goal of that particular paragraph where it states, "Goal – require that development be compatible with the valley's rural character and actual setting." Can you tell him how the building Pine Canyon Lodge, as it may be proposed in the future, would comport with that development to be compatible with the valley's rural character and natural setting. Josh Richards replied as you read through the general plan, it is very clear that the general plan was put in place, not to stop development but to control where the development will go. It is very clear that it is directed towards the ski areas, and Nordic Valley is mentioned as one of those. How do they build this in a way that is going to conform, and originally they had designs of stone and wood, with a timber frame and style, and it is much like the existing homes. His idea is that it conforms and is much like what is being built now. However; the new design of the building, they are taking a different approach. He hoped that a new fresh design doesn't look so modern; it is not an intrusive design but it is first class. Maybe they need to go back a few generations, where the original settlers came from, and look at some of their architecture and imitate that. They are looking at having more steel and raw materials, with much heavier rooflines, and more of a European touch.

Chair Hollist asked if he can assume between the lines of Mr. Richard's answer, that he has gone back to square one with the design. Mr. Richards replied yes, the bones of the building are still the same, the footprints are still the same, but they are changing what the aesthetics looked like on this building.

Chair Hollist said that he is now down to 7.9 acres. Mr. Richards replied that it was a surprise but for the record it is not their intent to put three of these buildings on that parcel. What they are envisioning for a master plan community, is something that is going to flow with this style, and they need this to look like a village, and something the valley is proud of.

Commissioner Parson suggested that the applicant have a pathway on the property that has public access.

Josh Richards indicated that they are not willing to give up their CVR-1 rights. They are going beyond what is required on their landscaping; it is not their intent to meet just the minimum requirements. They intend to give their best foot forward which is why they have asked for a table until the first meeting in February.

Chair Hollist said Title 104, Chapter 11, Commercial Valley Resort Recreation Zone (CVR-1) Para 11-1 Intent and Purpose, he read the last sentence of subparagraph b and said after they go through the process, if they grant a Conditional Use Permit, then they will go through an extensive Design Review. Josh Richards indicated that he understands that. Chair Hollist read the following on what he believes will be the important part of the Design Review: Title 108 Standards Chapter 1 Design Review, Section 108-1-1 Purpose and Intent. Then under Design Review, Title 108, Section 108-1-4 Considerations in the Review of Applications. This is what will be directing them in their review. This plan that is to be presented needs to consider the neighbors under a Design Review. Chair Hollist indicated that the height standard in the CVR-1 Zone is 25 feet without a maximum.

Chair Hollist further read Title 104, Paragraph 11-5. Subparagraph 3. In other words the recreational amenity remains the attraction. You had stated that Pine Lodge would change that, meaning that it would generate the revenue. So which is the primary business? Josh Richards said the primary business is skiing because without the skiing, there is no market for the other product. What they are looking at is increasing the revenue at the resort by providing their patrons a place to sleep. The hotel is part of their amenities. It is their intent to have other main activities at the resort.

Chair Hollist indicated that the geotechnical report does not assuage any of his concerns. In the subdivision process, the report will become a key issue. The County Engineer will look at the slopes. He believes he will need more than a geotechnical report to ensure that the slopes will be safe for development. Josh Richards indicated that he has those same concerns.

Commissioner Parson indicated that the trail that was created around the third switchback may have already caused problems due to spring disturbance. Josh Richards indicated that they will show the Planning Commission in their next meeting how they plan to mitigate the concerns. They have listened to the concerns and intend to hire professionals to determine ways to mitigate the raised concerns.

Commissioner Haymond said in Mr. Richard's redesign, can he see a section of what they plan to do where they plan to avoid that? Mr. Richards replied that has changed the design based on their findings with the engineers and he would be glad to share that.

Dustin Parmley, Legal Counsel, indicated that the Chair can limit the public comments to those which are supported by factual evidence. Commissioner Warburton asked Legal Counsel to explain what is factual evidence. Mr. Parmley indicated that factual evidence is not opinion or agreement or disagreement, statements of emotion, i.e., I don't like... or I do like...; They need to give those things that have a basis of fact.

Dennis Brown, a resident in Big Sky Estates, asked three questions: 1. He asked how many members of the board live in Ogden Valley. Chair Hollist indicated that all members live in the Ogden Valley designated area. 2. Are there any provisions in the law that protects those on fixed incomes that may be driven out of their homes by increased property value? 3. In the event of a large fire, can they give them enough assurance that there would be enough equipment and water for the fire district to fight a fire at the new hotel as well as any other homes in the valley at the same time?

Samantha Stultz, a property owner south of this property, indicated that she found out about the development by an advertisement selling the condos. The proposal affects her views, brings her property value down, and her way of life. It is like putting a wall in her front yard. Years ago, they had a propane explosion and they rebuilt so she could enjoy the views.

Wanda Chilcott, who resides in Eden, stated that her home is approximately 150 ft. south from this property, and she and the previous speaker share property lines. She believes the remaining wildlife in the area would be disturbed. She is not opposed to progress as long as it is not at the expense of others. The operation at the resort has disturbed her sleep. She has cleaned up the trash that has been left at the back of her property from the resort. She had to move her horse to Ogden due to the disturbance at the resort during their special events. If the earth is disturbed by more development, what will happen to the existing homes? The noise from the resort special events has become obnoxious and she is being driven out of her home.

Gary Fullmer, who resides in Eden, indicated that the County Commission just passed a cluster subdivision ordinance and wonders if this development is affected by that ordinance. Dustin Parmley replied no, a cluster subdivision has not been proposed. Mr. Fullmer indicated that it is not just line of sight only that it would affect the night sky. On the plus side it does match the general plan in regard to clustering. Mr. Parmley indicated that it can be any recreational amenities that the resort could support.

Miranda Menzies, who resides in Eden, indicated that based on the geotechnical report, there is spring activity in the area with snow making above. She would request that the County Engineer reconsider full saturation of the slope. They need to look at how water is managed on that entire development because it will change the water flows in that area.

Chair Hollist indicated that she considers Ms. Menzies a professional witness and asked what her opinion was on the ability of the aquifers to support this and similar development. Miranda Menzies replied it's a complex question and needs to be considered with the update of the general plan, on a valley wide basis, and they do have a feasibility letter.

Doug Wewer, a resident on Viking Drive, indicated that Ronda Kippen had not seen slope grades on the plan. He is a Civil Engineer by trade and presented a color-shaded grading map of the property slopes. Mrs. Kippen indicated that the map presented is not reflecting the proper property location for this proposal. His personal opinion is that a development of this size does not fit with the rural character of the area.

Ashley Cross, who lives on Nordic Valley Way, said that the widening of the paths have increased her enjoyment. Her one concern is that the improvement in the paths has led to ATV and dirt bike access use accessed on her street. When she mentioned this to someone, within a couple of days boulders were placed in the way preventing the SUV access and she felt that this was very responsive. She also visited the applicants Nordic Valley Office and was informed of the proposal.

Frank Cumberland, who resides in Huntsville, indicated that he called the applicant's Nordic Valley Office three times and left a message but his calls were never returned.

Dave Gordon, 2168 N 3850 E, asked that with no maximum height, when they go over 25 ft., do they have to substantially mitigate the impact? How do they substantially mitigate that height from 30 ft. down the road? Can you substantiate the height of that building from 30 ft. away?

Jeff Stokes, 3162 N 3500 E, lives across the street and to the east of this proposal. Recently he collected a petition of signatures. Chair Hollist deleted the email sent to him because it would have constituted ex-parte communication; however, he noticed that staff was sent the same petition. He feels that there are many concerned citizens that were impacted in the area.

Dustin Parmley indicated that a petition of that nature constitutes public clamor because it is a conditional use permit and cannot be considered.

Lee Schussman, who resides in Eden, indicated that this Planning Commission has in the past considered exemptions to height limits very carefully. He feels that there is a legal precedent for the Planning Commission to make a decision to evaluate a conditional use permit based upon what that impact is.

Chuck Watson, 3401 E Summerset (2400 N), indicated that he has been away from his home for a year and just received notification of the proposal. Six weeks ago, he could not get to his home due to the traffic. He has listened to this meeting and he hears property rights, conditional use, etc. He believes that within property rights there should be some limitations of what the Planning Commission can do. The neighborhood had a particular character when they moved in and they want to maintain that character.

Commissioner Warburton indicated that they have many limitations on their property rights. The limitations exist in zoning. Chair Hollist indicated that they are very serious in achieving a balance of all property rights.

Amanda Vallenger, 3626 Viking Drive, indicated that she is concerned about what is taking place on the hillside. The CAT skiing road is next door. It is extraordinarily steep and this summer there were many trees being taken out as well as brush. She wonders if there have been avalanche surveys as well as sheet flooding studies. Her concern is the clear cutting of the very steep terrain behind Viking Drive. Chair Hollist indicated that they approved the "glading," which was for the owner of Nordic Valley to assess whether they wanted to have ski runs there. It was cut so that they could test the runs during this ski season. The Planning Commission wanted to have assurance that the slopes would be stable not for this particular consideration but it was for other events.

Commissioner Parson indicated that he had a friend that works for Nordic who was involved in the glading. He operated a CAT who said that he would not want to access the road because there are no switchbacks cut.

Richard Webb, 3230 Hwy 162, indicated that if the developer is bringing forth a new site plan, as part of that is he going to bring forth a general plan for the entire site? Dustin Parmley indicated that it cannot be a requirement of the County on a Conditional Use Permit, although the developer can choose to. Mr. Webb indicated that he would highly suggest to the developer that he submit a general plan as well as a feasibility study.

Matt Clarke, 3438 N 2900 E, indicated that he believes they have been told that they are not going to be listened to. Chair Hollist indicated that was not correct. The Planning Commission is a land use body. Their ordinances require them to get a statement from a water provider. That statement was given to them by Nordic Valley Water who have agreed to provide the culinary water as well as for fire prevention. Mr. Clarke indicated that the spring they are pumping out of on the bottom could affect other systems. Once flows are disturbed in Pine Canyon, what will happen? He believes that their livelihood as farmers may be taken away. Commissioner Warburton asked if he has any studies or proof. Mr. Clarke indicated that they run out of water every August; they don't have an abundance of water every year. He would urge everyone involved to take the right steps, be cautious, and study the water issue very carefully.

Chair Hollist indicated that the Planning Commission is very concerned with water. Logan Simpson is the consultant that will study the entire valley as part of updating the Ogden Valley General Plan. Water will be an issue that will be reviewed. They are addressing it very aggressively and they will get the facts and data necessary.

Matt Clarke stated that traffic is a big issue and should also be studied. Whenever there are special events in the Ogden Valley, access to their homes and businesses is very difficult.

Dustin Parmley indicated that the Planning Commission is not making a decision tonight due to the applicant's request to table.

Josh Richards indicated that they are looking at this as a responsibility, not just to take an asset and make it better. They are considering the impact on the residents. They have done their feasibility studies and have looked at what their next steps might be. They are trying to get things right and are not taking things lightly and are doing their due diligence. Mr. Richards indicated that his phone number is 435-210-1910 and he is available to hear everyone's concerns.

Chair Hollist indicated that he has the right to use his property within the law, but he believes he has the obligation to the neighbors of what proposal is brought to the Planning Commission. Josh Richards indicated that he would love it if people would contact him and he will take the time to inform them of his proposal. He is much happier with the new building plan.

Dustin Parmley indicated that we are in the process of revising the general plan and the comments made tonight should be made as part of that update. With a conditional use permit, we are constrained as part of the current code. Commissioner Warburton indicated that the website to give comment to the general plan is [Valleyplan.com](http://Valleyplan.com).

4. **Public Comment for Items not on the Agenda:** There were public comments.
5. **Remarks from the Planning Commissioners:** Commissioner Warburton suggested that staff show where the agenda on the screen as people come in. Chair Hollist asked staff to handle this.
6. **Report of the Planning Director:** Director Wilkinson reminded everyone of the dinner on Wednesday, to be held at the Timbermine at 6:30 p.m. Coming up is the APA Conference to be held April 18-21 in Seattle, and one Planning Commissioner will be going. Scott Mendoza will be presenting Agri-Tourism at this National Conference. Commissioner Howell will be going to the conference and staff will be organizing the itinerary.
7. **Adjournment:** The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;  
Weber County Planning Commission



Minutes of the Ogden Valley Planning Commission Regular meeting January 27, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Pen Hollist, Chair; Ann Miller; John Howell; Greg Graves; Will Haymond; Laura Warburton

**Absent/Excused:** Kevin Parson

**Staff Present:** Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner; Charlie Ewert, Principal Planner; Ronda Kippen, Planner; Christopher Crockett, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***

***Roll Call:***

Chair Hollist asked if any member had ex parte communications to declare. No ex parte communications were declared.

**1. Petitions, Applications and Public Hearings**

**1.1. Administrative Items**

**a. New Business**

**1. Discussion:** Ogden Valley Drainage and Flooding Discussion - Jared Andersen, Weber County Engineer

Director Wilkinson said that Jared Andersen had an unexpected issue that came up and could not attend this meeting. This discussion will be held at the next meeting.

**2. CUP 2015-01:** Consideration and action for approval of a conditional use permit for Legacy Motorsports, an off road vehicle and recreation equipment sales and service, and rental located at 7345 East 900 South within the Commercial Valley Resort-1 (CVR-1) Zone. (Rachel Larsen, agent for Legacy Motorsports, and Carol and Garr Peterson, owners)

Ben Hatfield said that his property is zoned CVR-1; within that CVR-1 Zone as a conditional use it allows off road vehicle and recreation equipment sales, service, and rentals. The address is more commonly known as Chris's Gas Station in Huntsville. The site currently has a gas station as well as other businesses. Legacy Motorsports has proposed to rent some of this space in the existing building and has proposed to have enough parking on the site. A 20 ft. by 6 ft. area would display ATV's and UTV'S that are for sale or rent. Part of the criteria for issuance of a CUP is the ATV sales and rentals. The proposal will have minimal impacts to the community as the site is located with other commercial uses. Any repair and mechanical maintenance of the vehicles will be handled by the adjacent business. Staff is proposing recommendation of approval of the CUP application.

Rachael Larsen, the applicant who resides Hooper, indicated that they have always wanted to have a dealership and sell motorsports. They would like to do business in Weber County, bring some revenue and sales to the valley, and let people see how beautiful it is up there.

Commissioner Howell inquired as to when they would have those vehicles there, where will they be stored, and the number of vehicles involved there. Mrs. Larsen replied they are going to store them against the building. They will usually be outside, but they are working on getting an enclosed trailer so they have a place to store them at night. They are going to start out with three and as their business picks up, they will come back with a revision.

Chair Hollist asked if they will be selling and renting the ATV's. Mrs. Larsen replied their plans are to sell them and later on they could see about renting them.

There was no public for discussion.

**MOTION:** Commissioner Warburton moved to approve CUP 2015-01 for the Legacy Motorsports, an off road vehicle and recreation equipment sales and service and rental located at 7345 East 900 South within the Commercial Valley Resort-1 (CVR-1) Zone based on the finding of facts that it fits in with the General Plan. Commissioner Haymond seconded.

**DISCUSSION:** Commissioner Graves said the motion indicated sales and rentals but the applicant indicated they are not doing rentals. Commissioner Warburton replied staff has indicated sales and rentals and this prevents the applicant from coming back. Director Wilkinson added that is the use that is listed in the code. Commissioner Graves said there is no

size or the amount of vehicles they could have listed. Mr. Hatfield replied that the only limits they have is the size of the display and if they needed additional space for more vehicles they would have to come back and amend their application.

**VOTE:** A vote was taken with Commissioner's Miller Howell, Graves, Haymond, Warburton, and Chair Hollist voting aye. Motion Carried (6-0)

**b. Old Business**

**1. CUP 2014-34: Blacksmith Garage Conditional Use Information Update**

Chair Hollist stated that he was not sure that Ronda Kippen needed to present anything as they were just passing information along from a previous case to let the public know that the memorandum sent to the Planning Commissioners would be sent to Steven Robins who wanted to see the discussion regarding the screening of that property. Mrs. Kippen has addressed that and he wonders if that is all that needs to be done. Director Wilkinson replied that no action needs to be taken. Staff put this on the agenda in case there were any questions; if not staff will send the discussion to the applicant.

**2. Elections: Chair and Vice Chair for 2015**

Commissioner Miller nominated Commission Warburton for Chair. Commissioner Howell seconded.

**VOTE:** A vote was taken to elect Commissioner Warburton as Chair for 2015, with all members voting aye (6-0).

Commissioner Howell nominated Commissioner Hollist for Vice Chair. Commissioner Warburton seconded.

**VOTE:** A vote was taken to elect Commissioner Hollist as Vice Chair for 2015, with all members voting aye (6-0).

**3. Meeting Schedule Approval of the 2015 Meeting Schedule**

Upon reviewing the meeting schedule, the Planning Commission agreed to the meeting schedule.

**VOTE:** A vote was taken to approve the meeting schedule as presented with all members voting aye (6-0)

**4. Public Comment for Items not on the Agenda:** Steve Clarke, who resides in Eden, introduced Ken Mayhue, a resident of Eden who is also interested in Government. He is a great participant in valley affairs. He introduced Ken's daughter; Brittney Mayhue, who is here for her first government meeting. She is filling a requirement for a class. Chair Hollist welcomed them and informed Brittney of what they deal with on administrative matters. Chair Hollist invited Miss Mayhue to the work session later on the agenda.

**5. Remarks from Planning Commissioners:** Chair Warburton thanked Commissioner Hollist and Commissioner Miller for the work that they have done for two years, and their dedication as Chair and Vice Chair.

**6. Report of the Planning Director:** No remarks from the Planning Director.

**7. Remarks from Legal Counsel:** No remarks from Legal Counsel.

**8. Adjourn to Convene a Work Session:**

Commissioner Hollist gave a brief review about the presentation for the Monastery. There were a number of people there including people from the Ogden Valley Land Trust. Their presentation was very faithful to what the Monks wanted. In the presentation they had come up with a scenario but Commissioner Hollist's opinion was that it was complete and they knew it was not complete. As for the spiritual aspect of the land that was used by the Monks, their paths were a fully considered and complete in his view. It appears this was largely done to the direction of where the Monastery is planning to go.

Steven Clarke said he had information with more questions. Scott Mendoza stated that they had interesting points, in the past it was more of a development mode, but currently it is more about agriculture land. They have taken more responsibility and the plan can now be suggested to the Monks.

**WS1. DISCUSSION: Ordinance Revision: Title 108, Standards, Chapter 12, Noncomplying Structures and Noncomplying Uses/Parcels:**

- **Summary:** The County is working on expanding certain public rights of way to facilitate street improvements. The right-of-way expansions may cause some abutting lots that are at the minimum zoning standards to drop below adopted standards. It is apparent that other changes could help for clarity and administration.
- **Background:** In the process of vetting language, staff found other area of the code related to nonconforming parcels that need additional clarity. Under historic best management practices, the nonconforming use and Noncomplying structures ordinance is intended to ensure that the right to continue existing uses and structures are vested throughout time. The original intent of such an ordinance is to make the change or modifications of nonconforming uses and structures so restrictive that future land owners are more motivated to eliminate the nonconformity and comply with new ordinance standards.
- **Proposal:** Staff proposes the changes that can be found in Exhibit A, Section 108-12-15, along with new code section, a notice document has been created that will be recorded on the properties affected by right of way expansions. This notice will give current and future property owners notice of the new ordinance, and provide clarity in the record that their right to existing and new uses on the property will not be affected by the right of way expansion provided in Exhibit B. Regarding unplatted properties, the changes proposed in Exhibit A, Section 108-12-11, maintain the flexibility of the current ordinance while providing clarifications. The current ordinance only lists that zoning area and zoning width standards may make a "Lot, nonconforming." The proposed definition is no longer limiting to zoning area and zoning width standards.
- **Discussion:** Charles Ewert briefly went through the Exhibit A and Exhibit B explaining the changes. After a discussion from the Planning Commission, the members asked Mr. Ewert to continue making changes as they like where this was headed.
- **Summary:** The provisions are not proposed to be removed, but they are being revised to provide clarity.

**WS2. DISCUSSION: Weber County Land Use Code Revision Process: Main Use, Accessory Use, Main Building, and Accessory Building:**

- **Summary:** In the Land Use Code there is a conflict regarding how the definition of the main and accessory building works with the definition of main and accessory use. In essence, these definitions do not allow an accessory building on a lot or parcel that does not have a *main building*. The first thing listed in most zones is "*accessory building or use customarily incidental to any permitted or conditional use.*" Under existing ordinances, an accessory building may not necessarily be all that different from a main building. A "*main building*" is required to be established and adhere to certain setback standards that are more restrictive than those for an "*accessory building.*" The only substantial difference between the two building types is the setback requirements. Uses of the buildings must comply with those uses listed in whatever zone the building is located.
- **Background:** This discussion was spearheaded by an applicant that desired to build an accessory building on his property. This property is a legal, subdivided, and conforming lot. The property is vacant, with the exception of occasional agricultural uses. The property owner asserted that the structure would be accessory to the agricultural use. Due to the current Land Use Code (LUC), staff had been to find other means to help the gentleman get what he wanted, but these other means tend to be more cumbersome for the land owner and County administration. The Planning Commission should know that the difference between a main building and an accessory build is not necessarily based on the specific use of the building as provided in the listed permitted or conditional uses of the zones. If a building is defined as a main building it has to meet stricter setback requirements than a building defined as an accessory building.

- **Analysis:** The first thought about how to approach this issue, is that accessory buildings should be allowed to support main uses of land allowed by whatever zoning is in place on the land, with or without a main building. This is because some open air uses allowed in any given zone may necessitate a building that is not a main building, and should not be required to meet the main building setbacks. The second thought is that the adjacent land owners of smaller lots within a residential subdivision or neighborhood in a zone that also allows open air land uses may have a reasonable expectation for similar uses to be established on neighboring parcels. Allowing for accessory structures on vacant lots can create a built environment of shops and garages on properties in area primarily built to provide residential uses. Those accessory structures interrupt the land uses typical of residential neighborhoods. In determining appropriate policy perspectives, staff and the Planning Commission(s) are supposed to be looking to, first, the general plan and second, the intent of the zone for guidance. The following analysis takes a closer look at the general plan for both Planning Commissions, and follows with a review of the purpose and intent of specific zones:
  - The Ogden Valley General Plan establishes a goal to promote agricultural land with the following objectives:
    1. Identify and promote prime agricultural land
    2. Consider agricultural land in dedicated open space planning
    3. Develop means to compensate property owners for the loss of development rights on agricultural land
    4. Promote working farms as an integral part of the Valley’s cultural heritage
  - The Western Weber General Plan, this plan does not provide a clear preference on how approach the conflicting adjacent land use issue.
  
- **Proposal:** In keeping with the status quo, the following proposal is only intended to clarify the code in a manner that matches how the current administration already applies such concepts. The proposal does not speak to the higher-arching implications provided in the above analysis. The erection of a building intended to support an allowed open-air use of land may occur as long as it is identified as a main building, and setback from property lines in accordance with the standards for main buildings. The additional setback requirements of the main building will assist in protecting adjacent residential uses from agricultural operations, while still enabling agricultural uses to thrive. This is a legislative consideration, and there is a lot of discretion that can go into the decision.
  
- **Discussion:** Charles Ewert briefly went through the Exhibit A and Exhibit B explaining the changes. After a discussion from the Planning Commission, the members asked Mr. Ewert to continue making changes as they like where this was headed.
  
- **Summary:** The provisions are not proposed to be removed, but they are being revised to provide clarity.

**WS5. Adjournment:** The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;  
 Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular meeting held on February 3, 2015, in the Weber County Commission Chambers, Breakout Room commencing at 5:00 p.m.

**Present:** Laura Warburton, Chair; Pen Hollist; Ann Miller; Greg Graves; Laura Warburton; Kevin Parson; John Howell

**Absent/Excused:** Will Haymond,

**Staff Present:** Sean Wilkinson, Planning Director; Charlie Ewert, Principal Planner; Scott Mendoza, Principal Planner; Chris Crockett, Legal Counsel; Ben Hatfield, Planner; Kary Serrano, Secretary

**Guests:** Krissy Nielsen and Buck Swaney, Ogden Valley Vision Presenter; Gary and Janet Fullmer, Steve Clarke

**1. DISCUSSION:** Ogden Valley Vision Document. To formally present the current draft of the Vision for the Ogden Valley General Plan and seek the Planning Commission's endorsement of this general direction. A first building block of the new General Plan is the creation of a shared vision for our future. Through the work of various stakeholder interviews, the Vision Workshops, the Citizen Advisory Committee, and input from the general public, a vision for the Valley's future has been created.

#### **Vision Document**

- Discussed the vision and the vision principles.
- Discussed the need to balance the vision principle with private property rights.
- Commissioner Hollist indicated that the background page should say something about water and the history and concerns about water.
- Commissioner Hollist indicated that on Page 13 – Recreation needs to also discuss ski resort areas, and not just parks and trails.
- Commissioner Hollist indicated that on Page 14 – the image should be replaced with an image from the Ogden Valley.
- Commissioner Graves said that on Page 14 – they need to rework third paragraph to make it clear that Eden is not the only area needing special attention for a complete village design. [Greg]

#### **2. Adjourn to a Work Session**

##### **WS1. DISCUSSION: Weber County Land Use Code Revision Process: Conditional Use Standards.**

- Conditional Use Permits are administrative decisions. The planning commission should begin their review of them with the intent to approve.
  - We discussed that in some very rare cases there may be “compelling, countervailing public interest” issues to consider that would make a use appropriate to deny.
- The Planning Commission should exercise caution in denying a permit. Denials should be fairly infrequent, when not otherwise recommended by staff. Rather than denying a permit, craft ordinance-based conditions that meet an objective of the law.
- Commissioner Hollist advocated for tabling any decision that is headed toward a denial in order to determine how to best do it. Charles Ewert supported this notion, suggesting that individual Planning Commissioners should seek staff and legal counsel's guidance on how to craft defensible, objective, ordinance-based findings when denying a permit.
  - The Planning Commission requested follow-up on whether the Planning Commission may have privileged [not public] conversation with legal advisors before making a final decision.
  - The Planning Commission also requested clarification on whether an item can be bumped from a decision item to a work session item in another meeting.
- CUP decisions need to be defensible. On appeal the decision will be evaluated based on whether it was arbitrary, capricious, or illegal.
  - The Planning Commission requested follow-up on the definition of arbitrary and capricious.
- The Planning Commission favored the tempering their decision making discretion in favor of tight laws. There was discussion about how this could potentially allowed some unanticipated detrimental effects to slip through the cracks.

Director Wilkinson handed out an updated list of the uses that were done for 2014 so that the Planning Commission could go through the list.

**WS2. DISCUSSION: Weber County Land Use Code Revision Process: Land Use Table**

Charlie Ewert stated that this item will be discussed at a later time.

**3. Adjournment:** The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,



Kary Serrano, Secretary;  
Weber County Planning Commission



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a Conditional Use Permit (CUP 2014-32) request for a contracted (Utah Department of Alcoholic Beverage Control or DABC) Type 1 Package Agency doing business as Outpost Spirits.

**Agenda Date:** Tuesday, February 24, 2015

**Applicant:** Paul Strange representing SMHG Management, L.L.C.

**File Number:** CUP 2014-32

### Property Information

**Approximate Address:** 3900 North Wolf Creek Drive

**Project Area:** 1.74 acres

**Zoning:** Commercial Valley-2 (CV-2) Zone

**Existing Land Use:** Restaurant, retail, and office.

**Proposed Land Use:** Restaurant, retail, office, and DABC contracted package liquor store.

**Parcel ID:** 22-016-0092

**Township, Range, Section:** T7N, R1E, SE ¼ of Section 22

### Adjacent Land Use

<b>North:</b> Resort Commercial	<b>South:</b> Resort Golf Course
<b>East:</b> Resort Condominium	<b>West:</b> Resort Golf Course

### Staff Information

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

**Report Reviewer:** SW

## Applicable Codes

- Title 104, Chapter 2 - Ogden Valley Architectural, Landscape, and Screening Standards
- Title 104, Chapter 16 - Ogden Valley Lighting
- Title 104, Chapter 21 - Commercial Valley Zones CV-1 and CV-2
- Title 108, Chapter 1 - Design Review
- Title 108, Chapter 4 - Conditional Use
- Title 108, Chapter 8 - Parking Regulations
- Title 110, Chapter 2 - Ogden Valley Signs

## Type of Decision

When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag-lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Background

The applicant is requesting the approval of a Conditional Use Permit to operate a contracted (Utah Department of Alcoholic Beverage Control or DABC) Type-1 package agency (liquor store) located at approximately 3900 North Wolf Creek Drive in Eden. The store will occupy an area of approximately 500 square feet, on the lower level, of the existing North Fork Table & Tavern building. This building was once known as the Wolf Creek Golf Clubhouse. See Map 1 below for a location map.

The North Fork Table & Tavern building is located on a 1.74 acre parcel that lies in a Commercial Valley-2 (CV-2) Zone which lists a liquor store as a conditional use. The applicant has provided a site plan and floor plan, a project narrative, and other

written information that is intended to establish a basis for approving this permit request. These submittals have been attached as Exhibits A through C, respectively.

Records held in the Planning Division Office indicate that this site may have been originally approved prior to the 1970's. The Wolf Creek Reception Center (or Pineview Lodge), located immediately to the north of the subject building and now referred to as the Arbor Lodge, was approved by the Ogden Valley Planning Commission on June 26<sup>th</sup>, 2007 as CUP #18-2005. The uses that have been established in the Arbor Lodge consist of a reception center and real estate office. The uses that currently exist in the North Fork Table & Tavern building consist of a restaurant, seasonal golf/ski shop, and seasonal golf course café. The package agency, if approved, will be added to these uses.

Parking for both of the buildings includes 53 spaces. This number of spaces falls short of meeting the technical standard, found in Section 108-8-4 (Parking Space for Non-dwelling Buildings and Uses), which is 91. Due to this shortage, the applicant is requesting that the Ogden Valley Planning Commission approve a reduction based on the following:

1. The proposed package agency is very limited in scale (500 sq.ft.) and will not operate like a typical liquor store that services a large clientele.
2. The seasonal golf/ski shop customers will not, except for a limited number of night skiers, compete for parking spaces with the restaurant which is mostly marketed as a dinner establishment.
3. The applicant operates an existing park-n-ride lot in Eden; therefore, is and can continue to utilize the lot as needed. Additionally, the applicant is working with Snowcrest Junior High School in order to provide for greater parking needs for events held on weekends.
4. The applicant is working with the owner of the Wolf Creek Golf Course on an agreement related to an overall parking plan. This plan will take into consideration the relationship between all existing and future parking needs at the current resort core and will be illustrated on a future master plan.

The table below shows a complete summary of uses, including the proposed package agency, and the requirements related to each:

Bldg.	Uses	Weber County Regulations	Parking Requirements
Pineview Lodge	Real Estate Office	1 space per 2 employees + 4 spaces for client use	15
	Reception Center	Min 30	30
Outpost	Liquor Store	Min. 20 (500 sq ft)	20
	Café (for Golf Course)	One space per seating booth	4
	Restaurant	One space per booth	16
	Ski Rental	One space per 200 sq. feet (1,200 sq ft total)	6
		Total	91
		Total Stalls owned by SMHG	53

Section 108-8-5, of the Weber County Land Use Code, allows the Planning Commission to make adjustments to parking requirements when warranted. It states that:

*The Planning Commission may adjust the required number of spaces listed in this chapter if in its determination an unusual or unique circumstance or condition, relating to the operational characteristics of the use, exists in a manner or to such a degree that such adjustment is equitable and warranted.*

Development standards, including those listed above in the *Applicable Codes* section, have been reviewed and the application for a conditional use permit to operate a package agency in the CV-2 Zone, has been determined to be complete and in compliance with the above listed chapters of the Weber County Land Use Code.

Also, the proposed package agency application has been reviewed by the Weber County Engineering Division, Weber-Morgan Health Department, Weber County Building Inspection Division, and the Weber Fire District. These County agencies have approved the application.



## Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of the applicable County codes?
- Does the Planning Commission agree with the proposed reduction in parking spaces?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved, it must meet the requirements listed under "Basis for Issuance of Conditional Use Permit." The Planning Commission needs to determine whether or not the proposed package agency meets these requirements. See Exhibit C for the applicant's written information that is intended to establish a basis for approving this permit request.

Section 108-4-4 (Criteria for Issuance of Condition Use Permit) states:

*Conditional uses shall be approved on a case-by-case basis. The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:*

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards for such use.*

After reviewing this conditional use request, staff has determined that the criteria listed above have been met in the following ways:

1. No detrimental effects are anticipated.
2. The proposed use complies with the standards found in the Weber County Land Use Code as well as other applicable agency requirements.

## Conformance to the General Plan

One of the Ogden Valley General Plan's goals is to encourage commercial development within established commercial areas. The proposed package agency is located in an existing building within the Wolf Creek commercial core area. The proposed use does not negatively affect any goals or objectives as outlined in the General Plan.

## Conditions of Approval

- Requirements of the Weber County Engineering Division.
- Requirements of the Weber County Health Department.
- Requirements of the Weber County Building Inspection Department.
- Requirements of the Weber Fire District.
- Requirements of any other applicable review agencies.
- Compliance with DABC requirements.

## Staff Recommendation

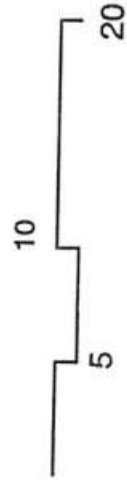
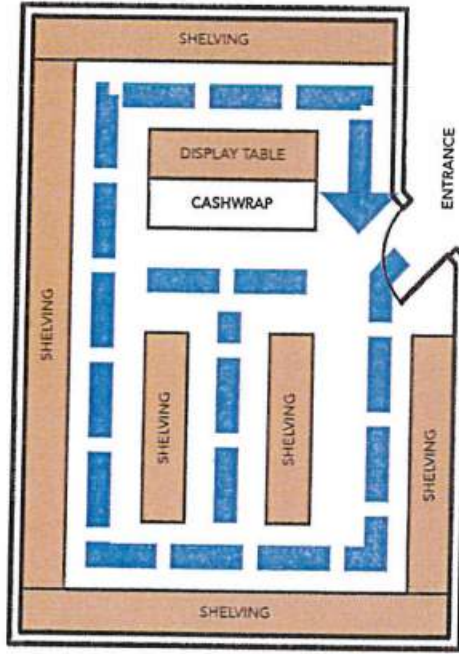
Staff recommends approval of the proposed package agency (liquor store) as presented by the applicant. This recommendation is subject to all review agency requirements and based on the application's compliance with applicable code requirements as described in this staff report. Also, this recommendation includes the requested reduction in parking spaces.





Spirit Haus: Floor Plan

- [Light Brown Box] = SERVICE AREA
- [Orange Box] = STORAGE AREA
- [Blue Box] = PATH OF TRAVEL



AT

The Outpost Lower Floor Plan

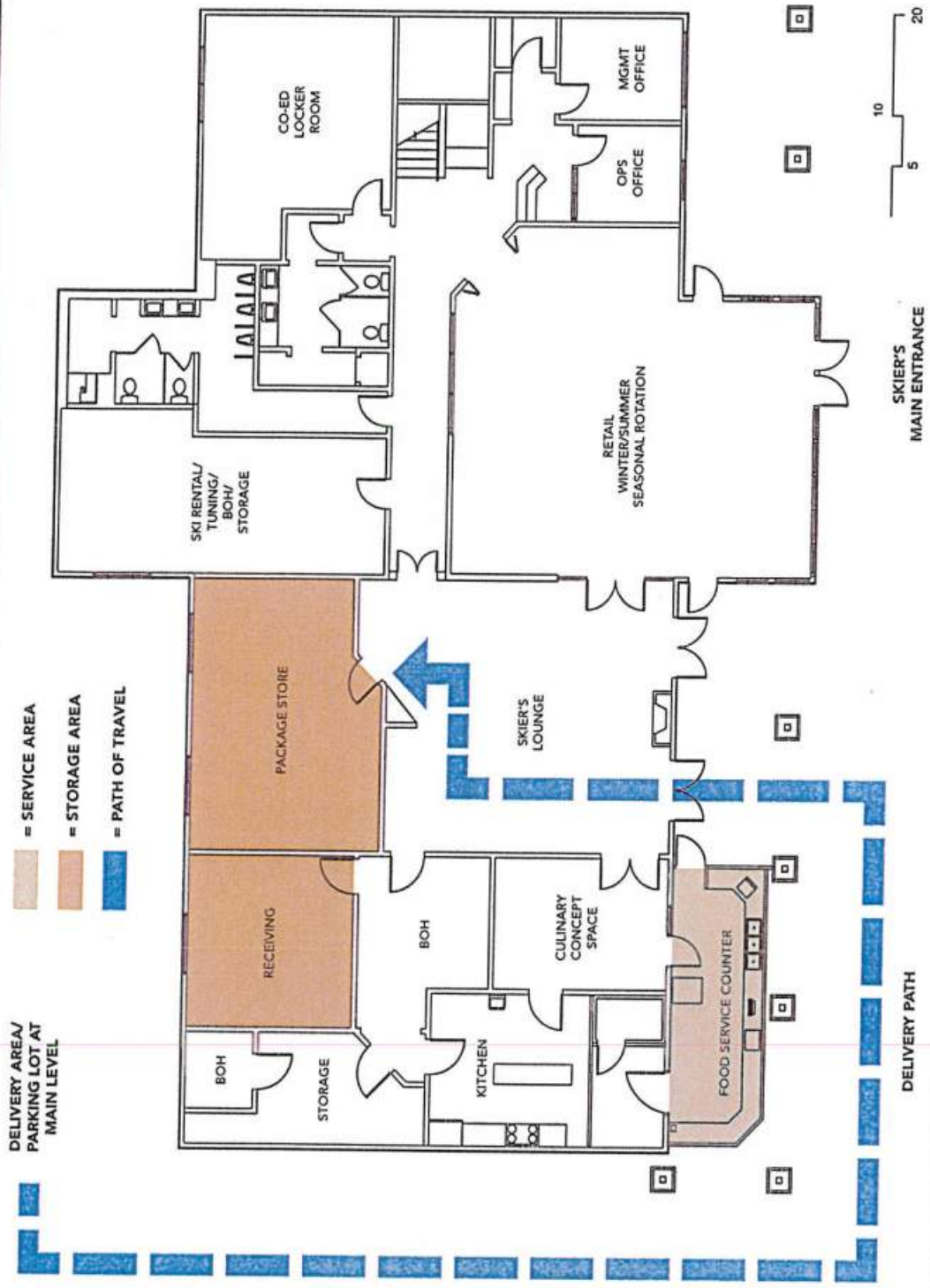
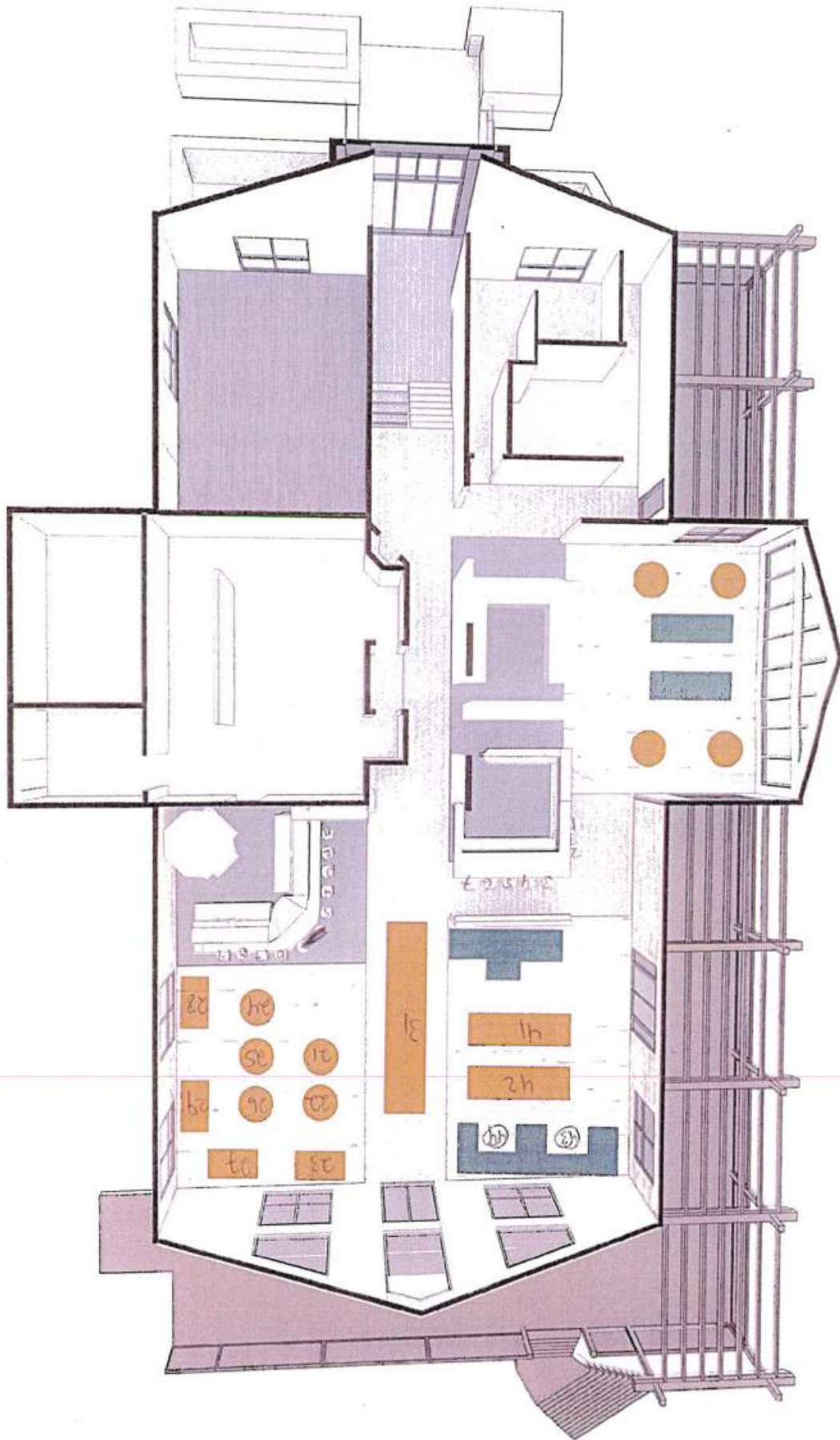


EXHIBIT A  
4/4

EXHIBIT A  
4/4



1/4

**NARRATIVE**  
**OUTPOST SPIRITS**  
**BUSINESS PLAN**

EXHIBIT B  
1/2

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**SUMMARY**

Outpost Spirits is a retail liquor outlet and sundry shop located at 3900 North Wolf Creek Drive in Eden, Utah.

Outpost Spirits will offer packaged liquor, mixers and soft drinks, as well as snack foods, magazines, souvenirs and other miscellaneous items.

Outpost Spirits will be open to the general public.

Outpost Spirits will be operated by SMHG Management, LLC, which is the manager of Powder Mountain Ski Resort.

**DABC AUTHORIZATION**

Outpost Spirits will sell packaged liquor for off-premise consumption under a "Package Agency" contract with the Utah Department of Alcoholic Beverage Control (DABC). Outpost Spirits will be designated by the DABC as a "Type 1" Package Agency, which is specifically intended to serve resort environments, such as hotels, ski lodges and summer recreational areas.

**LOCAL DEMAND**

The nearest State Liquor Store is located approximately 25 miles from Eden. As such, the packaged liquor portion of Outpost Spirits' business will provide a much-needed service to local residents and the thousands of vacationers who enjoy Ogden Valley's resorts and recreational areas throughout the year. This may also have the added benefit of reducing traffic through Ogden Canyon, particularly during holidays and weekends.

The sale of soft drinks, snack foods, magazines, souvenirs and other miscellaneous items will provide an additional amenity for Powder Mountain Ski Resort patrons and residents of the various subdivisions located in and around Wolf Creek Resort.

**HOURS OF OPERATION**

The DABC allows Type 1 Package Agencies to operate from 10:00 a.m. until 12:00 midnight, Monday through Saturday. The actual operating hours may be less at the discretion of the Package Agent with approval from the DABC.

Outpost Spirits will likely operate during the same or similar hours as the "North Fork Table & Tavern" which will be located in the same building.

**SALES REVENUE & PROFIT**

The packaged liquor portion of Outpost Spirits' business will not generate any profit whatsoever. As mandated by the DABC, Outpost Spirits must sell packaged liquor at the exact same price Outpost Spirits paid at either the DABC Warehouse or a State Liquor Store. As such, the packaged liquor portion of Outpost Spirits' business will be provided merely as a convenience to Powder Mountain Ski Resort patrons and members of the general public.

Outpost Spirits expects that revenue and profits from the sale of miscellaneous non-alcohol items will vary with the seasonal influx of vacationers, but anticipates a fairly steady base of local customers for such miscellaneous items even during the "off season".



## Weber County Conditional Use Permit Application

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

Date Submitted / Completed 11/12/14	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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## Property Owner Contact Information

Name of Property Owner(s) SMHG Management LLC	Mailing Address of Property Owner(s) P.O. Box 750 Eden UT 84310
Phone 801 745 2054	Fax N/A
Email Address Kimber@summit.co	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) Paul Strange	Mailing Address of Authorized Person P.O. Box 750 Eden UT 84310
Phone 415-370-1100	Fax N/A
Email Address paul@summit.co	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

## Property Information

Project Name Outpost <del>Spirits</del> Spirits	Total Acreage 1.74	Current Zoning CV-2
Approximate Address 3900 No. Wolf Creek Drive Eden UT 84310	Land Serial Number(s) 22-016-0058	

Proposed Use liquor sales
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Project Narrative see business plan attached.
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**Basis for Issuance of Conditional Use Permit**

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

The proposed store will serve the community by providing a location for liquor purchasers to buy liquor in the Ogden Valley. This will contribute to the general well being of the community by reducing traffic and trips to the closest liquor store, which is approximately 25 miles away.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

The proposed store will not be detrimental to the health, safety and general welfare of persons or the community in that it will reduce traffic and trips to the closest liquor store which is approximately 25 miles away. The proposed store is located in the Wolf Creek Resort, is adjacent to a golf course and will be in a building with a restaurant and bar. Accordingly the proposed store is compatible with the existing surrounding uses. The proposed store is not likely to generate considerable traffic in the area and the parking at the site is sufficient to support the likely volume. The building is currently being remodeled and the design, landscaping and signs will be compatible with the community.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

The proposed store will comply with the regulations and conditions specified in the Ordinance.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

The proposed use is in conformance with the goals, policies and governing principles of the General Plan for Weber County.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

The proposed use is not anticipated to lead to the deterioration of the environment or ecology of the general area. The store will be in an existing commercial building and is not expected to release any pollutants that would detrimentally affect the area.

Property Owner Affidavit

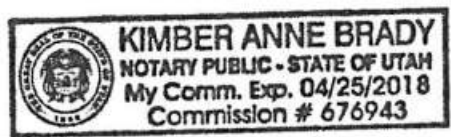
I (We), Paul Strangl, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

*[Handwritten signature of Paul Strangl]*

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 12 day of November, 2014.



*[Handwritten signature of Kimber Anne Brady]*

(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)



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for a Design Review approval of a Master Signage Plan for the North Fork Table & Tavern and Arbor Lodge building at Wolf Creek Resort.

**Agenda Date:** Tuesday, February 24, 2015

**Applicant:** Paul Strange representing SMHG Management, L.L.C.

**File Number:** DR 2014-13

### Property Information

**Approximate Address:** 3900 North Wolf Creek Drive

**Project Area:** 1.74 acres

**Zoning:** Commercial Valley-2 (CV-2) Zone

**Existing Land Use:** Restaurant, retail, and office.

**Proposed Land Use:** Restaurant, retail, office, and a DABC contracted package liquor store.

**Parcel ID:** 22-016-0092

**Township, Range, Section:** T7N, R1E, SE ¼ of Section 22

### Adjacent Land Use

<b>North:</b> Resort Commercial	<b>South:</b> Resort Golf Course
<b>East:</b> Resort Condominium	<b>West:</b> Resort Golf Course

### Staff Information

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

**Report Reviewer:** SW

## Applicable Codes

- Title 110, Chapter 2 - Ogden Valley Signs
- Title 104, Chapter 21 - Commercial Valley Zones CV-1 and CV-2
- Title 108, Chapter 1 - Design Review

## Type of Decision

When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag-lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Background

The applicant is requesting a design review approval for a Master Signage Plan at the existing North Fork Table & Tavern (NFT&T) and Arbor Lodge buildings which are located at approximately 3900 North Wolf Creek Drive in Eden. The North Fork Table & Tavern building was once known as the Wolf Creek Golf Clubhouse and the Arbor Lodge (located immediately to the north of the NFT&T building) was known as the Wolf Creek Reception Center or Pineview Lodge in the past. See Map 1 below for a location map.

The North Fork Table & Tavern and Arbor Lodge buildings are located on a 1.74 acre parcel that lies in a Commercial Valley-2 (CV-2) Zone which allows for approximately 24 specific sign types and several other (not including temporary or special purpose signs) optional or alternative signs. The applicant has provided a site plan, sign summary, multiple building elevations, and images of the proposed signs showing materials and dimensions. The overall Master Signage Plan consists of a variety of sign types including: (2+) handicap parking, (2) address, (2) business, (4) wall, (4) guidance, and (8) window signs. See Exhibit A for the complete Master Signage Plan. See the table below for a list of proposed signs, their sign-type, and a brief description of their location:

NFT&T and Arbor Lodge Master Signage Plan			
Sign's # on Site Plan	Proposed Sign	Sign-Type	Location Description
1	NFT&T Building Sign	Wall Sign	North side of NFT&T porte-cochere.
2	NFT&T Building Sign	Wall Sign	East side of NFT&T porte-cochere.
3	NFT&T Building Sign	Wall Sign	South side of NFT&T porte-cochere.
4	Outpost Wayfinding	Guidance	One near southeast corner of NFT&T porte-cochere. Two along northern most boundary of north parking area. One in between NFT&T and Arbor Lodge building.
5	Ski Rental Sign	Wall	South wall of NFT&T building.
6	Pow Mow Ski Shop Sign	Business	South wall of NFT&T building. NOTE: This sign will have an Open/Closed or Hours of Operation message on it.
7	Pow Mow Ski Shop Vinyl Sticker	Window	Four at south entry, lower level doors of NFT&T building.
8	NFT&T Vinyl Sticker	Window	Two at south entry, upper level doors of NFT&T building. Two at west entry, upper level doors of NGT&T building.
9	NFT&T Address Sign	Address	Southwest corner of NFT&T porte-cochere.
10	Arbor Lodge Address Sign	Address	North side of Arbor Lodge building.
11	Arbor Lodge Ornamental Sign	Business	Hanging at north entrance of Arbor Lodge.
12	Handicap Parking Sign	N/A	Two in parking area east of Arbor Lodge entrance.

Records held in the Planning Division Office indicate that the North Fork Table & Tavern site may have been originally approved prior to the 1970's. The Arbor Lodge building and site, was approved by the Ogden Valley Planning Commission on June 26<sup>th</sup>, 2007 as CUP #18-2005; however, a Master Signage Plan has never been submitted or approved for either building in the past. The uses that currently exist in the North Fork Table & Tavern building consist of a restaurant, seasonal ski/golf shop, seasonal golf course café, and a resort scaled liquor store. The uses that have been established in the Arbor Lodge consist of a reception center and real estate office.

All sign messages referring to ski rental and the ski shop will transition to golf and/or pro shop as the seasons change. The sign materials and dimensions, when transitioned, will not change.

### Summary of Planning Commission Considerations

- Is the proposed Master Signage Plan compliant with the standards and requirements of all applicable County codes? Section 110-2-3, of the Ogden Valley Sign Code, states that a Master Signage Plan is required when multiple signs are allowed and/or multiple tenants, businesses, or other entities occupy a single building or storefront. The intent is to demonstrate, to the Planning Commission, that a site's sign plan is attractive, orderly, and compliant with all standards and requirements of the County's Land Use Code.
- Has the applicant adequately shown and clearly indicated the location, size, illumination details, type, and all dimensions of each sign on the property?
- Has the applicant adequately shown the locations of the proposed signs for both buildings?

## Conformance to the General Plan

One of the Ogden Valley General Plan's goals is to require that development be compatible with the Valley's rural character and natural setting. The proposed signs use natural materials and are earth tone colors.

## Conditions of Approval

- Requirements of all applicable review agencies including those requirements/conditions listed in the Staff Recommendation Section below.

## Staff Recommendation

The Weber County Planning Division Staff recommends approval of the proposed Master Signage Plan for the North Fork Table & Tavern and Arbor Lodge building located at approximately 3900 North Wolf Creek Drive in Eden. This approval is based on the Plan's compliance with applicable codes and is subject to the conditions listed below:

### Findings:

1. All proposed signs are permitted by the Ogden Valley Sign Code.
2. All signs meet size standards as regulated by the Ogden Valley Sign Code.
3. All signs meet the material, display, and setback standards found in Section 110-2-12 of the Ogden Valley Sign Code.
4. Previously approved site and landscape plans will not be changed.
5. No new lighting has been proposed.

### Conditions:

1. Approval is based on representations made in the application and the Master Signage Plan. Any changes to the Master Signage Plan shall be submitted to the County for review.
2. All signs shall be located at represented locations.
3. No lighting shall be installed unless otherwise approved through further review and approval by the County.
4. Prior to construction, the applicant shall coordinate with the Weber County Engineering and Building Inspections Divisions to verify permitting needs.
5. Prior to any excavation or construction, the applicant shall coordinate with an appropriate utility locator.

## Exhibits

- A. North Fork Table & Tavern site plan, sign summary, building elevations, and sign materials and dimensions.

## Map 1

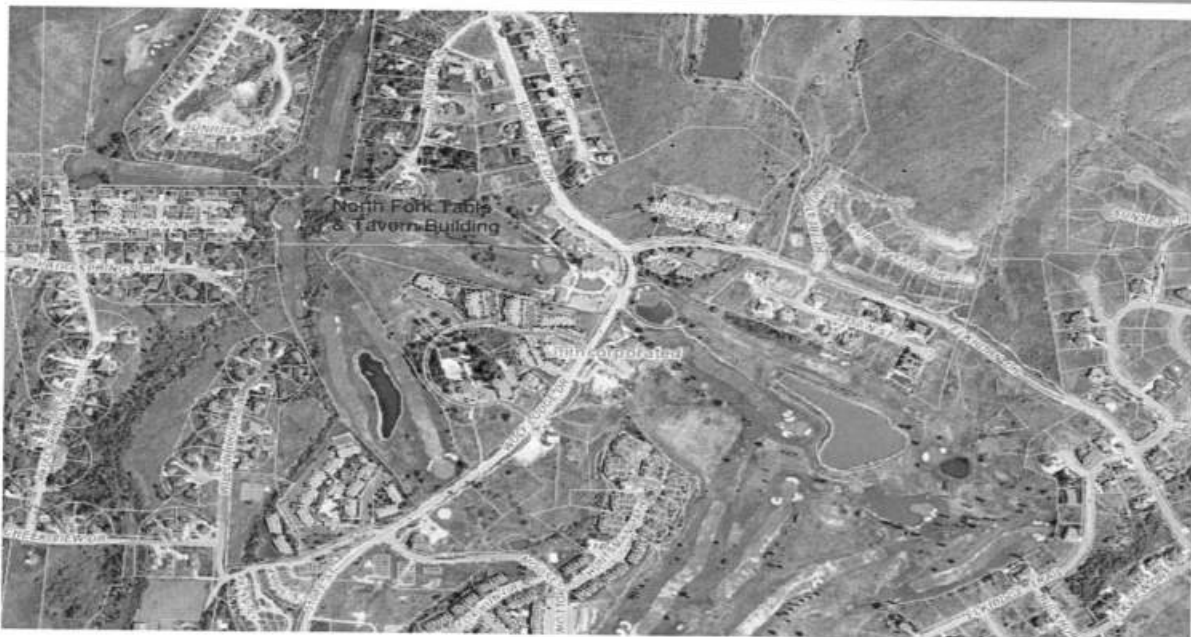
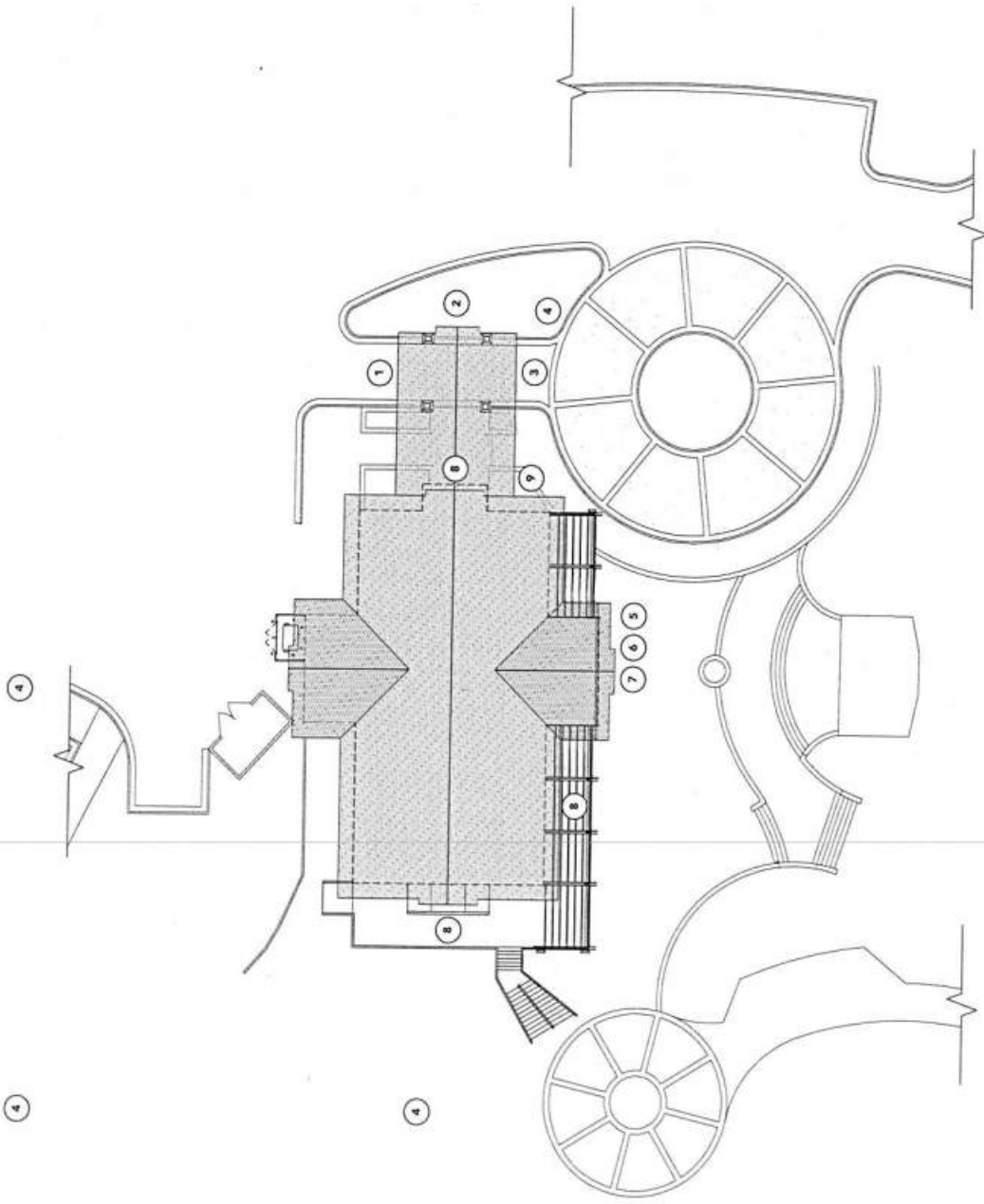


EXHIBIT  
A  
1/25

NOTES:

- 1 NFT&T BUILDING SIGN NORTH
- 2 NFT&T BUILDING SIGN EAST
- 3 NFT&T BUILDING SIGN SOUTH
- 4 OUTPOST WAYFINDING (w4)
- 5 SKI RENTAL SIGN
- 6 POW MOW SKI SHOP SIGN
- 7 POW MOW SKI SHOP VINYL STICKER
- 8 NFT&T VINYL STICKER
- 9 NFT&T ADDRESS SIGN



**SITE PLAN**  
SCALE: 1/32" = 1'-0"



A  
2/25

**OVERVIEW:**

BUILDING GRAND TOTAL 8279 SF  
5% RATIO ALLOWED BY CODE 414 SF  
WALL SIGNAGE GRAND TOTAL 95 SF  
(NOT INCLUDING ADDRESS SIGN)

**SIGNAGE DETAIL**

	SQ.FT	ELEVATION
1. NFT&T BUILDING SIGN NORTH	15 SF	NORTH
2. NFT&T BUILDING SIGN EAST	40 SF	EAST
3. NFT&T BUILDING SIGN SOUTH	15 SF	SOUTH
4. OUTPOST WAYFINDING (x4)	N/A	
5. SKI RENTAL SIGN	23.5 SF	SOUTH
6. POW MOW SKI SHOP SIGN	1.5 SF	SOUTH/EAST
7. POW MOW SKI SHOP VINYL STICKER	N/A	
8. NFT&T VINYL STICKER	N/A	
9. NFT&T VINYL STICKER	N/A	
10. NFT&T ADDRESS SIGN	N/A	
WALL SIGNAGE GRAND TOTAL:	95 SF	

**AREA AND SIGN PERCENTAGE TOTAL**

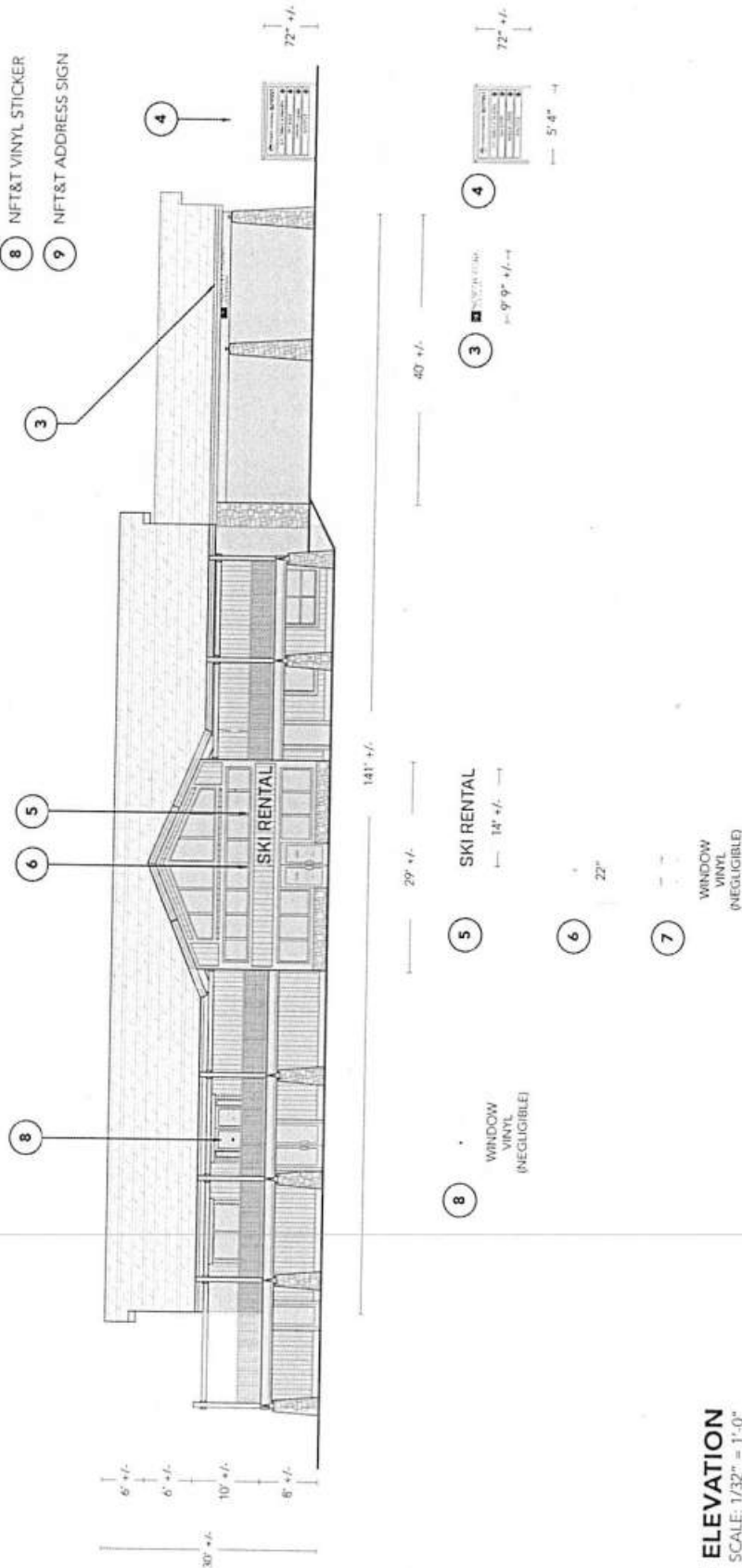
	SQ.FT	TOTAL SIGN SQ.FT	PERCENT
SOUTH ELEVATION:	2684 SF	40 SF	1.49%
EAST ELEVATION:	1916 SF	40.5 SF	2.11%
NORTH ELEVATION:	2138 SF	15 SF	.70%
WEST ELEVATION:	1541 SF	0	0%
GRAND TOTAL:	8279 SF	95 SF*	1.15%

\*95 SF IS THE TOTAL SIGN SQ FT  
SIGN 6 IS COUNTED ON BOTH THE EAST AND SOUTH ELEVATIONS

A  
3/25

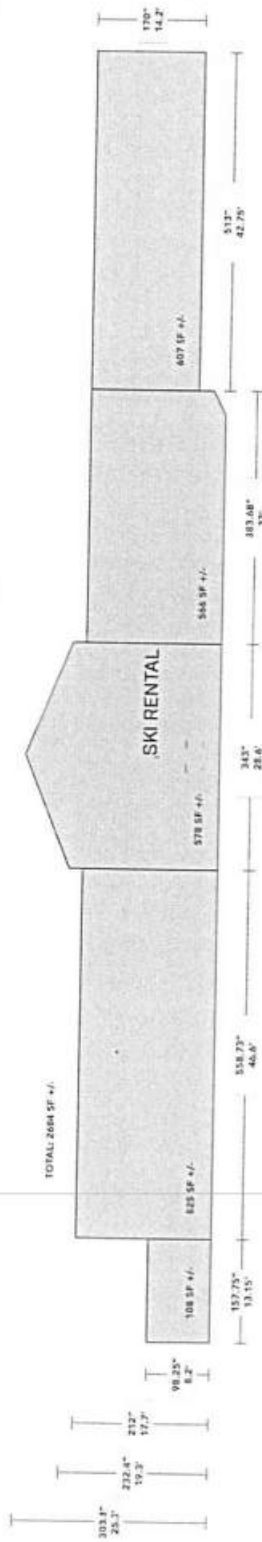
NOTES:

- 1 NFT&T BUILDING SIGN NORTH
- 2 NFT&T BUILDING SIGN WEST
- 3 NFT&T BUILDING SIGN SOUTH
- 4 OUTPOST WAYFINDING (X4)
- 5 SKI RENTAL SIGN
- 6 POW MOW SKI SHOP SIGN
- 7 POW MOW SKI SHOP VINYL STICKER
- 8 NFT&T VINYL STICKER
- 9 NFT&T ADDRESS SIGN



**SOUTH ELEVATION**  
SCALE: 1/32" = 1'-0"

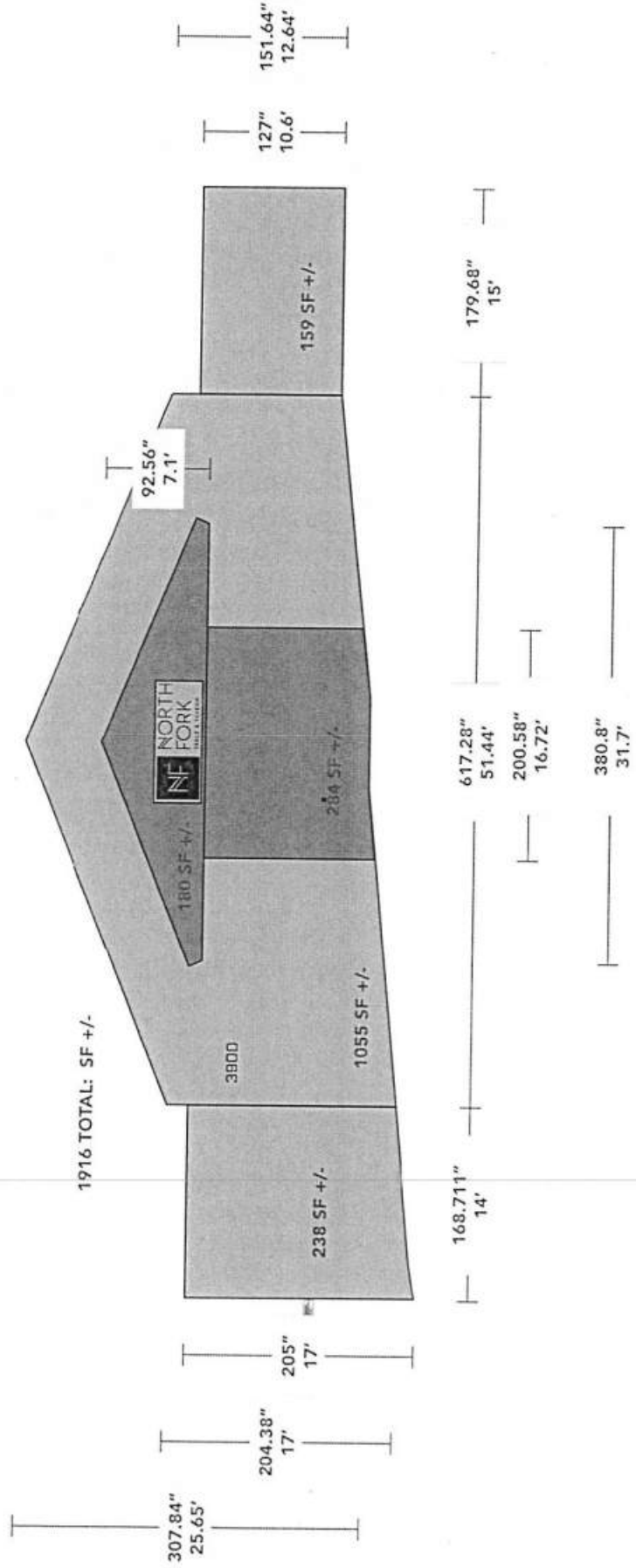
A  
 4/25



**SOUTH ELEVATION**  
 SCALE: 1/32" = 1'-0"



A  
4/25

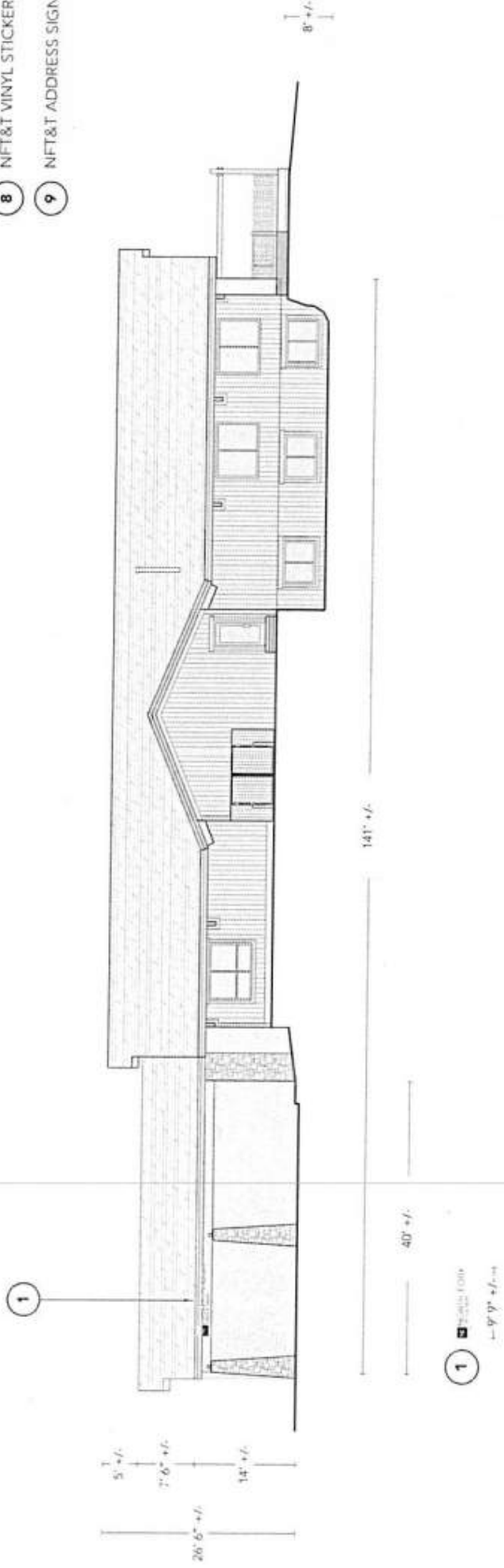


**EAST ELEVATION**  
SCALE: 1/16" = 1'-0"

A  
5/27

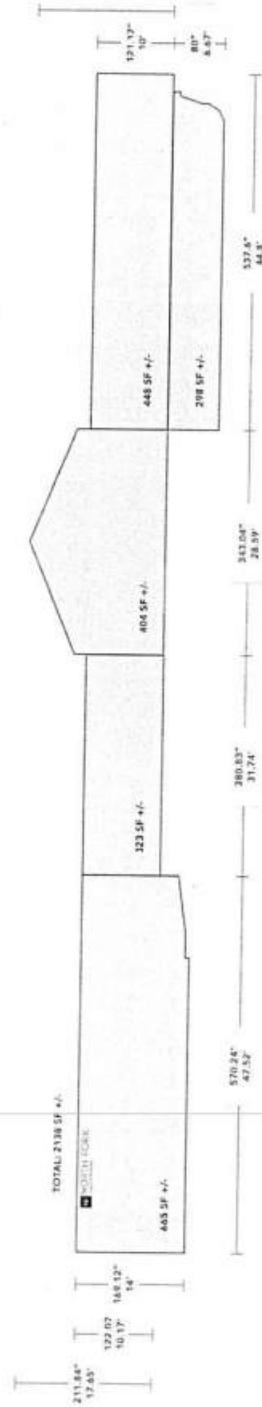
NOTES:

- 1 NFT&T BUILDING SIGN NORTH
- 2 NFT&T BUILDING SIGN WEST
- 3 NFT&T BUILDING SIGN SOUTH
- 4 OUTPOST WAYFINDING (X4)
- 5 SKI RENTAL SIGN
- 6 POW MOW SKI SHOP SIGN
- 7 POW MOW SKI SHOP VINYL STICKER
- 8 NFT&T VINYL STICKER
- 9 NFT&T ADDRESS SIGN



**NORTH ELEVATION**  
SCALE: 1/32" = 1'-0"

A  
8/25

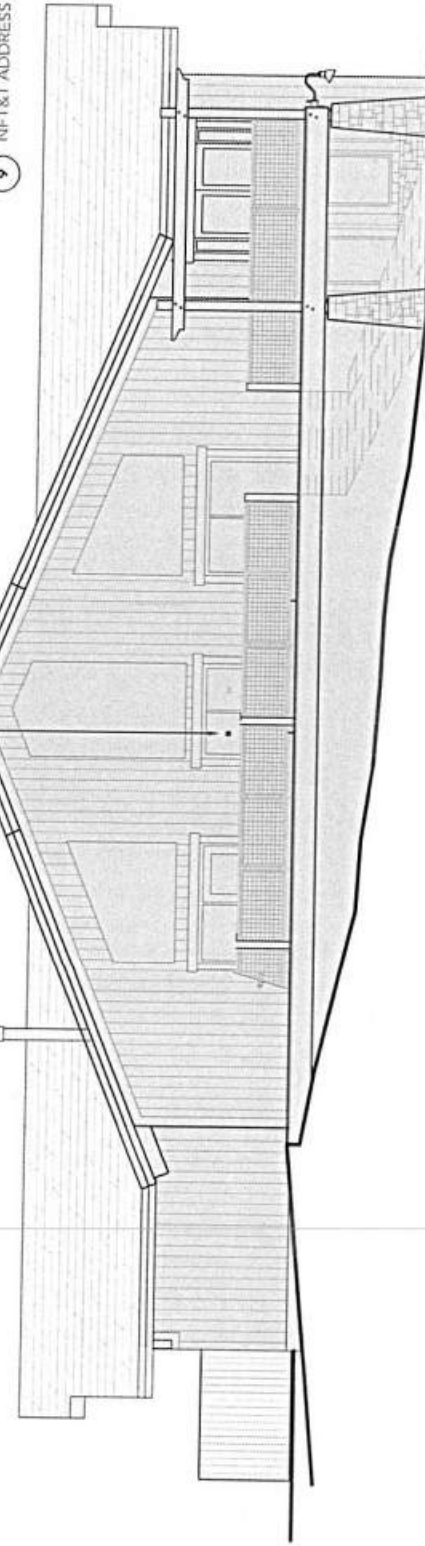


**NORTH ELEVATION**  
SCALE: 1/32" = 1'-0"

A  
9/25

NOTES:

- 1 NFT&T BUILDING SIGN NORTH
- 2 NFT&T BUILDING SIGN WEST
- 3 NFT&T BUILDING SIGN SOUTH
- 4 OUTPOST WAYFINDING (X4)
- 5 SKI RENTAL SIGN
- 6 POW MOW SKI SHOP SIGN
- 7 POW MOW SKI SHOP VINYL STICKER
- 8 NFT&T VINYL STICKER
- 9 NFT&T ADDRESS SIGN

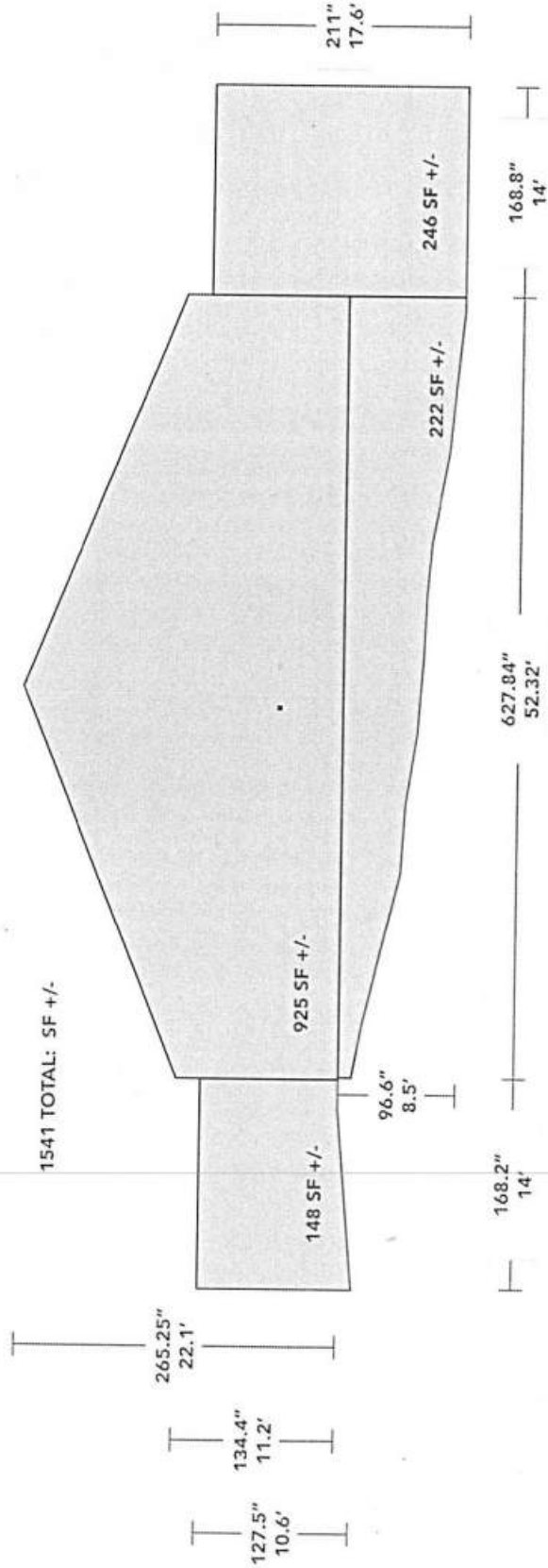


8 •  
WINDOW  
VINYL  
(NEGLECTIBLE)

**WEST ELEVATION**  
SCALE: 1/16" = 1'-0"



A  
 10/25



**WEST ELEVATION**  
 SCALE: 1/16" = 1'-0"

**MATERIAL NOTES:**

- 1. WOOD SUBSTRATE + PAINT

①



**LOCATION NOTES:**  
CAR PORT, NORTH FACING, N.F.T.T  
(RESTAURANT BUILDING CARPORT)

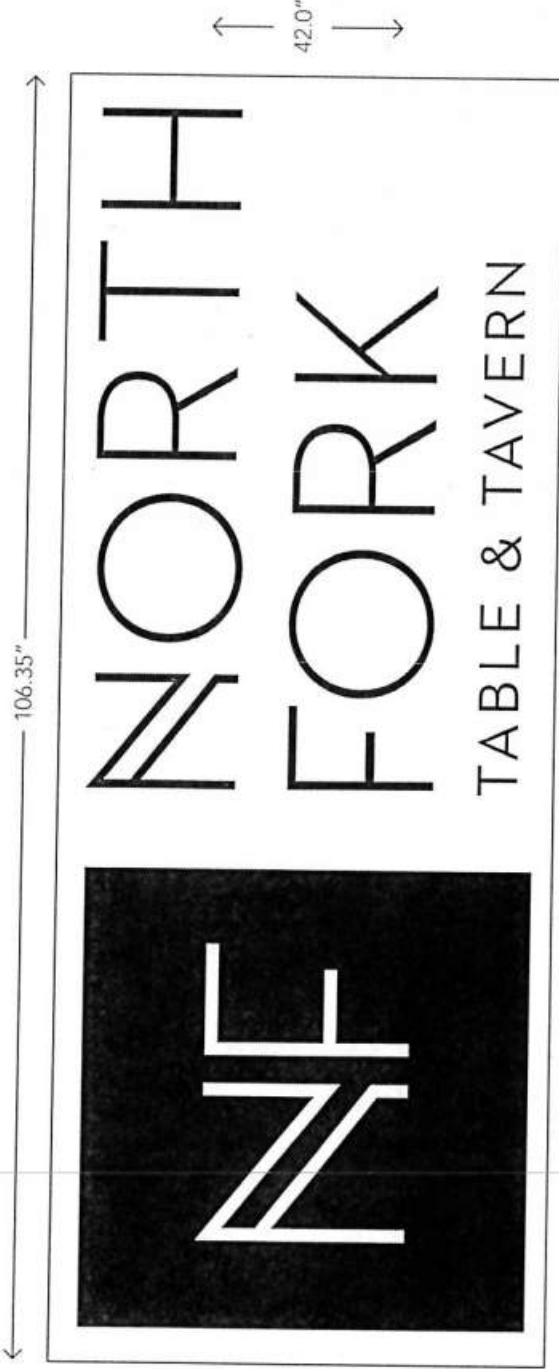


11/25

A

**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

②



**LOCATION NOTES:**  
RESTAURANT BUILDING FACING



A  
12/25

**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

③



**LOCATION NOTES:**  
CAR PORT, SOUTH FACING, N.F.T.T  
(RESTAURANT BUILDING CARPORT)



**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

④



**LOCATION NOTES:**  
CARPORT PLANTER / RESTAURANT BUILDING



WAYFINDING #1

DRAWN BY:  
MC

DATE:  
12.15.14

VERSION:

N/A

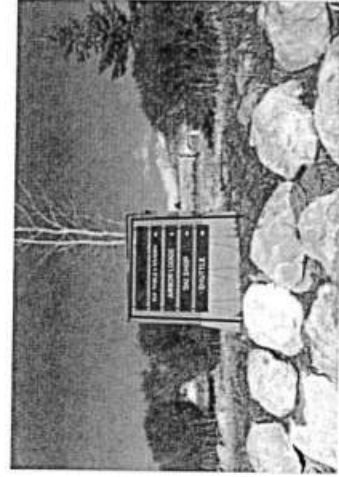
A  
14/25

MATERIAL NOTES:  
1. WOOD SUBSTRATE + PAINT

④



LOCATION NOTES:  
PARKING LOT ISLAND



**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

④



**LOCATION NOTES:**  
PARKING LOT ISLAND



WAYFINDING #2

DRAWN BY:  
MC

DATE:  
12.15.14

VERSION:

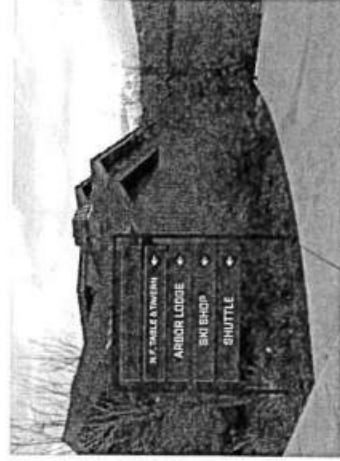
N/A

16/25  
A

**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT



**LOCATION NOTES:**  
PARKING LOT ISLAND





**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

5

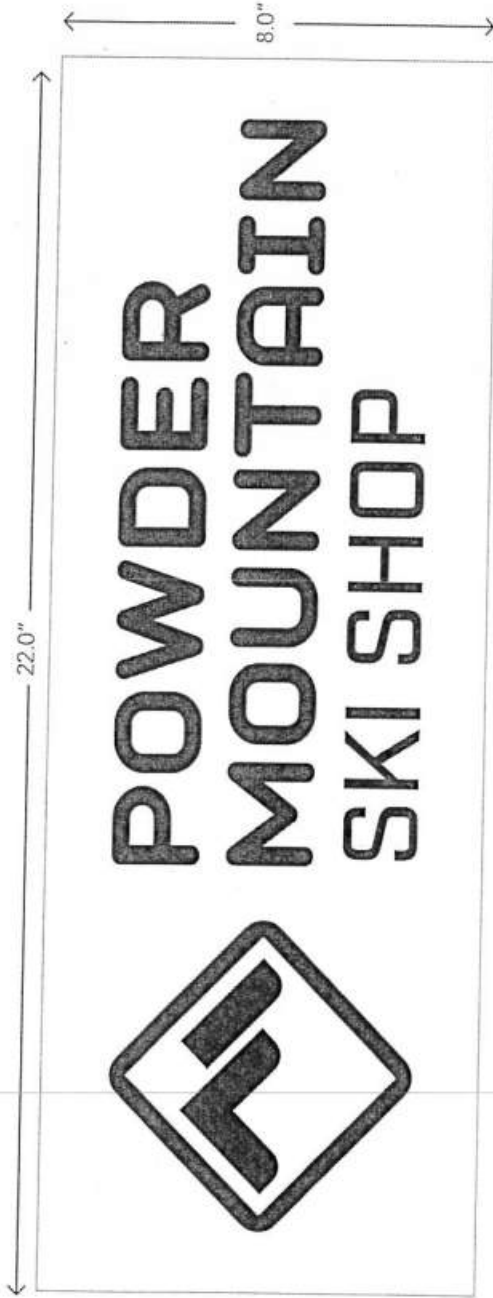
161.0" SKI RENTAL 21.0"

**LOCATION NOTES:**  
SKI SHOP FACING



**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

⑥



**LOCATION NOTES:**  
SKI SHOP FACING



A  
19/25

MATERIAL NOTES:  
1. VINYL STICKER

7

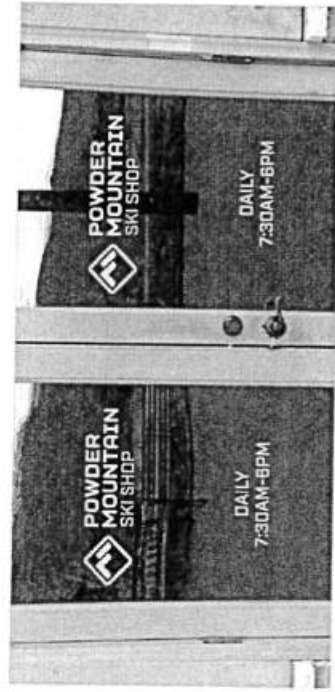
14.0"



POWDER  
MOUNTAIN  
SKI SHOP

4.0"

LOCATION NOTES:  
SKI SHOP STICKER



A  
20/25

A  
21/25

MATERIAL NOTES:  
1. VINYL STICKER

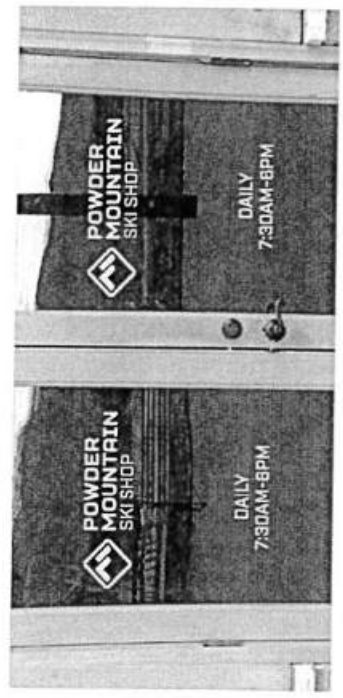
7

8.4"

2.7"

DAILY  
7:30AM-6PM

LOCATION NOTES:  
SKI SHOP STICKER

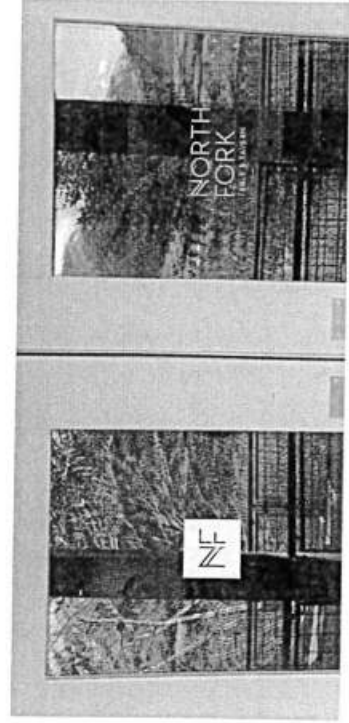


**MATERIAL NOTES:**  
1. VINYL STICKER

⑧



**LOCATION NOTES:**  
N.F.T.T. BACK ENTRANCE / PATIO



NORTH FORK BACK PATIO VINYL

DRAWN BY  
MIC

DATE:  
12.15.14

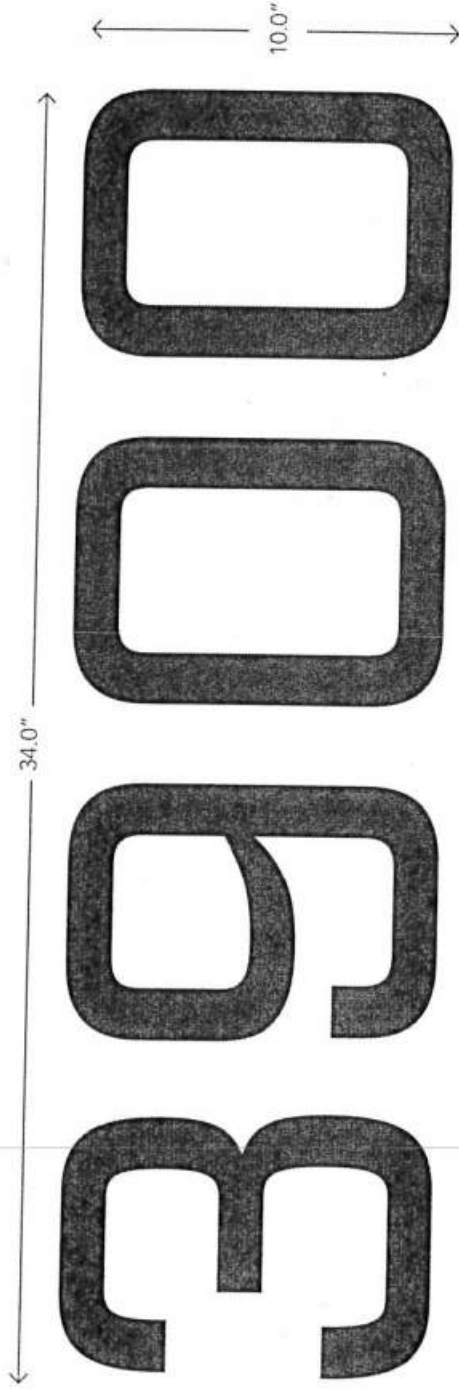
VERSION:

N/A

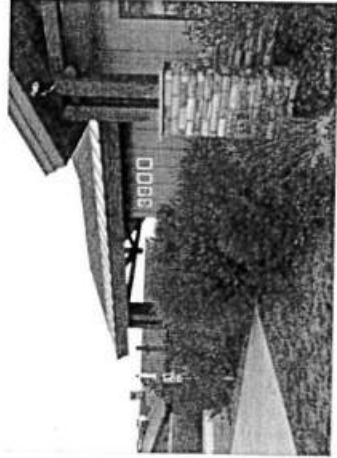
22/25  
A

**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

⑨



**LOCATION NOTES:**  
ARBOR LODGE / PARKING LOT-FACING



ARBOR LODGE BUILDING ADDRESS

DRAWN BY:  
MIC

DATE:  
12.15.14

VERSION:

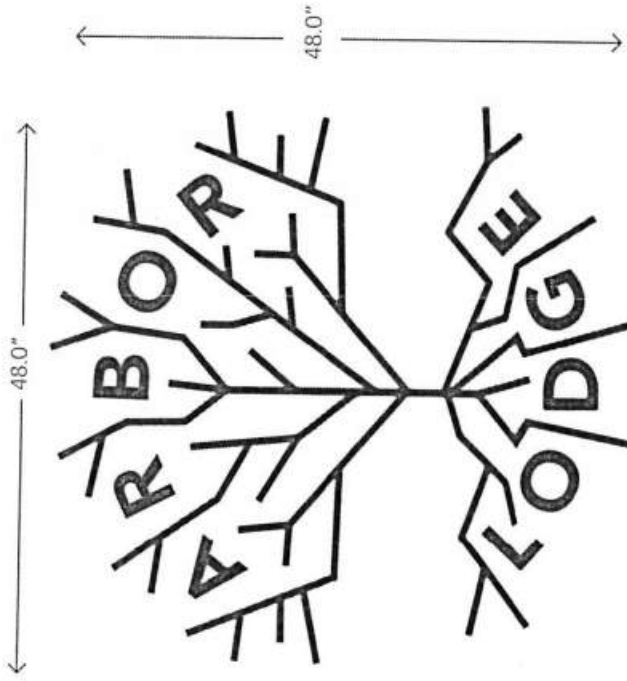
N/A

A

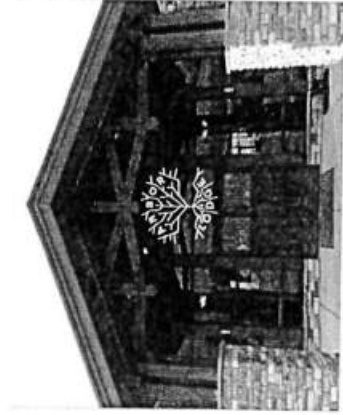
23/25

A  
24/25

**MATERIAL NOTES:**  
1. METAL SUBSTRATE +  
WOOD SUBSTRATE



**LOCATION NOTES:**  
ARBOR LODGE ENTRANCE



**MATERIAL NOTES:**  
1. WOOD SUBSTRATE + PAINT

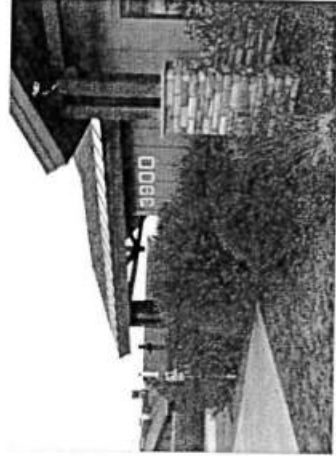
— NOT SHOWN  
ON SITE PLAN

12.0"



18.0"

**LOCATION NOTES:**  
PARKING LOT







## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a request for final approval of the Sandhill Crane Cluster Subdivision, consisting of 7 lots.

**Agenda Date:** Tuesday, February 24, 2015

**Applicant:** Blake Wahlen, representing JW Valley Properties, LLC

**File Number:** UVS10292014

#### Property Information

**Approximate Address:** 2500 North 5700 East, Eden

**Project Area:** 17.96 acres

**Zoning:** Agricultural Valley-3 (AV-3)

**Existing Land Use:** Agriculture

**Proposed Land Use:** Residential Subdivision

**Parcel ID:** 22-050-0001

**Township, Range, Section:** T7N, R1E, Section 35

#### Adjacent Land Use

<b>North:</b> Agriculture	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Agriculture

#### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
801-399-8767

**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 6 (Agricultural Valley-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 28 (Ogden Valley Sensitive Lands Overlay Districts)
- Weber County Land Use Code Title 108 (Standards) Chapter 17 (Ogden Valley Pathways)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 (Cluster Subdivision)

### Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

### Background

The applicant is requesting final approval of the Sandhill Crane Cluster Subdivision located at approximately 2500 North 5700 East in the Eden area. The Planning Commission granted the applicant a 22 percent bonus (10 percent bonus for doing a cluster subdivision, 10 percent bonus for an agricultural preservation parcel, and a 2 percent bonus for a trail). The proposed project will occupy 17.96 acres and consist of 7 lots, 10.360 acres of open space, and will be serviced by approximately .74 acres of public road improvements. The 10.360 acres of open space will have an agricultural preservation easement and meets the requirement for 60 percent open space in a cluster. The agricultural bonus density was approved with the condition that the agricultural preservation parcel is to be irrigated, graded, and planted. The agricultural preservation easement will be recorded with the subdivision plat. The applicant is showing a 142 foot by 142 foot (20,164 square foot) buildable area in the agricultural preservation easement where agricultural structures can be built.

A two percent bonus density was granted for trails if they get written permission for the pathway to be on the property to the south and that it would run in perpetuity if the property was sold. This easement will have to be recorded with the recording of the subdivision plat.

Culinary water will be provided by Eden Water Works Company and Secondary Water will be provided by Eden Irrigation, for the agricultural parcel. It is proposed that shallow wells will be used to irrigate each of the seven lots. Each homeowner will have to obtain water rights and shallow well permits from the state. A Capacity Assessment of Eden Water has been done and the state will issue a letter that Eden Water has sufficient capacity. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission. Wastewater treatment will be by a private septic system.

The Weber County Engineer's Office has reviewed the project and approves subject to their conditions.

The Weber Fire District has reviewed the project and has responded with an approval that is conditioned upon specific requirements. Fire hydrants are spaced appropriately.

### **Summary of Ogden Valley Planning Commission Considerations**

- Does this subdivision meet the requirements of applicable County Codes?
- Agricultural preservation plan - who will maintain the agricultural easement?
- Has a trail easement on the adjacent property been secured?

### **Conformance to the General Plan**

The subdivision conforms to the General Plan by meeting the requirements of the Zone in which it is located and the Cluster Subdivision Ordinance.

### **Staff Recommendation**

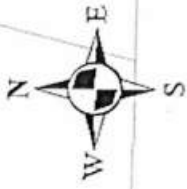
The Planning Division recommends final approval of the Sandhill Crane Cluster Subdivision, subject to the following:

1. Compliance with all applicable standards (including construction of dedicated streets) and review agency comments.
2. A deferral for curb, gutter, and sidewalk.

### **Exhibits**

- A. Proposed subdivision plat
- B. Location map





# Sandhill Crane Cluster Subdivision

## Agricultural Preservation Plan

The best use for the floodplain area is open space, as it will allow for the preservation of the historic context and feel of the area. An Agricultural Preservation Easement would allow for the open space to be preserved into perpetuity as community space and the potential for productive use for livestock or crops.

The open space will wrap around the homesites with a 90-100 foot wide open area on the north or south depending on the lot. This will accomplish two important goals. First, it will provide all the homesites with direct access to the open space. Second, it allows for the berming and grading on the north to protect the lots from the sheetflow.

### Permitted Uses

Structures: Only structures used for agricultural or associated purposes may be built on the Agricultural Preservation Parcel. This includes but is not limited to structures used for the purpose of housing crops, animals, equipment, vehicles, tools, feed and implements to support agricultural endeavors. Structures shall not be used for permanent or temporary residential purposes.

Crops and Animals: Permitted crops and animals are limited to only those crops and animals permitted by County zoning and use ordinances then in effect. Notwithstanding the foregoing, animals by type or in numbers that emit odors or whose presence can constitute a nuisance to the residential properties of the Subdivision, as reasonable determined by the HOA, are prohibited.

Waste and Maintenance: All animal or agricultural waste must be regularly removed from the Agricultural Preservation Parcel. Waste may be used as fertilizer, provided the waste is tilled, churned, disced or otherwise integrated into the soil so as not to cause a nuisance to the residential properties.

Agricultural Preservation Use: Except for items stored within appropriate containers or buildings, the Agricultural Preservation Parcel shall be maintained such that trash, refuse, rubbish, inoperable or abandoned equipment, dead animals, scrap lumber or building materials, dirt or fill material, scrap metal, silage, grass clippings, tree clippings, or plant waste are not visible from the street nearest the Agricultural Preservation Parcel. No odor, including smoke from fires ignited for any reason, shall arise from the Agricultural Preservation Parcel so as to render neighboring and adjacent properties unsanitary, unsightly, or offensive. Barbeque grills, fire pits and fire places are allowed.

Ownership: The Parties agree that the Agricultural Preservation Parcel shall be owned by the HOA.

The Agricultural Preservation Parcel is required at all times to conform to the use restriction stated in the Preservation Easement attached.





## Staff Report to the Ogden Valley Planning Commission

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a Conditional Use Permit (CUP) 2015-05 for two buildings in Wolf Creek. The existing buildings are connected to Wolf Creek Water and Sewer. One building is being used by Club Rec, for light retail, reservations for boats/sleds rental equipment which are kept off site, and possible future bike rental. The second building is being used for office development/planning, accounting and real estate services.

**Agenda Date:** Tuesday, February 24, 2015  
**Applicant:** Wolf Creek Utah LLC, John Lewis Representative  
**File Number:** CUP 2015-05

#### Property Information

**Approximate Address:** 3900 North Wolf Creek Drive  
**Project Area:** 95.89 acres  
**Zoning:** Commercial CV-2 and Commercial Valley Resort Recreation CVR-1  
**Existing Land Use:** Two commercial buildings  
**Proposed Land Use:** Two commercial buildings with businesses  
**Parcel ID:** 22-016-0098 and 22-016-0085  
**Township, Range, Section:** T7N, R1E, Section 22

#### Adjacent Land Use

<b>North:</b>	Golf Course	<b>South:</b>	Golf Course
<b>East:</b>	Golf Course	<b>West:</b>	Golf Course

#### Staff Information

**Report Presenter:** Jim Gentry  
jgentry@co.weber.ut.us  
801-399-8767  
**Report Reviewer:** SW

### Applicable Ordinances

- Weber County Land Use Code Title 104 Zones Chapter 21 (Commercial Valley Zones CV-1 and CV-2)
- Weber County Land Use Code Title 104 Zones Chapter 11 (Commercial Valley Resort Recreation CVR-1)
- Weber County Land Use Code Title 108 Standards Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Standards Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Standards Chapter 8 (Parking and Loading space, Vehicle Traffic, and Access Regulations)
- Weber County Land Use Code Title 108 Standards Chapter 16 (Ogden Valley Lighting)
- Weber County Land Use Code Title 110 Signs Chapter 2 (Ogden Valley Signs)

### Type of Decision

**Administrative Decisions:** When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Background

The applicant is requesting approval of a Conditional Use for two existing buildings in Wolf Creek. There are two buildings on the site. One building is being used by Club Rec, for light retail, reservations for boats/sleds rental equipment which are kept off site, and possible future bike rental. The second building is being used for office development/planning, accounting and real estate services. The existing buildings are connected to Wolf Creek Water and Sewer. These two buildings were used about six years ago for a real estate office and then the use was moved to another location. The use and permits from that time have expired.

In November, the two buildings were cleaned up and remodeled. The irrigation system was fixed and new landscaping was planted. The areas near the buildings were asphalted. The Club Rec building is 576 square feet and has 3 parking stalls. Retail spaces are required to have 1 space per 200 square feet of floor space. Real estate office requires one space per two employees plus four spaces for client use and a business office requires one space per employee on highest shift. There are 8 stalls for the development office.

There is an 8 foot wide by 7 foot tall monument sign located in the landscape entrance island. The sign will be illuminated with landscaping lighting. The lighting has to meet the requirements of the (Weber County Land Use Code Title 108 Standards Chapter 16) Ogden Valley Lighting code.

## Summary of Planning Commission Considerations

The Planning Commission needs to determine if the conditions of approval are adequate for this use. In making these determinations, the following questions should be considered:

- Does the proposed use meet the requirements of applicable Land Use Code?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved, it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed use meets these requirements.

### Sec. 108-4-4 Criteria for issuance of conditional use permit:

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards for such use.

After reviewing this conditional use request, staff has determined that the criteria listed above have been met in the following ways:

1. The potential detrimental effects of these two commercial buildings due to odor, vibration, light, dust, smoke, or noise, are negligible. There will be no additional impacts as this use is currently being conducted in a building at this location.
2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards for such use as follows:
  - The building meets the Ogden Valley Architectural, Landscape, and Screening Standards.
  - The new parking lot will be asphalt and have 11 parking stalls that meet the required size standards.
  - The proposed sign is allowed in the Commercial Valley Resort Recreation CVR-1 zone.

## Conformance to the General Plan

The proposed use complies with applicable County Ordinances and the Ogden Valley General Plan.

## Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Division



- Requirements of the Weber Fire District
- Obtaining and maintaining business licensees

### **Staff Recommendation**

Staff recommends approval of CUP 2015-05 for two commercial buildings, subject to staff and review agency requirements. This recommendation is based on the buildings complying with applicable Land Use Code standards as listed in this staff report.

The decision of the Planning Commission may be appealed to the County Commission by filing such appeal within 15 days after the written decision of the Planning Commission.

### **Exhibits**

- A. Location Map
- B. Site plan
- C. Applicant's narrative
- D. Before and after photos





# Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 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) WCU LLC		Mailing Address of Property Owner(s) 3718 N Wolf Creek Drive Eden UT 84310	
Phone 801.430.1507	Fax NA		
Email Address (required) john@wolfcreekresort.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) Eric Householder		Mailing Address of Authorized Person 3718 N Wolf Creek Drive Eden UT 84310	
Phone 801.389.0040	Fax		
Email Address eric@wolfcreekresort.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

## Property Information

Project Name Wolf Creek Resort Basecamp	Total Acreage ?	Current Zoning CVR-1
Approximate Address 3718 N Wolf Creek Drive Eden UT 84310	Land Serial Number(s) 22-160-0098	

Proposed Use  
Real Estate/Development Office and Adventure Retail Store

### Project Narrative

Wolf Creek Utah LLC is proposing to use two structures located at 3718 N Wolf Creek Drive as the development/real estate office and adventure retail store at Wolf Creek Resort. Historically, the main building (approx. 2,145 SF) and the accessory structure (approx. 576 SF) supported the same uses prior to the resort filing for bankruptcy protection.

A building permit was obtained in 2014 for a remodel on the structures, which has been completed. During the construction, additional landscaping was installed with a new irrigation system that incorporated the numerous mature oaks and pine trees on the site.

There was an existing 7'x8' ground monument sign along the road that has been refaced with new lettering but the structure has not been altered. Wall signs are located on each building to identify services offered.

The existing asphalt parking lot has been surrey sealed and can accommodate ten regular stalls and one ADA stall (see site plan). Overflow parking is also available to the south of the main structure. The total required asphalt parking of 11 stalls was determined using Chapter 24 with the following assumptions;

- Business Office with three employees – three spaces
- Real Estate Office with one agent – five stalls
- Retail Store with 576 SF (Club Rec) – three spaces

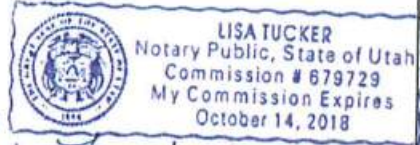
**Property Owner Affidavit**

I (We), WCV LLC, 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.

[Signature]  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

Subscribed and sworn to me this 2nd day of February, 20 15.



[Signature]

(Notary)

**Authorized Representative Affidavit**

I (We), WCV LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), ERIC HOUSEHOLDER, 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.

[Signature]  
(Property Owner)

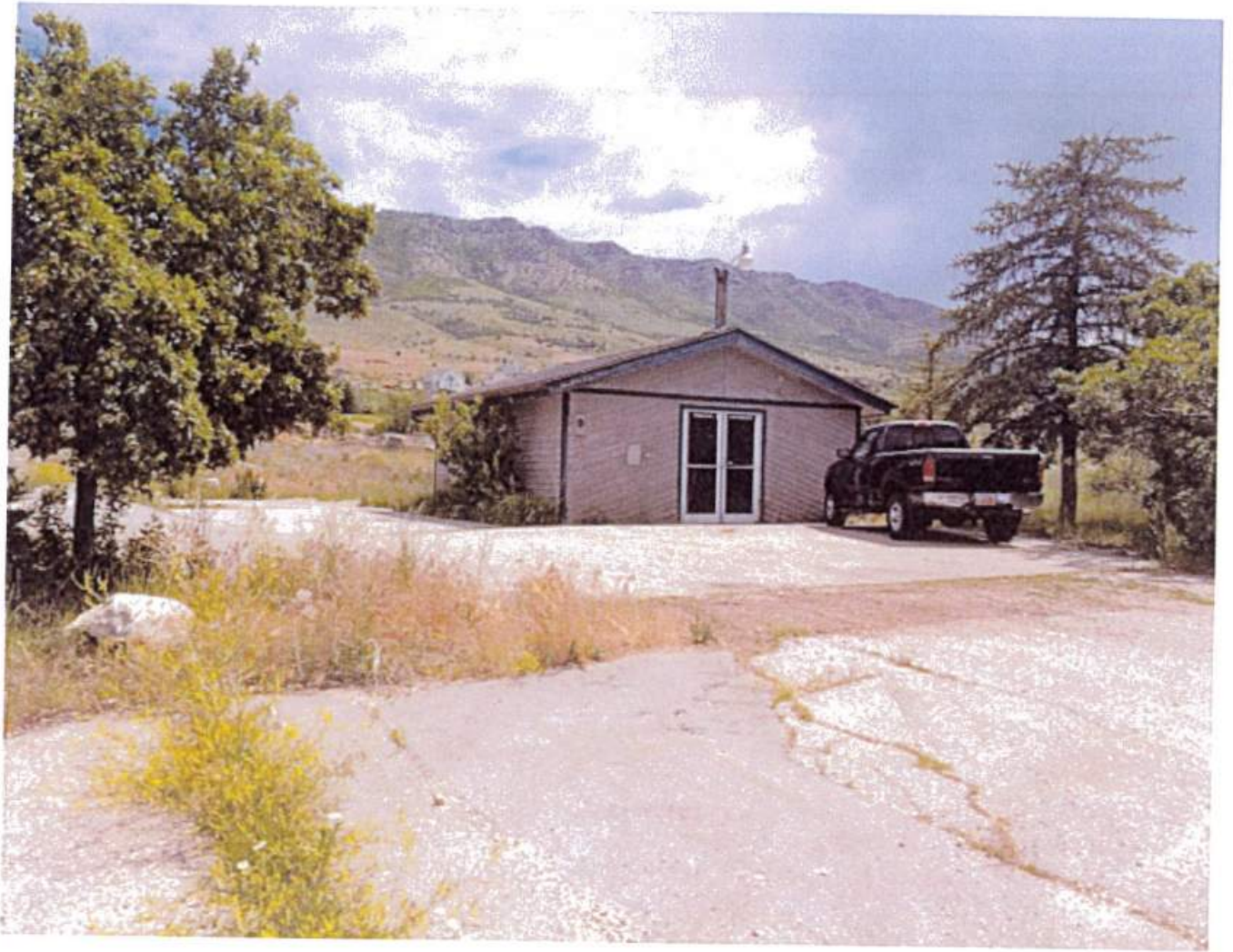
\_\_\_\_\_  
(Property Owner)

Dated this 2nd day of February, 20 15, personally appeared before me John L. Lewis, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

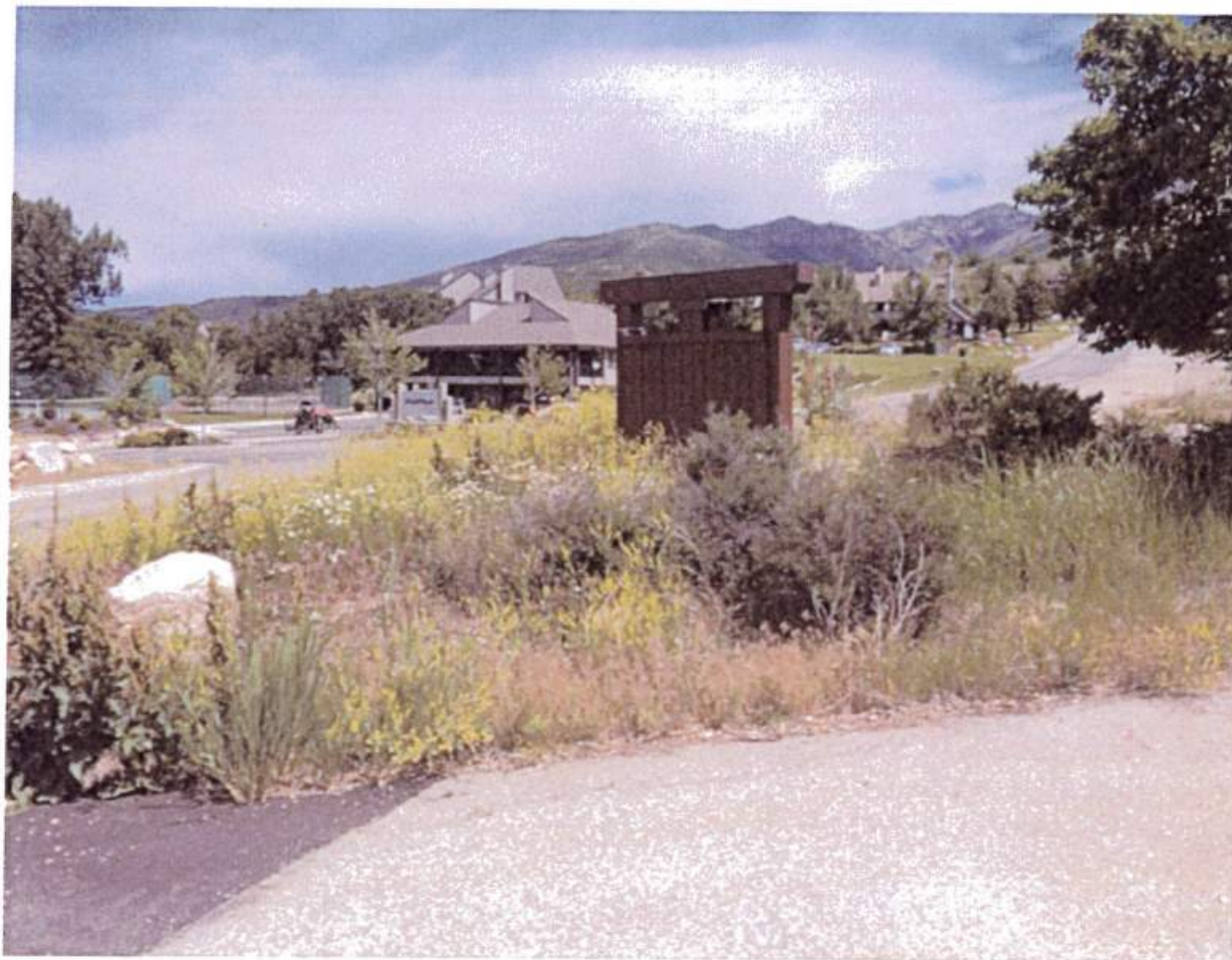
[Signature]

(Notary)





Before Photos

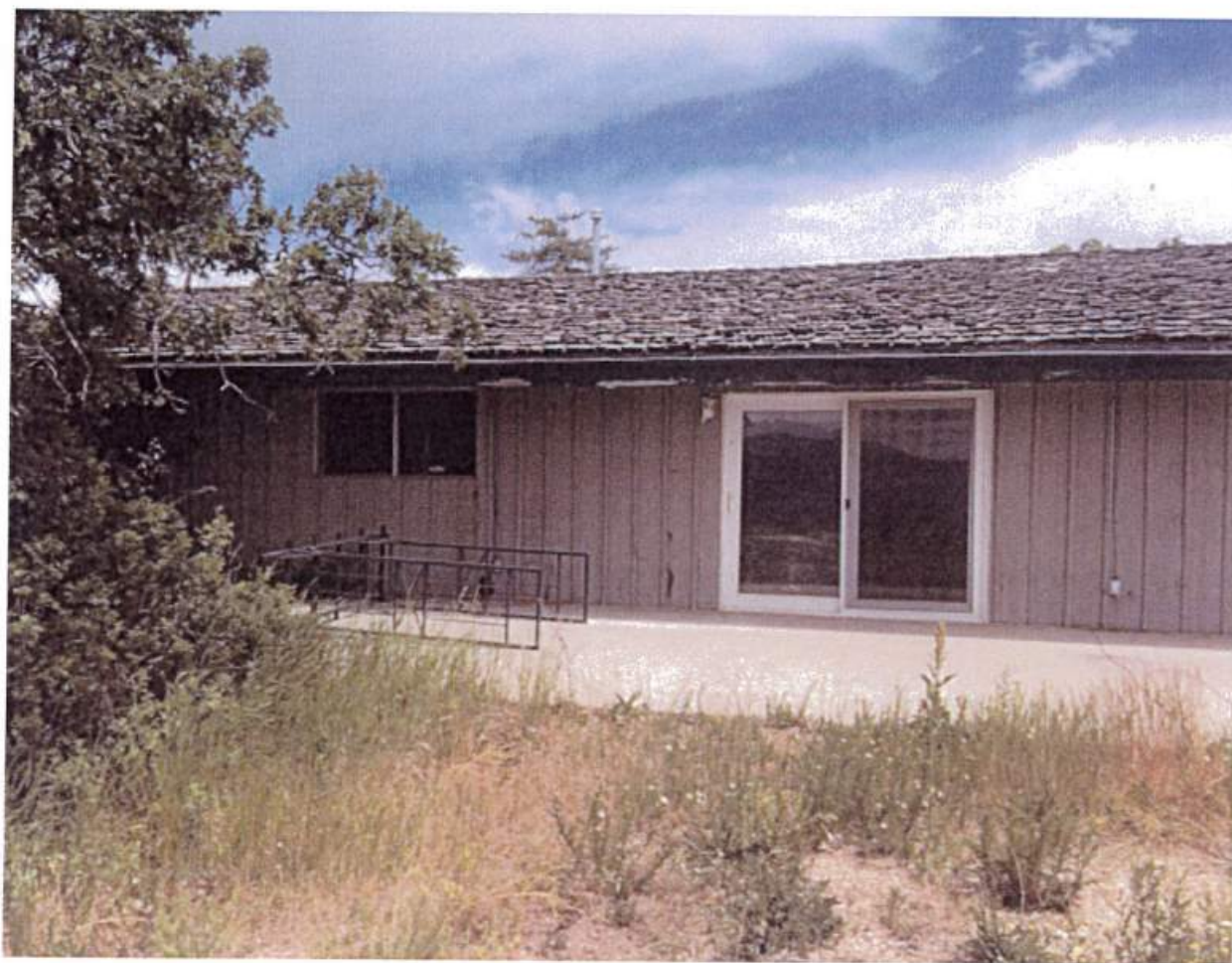


Before Photos

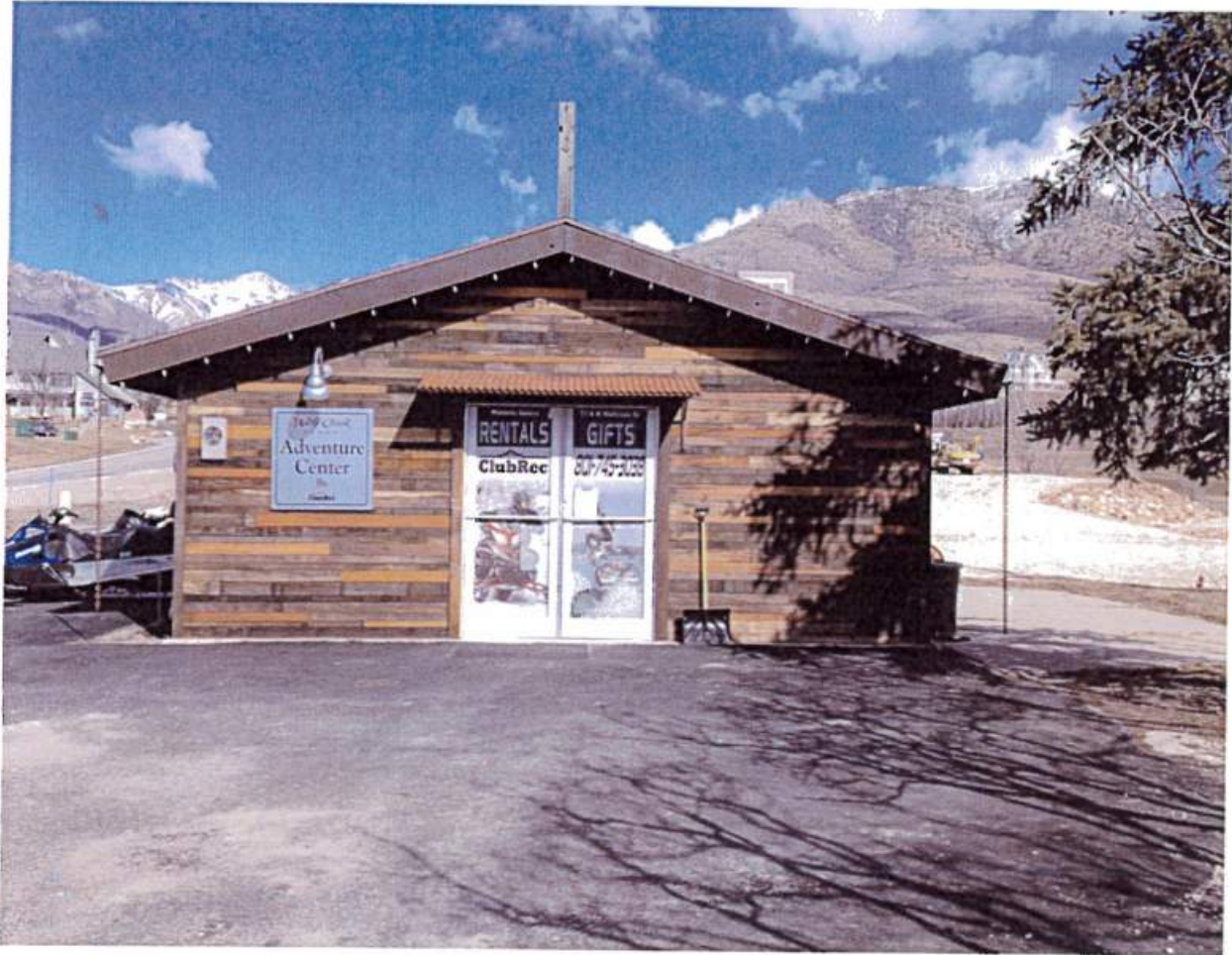


Before Photos





Before Photos



After Photos



After Photos



The proposed farm has been designated as a "Small Farm" which includes agriculturally productive property consisting of ten acres or more but fewer than 20 acres. The proposed use will be beneficial to the owner as well as the residents of the Ogden Valley by allowing the owner to generate supplementary farm income while promoting the preservation of agricultural property.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

## Analysis

**General Plan:** The Ogden Valley General Plan identifies agriculture as a prominent feature of the Valley and has set goals and objectives to promote and protect working farms (see the 1998 Ogden Valley General Plan §2.03 Vision Statement & 3.02 Goals and Objective, Maintain the Valley's Rural Atmosphere and Rural Lifestyle).

**Zoning:** The subject property is located within the F-5 Zone which is categorized as a "Forest Zone". The intent of the forest zones can be further described per LUC §104-9-1 as follows:

- 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*
  5. *To provide areas for homes, summer homes, and summer camp sites.*

The F-5 Zone has specific standards identified in the LUC §104-9-4 that shall be met as part of the development process. The standards are as follows:

- Minimum lot area: 5 acres
  - LUC§108-21-3(2)(b) requires the minimum lot area for all agri-tourism parcels to consist of an area not less than twice the minimum lot area per the zone.
- Minimum lot width: 300'
- Minimum yard setbacks:
  - Front: 30'
  - Side: 20'
  - Rear: 30'
- Main Building height:
  - Maximum: 35'
- Accessory building height:
  - Maximum: 25', unless meeting requirements of LUC §108-7-16, Large accessory buildings

**Conditional Use Review:** The proposed agri-tourism use is conditionally allowed in the F-5 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided the required material to facilitate a thorough review of the proposed project (see Exhibit A).

**Agri-tourism Applicability and Review:** General development standards have been established to ensure the purpose and intent of the LUC §108-21 has been met and to provide an acceptable level of assurance that authentic, agriculturally related products and experiences are offered to the public. The applicant has been working with multiple review agencies including the Natural Resources Conservation Service (NRCS), Weber Basin Water, the Weber Morgan Health Department, the Utah Department of Agriculture and Food, and UDOT to receive any required approvals for this endeavor (see Exhibit A). A condition of approval has been added to ensure that an adequate right of way access permit is approved by UDOT prior to the issuance of the conditional use permit. An ongoing working relationship will be necessary with these agencies during the development process to ensure any additional requirements have been met.

- **Narrative:** The applicant has provided an extensive narrative (see Exhibit A) that depicts the history of the farm, the overall vision for the proposed agri-tourism operation, the proposals for both agriculturally related and non-agriculturally related products, uses, activities, facilities and equipment, the anticipated daily operations, patrons, employees and parking needs.

The applicant purchased the subject property in August 1996 and has been inspired by the Weber County Agri-tourism Land Use Code to create a diverse farm that can produce a variety of products as well as preserve the agricultural open space. The three fundamental principles of the Dancing Moose Farm are care of people, care of the land and sharing of any excess. The hope for the Dancing Moose Farm is to develop a complete, sustainable permaculture farm, which has been defined as *“a set of techniques and principles for designing sustainable human settlements”*. The applicant has been working closely with the NRCS to rejuvenate the overgrazed agricultural parcel and eliminate the two species of noxious annual grasses that have taken root on the property. The applicant has created a “Management Intensive Grazing” (MIG) system that will maximize the utilizable forage on the property and improve the agricultural returns. The pasture seeding that is anticipated to take place in the Spring of 2015, will require some of the property to lie fallow during the growing season but weather permitting this period should not be longer than two growing seasons.

- **General site and building design/layout:** The applicant has provided a site plan for the 17.39 acre parcel; identifying both the existing and proposed uses on the site (see Exhibit B). The existing improvements located on the site are a well, a septic system, and a barn. Adequate ingress and egress to the parking area off of Highway 39 has been demonstrated on the site plan. A compacted gravel parking area, consisting of approximately 92 spaces has also been provided. This parking area will be used by both visitors and employees of the farm.

The future site improvements include a 10'x 20' farm stand, a 15'x 25' chicken coop, a 30'x 60' high tunnel green house (see Exhibit C), a 24' diameter dining yurt, three 16' diameter yurts (see Exhibit D), and a 15'x 40' RV pad for private, temporary use of the property owner.

Locations for temporary restrooms and a dumpster have also been identified on the site plan. The applicant has proposed that these areas will be screened using a combination of landscaping and wooden structures; which will enable him to incorporate the temporary facilities into the agri-tourism operation and completely screen them from the street and the adjacent property.

One “Gate or Arch” sign will be integrated with the entrance feature at the existing driveway entrance off of Highway 39. The sign will be constructed with unfinished steel and allowed to rust naturally. “Dancing Moose Farm Art & Ecology Center” along with the farm symbols will be cut out of the “sign portion” in the entrance feature, utilizing the natural back light of the Ogden Valley sky (see Exhibit E). Additional signage and lighting has not been requested for the proposed use.

- **Production:** The Dancing Moose Farms will be a working farm consisting of the expansive gardens, chicken coops, beehives, agricultural animals including but not limited to cows, pigs and goats, greenhouses and a full nursery stock including both trees and perennial plants. The applicant plans to have a Harvest Market/Stand to sell the produce and products from the onsite gardens and products from other local Weber County farms.
- **Agri-tourism uses/activities:** To ensure an acceptable balance and mixture of agriculture and non-agriculture related uses/activities a minimum of one-half of all uses and activities will be agriculturally related. The proposed activities and uses consist of the following:

Educational Classes on the following topics will be provided:

- |                                   |   |
|-----------------------------------|---|
| 1. Permaculture principles        | 12. Yoga retreats                       |
| 2. Broad scale site design        | 13. Permaculture certificate class      |
| 3. Pattern understanding (nature) | 14. Solar panel installation and design |
| 4. Structures                     | 15. Honey “the art of” apiary           |
| 5. Home garden                    | 16. Chickens 101                        |
| 6. Orchards                       | 17. Composting                          |
| 7. Animal forage systems          | 18. Cordwood construction               |
| 8. Urban community strategies     | 19. Cob pizza oven construction         |
| 9. Alternative building           | 20. Cheese making                       |
| 10. Summer hikes                  | 21. Canning                             |
| 11. Winter snowshoe classes       | 22. Herbs as medicine                   |

Agriculture facilities include:

1. Chicken coops
2. Barn
3. High tunnel green houses
4. Plant propagation greenhouses
5. Beehives
6. Water pump and watering stations
7. Shed

Non-agricultural facilities include:

1. Agro-ecology Research & Education Center
2. Classroom
3. Yurt (dining) dinners & events
4. Farm stays and yoga retreats
5. Family reunions and weddings
6. Music events
7. Special events
8. Kid programs (School programs, Nurture the Creative Mind, etc.)

- **Hours of operation:** During the growing season the applicant plans to have 3-5 interns (woofers) working on the farm and helping teach classes from April to October. The public hours of operation for the Dancing Moose Farms will be 8:00 am – 10:00 pm and will employ five to six farm hands per day. The applicant anticipates having a maximum of 14 students per day for the permaculture classes and approximately 20 farm visitors per week. Due to the “Small Farm” designation, a “Multi-farmer open air (farmer’s) market” is not considered a permitted use per LUC §108-21-5-Permitted uses/activities table; however, if the applicant is desirous to sponsor such an event, it could be classified as a “Special Event” which is permitted and a special event permit will be required.
- **Development agreement:** Prior to the construction of any structure intended for the purpose of accommodating non-agricultural uses, the applicant will be required to record a farm stay and a commercial development agreement provided by Weber County on all parcels utilized as part of an approved agri-tourism operation. A single family dwelling or farm house and/or any number of structures that qualify for an agricultural exemption are excepted from this requirement. The applicant will need to amend the site plan for any structures that are not currently identified on the site plan (see Exhibit B). A condition of approval has been added to ensure that a development agreement is executed and recorded prior to the issuance of any building permits as a part of the approved conditional use permit.

### Conformance to the General Plan

The proposed use conforms to the Ogden Valley General Plan by promoting agricultural property and working farms as an integral part of the Valley’s cultural heritage, by preserving and protecting the natural beauty and resources of the Valley and by maintaining the Valley’s rural atmosphere and lifestyle.

### Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4, under “Criteria for Issuance of Conditional Use Permit”, which states:

*Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:*

1. *Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
2. *That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.*

The Planning Commission will need to determine if the agri-tourism operation proposal has met the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the “Criteria for Issuance of Conditional Use Permit” and other applicable ordinances been met?

## Staff Recommendation

The Planning Division recommends approval of file# CUP 2015-03, a conditional use permit for an agri-tourism operation identified as the Dancing Moose Farms Art & Ecology Center located at 13485 East Hwy 39 Huntsville, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. Proof of an approved right of way access permit is issued by UDOT will be provided to the Planning Division prior to the issuance of the conditional use permit.
2. A farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses, with the exception of a single family dwelling or farm house and/or any number of structures that qualify for an agricultural exemption as defined in the Weber County Land Use Code.
3. Actual dimensions for the entrance ground sign will be provided for review and approval prior to the issuance of the conditional use permit to ensure that the proposed signs do not exceed the allowed height and width.
4. Requirements of the Weber County Building Inspection Division.
5. Requirements and recommendations of the Weber Fire District.
6. Requirements of the Weber County Engineering Division.
7. Requirements of the Weber County Health Department.

This recommendation is based on the following findings:

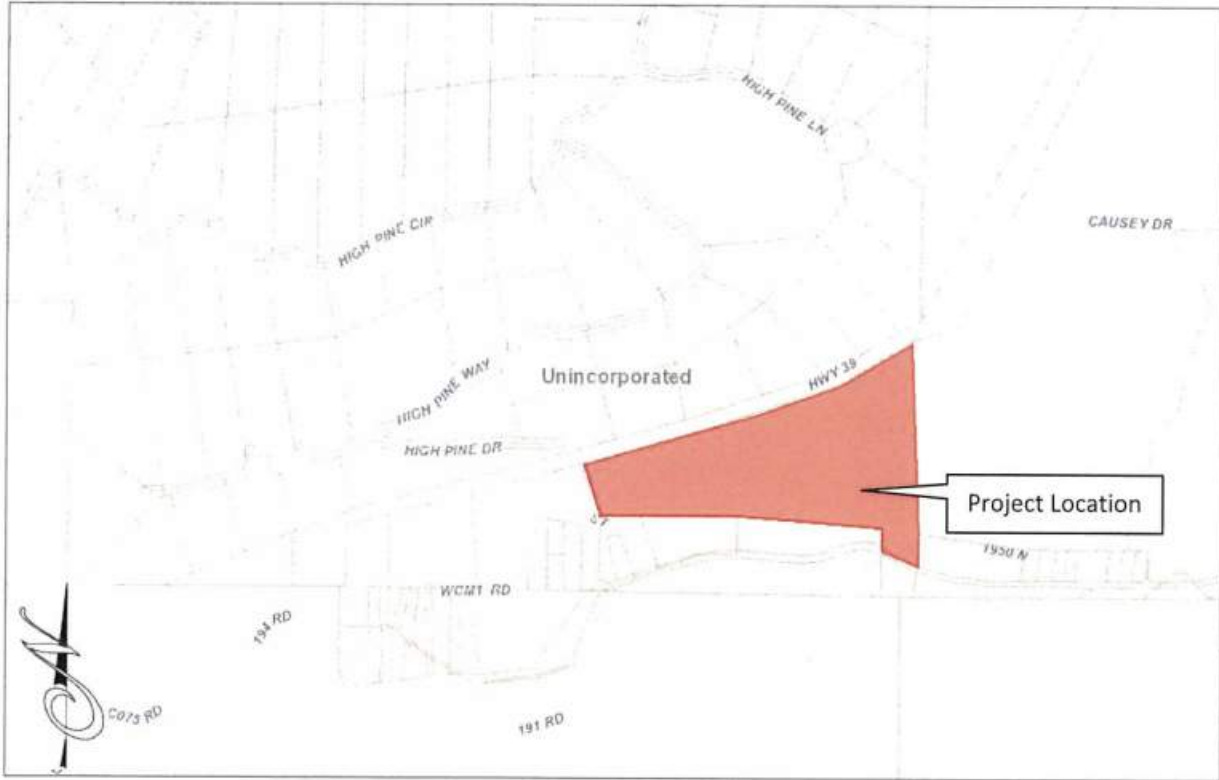
1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will protect and preserve agricultural property in the Ogden Valley.
3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Application
- B. Site Plan
- C. Green House Information
- D. Yurt Information
- E. Signage Plan



Map 1



Map 2



## Weber County Conditional Use Permit Application

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

Date Submitted / Completed 01/22/2015	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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### Property Owner Contact Information

Name of Property Owner(s) Dailey Family Limited Partnership		Mailing Address of Property Owner(s) 1546 East Sunnyside Ave. Salt Lake City, UT 84105	
Phone 801-633-7254	Fax N/A		
Email Address daileyjava@aol.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) Daniel Dailey		Mailing Address of Authorized Person 1546 East Sunnyside Ave. Salt Lake City, UT 84105	
Phone 801-633-7254	Fax N/A		
Email Address daileyjava@aol.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Property Information

Project Name Huntsville Art & Ecology Center	Total Acreage 17.5	Current Zoning F5
Approximate Address 13485 East HWY 39 Huntsville, UT	Land Serial Number(s) #23-021-0001	

Proposed Use  
Farm & Agri-Tourism (under Weber County Farm stay & Development Agreement)

Project Narrative  
SEE EXHIBIT A

## **Dancing Moose Farms Huntsville Art & Ecology Center**

Weber County Conditional Use Permit Application

### ***EXHIBIT A***

The Huntsville Art & Ecology Center will live these three values;

1. Care of the earth
2. Care of people
3. Share excess

In keeping with these values the DMF Huntsville Art & Ecology Center will follow strict design guidelines by:

- Building structures that follow Ogden Valley Architectural and Landscaping screening standards
  - Portable restrooms will be painted a neutral color to blend in with natural surroundings
  - Portable restrooms and dumpsters will be screened using a combination of natural screening (i.e. trees & shrubs) and wooden structures.
- Using natural materials, colors and designs
- Providing adequate parking (see site plan)
- Mitigating and controlling traffic (currently working with UDOT)
- Having Carbon Architects provide building and site design services
- Following Ogden Valley ordinances for landscaping and signage
- Following estimated number of users guidelines as per Weber County Code of Ordinances Part II – Land Use Code/Title 108 – Standards/Chapter 21 Agri-Tourism;
  - 5-6 farm staff per day (SEC. 108-21-5)
  - Public hours of operation will be 8:00am – 10:00pm
  - 14 students during 14 day permaculture classes
  - Approximately 20 farm visitors per week
  - Approximately 20-30 vendors on Saturdays during the Farm Stand/Market season (most produce will be sold to local restaurants and/or at Grounds for Coffee.

The DMF Huntsville Art and Ecology Center will be a working farm consisting of expansive gardens, chicken coops, beehives, a variety of animals (cows, pigs, goats, etc.), greenhouses and full nursery stock (trees & perennial plants).

We plan to have a Harvest Market/stand to sell local products and produce from the gardens as well as products from the local Weber County Farms.

In the future we plan on building a permanent farm house for owners and guests.

During the growing season we would have 3-5 interns (woofers) working on the farm and helping teach classes from April to October.

Besides being a working farm we plan on being an educational facility. We will provide classes on the following topics.

1. Permaculture principles ([www.permaculturenews.org](http://www.permaculturenews.org))
2. Broad scale site design
3. Pattern understanding (nature)
4. Structures
5. Home garden

## Exhibit A-Application

6. Orchards
7. Animal forage systems
8. Urban community strategies
9. Alternative building
10. Summer hikes
11. Winter snowshoe classes
12. Yoga retreats
13. Permaculture certificate class (14 day intensive)
14. Solar panel installation and design
15. Honey "the art of" apiary
16. Chickens 101
17. Composting
18. Cordwood construction
19. Cob pizza oven construction
20. Cheese making
21. Canning
22. Herbs as medicine

### Agriculture facilities;

1. Chicken coops
2. Barn
3. High tunnel green houses
4. Plant propagation greenhouses
5. Agro-ecology Research and Education Center
6. Beehives
7. Water pump and watering stations
8. Shed

### Non-agricultural facilities;

1. Classroom
2. Yurt (dining) dinners & events
3. Farm stays and yoga retreats
4. Family reunions and weddings
5. Music events
6. Special events
7. Kid programs (i.e. school programs, Nature the Creative Mind, etc.)

## Exhibit A-Application

### Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

The Weber County Agri-Tourism code inspired the owner to create a diverse farm that can produce a variety of products which will make more of a contribution to the public's well being. Especially when compared to a one product hay farm or a 6-lot subdivision.

The proposed use will help to preserve an agriculturally productive open space. A similar project/model would be the Occidental Art & Ecology Center ([www.oeec.org](http://www.oeec.org))

The proposed use will contribute financially to Weber County.

The proposed use will provide education and recreational activities to the various visitors from Weber County and beyond. The DMF Huntsville Art & Ecology Center will be a one of kind facility that will help to bring in out of town tourists.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

The proposed use will encourage the property to remain in an agricultural state while at the same time providing a service to the County and the surrounding land owners. This service is to educate and promote sustainable farming and building practices that will help to protect the natural resources of air, soil, and water.

Best practices of animal care and interaction will be followed to insure the health and safety of both guest as well as the animals.

We are currently working with UDOT to establish the best access and traffic control methods.

All BMP's will be followed to insure that any hard surface (parking or building roof) will not adversely affect the South Fork of the Ogden River.

## Exhibit A-Application

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

The application has been prepared by a professional (Carbon Architects) and designed in conformance to the County's Agri-Tourism zoning and other applicable codes.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

The Huntsville Art & Ecology Center will be an asset and work well with Ogden Valleys mission to create an environment in which agriculture can continue to thrive while preserving open space and enhancing recreational, educational, and gastronomic opportunities in a rural farmland setting. The location of the Art & Ecology Center is ideal because it will not cause any disturbance to neighboring properties, will enhance property values, will enhance Weber Counties tourism mix, will be a model for the future of Agri-Tourisms value and success. As an educational facility it will help to train a new generation of farmers, cooks and environmentally dedicated individuals.

We currently have a long range plan in place with the USDA/NRCS to conserve water and build the soil fertility on the site, protect the South Fork River and reduce Fire damage exposure. (see attached NRCS letter).

The mission of the Art & Ecology Center encompasses three values;

1. Care of the earth
2. Care of people
3. Share excess

## Exhibit A-Application

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

The proposed use will enhance the ecology and environment of the area by creating a bio-diverse agricultural system, build soil fertility, build a variety of food system, no use of pesticides, and by planting food forests to support human and animal food needs. It will also help to protect the river corridor by helping to mitigate soil erosion.

We are currently working with the USDA/NRSC to accomplish the following; (SEE ATTACHED NRSC LETTER)

- Restore the property to a productive farm using conservation techniques
- Build quality soil
- Protect water resources
- Protect the area from fire and general abuse
- Protect wildlife habitat
- Increase productivity of the land
- Generate abundant food sources

### 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)



Natural Resources Conservation Service  
Coalville Field Office  
PO Box 526  
Coalville, UT 84017  
435-336-5853

September 24, 2014

To: Dan Dailey/ Dailey Family Limited Partnership  
Ag operator/ Land Owner

From: Thomas Hoskins  
Rangeland Management Specialist  
USDA-NRCS  
Coalville Field Office

Subject: Prescribed Grazing Objective Statement

Purpose:

I met with Dan Dailey on the property owned by the Daily Family Limited Partnership which lies in Weber County along the Ogden River, high in the Wasatch Mountains. The property has been overgrazed with horses for the last 10 years, and the vegetative community has degraded during that time.

The soil types for the property are Sub-irrigated wet meadow. These soil types are expected to produce 3000-6000 lbs. of forage per acre per year in good condition; however this property is no longer in good condition. Because of the overgrazing there has been a drastic change in the plant community in the pastures, which currently produce between 1000 – 1500 lbs. of forage per acre per year. The plants that would be expected to be on this site are deep rooted perennial grasses, but due to overgrazing the perennial grasses have disappeared and been replaced with two species of noxious annual grasses, Bulbous Blue Grass and Cheatgrass. Both of these grass species produce very little vegetation/forage, and they diminish soil health over time.

Because of the small size of the property (50 ac), it cannot support livestock year round without continuing to degrade the plant condition and causing damage to the Ogden River. It is Dan Dailey's objective to improve his forage base by implementing a Management Intensive grazing (MIG) system. I have worked with Dan to create a MIG system that will maximize the utilizable forage on the property, and improve profitability and agricultural returns. It is my expectation that the vegetation in the pastures will begin improving, and that the improvement will continue for years to come. At this time Dan and I are working on installing a livestock watering system, rejuvenation of the pastures by doing pasture seeding, implementing a MIG grazing system, planting trees, and installing hoop house growing systems on his small acreage.

The pasture seeding will require some of his acres to lie fallow during the growing season for the period of seed establishment, but weather permitting this period will not be longer than 2 growing seasons. Dan will be broadcasting seed onto the existing plant community and will be



## Exhibit A- Supporting Information

utilizing livestock hoof action to create the necessary soil disturbance for the seed to get the appropriate amount of seed soil contact. This is essentially a no-till system that will not increase erosion or increase the already significant amount of weeds. A system of electric fences will be installed to aid the rotation of livestock, and improve the forage utilization and distribution of manure and nutrients on the pastures.

The ground is currently being deferred, and nutrient management (proper fertilizer application) and Pest management (weed spraying) are being conducted to prepare the ground for planting in the spring of 2015.

### Final Objective

- Increase Perrenial grass production. Current Production 1000 lbs/ac, 4000 lbs/ac goal
- Improve management of pasture by implementing a MIG system
- Plant trees to stabilize the soil and increase wildlife habitat
- Install livestock watering system
- Implement pasture planting and Fertilizer Management system.

See the attached Prescribed Grazing Plan for reference to the Management Intensive grazing specifications.



**FINAL APPROVAL OF INDIVIDUAL WASTEWATER SYSTEM**

477 23rd Street  
Ogden, Utah 84401  
OFFICE (801) 399-7160  
FAX (801) 399-7170

October 04, 2010

DANIEL DAILEY  
1546 E SUNNYSIDE  
SALT LAKE CITY, UT 84105-

Permit No. W100802      **ABSORPTION FIELD**

Land Serial No. 23-021-0001

This is to certify that on **October 01, 2010** the Weber-Morgan Health Department made a final inspection of the individual wastewater disposal system installed at the construction site address of: **14005 E HWY 39** in **WEBER COUNTY, UTAH**.

At the time of the final inspection, the wastewater system was found to be in compliance with the requirements of the Weber-Morgan Health Department. Approval to place the above-referenced wastewater system into service is hereby granted to **DANIEL DAILEY**.

This individual wastewater disposal system will require periodic maintenance to keep the system working properly. In addition, care must be taken not to disturb or damage the **ABSORPTION FIELD**.

If you have any questions or need further assistance please contact this office at (801) 399-7160.

  
\_\_\_\_\_  
Representative, Weber-Morgan Health Department



## Earthtec Engineering, Inc.

133 North 1330 West  
Orem, Utah - 84057  
Phone (801) 225-5711  
Fax (801) 225-3363

1596 W. 2650 S. #108  
Ogden, Utah - 84401  
Phone (801) 399-9516  
Fax (801) 399-9842

November 4, 2009

Dan Dailey  
3005 Harrison Blvd.  
Ogden, UT 84401

**Subject: Capping Fill Wastewater System Design  
Dailey Proposed Cabin  
Huntsville, UT**

Dear Mr. Dailey:

Earthtec Engineering, Inc. has completed the design of a conventional capping fill wastewater treatment system. Our design is attached as Figures 1 through 4. This system is designed utilizing a standard trench system comprised of clean angular gravel and 4 inch perforated pipe.

We have called for specific products within the design of the system that have been found to improve the ease of installation and maintenance. If equivalent products are used, they should be approved by the supervising health department prior to installation. During construction the limiting factor of the system will be the allowable depth of the absorption field. All elevations including the "stub-out" from the foundation wall should be set to meet this requirement. Also a private culinary well on the property and slopes exceeding 30 to 35 percent will require buffer set backs as described on the attached figures. Fill material will be needed to gain adequate cover over the system after installation. It is required that the top of the septic tank be no more than 6 inches from finish grade or access risers shall be installed within 6 inches of finish grade. All landscaping should be designed to limit the amount of water introduced to the system. This will improve the systems effectiveness in treating effluent and lengthen the life-span of the system.

It has been a privilege working with you on this project if you have any questions in regard to this design or require further information, please contact our office at (801) 399-9516.

Respectfully,  
EARTHTEC ENGINEERING, INC.

Corey A. Park  
Staff Geologist  
Wastewater Cert# 02225-OSP-1

Attachments: Figure 1 Site Plan  
Figure 2 Absorption Field Layout  
Figure 3 Trench Details  
Figure 4 System Schematic

4 copies



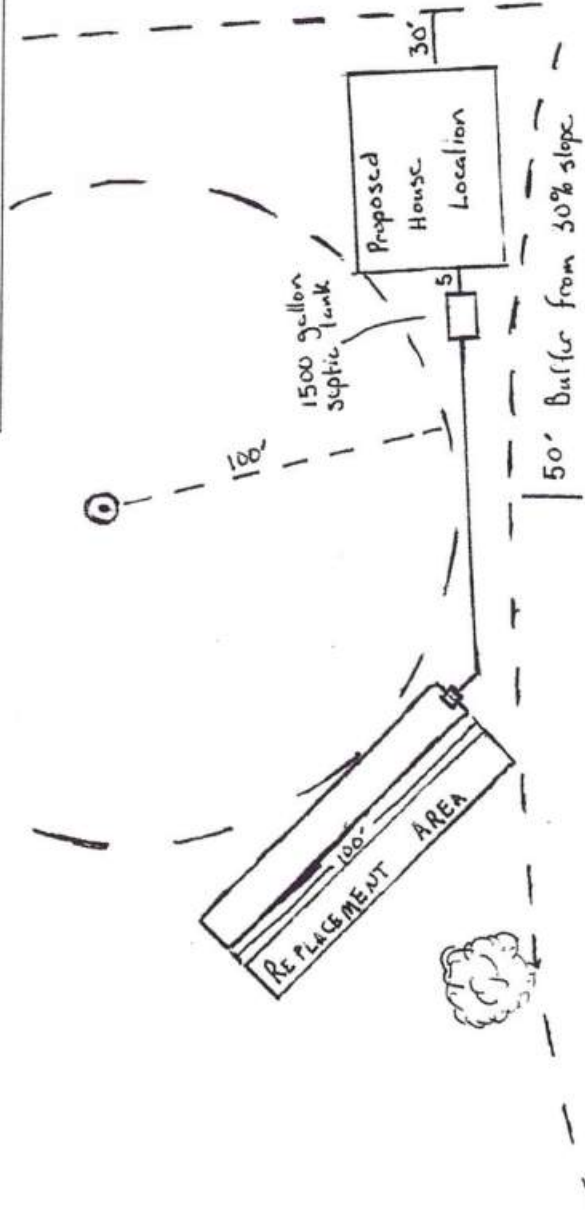
**Earthtec**

EARTHTEC ENGINEERING, Inc.

Notes:

1. Septic Tank shall be placed at least 5 feet from residence foundation
2. Distribution box shall be placed 5 feet from septic tank outlet
3. All water seeking plants should be planted a minimum of 50 feet from the septic system
4. The septic system shall be backfilled with 12 to 18 inches of capping fill (sandy loam preferred to allow aeration) and vegetated as soon as possible
5. This is a closed loop system and shall be installed according to the plans provided
6. A signed wet stamp copy provided by the reviewing Health Department shall be on site at all times during construction and final inspection of the system
7. NOT TO SCALE, all confining distances shall be staked by installer prior to beginning installation.
8. Installation to begin with drain field as determining elevation. Minimum 2% fall from septic tank to drain field.

Existing SUEED



GENERAL SITE PLAN

EEL Job No. 09-1121G

Figure 1



**PERMIT TO CONSTRUCT AN ONSITE WASTEWATER TREATMENT SYSTEM**

**ISSUED BY THE WEBER-MORGAN HEALTH DEPARTMENT**

**477 23rd Street, OGDEN, UTAH 84401**



Exhibit A- Supporting Information

Permit No.: **W100802**

Issued: **September 3, 2010**

Expires: **September 3, 2011**

This is to certify that **DANIEL DAILEY** is hereby issued a permit to install an onsite wastewater treatment system for the property with the Property Identification Number **23-021-0001** with the following specifications and provisions:

Approximate construction site address: **14005 E HWY 39, HUNTSVILLE**

Lot: **N/A** of the **CABIN** subdivision in **Weber** county Utah.

Water supply will be provided by: **WELL (PRIVATE)**.

Type of System will be **SEEPAGE TRENCH** with an absorption area of **570 Sq. Ft.**

Septic tank capacity must be at least **1000** gallons. System is designed for a **3** bedroom home.

Maximum depth of trench bottoms must be limited to **12** inches from original ground surface.

**\*\*\* IMPORTANT - PLEASE READ CAREFULLY \*\*\***

**MAXIMUM DEPTH TO BOTTOM OF TRENCH FROM ORIGINAL GROUND SURFACE IS 12 INCHES.**

**THREE FOOT MAXIMUM BACKFILL OVER SEPTIC TANK.**

**MAINTAIN 100 FOOT SEPARATION FROM DITCHES AND WELLHEAD.**

**INSTALL ACCORDING TO COONSTRUCTION PLANS REVIEWED BY THIS OFFICE.**

**WASHED 3/4 TO 2 1/2 INCH GRAVEL MUST BE USED. 1 INCH MINUS WILL NOT BE ACCEPTED**

**WATER TIGHTNESS TEST REQUIRED. TANK MUST BE FULL AT TIME OF INSPECTION.**

**NOTIFY WMHD OF INSTALLER'S NAME PRIOR TO BEGINNING INSTALLATION.**

**LOCATE SYSTEM 50 FEET FROM ANY SLOPE GREATER THAN 35%.**

**Please provide the permit number and address when requesting the final inspection or any additional information regarding this system.**  
**Final inspection to be completed prior to any backfilling of installed system.**

This permit may be revoked or altered if the site is found to be in a flood hazard or other geologic hazard area. This permit is based on minimum design standards, and in no case does it guarantee against the failure of the installed system. The performance of the installed system is affected by many other factors, such as operation, maintenance, wastewater contents, etc., not addressed by the standards.

*Brian Towan jr*

Louis K. Cooper, R.S.  
Registered Environmental Health Specialist

DATE: 8/6/98

TO: DAN Dailley

ITEM: Penetration tests 14005 E  
Hwy 39 3 test at 100<sup>00</sup> Ea

AMOUNT: \$ 300.<sup>00</sup> Pd LKC

PLEASE REMIT TO: Louis K. Cooper  
690 North 9000 East  
Huntsville, UT 84317

Thank you,



PERCOLATION TEST CERTIFICATE AND SOIL EXPLORATION RESULTS

Information Required for Determining Soil Suitability

Exhibit A- Supporting Information for Individual Wastewater Disposal Systems

Name: DAN DAULEY  
 Location of Property: 14005 2 Hwy 39  
South Fork Weber Co Ut.

I certify that percolation tests have been conducted on the above property, in accordance with requirements specified in R317-511, Utah Administrative Code, and that percolation rates, calculated as specified by said rule, are as follows (use reverse side or additional sheets if necessary):

Test Hole Number	Test Hole Depth	Saturation Period (hrs & min)	Swelling Period (hrs & min)	Inches Drop Final 30 min. Period* Period	Final Stabilized Percolation Rate** (min/inch)
1 <sup>East</sup>	36	4 hrs	20 hr 30 min	10 in = 1"	10 mp I
2	24	4 hrs	20 hr 30 min	10 in = 1"	10 mp I
3 <sup>West</sup>	32	4 hrs	20 hr 30 min	30 in = 1"	30 mp I

Statement of soil conditions obtained from soil explorations to a depth of 10 feet. In the event that absorption systems will be deeper than 6 feet, soil explorations must extend to a depth of at least 4 feet below the bottom of the proposed absorption field, seepage trench, seepage pit, or absorption bed. A descriptive log of each exploration hole should be given:

Conducted by the Weber County Health Dept  
(WCHD)

Date soil exploration(s) conducted: WCHD

Statement of present and maximum anticipated ground water table throughout the property and area of the proposed soil absorption system: WCHD

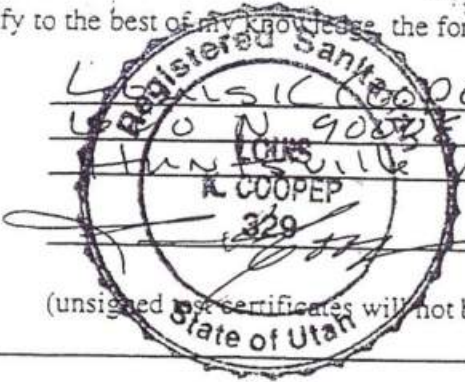
Date ground water table determined: \_\_\_\_\_

I hereby certify to the best of my knowledge, the foregoing information is correct.

Name: LOUIS COOPER

Address: 1000 N 9000 E  
Henrieville Utah

Signed: [Signature] Date: 8/4/98



(unsigned certificates will not be accepted)

\*Ten minute time intervals between percolation test measurements may be used only for certain circumstances -- refer to detailed instructions for conducting percolation tests as referenced above. If a 10 minute time interval is used for tests, so indicate.

\*\*Percolation rate is equal to period of time used in minutes, divided by distance water dropped in inches and fractions thereof.



## WEBER-MORGAN HEALTH DEPARTMENT

GARY M. HOUSE, M.P.H.  
Health Officer / Director

September 3, 2010

Division Directors  
KAY LARRISON, Administration  
CLAUDIA PRICE, Nursing & Health Promoti  
LOUIS K. COOPER, Environmental Health  
COLLEEN JENSON, WIC

Daniel Dailey  
1546 E. Sunnyside Ave.  
Salt Lake City, UT 84102

RE: **Private Well Approval at:**  
14005 E. Hwy 39  
Huntsville, UT 84317  
Parcel # 23-021-0001

Dear Mr. Dailey:

The application for approval of the above referenced well has been submitted for review to determine conformance to the Weber-Morgan District Health Department Regulations for Installation and Approval of Nonpublic Water System Serving 1-14 Connections.

The following have been submitted:

1. The Water Right Number: E4188 (35-AREA)
2. Well driller license #724
3. The well is 150 feet deep with a clay layer greater than 15 feet.
4. The well yields greater than 10 GPM in 1 hour with a 70 foot drawdown.
5. The water samples for the partial inorganic analysis was submitted to Chem Tech Ford Laboratory on August 16, 2005.
6. A bacteriological water sample was collected by staff of this department on August 31, 2010. The water analysis was satisfactory.
7. This is not a shared well.

The required 100 foot protection zone around the well must be kept free from any septic tank absorption systems, garbage dumps, hazardous and toxic material storage or disposal sites, feed lots and other concentrated sources of pollution. We would recommend that a bacteriological sample be collected and submitted for analysis on an annual basis.

Based on compliance with the above requirements, the Health Department considers this an approved well for culinary purposes.

Please contact our office at 399-7160 if you have further questions.

Sincerely,



Michela Gladwell, LEHS  
Division of Environmental Health



Date Sampled: 8/16/2005

# TEST RESULTS for Sample Number: 5287

## Drinking Water Primary Standards:

**Bacteria:** Water tested positive for Coliform bacteria indicating surface contamination

**Pesticides:** If pesticides are detected we will contact you and resample your water. Otherwise none have been detected.

**Nitrate:** Acceptable

**Specific Elements and Compounds:** These elements may be toxic if they exceed the Primary Standard

**Arsenic (As):** Acceptable

**Beryllium (Be):** Acceptable

**Cadmium (Cd):** Acceptable

**Chromium (Cr):** Acceptable

**Copper (Cu):** Acceptable

**Lead (Pb):** Acceptable

**Selenium (Se):** Acceptable

**Sulfate (expressed as sulfur (S) on the report) :** Acceptable

**Electrical Conductivity (TDS):** Water has acceptable TDS.

## Drinking Water Secondary Standards: affects aesthetic quality like: taste, odor, color, and

**Specific Elements: (The terms after "EXCEEDED" describe aesthetic problems with water)**

**Aluminium (Al):** Acceptable

**Chloride (Cl):** Acceptable

**Copper (Cu):** Acceptable

**Iron (Fe):** Acceptable

**Manganese (Mn):** Acceptable

**Zinc (Zn):** Acceptable

**Sulfate ( expressed as sulfur (S) on the report):** Acceptable

**pH:** pH is within acceptable range.

**Hardness:** Water is classified as MODERATE.

**Water Temperature:** 58.28 Degrees F.

## Irrigation Standards:

**Electrical Conductivity:** Salinity Class is C2 and water is suitable for most plants, 5-15% leaching requirement needed.

**Sodium Adsorption Ratio (SAR):** SAR value does not limit use of water for irrigation.

**Sodium (Na):** Acceptable for all irrigation.

**Bicarbonate (HCO3):** Bicarbonate is extremely high (> 2.5). It will impact all crops and may increase the SAR hazard.

**Specific Toxic Elements (most of these elements are needed by plants but are toxic if too plentiful)**

**Aluminium (Al):** Acceptable

**Arsenic (As):** Acceptable

**Beryllium (Be):** Acceptable

**Boron (B):** Acceptable for all plants.

**Chloride (Cl-):** Acceptable for all irrigation methods and plants.

**Cadmium (Cd):** Acceptable

**Chromium (Cr):** Acceptable

**Copper (Cu):** Acceptable

**Cobalt (Co):** Acceptable

**Lithium (Li):** Acceptable

**Manganese (Mn):** Acceptable

**Iron (Fe):** Acceptable

**Nickel (Ni):** Acceptable

**Lead (Pb):** Acceptable

**Molybdenum (Mo):** Acceptable

**Vanadium (V):** Acceptable

**Zinc (Zn):** Acceptable

**Selenium (Se):** Acceptable

## Livestock Standards:

**Electrical Conductivity:** This water is excellent for livestock.

**Sulfur (S) or Sulfate:** Water is acceptable for livestock use.

**Nitrate:** Nitrate does not exceed livestock standards.

**Specific Toxic Elements**

**Aluminium (Al):** Acceptable

**Arsenic (As):** Acceptable

**Beryllium (Be):** Acceptable

**Boron (B):** Acceptable

**Cadmium (Cd):** Acceptable

**Chromium (Cr):** Acceptable

**Cobalt (Co):** Acceptable

**Copper (Cu):** Acceptable

**Lead (Pb):** Acceptable

**Selenium (Se):** Acceptable

**Vanadium (V):** Acceptable

**Zinc (Zn):** Acceptable

State Ground-Water Program Analysis Report



Where Ideas Connect™

Dan Dailey  
1546 E Sunny Side Drive  
Salt Lake City, UT 84105

August 29, 2005

Dear Dan Dailey,

Thank you for allowing us to sample your water. Attached to this letter are the **TEST RESULTS** of your water for drinking, irrigation, and livestock uses. The **TEST RESULTS** sheet gives details of the tests done on your water. The **TABLE SUMMARY** show the results of other samples taken in your area for your comparison. Your test results are highlighted for easy reference and those tests that exceed drinking water, irrigation, or livestock standards are underlined.

**Drinking Water Standards**

EPA has established two drinking water standards, Primary and Secondary. Primary standards are used to determine if the water is healthy, whereas Secondary standards address the aesthetics of the water (color, taste, odor, staining etc.). The following parameters were measured to see if they exceed the Primary Standard: TDS (total dissolved solids, expressed as electrical conductivity (EC) on the table), arsenic (As), barium (Ba), beryllium (Be), cadmium (Cd), chromium (Cr), copper (Cu), nickel (Ni), nitrate (NO3), lead (Pb), selenium (Se), sulfur (S), indicator bacteria (coliform and E. coli), and commonly used pesticides in Utah. The Secondary parameters tested are: TDS, aluminum (Al), chloride (Cl-), iron (Fe), manganese (Mn), sulfur (S), and zinc (Zn). We have also measured and reported the temperature and hardness of your water.

**Irrigation Standards**

Water used for irrigation can be classified by its EC and sodium adsorption ratio (SAR). Electrical conductivity is an estimate of the total dissolved solids (salts) in water and is obtained by measuring how much electricity can flow through it. The more salts in the water the more electricity can be conducted through it. Electrical conductivity classes range from C1 to C4 with C1 being acceptable for all plant life and C4 NOT being acceptable. The SAR is the ratio of sodium (Na) to calcium and magnesium in the water. A high SAR can destroy soil structure preventing the movement of air and water through the soil. The SAR classes are dependent upon the EC of the water and the amount of bicarbonate (HCO3) in the water.

Several elements are toxic to plants, whereas some elements that plants need may also be toxic in too high a concentration. The following elements that can be toxic to plants were measured: aluminum (Al), arsenic (As), boron (B), beryllium (Be), cadmium (Cd), chloride (Cl-), cobalt (Co), chromium (Cr), copper (Cu), iron (Fe), lithium (Li), manganese (Mn), molybdenum (Mo, this is not toxic to plants but can cause problems for livestock which eat plants irrigated with water high in this element), sodium (Na), nickel (Ni), lead (Pb), selenium (Se), vanadium (V), and zinc (Zn).

**Livestock**

Livestock can tolerate lower water quality standards than plants or humans. The following parameters are reported that can adversely affect livestock health: TDS, aluminum (Al), arsenic (As), beryllium (Be), boron (B), cadmium (Cd), chromium (Cr), cobalt (Co), copper (Cu), lead (Pb), selenium (Se), sulfur (S), vanadium (V), and zinc (Zn).

If you have any questions or concerns please contact Mark Quilter at (801)538-9905.

Sincerely,

Mark Charles Quilter  
Ground-Water Specialist  
Utah Department of Agriculture and Food

State of Utah  
Division of Water Rights

For additional space, use "Additional Well Data Form" and attach

*PH 11/10*

Well Identification **EXCHANGE APPLICATION: E4188 (35-AREA)**

Owner *Note any changes*  
Dailey Family Limited Partnership  
1546 East Sunny Side  
Salt Lake City, UT 84105

Contact Person/Engineer: \_\_\_\_\_

Well Location *Note any changes*  
COUNTY: Weber  
NORTH 500 feet WEST 150 feet from the SE Corner of  
SECTION 32, TOWNSHIP 7N, RANGE 3E, SLB&M.

Location Description: (address, proximity to buildings, landmarks, ground elevation, local well #) \_\_\_\_\_

Drillers Activity **West of Red Rock Outcatters**  
Start Date: JANUARY-21-2003 Completion Date: FEBRUARY-12-2003

Check all that apply:  New  Repair  Deepen  Clean  Replace  Public Nature of Use:

If a replacement well, provide the location of the new well. \_\_\_\_\_ feet north/south and \_\_\_\_\_ feet east/west of the existing well.

DEPTH (feet) FROM TO	BOREHOLE DIAMETER (in)	DRILLING METHOD	DRILLING FLUID
0' 150'	8" INCH	CABLE TOOL	WATER

Well Log	W A T E R	P E R M E A B L E	UNCONSOLIDATED							CONSOLIDATED		ROCK TYPE	COLOR	DESCRIPTIONS AND REMARKS (e.g., relative %, grain size, sorting, angularity, bedding, grain composition, density, plasticity, shape, cementation, consistency, water bearing, odor, fracturing, mineralogy, texture, degree of weathering, hardness, water quality, etc.)
			C L A Y	S I L T	S A N D	G R A V E L	C O B B L E S	B O T H E R	O T H E R	ROCK TYPE	COLOR			
DEPTH (feet) FROM TO	high	low												
0' 3'									X			BLACK	TOP SOIL	
3' 18'					X	X	X	X				BROWN		
18' 34'			X									BROWN		
34' 52'			X		X							BROWN		
52' 89'									X	CONGLO.	BROWN			
89' 104'									X	SHALE	RED			
104' 141'									X	CONGLO.	BROWN			
141' 150'	X								X	SHALE	RED			

Static Water Level  
Date FEBRUARY-12-2003 Water Level 1' feet Flowing?  Yes  No  
Method of Water Level Measurement TAPE If Flowing, Capped Pressure \_\_\_\_\_ PSI  
Point to Which Water Level Measurement was Referenced GROUND Ground Elevation (If known) \_\_\_\_\_  
Height of Water Level reference point above ground surface \_\_\_\_\_ feet Temperature \_\_\_\_\_  °C  °F



President  
STEPHEN A. OSGUTHORPE  
Park City

General Manager  
Secretary - Treasurer  
IVAN W. FLINT  
Layton

Directors:

CHARLES F. BLACK, Jr.  
Layton

KAREN W. FAIRBANKS  
So. Ogden

WAYNE B. GIBSON  
West Weber

ROBERT L. HENSLEY  
Washington Terrace

JULIE KENLEY  
West Point

NORMAN J. MONTGOMERY  
Huntsville

SCOTT F. PETERSON  
Morgan

MAX B. RIGBY  
Kaysville

## WEBER BASIN WATER CONSERVANCY DISTRICT

2837 EAST HIGHWAY 193 • LAYTON, UTAH 84040 • PHONE (801) 771-1677 • (SLC) 359-4494 • FAX (801) 544-0103

February 9, 1999

Dan Dailey  
1546 E. Sunnyside Avenue  
Salt Lake City, UT 84105

RE: Dan Dailey replacement water contracts: #14036 for 1 a.f., #14037 for 2.0 a.f.

Dear Mr. Dailey:

We wish to inform you that your recent replacement water contracts, one for 2.0 a.f. which was transferred from Doug Taylor and another for 1.0 a.f. which was a new purchase, was approved at our January 29, 1999 board meeting. We are presently in the process of preparing these documents for recording. After we obtain necessary signatures from our officials, you will receive a fully executed copy of these contracts.

If you should have any further questions, please contact Sherrie Mobley of our office.

Sincerely,

Ivan W. Flint  
General Manager

IWF/sm  
encl.



# Online Permit System

customer Application List

Daniel Schmeling Help Print Log

### Notes

\*\* Click on underlined labels for additional help

### Applications for Customer

**Daniel Schmeling**  
139 25th Street  
Ogden, UT 84401

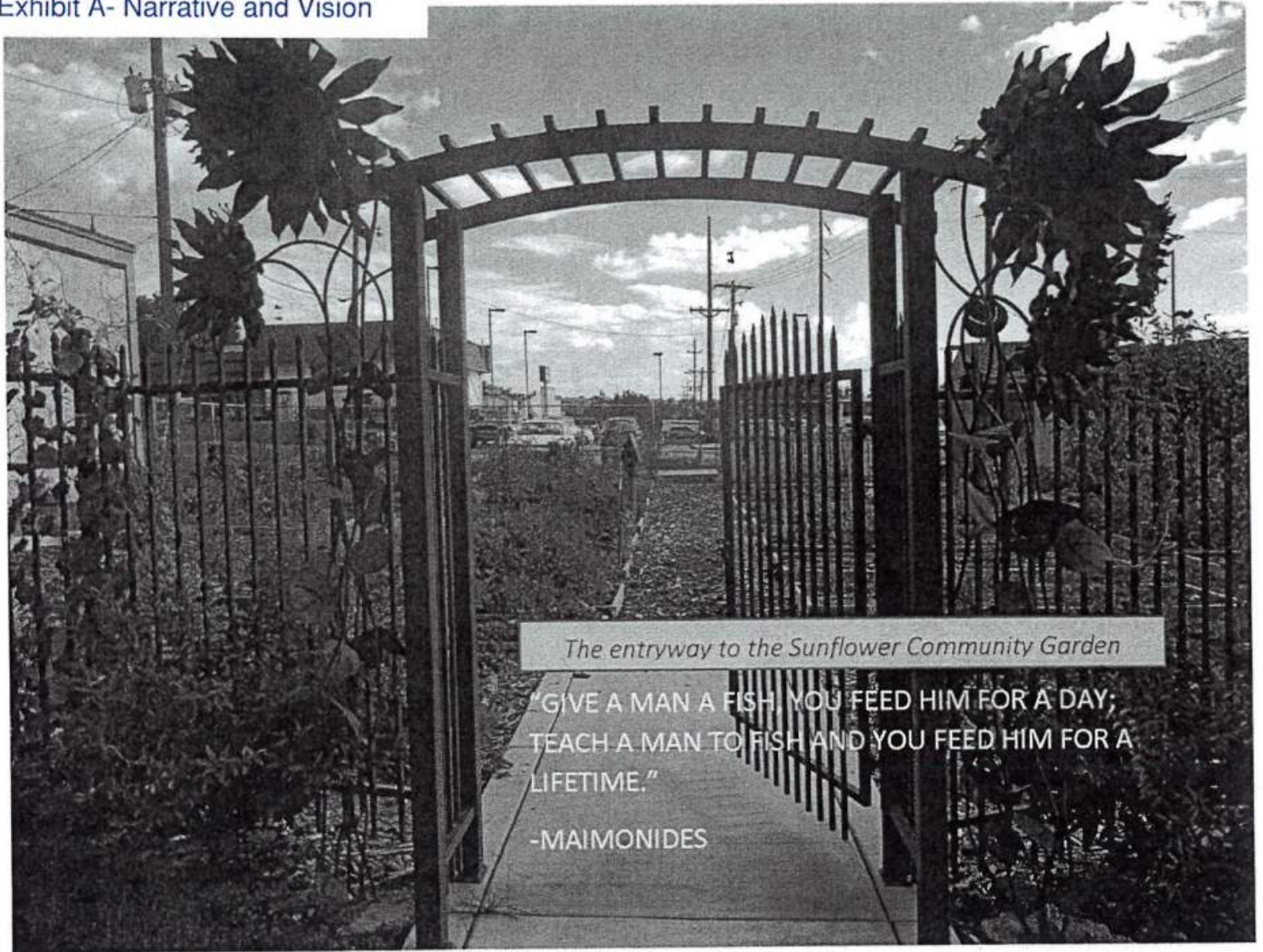
### Recent Applications

App#	Type	Cust W/O	Location	Begin Date	Status	Status Date	Approvals
63796	Access		13485 E HWY. 39	04/13/2015	New Application	02/03/2015	[Doc] [Fees] [Limitations]

1 - 1

[Edit Customer Information](#)

[New Permit Application](#)



*The entryway to the Sunflower Community Garden*

"GIVE A MAN A FISH, YOU FEED HIM FOR A DAY;  
TEACH A MAN TO FISH AND YOU FEED HIM FOR A  
LIFETIME."

-MAIMONIDES

# The Dailey Project

Midwestern transplants procure gardens of community and education in Ogden, UT

## Exhibit A- Narrative and Vision

Dan Dailey is a transplant to the Western United States. He grew up in Detroit, Michigan, an area of the country focused more on industry than agriculture. Dan's memories from childhood revolve more around hunting and fishing than farming. He can clearly recall his early childhood contact with farm animals as a traveling petting zoo that visited his elementary school. Those animals did not appear healthy, but mangy and underfed. His interest in farming and procurement of the land did not come from his upbringing. Like most farmers, his love of the land is inherent, and his knowledge is self-taught through reading, trial, and error. Dan Dailey means to share the knowledge he has accrued over his lifetime with a new generation of urban farmers, to plant seeds and aspirations that will permeate generations on the Wasatch Front, and to provide spaces for educational opportunities that are alive with creativity and wonder.

Dan attended Northwood University in Midland, Michigan, where he met his lovely wife, Suzy, and graduated with a Bachelors in Marketing and Management. He then began his career as a corporate banker, suit, tie, and the whole nine yards. There came a point, however, when that life became unfulfilling. He entered the small business community in 1991 with the Grounds for Coffee on Harrison Boulevard in Ogden, Utah. He dropped the suit and tie for espresso and an embroidered apron. He abandoned corporate associates for young adults that needed a job and a mentor, which is what he has provided, even if unintentionally.

In 1999, Dan and Suzy bought a piece of property near Causey Reservoir in Ogden Valley. The property was the first step in the development of this dream of sustainability. Dan had been reading about straw bale construction and eco-friendly design. He built a small, energy efficient shed on this property that fit the model of his research and reading on the subject. The



*Dan Dailey working the compost heap.*

## Exhibit A- Narrative and Vision

shed is complete with a loft to sleep in, a wood burning stove for heat, solar panels, and an outhouse. Dan has also introduced a colony of honey bees to his property, a fire pit for gatherings, and a rope swing near the river.

The lot behind Grounds for Coffee was abandoned and a bit of a wreck. Dan and Suzy decided to plan and procure the Sunflower Community Garden, which came to fruition in the growing season of 2010, complete with installations from local artists, a composting program, and a whole lot of love. This was the first project for the public that the Daileys launched, outside of the gathering place created with Grounds for Coffee, of course. The garden has been a huge success. Gardening classes are offered by the Daileys and local farmers, to teach the community how to work the land themselves. Free compost is available by the bucketful. Garden plots are offered for \$25 per season. 9 plots are reserved for local non-profit organizations, demonstrating the Daileys' commitment to strengthening the community. Along the public sidewalks and the parking strip outside the front entrance to the coffee shop, public herb gardens have been planted. Passers-by are welcome to pick and enjoy fresh strawberries, flowers, and herbs. Not your everyday walk in the city.



*Community event at the Sunflower Community Garden where children made their own chia pets.*

Community gardens offer more than just vegetables. Gardening Matters, a nonprofit establishment in Minnesota, put together a helpful resource on the benefits of community including reduced carbon emissions, municipal savings and increased property values due to beautification, and reduced crime rates. Community gardens offers an opportunity for gardeners to grow fresh, organic produce on their own. This act alone “reduces

exposure to chemical fertilizers and pesticides.” (“Multiple Benefits of Community Gardening” pg. 2) Gardening can also provide physical activity and stress reduction. Community gardens offer a chance to educate youth on the importance of growing food. “Community gardens can serve as an outdoor classroom where youth can learn valuable skills, like those involving practical math, communication, responsibility and cooperation. They also provide the

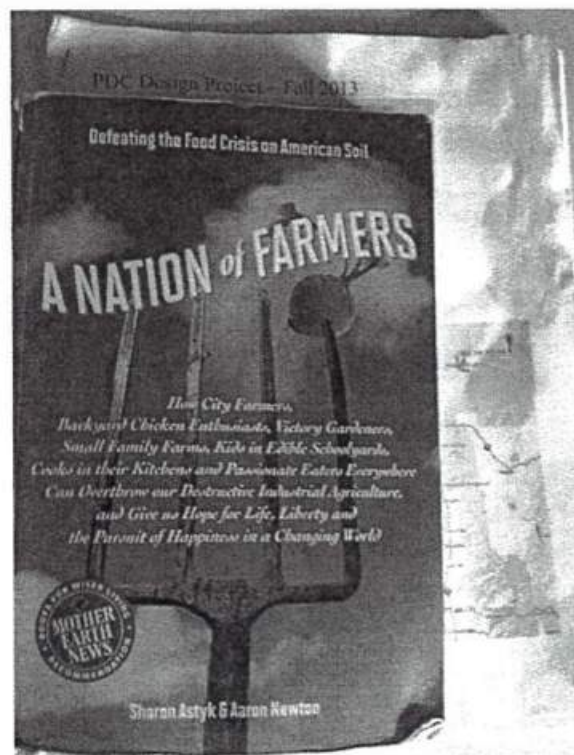


## Exhibit A- Narrative and Vision

opportunity to learn about the importance of community, stewardship and environmental responsibility.” (“Multiple Benefits of Community Gardening” pg. 4) It seems that what is growing in the Sunflower Community Garden is more than just vegetables, and it shows.

Dan has always talked with his baristas about the things he has read and learned about farming and sustainable building, among other things. He read books like Michael Pollan’s *Omnivore’s Dilemma*, and *In Defense of Food*, Barbara Kingsolver’s *Animal, Vegetable, Miracle*, *Bioshelter Market Garden: A Permaculture Farm* by Darrell Frey, *Plowing with Pigs* by Oscar H. Will III and Karen K. Will, and William F. Engdahl’s *Seeds of Destruction: The Hidden Agenda of Genetic Manipulation*.

The book that was his primary inspiration, however, is *A Nation of Farmers* by Sharon Astyk and Aaron Newton. Dan learned of this book while listening to USU’s own KUER, the Doug Fabrizio Show entitled “RadioWest.” Dan heard a broadcast of Fabrizio’s on the book and he immediately went out, bought it, read it, and reread it. Dan offered his copy of the book and the master plan for his next contribution to the greater community of Ogden, and its youth, for the purpose of this paper. The book is dog eared and the plans wear coffee stains, which represents how much thought and attention Dailey has paid to this venture. These are his companions on the road to what lies ahead, the “Dancing Moose Farm.”



Dog eared inspiration

Originally, Dan and Suzy were working to open a farm-to-table restaurant at the site of a standing restaurant near the property they own in Ogden Valley. In researching the definition of the farm-to-table movement, the best description of what it means came from an olive oil company, Herdade de Vale de Arca, that reads, “Farm-to-Table (or farm-to-fork) refers to, in

## Exhibit A- Narrative and Vision

the food safety field, the stages of the production of food: harvesting, storage, processing, packaging, sales, and consumption. Farm-to-Table also refers to a movement concerned with producing food locally and delivering that food to local consumers.” (“Farm to Table, The Movement.”) Farm-to-table establishments may operate in different ways, but share similar motivations due to the unsustainable practices of factory farming, the poisonous chemical fertilizers and pesticides, the vanishing family farms, poor flavor, use of genetically modified organisms (GMO’s) without public notice, and the list goes on and on.

Boulder, Utah boasts one such farm-to-table establishment, Hell’s Backbone Grill, that served as a source of great inspiration for Dan and Suzy. This establishment is run by two friends, Jen Castle and Blake Spalding, dedicated to bringing the community delicious, fresh, organic foods grown under a no harm philosophy. The farm sits on 6 acres and uses only environmentally friendly pest and weed control methods, organic farming practices, and ensures that no activity conducted in the process of farming will upset the natural balance of the earth it sits on. The Daileys have visited Hell’s Backbone Grill in the town of Boulder, Utah



Dan and Suzy Dailey

many times over the past few years and grew very fond of the owners and the idea of the farm-to-table movement.

While on their visits, the Daileys pulled weeds in the freezing rain, dug up potatoes, collected eggs from the chickens, and loved it. For dinner, they would dine on exactly what they had harvested from the

Earth that day. Hell’s Backbone Grill accepts the contribution of WWOOFers, farm workers willing to trade their hands in the soil for lodging, education, and meals. This offers a chance for anyone interested in learning the art of organic farming a chance to experience and absorb it first hand.

The Leopold Center for Sustainable Agriculture studied 16 commonly found produce items and found that each one traveled an average of 1,500 miles to reach the produce section of the grocery market, not to mention the other items that were imported from other

## Exhibit A- Narrative and Vision

countries. “We found that locally grown produce traveled an average 56 miles from farm to point of sale; the average distance was 1,494 miles – nearly 27 times farther – if those items had come from conventional sources within the continental United States. Another perspective on this comparison is that the locally grown food spent about an hour in transport (assuming an average truck speed of 55 miles per hour) compared to 27 hours for the conventional produce.” (Pirog, “Checking the food odometer”)

The idea of investing in and utilizing as many local things as possible is not new for the Daileys. Aside from all of their other activities, Suzy Dailey heads up the Ogden chapter of Local First Utah, a non profit organization in Utah aimed at educating people on all matters of buying local and its effects on the community. These two individuals, on their own, are dedicated to the causes that speak to them. Together, they have made amazing strides in perpetuating an educational opportunity for anyone that comes into contact with them.

In Dan’s copy of *A Nation of Farmers*, he has underlined, starred, dog eared, and highlighted the passages that speak to him. Not many pages go by without one such mark. An interesting statistic cited, and underlined, in the book reads “In 1900 roughly 38% of the population of the United States was actively involved in growing food. By 1950 that number had been reduced to just more than 12%. Today less than 2% of the American population does that work.” (Asty,Newton, pg.17) This passage illustrates the gaping hole between today’s generations understanding of where their food comes from and how it ends up on their plate. It is alarming. Enter the culmination of the Daileys’ passions and efforts here, “The Dancing Moose Farm.”

On the very first page of the preface in Dan’s copy of *A Nation of Farmers*, the underlining begins with this quote from Clayton Brascoupe, “You know, when you farm, your hands are dirty at the end of the day, but your hands are clean.” It continues on through the Introduction (Asty,Newton pg. xii) to bring in the idea of those humans that have stood for something they believed in and resisted the pressures of the social norms, those that took part in “reimagining their society” (Asty,Newton pg. xii) to reflect their hopes and put down the untruths they were being told. The next words underlined are “re-envision our society.”

## Exhibit A- Narrative and Vision

(Asty,Newton pg. xii) That is what the Dancing Moose Farm means to do through permaculture education, creative learning techniques and community building aimed at the next generation.

As long as I've known Dan Dailey, he has been looking for his niche in working with at risk youth. Local child welfare employees that frequent his shop have approached him on many occasions to participate in mentoring programs. His baristas, usually in their early 20's, stay for years and look to Dan and Suzy for support and mentorship. Nothing has really stuck, except the Daileys' relationship with the youth that have worked for them. The Dancing Moose Farm provides the opportunity Dan and Suzy have been looking for outside of simply employing people. Partnering with The Nurture the Creative Mind Foundation, Carbon Architects, and local Permaculture designer, Josh Jones, the Daileys' mean to create the living, creative Dancing Moose farm and a non-profit ecology center for youth called The Huntsville Arts and Ecology Center.



Site of the Dailey property, future home of the Dancing Moose Farm. Straw bale structure visible near yellow trailer.

The hope for the Dancing Moose Farm is to develop a complete, sustainable permaculture farm. Permaculture, as defined in *A Nation of Farmers*, "is a contraction of "permanent agriculture" and "permanent culture," and is defined by author Toby Hemenway as, "a set of techniques and principles for designing sustainable human settlements."" (Asty,Newton pg. 291, reference 285) Permaculture is based on ecology and humanity at its core. The three fundamental principles of the Dancing Moose Farm, and of permaculture, according to Dailey, are care of people, care of the land, and sharing of any excess.



## Exhibit A- Narrative and Vision

risk, Ogden youth to play...again. The youth are not permitted to bring any electrical devices, they must play. This opens worlds of opportunities, such as a relationship with nature and an introduction to urban farming.

*A Nation of Farmers* directs the readers attention to Cuba to define urban farming. Cuba experienced trade embargoes resulting in a nation cut off from the rest of the world, which resulted in hunger for the citizens of Havana. The salvation for this isolation and the subsequent starvation boiled down to urban farming. Planting gardens in their yards, working with their neighbors to cooperatively plant crops, and raising small farm animals on their property became a way of life. "By 1994 hundreds of Havana residents were involved in food production." (Astyk and Newton pg. 278) The world at large is at risk of experiencing the same shortages of food that Cuba experienced; however, such shortages probably will not be the result of trade embargoes; but drought, climate change, and loss of opportunity. "As other urban areas around the world begin to grapple with intertwined increases of food and fuel costs, cities are likely to need flexibility and adaptability. In all likelihood some combination of the tools used by Cuba to address their famine will be needed in most of the world's cities." (Astyk and Newton pg. 279)

Urban farming is not abnormal to a lot of the world's countries, even our own. The book provides statistics for the rates of urban farming in places like Hong Kong, Moscow, and China. "Urban farming is a norm -there are 200 million urban farmers world-wide, and they produce food and income for 700 million people." (Astyk and Newton pg. 279) The United States has historically participated in urban farming and, in fact, we are only a mere two generation removed from our nation being required to practice urban farming and those gardens were called victory gardens! "In 1943, 44% of all vegetables eaten in the US were produced in home Victory Gardens, and 20 million American families worked in gardens, in addition to the one-fifth of the population living on farms." (Astyk and Newton pg. 58) These are the lessons and the values Dan Dailey is looking to instill in the youth of Ogden through this farm and the non-profit he and his wife are creating.

## Exhibit A- Narrative and Vision

The dedication that Dan, Suzy, Amir, and Josh show for their passions in life is inspiring. The operation at Hell's Backbone Grill could be the status quo instead of a speciality. The need for farming is imperative. The root of the issue lies in what we are putting in our bodies, into our children's bodies. Micheal Pollan's *In Defense of Food, An Eater's Manifesto* outlines what has gone awry with the food industry and the industrialization of our food, our livestock, and our lives. Some farms are now themselves called factories. Some of the foods we eat are genetically modified for durability during travel, since the food travels so far to reach our plates. Pollan references all the fad foods, the low-fat this and the sugar-free that, all of those hyphenated foods that have really brought us nothing but trouble with our body's natural rhythms and digestive functions. Pollan hypothesizes that "What we need now, it seems to me, is to create a broader, more ecological-and more cultural-view of food." (Pollan, pg. 102)

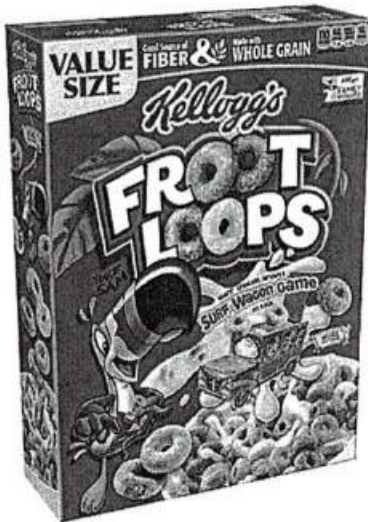
Will you have a part  
in  
Victory?



World War II Victory Garden Poster

The first place we can look, we can also dig our hands in... the dirt. Chemical fertilizers became prevalent in the 1950's and employ nitrogen, phosphorus, and potassium, "the big three macronutrients." (Pollan, pg. 114) Yes, these three nutrients can assist in the growing of plants, vegetables and fruits; however, plants also need the other things naturally found in the dirt, the microbes, the mycorrhizal fungi, the squiggly earthworms, the natural rhythms of the soil and the ecosystem. These things cannot be sprayed on from nitrogen fertilizers derived from fossil fuels. Its like trying to squeeze blood from a turnip. It can't be done.

## Exhibit A- Narrative and Vision



Package of popular kids' cereal, Fruit Loops, boasting fiber and whole grains, with natural flavors.

The over processed foods that come in neat cardboard boxes with colorful pictures and animated mascots do a poor job at impersonating the natural world they claim to come from. The trouble with the processing of once nutrient rich foods is that the very process “depletes them of many nutrients, a few of which are then added back: B vitamins in refined flour, vitamins and minerals in breakfast cereal and bread. Fortifying processed foods with missing nutrients is surely better than leaving them out, but food science can add back only the small handful of nutrients that

food science recognizes as important today.” (Pollan, pg. 115) It is impossible to truly understand and absolutely know what is taken out through food processing, the sunshine, the energy of the farmer that procured the original specimens, the dirt, the rain, the thing that cannot be recreated in a laboratory or in a factory. That is what is missing from the food.

The loss of the farm and heirloom vegetables also equates to a loss of biodiversity. According to *The Merriam-Webster Dictionary*, biodiversity is defined as “biological diversity in an environment as indicated by numbers of different species of plants and animals.” (pg. 71) As we learned from the Irish; however, biodiversity is crucial to survival. The Pacific Biodiversity Institute recognizes monoculture, the absence of biodiversity, as a “contributing factor to the Irish potato famine, the European wine industry collapse in the late 1800’s, and the US Southern corn leaf blight epidemic of 1970.” (“What is Biodiversity?” When all the plants, crops, fruits, what have you, are exactly the same, they are all vulnerable to exactly the same things, like the potato fungus in Ireland. It decimated the island and the human population. It was a catastrophe and could have been avoided, to some extent, through biodiversity.

It is not simply the peace and good feelings that getting your hands dirty can bring that needs a renaissance in this world. It is the nutrients in the foods that we are putting in our bodies and the bodies of our children, it is the community effort of working together for the



## Exhibit A- Narrative and Vision

greater good, it is the return to the land and the reconnection to the place that affords our existence, that farming can bring. That is what Dan is after, that is what I am after.

If ever there was a relevant work of farm literature, it would be *A Nation of Farmers* and Dan Dailey would be the picture of the farmer painted therein, the modern version of our early predecessors, interested in the land and watching things grow. Dan is a mentor. Dan is a farmer. In my interview with him we talked about how the Dancing Moose Farm got its name, it was some what serendipitous, a happy accident if you will. He told me the story of how he came to acquire the land: "The farm will be named the Dancing Moose Farm because fifteen years ago when I was looking for property in Huntsville, Utah I drove past a field that had two moose that looked like they were playing, chasing each other, and looking goofy as can be. I watched them for what seemed to be a half hour or more and returned back to Grounds for Coffee. Upon my arrival, one of my customers who lived up Hunstville, was in the shop and I told him about the moose and it turned out that they were on his property. I told him I was looking for property to buy and he told me he was selling. Two weeks later we were proud owners of a piece of property. If it wasn't for the moose I would have never made this purchase. Hence the name Dancing Moose Farms!"

If it wasn't for the moose, there would be no Dancing Moose Farm, if it wasn't for the Daileys, my life would be much different. My Grandfather and my Mother offered me my first connection to gardening. Without them, I wouldn't have had any introduction to gardening at all, let alone farming, even though I grew up in the corn belt. These three individuals offered me the chance to get my hands dirty. My mother planted a small garden when I was a child and asked me and my siblings help her. I remember picking the peas and eating them straight from their pods on Indiana summer days. My grandfather found sanctuary in his garden following his time as a paratrooper in World War II. He had the most peaceful gardens I have ever experienced. I remember so many nights the adults talked and the children ran around, innocently catching fireflies on warm summer evenings in those gardens.

Through my research about the Dailey project and my experience in this course, I have procured my own seeds of remembrance for the connection between humans and their food.

## Exhibit A- Narrative and Vision

I spent hours digging in the dirt in my backyard recently with my youngest son, Henry. We dug and dug, we talked about the worms doing their dirty jobs, the dead leaves of last fall nourishing the ground, and we talked over what kinds of vegetables to plant in our garden. The past fifteen years of my own life, I have known Dan Dailey. We have talked over books he's read and ideas he's had. I've visited his strawbale house in Huntsville, the future site of the Dancing Moose Farm, and I've soaked up the solace that piece of land provides. I've entered into my own realm of understanding about how I want to live my life and what kinds of foods I am willing to put in the bodies of my young boys.

My intentions mirror that of my Grandfather, my Mother, and Dan Dailey, my unsuspecting boss at a coffee shop in Ogden, Utah. Who knew Dan Dailey and I would still know each other fifteen years later, let alone that I would be writing a paper about how he inspired me to live a life closer to the Earth. Dan and Suzy Dailey have mentored me



My Mother, far right, and her siblings in their Father's garden in Lansing, Illinois.

through my twenties and through opening, and closing, a coffee shop of my own in Ogden. They have been a part of my life for fifteen years, which seems impossible. I plan to take my family to Hell's Backbone Grill in Boulder, Utah, so that my children might understand how their food gets to their plate. Our garden is already underway here in the Uintah Basin, shovels are covered in dirt, shoes are stained orange from the soil here. My interest in Michael Pollan is piqued from the two books I have read of his from this course, *In Defense of Food* and *The Botany of Desire*. Dan has loaned me *A Nation of Farmers*, which I look forward to completing. I look forward to taking my two boys to the Dancing Moose Farm where they can see their friends, Dan and Suzy, and we can clean our hands in the dirt.

## Exhibit A- Narrative and Vision

### References

"Multiple Benefits of Community Gardening" Gardeningmatters.org copyright 2012. Web.

"Farm-to-Table, The Movement" farmoliveoil.pt copyright 2014. Web.

Pirog, Rich "Checking the food odometer" Leopold Center for Sustainable Agriculture, Iowa State University, College of Agriculture and Life Sciences, 2003. Web.

Astyk, Sharon and Newton, Aaron. *A Nation of Farmers*. New Society Publishers: Gabriola Island, BC, 2009. Print.

"Permaculture Research Institute: About Permaculture and the Permaculture Research Institute" permaculturenews.org, 2005. Web.



"Play Again: What are the consequences of a childhood removed from nature?" Documentary by Ground Productions. Web. Quote from Charles Jordan.

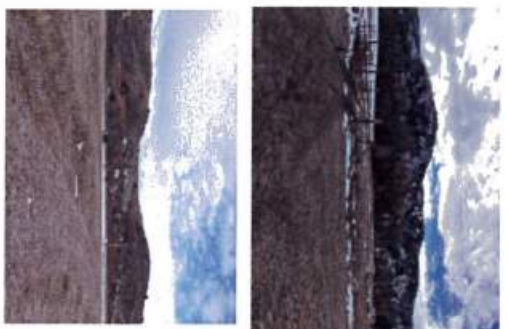
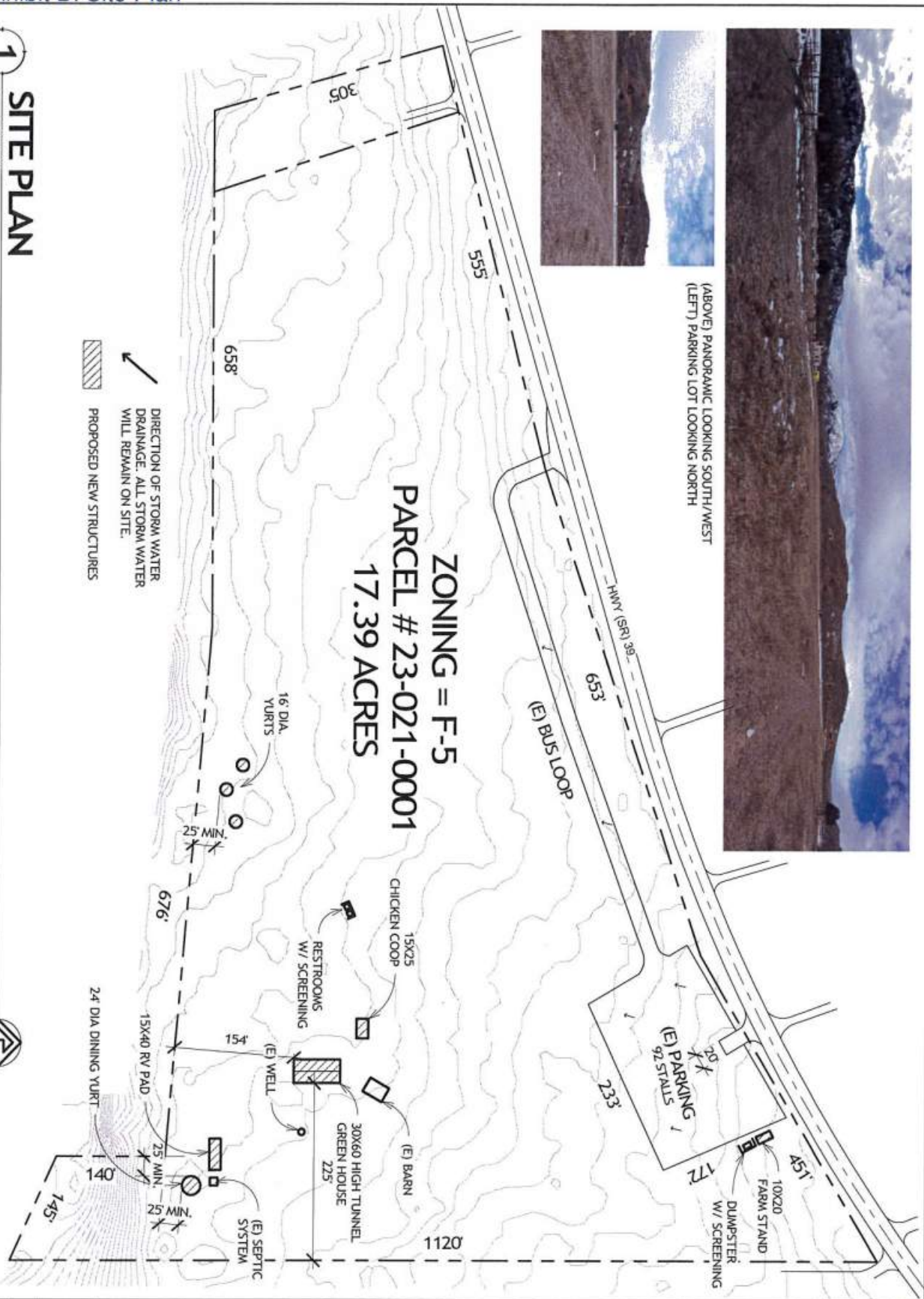
Pollan, Michael. *In Defense of Food: An Eater's Manifesto*. Penguin Books: New York, United States, 2008. Print.

*The Merriam-Webster Dictionary*. Merriam-Webster: Massachusetts, United States, 2004. Print.

"What is Biodiversity?" Pacific Biodiversity Institute, pacificbio.org, 1998. Web.

**1**  
1 : 120'-0"  
**SITE PLAN**

 PROPOSED NEW STRUCTURES  
 DIRECTION OF STORM WATER DRAINAGE. ALL STORM WATER WILL REMAIN ON SITE.



(ABOVE) PANORAMIC LOOKING SOUTH/WEST  
(LEFT) PARKING LOT LOOKING NORTH

**SITE PLAN**

Project #	14-1180	A102
Date	02-04-15	



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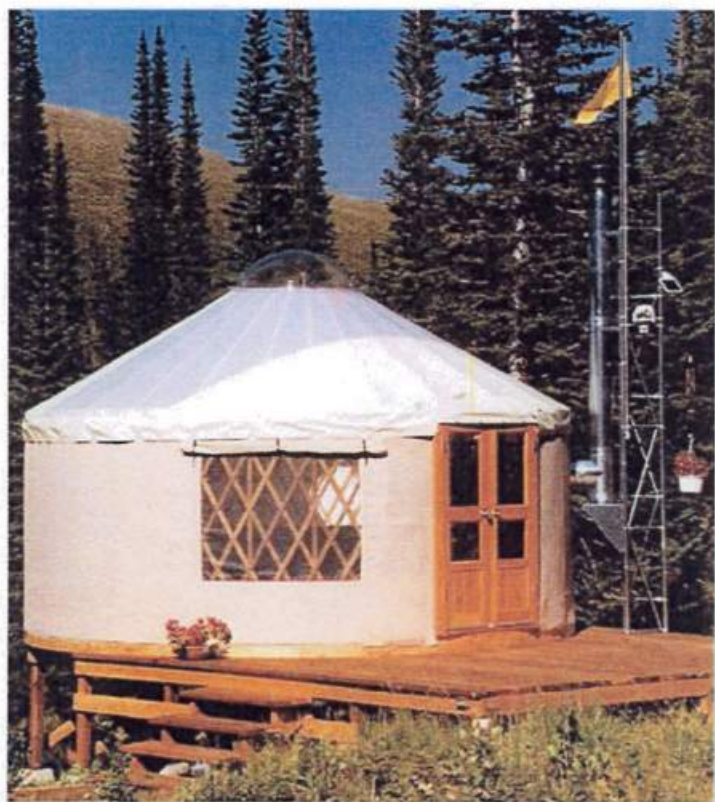
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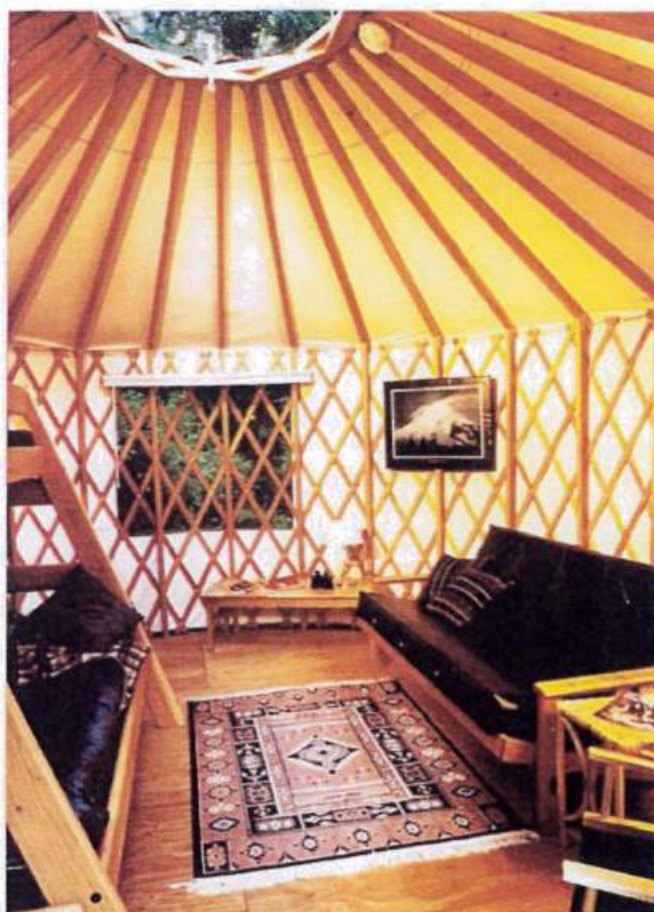
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Squaw Creek XC Ski Center  
Tahoe Cross Country Ski Area  
Tahoe Donner

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Breckenridge Ski Resort  
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Keystone Cross Country Resort  
Le Hot Ski Co. (Snowmass)  
Never Summer Nordic  
Rico Snow Country  
Silver Creek Ski Resort  
Steamboat Ski & Resort  
Vail Resorts  
Vertical Reality  
Wolf Creek Yurt Skiing  
Yurtski

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Galena Lodge  
Sun Valley Trekking Company  
Tamarack Ski Resort  
Schweitzer Mtn Resort

### Maine

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Saddleback Mtn Resort

### Michigan

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### Minnesota

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Echo Trail Outfitters

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Great Glen Trails  
Gunstock Mtn Resort  
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Waterville Valley Ski Resort  
White Mountain Exploration

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Whiteface Mountain Ski Resort  
SkiView

### Ontario, Canada

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Meissner Ski Area  
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Mount Hood Ski Bowl

### Pennsylvania

Bear Creek Ski & Rec Area

### Utah

Beaver Mountain Ski Area  
Deer Valley Resort  
Eagle Point Ski  
Montage Resort Deer Valley  
Park City Mountain Resort  
Parleys Recreation  
Solitude Ski Resort  
Sundance Nordic Center  
Wolf Creek Resort  
Talisker Deer Valley

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Jay Peak Ski Resort  
Okemo Mountain  
On the Loose Expeditions  
Smuggler's Notch  
Stowe Mtn. Resort  
Sugarbush Resort  
Trapp Family Lodge

### Virginia

Wintergreen Ski Resort

### Washington

Mount Tahoma Trails Assoc.  
North Cascade Heli Skiing  
Stevens Pass  
The Summit at Snoqualmie  
Outdoors for All Foundation

### Wisconsin

Sunburst Snow Tubing  
Granite Peaks Ski Area

### West Virginia

Whitegrass Touring Center

### Wyoming

Bear River Outdoor Recreation  
Rendezvous Ski Tours

### Alberta, Canada

Mount Engadine Lodge

### British Columbia, Canada

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Kootenay Outdoor Club  
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### Montana

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Earth Heart Farm

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Harmony Hill Rt Center  
Yogi's Jellystone Park  
Northpoint Family Camp

### North Carolina

Black Forest Resort  
Campfire Lodgings  
Falling Waters Resort  
Long Leaf Pines Oasis  
Tabor City Jellystone Pk

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Mill Casino RV Resort  
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Oceanside RV Park  
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Thousand Trails –  
Florence  
Smith River RV Park

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Luray RV Resort  
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Guemes Island Resort  
Offut Lake Resort  
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Diamond Lake Cmpgrd  
Evergreen Campsites  
Merry Mac's Cmpgrd  
Smokey Hollow Cmpgrd  
Tranquil Timbers Resort  
Wagon Trail Cmpgrd  
Waupaca Campng Pk  
Yogi Bear's Jellystone  
Park

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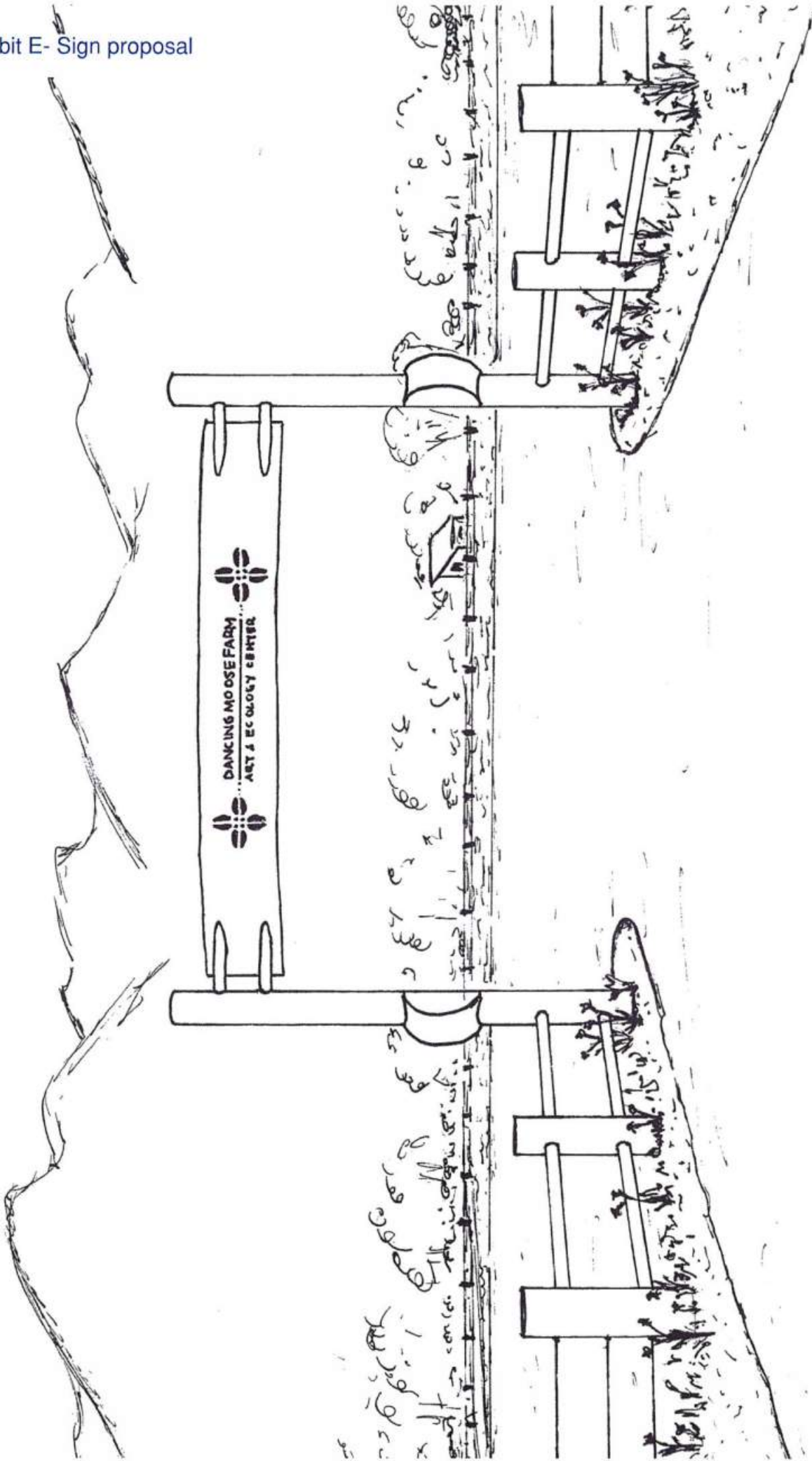
### **National Parks:**

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Petersburg Ranger District, Alaska  
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MAIN ENTRY SIGN PERSPECTIVE



SIGN MATERIAL SHALL BE:

POST AND RAILS -

MAIN SUPPORT POST -

SIGN -

UNFINISHED STEEL (NATURAL RUST)

UNFINISHED STEEL (NATURAL RUST)

UNFINISHED STEEL (NATURAL RUST) WITH CUT OUT LETTERS AND SYMBOLS



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for a conditional use permit for an auto repair and service shop, including the required design review for a new commercial building in Eden, Utah

**Agenda Date:** Tuesday, February 24, 2015

**Applicant:** Dog and Bone, LLC

**Authorized Agent:** Justin Pack

**File Number:** CUP# 2015-04

### Property Information

**Approximate Address:** 4930-4938 East 2550 North Eden, UT

**Project Area:** 0.98 Acres

**Zoning:** Commercial Valley-2 (CV-2)

**Existing Land Use:** Vacant

**Proposed Land Use:** Commercial Development

**Parcel ID:** 22-158-0006 & 22-158-0007

**Township, Range, Section:** Township 7 North, Range 1 East, Section 34



### Adjacent Land Use

<b>North:</b> Commercial	<b>South:</b> Commercial
<b>East:</b> Commercial	<b>West:</b> Commercial

### Staff Information

**Report Presenter:** Ronda Kippen  
rkippen@co.weber.ut.us  
801-399-8768

**Report Reviewer:** SW

## Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 21 Commercial Valley Zones (CV-2)
- Title 104, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 104, Chapter 1 Design Review
- Title 104, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and access Regulations
- Title 108, Chapter 16 Ogden Valley Lighting
- Title 110, Chapter 2, Ogden Valley Signs

## Type of Decision

When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag-lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

## Summary and Background

The applicant is requesting approval of a conditional use permit for an auto repair and service shop, including the required design review for a new commercial building at approximately 4930-4938 East 2550 North Eden, UT. The proposed site is in the Commercial Valley-2 (CV-2) Zone and is allowed only when authorized by a conditional use permit. The CV-2 Zone has been established to provide goods and services that are not typically found amongst commercial areas within resorts including automotive sales and service. The proposed site is currently vacant but is surrounded by a variety of commercial

uses; making this an ideal location for the new commercial building and the proposed conditional use. The proposed use will be beneficial to the residents of the Ogden Valley by providing automotive and farm equipment services and/or repairs.

The applicant applied for and received approval for a site located in Liberty in November 2014. In an effort to maintain positive relations within the community, the applicant has agreed to relocate the commercial venture to another location in the Ogden Valley. The Planning Commission had some level of discretion in reviewing the building design, architectural standards, and site layout of the previous application due to the associated Zoning Development Agreement that was entered into by the applicant and Weber County for the development of that location. The new location does not have any type of development agreement associated with the property; therefore, removing the discretionary element of this review.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) has specified certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

## Analysis

**General Plan:** The Ogden Valley General Plan identifies the need to encourage commercial development in the Ogden Valley by balancing commercial development and residential growth and that such development occur in a manner that does not detract from the area's character. (see the 1998 Ogden Valley General Plan § 5 Commercial Development).

**Zoning:** The LUC §104-21-1 has identified the need to provide suitable areas for the location of various types of commercial activity needed to serve the people of the Ogden Valley. The CV-2 Zone has been established for "General Commercial" and can be further described per LUC §104-21-1(c) as follows:

*The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.*

The CV-2 Zone has specific standards identified in LUC §104-21-2 that shall be met as part of the development process. Those standards are as follows:

- Minimum lot area: None
- Minimum lot width: None
- Minimum yard setbacks:
  - Front: 20' unless the requirements listed in §104-21-4(c) Special Regulations are met
  - Side: None, except 10' where a building is adjacent to a forest, agricultural, or residential zone boundary
  - Rear: None, except 10' where a building is adjacent to a forest, agricultural, or residential zone boundary
- Building height:
  - Minimum: 1 story
  - Maximum: 35'
- Maximum lot coverage: 60% of lot area by buildings or accessory buildings

The subject properties are described as Lot 6 and Lot 7 of the Valley Junction Subdivision Phase 1 (see Exhibit A). The applicant, prior to the building permit process, will be applying for a "Building Parcel Designation" which allows for lots within an approved subdivision to be recognized as one lot for building purposes. The Planning Director can administratively approve a building parcel designation application. A condition of approval is necessary to ensure that the building parcel designation approval is received prior to the issuance of the conditional use permit. With this condition in place, the proposed site plan meets the required yard setbacks per the zone as well as the required site development standards for the CV-2 zone regarding minimum lot area, lot width, building height and lot coverage.

The applicant has elected to utilize the "Complete Street" design that is allowed in the CV-2 Zone in an effort to create an area within the commercial zone that will promote a safe, pedestrian friendly area.

A "Complete Street" has been identified in LUC §104-21-4(c) as:

*1. A complete street is a transportation facility that is planned, designed, operated and maintained to provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.*

2. A complete street design is required when the front setback is less than 20 feet, and may include a ten foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the planning commission.

The proposed "Complete Street" design reflects the previous requirements from the Planning Commission including the shade trees along the store front (see Exhibit B-4). If the Planning Commission feels that the "Complete Street" design is desirous and acceptable in this location, a finding of approval should be made part of the final decision. The applicant will need to meet all site improvements and "Complete Street" design requirements of the Engineering Division.

Conditional Use Review: The proposed use is conditionally allowed in the CV-2 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided the required material to facilitate a thorough review of the proposed project. The property is currently under contract to be purchased by Dog & Bone, LLC. The current property owner, Gregory George James, has authorized Weber County to proceed with the review process of the conditional use permit and associated design review. Once the ownership of the property has been transferred to the applicant, connection to culinary water services through Eden Water Company will need to take place. The applicant is also working with the Weber Morgan Health Department to receive approval for a septic system on the property. A condition of approval has been added to ensure that both culinary and wastewater services are approved prior to the issuance of the conditional use permit.

Design Review: The commercial zone and the proposed conditional use, mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable to the current application for the auto repair and service shop, such as parking and signage. These areas are specific to the type of use that will be allowed in the individual lease spaces. The applicant is aware that additional design reviews may be required as the remaining spaces are occupied based on the proposed uses. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

1) *Considerations relating to traffic safety and traffic congestion.* As part of this consideration, the applicant has proposed a "Complete Street" design that includes a sidewalk connecting to the adjacent properties, parking and drive approaches to the building. A loading and delivery area has been identified along the rear of the building including additional parking to ensure continued traffic flow along 2550 North (see Exhibit B-1). The applicant has provided 29 parking spaces on the site plan, meeting the parking standards as outlined in LUC §108-8-7(c) which states:

*Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.*

Adequate parking has been provided based on the proposal for an "Auto Repair Shop" per LUC §108-8-4 which requires one parking space per employee plus five parking spaces for client use. Parking requirements for the future uses of the remaining building will be evaluated as part of the required review process for the new uses.

2) *Considerations relating to outdoor advertising.* The applicant has provided architectural renderings for the permitted wall signs in the CV-2 Zone that include the location, color, lighting and approximate size of the proposed signage for the conditionally allowed auto repair and service shop (see Exhibit C). The proposed lighting associated with the sign areas provides a full cut-off illumination to ensure that no light is emitted above the horizontal plane of the shade which is in conformance with the standards of LUC §108-16 pertaining to the Ogden Valley Lighting. The applicant will be required to provide actual dimensions to ensure that the proposed signs do not exceed five percent of each unit as allowed in LUC §110-2-5. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

3) *Considerations relating to landscaping.* The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 including a separate irrigation plan (see Exhibit B-4 & B-5).

4) *Considerations relating to buildings and site layout.* The proposed building implements key architectural elements from the original "Blacksmith Shop" in the Ogden Valley (see Exhibit D). The proposed building has an exterior brick veneer and has been designed after a historic commercial storefront, utilizing a "false front" parapet (see Exhibit B-3). The exterior color is a natural, muted earth tone; contrasting accent colors of gray, black and red (see Exhibit B). All of the windows in the building and the overhead glass doors along the front of the building will

be non-reflective glass; the rear overhead doors will be green with non-reflective windows. The applicant is requesting approval to have the option to place the overhead doors either in each unit or in every other unit as shown; a finding of approval should be made part of the final decision. The exterior wall mount lamp fixtures will be incandescent lighting using less than 100 watts which will eliminate the need for additional shielding per LUC §108-16. The building and site layout has been reviewed against the design criteria of the CV-2 Zone in LUC §104-21, the Design Review in LUC §108-1, and the Ogden Valley Architectural, Landscape and Screening Design Standards in LUC §108-2-4. It appears that the proposal meets the minimum requirements of the applicable areas of the Uniform Land Use Code of Weber County.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division pertaining to storm water and surface water drainage, retention facilities, and for utilities to and through the property.

6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* As stated earlier in the review, the proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time .

## Conformance to the General Plan

The proposed use conforms to the Ogden Valley General Plan by encouraging commercial development within established commercial areas and enforcing the adopted "quality development standards" to ensure compatibility with the Valley's character.

## Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4 under "Criteria for Issuance of Conditional Use Permit" which states:

*Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:*

1. *Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
2. *That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.*

The Planning Commission will need to determine if the proposal for the new commercial building and the associated conditional use for an auto repair and service shop meet the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the "Criteria for Issuance of Conditional Use Permit" and other applicable ordinances been met?

## Staff Recommendation

The Planning Division recommends approval of file# CUP 2015-04, a conditional use permit for an auto repair and service shop, including the required design review for a new commercial building at approximately 4930-4938 East 2550 North Eden, UT. This recommendation for approval is subject to all review agency requirements and based on the findings and conditions of approval as listed below:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will provide a necessary service to the citizens of the Ogden Valley.
3. The "Complete Street" design will provide safe mobility for all users.
4. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
5. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
6. The proposed design and use, including the option to have overhead doors in each unit or every other unit, will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Conditions of Approval

1. A building parcel designation approval is required prior to the issuance of the conditional use permit
2. Proof of a culinary connection prior to the issuance of the conditional use permit
3. Actual dimensions for all signage will be provided for review and approval prior to the issuance of the conditional use permit to ensure that the proposed signs do not exceed five percent of each unit
4. Requirements of the Weber County Building Inspection Division
5. Requirements and recommendations of the Weber Fire District
6. Requirements of the Weber County Engineering Division
7. Requirements of the Weber County Health Department

## Exhibits

- A. Plat Map
- B. Development Plans
  1. Site Plan
  2. Floor Plan
  3. Building Elevations
  4. Landscaping Plan
  5. Irrigation Plan
- C. Architectural Renderings and Signage
- D. Original Blacksmith Shop Architectural Detail



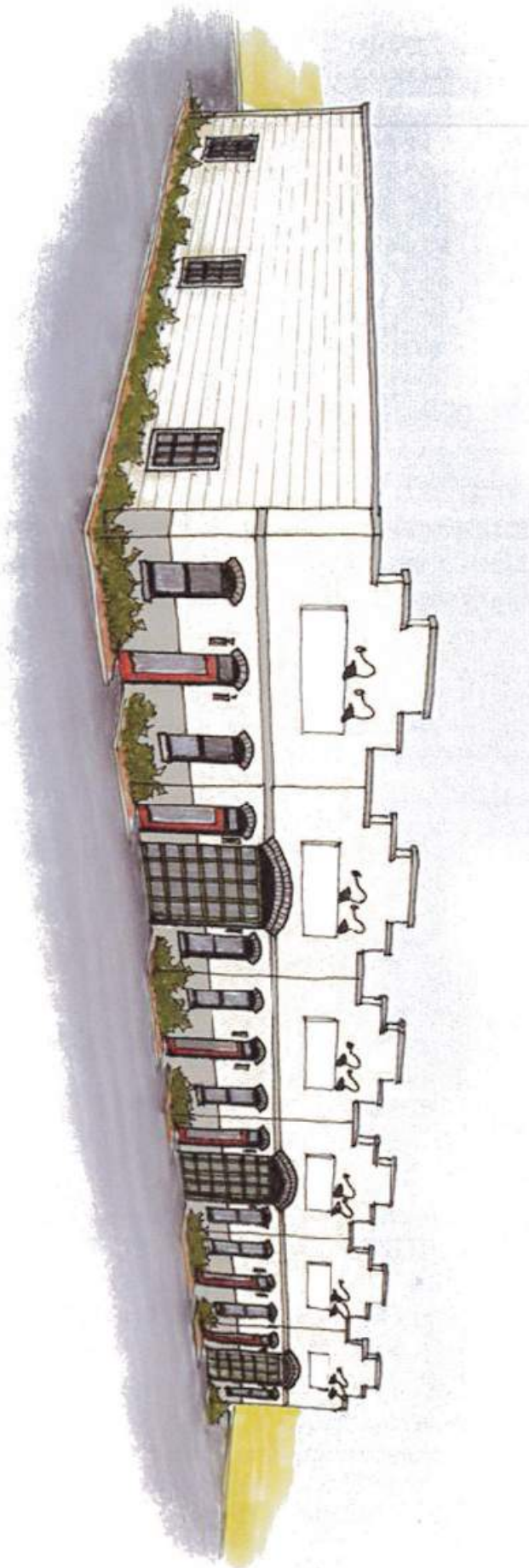


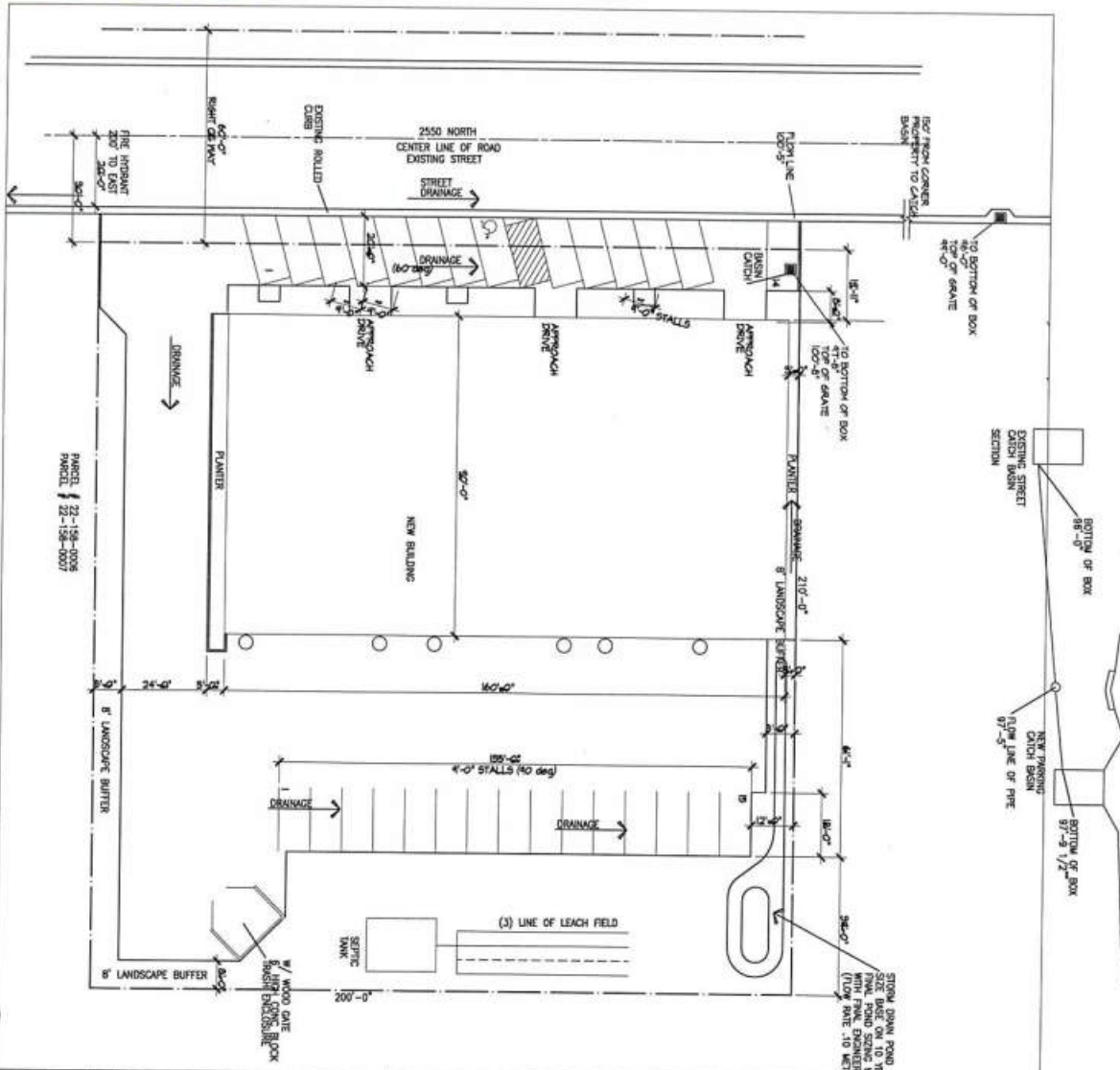
Map 2





Exhibit B: Development Architectural Design





PANEL 22-156-005  
PANEL 22-156-007

SITE PLAN  
SCALE 1"=10'-0"



# DOG NEW

## SHELL BUILDING

### 4930 EAST 2550 NORTH

### EDEN, UTAH

CODE SUMMARY

OCCUPANCY TYPE:	B/S-1
USE GROUP:	V B
MAXIMUM HEIGHT:	40 FT
MAXIMUM AREA:	9,000 SQ FT
ALLOWABLE AREA:	NO ALLOWABLE INCREASE
SPRINKLERED:	YES
W/100 PROTECT:	NO
MAX ALLOWABLE INCREASE:	75%
MAX ALLOWABLE AREA:	13,500 SQ FT
MAX ALLOWABLE AREA:	9,000 + 6750 = 15,750 SQ FT
STRUCTURAL FRAME:	0
NONREINFORCED MASONRY WALL:	0
INTERIOR FINISH:	0
FLOOR/CEILING:	0

BUILDING SUMMARY

NO. STORIES:	1 STORY
MAXIMUM HEIGHT:	35'-0" REQUIRED
MAXIMUM HEIGHT:	26'-0" PROVIDED
FLOOR PLAN AREA:	14,580 SQ FT
TOTAL SITE AREA 200' x 210':	42,000 SQ FT REQUIRED
LANDSCAPE AREA 200':	6,400 SQ FT PROVIDED
LANDSCAPE AREA:	6,981 SQ FT PROVIDED
PARKING:	24 REQUIRED 2 CLIENTS
	28 PROVIDED 2 EMPLOYEES

APPLICABLE CODE

- 2012 INTERNATIONAL BUILDING CODE
- 2012 INTERNATIONAL PLUMBING CODE
- 2012 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE
- 2011 NATIONAL ELECTRICAL CODE
- 2012 INTERNATIONAL FIRE CODE
- 2012 INTERNATIONAL ENERGY CONSERVATION CODE
- 1997 UNIFORM CODE FOR BUILDING CONSERVATION

INDEX



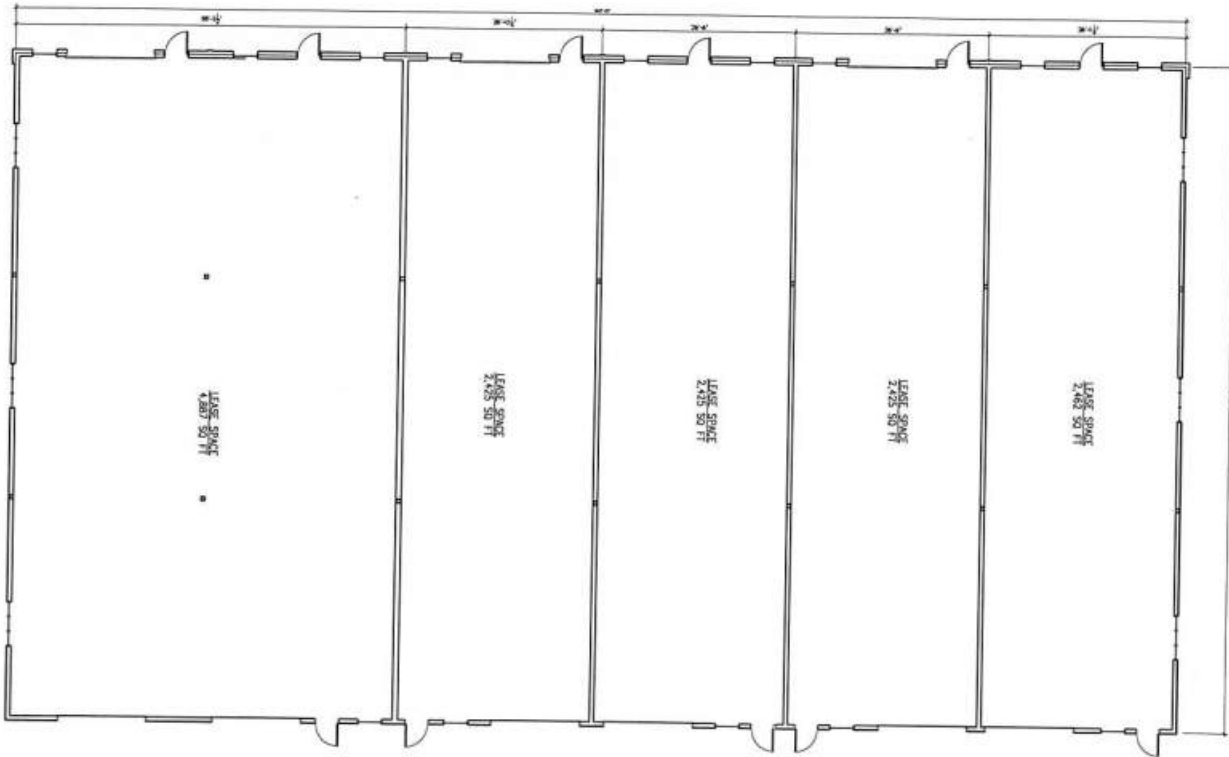
RIDGELINE DESIGN ARCHITECTS  
1708 EAST 2550 SOUTH #20  
SOUTH OGDEN, UT 84403  
PHONE: 801-392-6882 FAX: 801-421-1494  
www.ridgeline-design.com

DOG NEW BUILDING SHELL  
4930 EAST 2550 NORTH  
EDEN, UTAH

C-0a

COVER SHEET

Exhibit B-2: Floor Plan



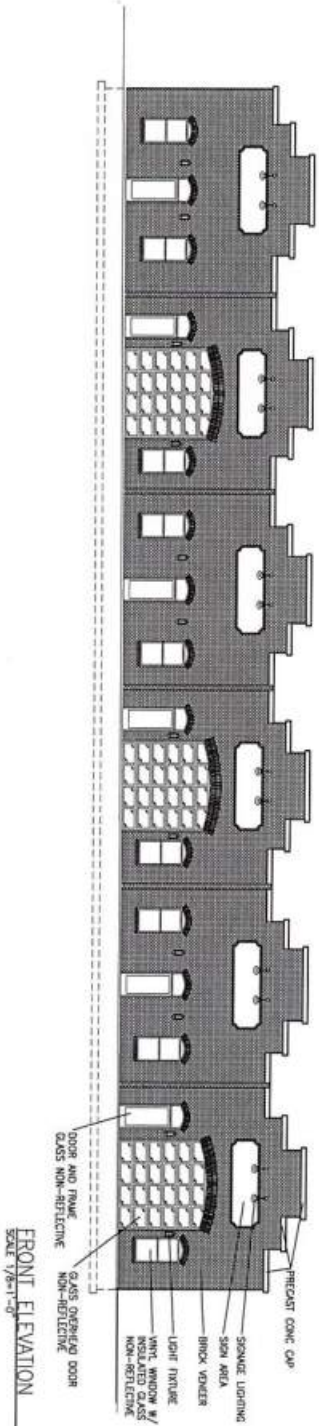
**WALL LEGEND**

- EXTERIOR 2 X 6 W/ BRICK VENEER
- EXTERIOR 2 X 6 W/ STUCCO
- INTERIOR 2 X 4 WALL

GROUND FLOOR PLAN  
SCALE 1/4" = 1'-0"



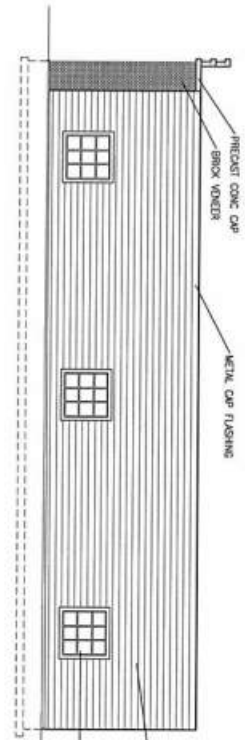
A-1	<p><b>DOG NEW NEW BUILDING SHELL</b></p> <p>4930 EAST 2550 NORTH EDEN, UTAH</p>	<p>DATE: 02/2015</p>		<p><b>RIDGELINE DESIGN ARCHITECTS</b></p> <p>1708 EAST 1550 SOUTH #20 SOUTH OGDEN, UT 84403 PHONE: 801-392-6892 FAX: 801-621-1494 www.ridgeline-design.com</p>
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FRONT ELEVATION  
SCALE 1/8"=1'-0"

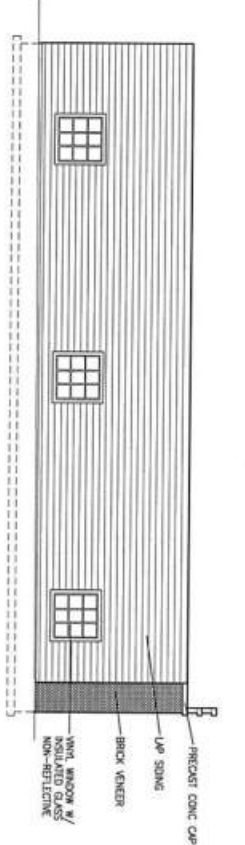
- PRECAST CONC. CAP
- SPRINKLE LIGHTING
- BRICK VENEER
- SPIN AREA
- LIGHT FIXTURE
- VINTL WINDOW W/ INSULATED GLASS NON-REFLECTIVE
- GLASS OVERHEAD DOOR
- GLASS AND FRAME GLASS NON-REFLECTIVE

SIDE ELEVATION  
SCALE 1/8"=1'-0"



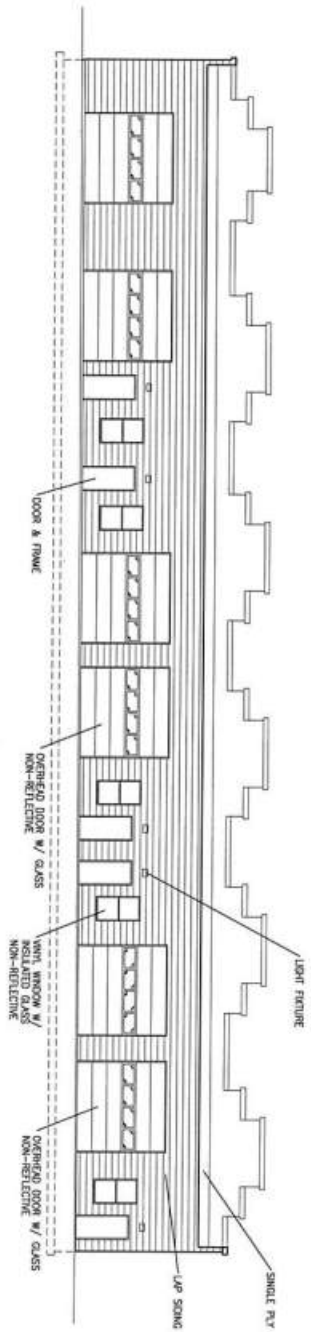
- PRECAST CONC. CAP
- BRICK VENEER
- METAL CAP FLASHING
- LAP SIDING
- VINTL WINDOW W/ INSULATED GLASS NON-REFLECTIVE

SIDE ELEVATION  
SCALE 1/8"=1'-0"



- PRECAST CONC. CAP
- BRICK VENEER
- LAP SIDING
- VINTL WINDOW W/ INSULATED GLASS NON-REFLECTIVE

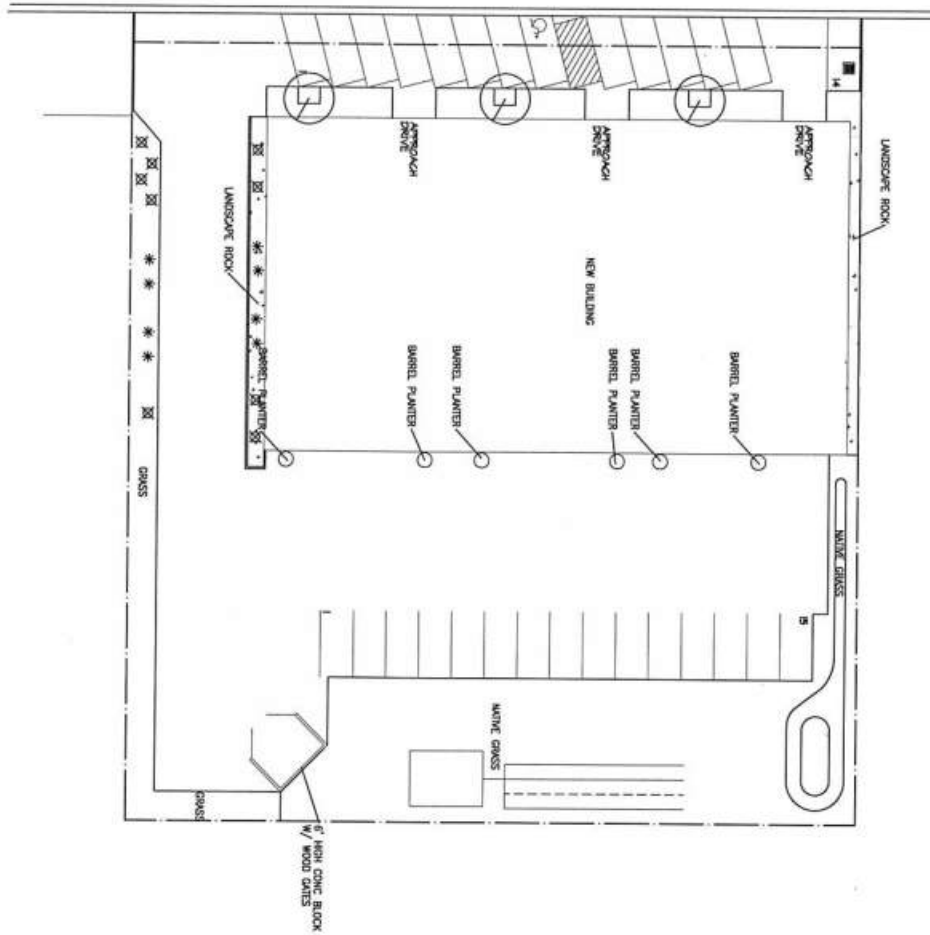
REAR ELEVATION  
SCALE 1/8"=1'-0"



- PRECAST CONC. CAP
- BRICK VENEER
- METAL CAP FLASHING
- LAP SIDING
- VINTL WINDOW W/ INSULATED GLASS NON-REFLECTIVE
- DOOR & FRAME
- OVERHEAD DOOR W/ GLASS NON-REFLECTIVE
- INSULATED GLASS NON-REFLECTIVE
- GLASS AND FRAME GLASS NON-REFLECTIVE
- LIGHT FIXTURE
- SINGLE PLY MEMBRANE ROOFING

<p>Sheet <b>A-2</b></p>	<p>DOG NEW NEW BUILDING SHELL</p> <p>4930 EAST 2550 NORTH EDEN, UTAH</p>	<p>Date 2/22/2015</p>	 <p><b>RIDGELINE DESIGN ARCHITECTS</b></p>	<p><b>RIDGELINE DESIGN ARCHITECTS</b> 1708 EAST 5550 SOUTH #20 SOUTH OGDEN, UT 84403 PHONE: 801-292-6882 FAX: 801-621-1494 www.ridgeline-design.com</p> <p><small>Right printing copies to property of Ridgeline Design Architects and is not to be distributed outside of the project. The client is responsible for obtaining all necessary permits and approvals. The client is responsible for obtaining all necessary permits and approvals. The client is responsible for obtaining all necessary permits and approvals.</small></p>
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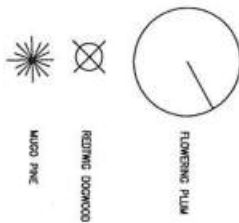
# Exhibit B-4: Landscape Plan



SITE PLAN  
SCALE 1"=10'-0"



## PLANTING LEGEND



SITE AREA = 42,000 SQ. FT.  
 LANDSCAPE PERCENTAGE (20%)  
 LANDSCAPE AREA = 8,400 SQ. FT.  
 4,891 / 42,000 = 11.6%

GRASS AREA  
 GRASS PERCENTAGE  
 PLANTING AREA  
 1,770 / 8,401 = 21.06%  
 6,583 / 8,401 = 78.25%  
 792 / 8,401 = 9.43%

**DOG NEW BUILDING SHELL**  
 4933 EAST 2550 NORTH  
 EDEN, UTAH

Project No. 1545  
 Sheet Title  
**LANDSCAPE PLAN**

L-1a

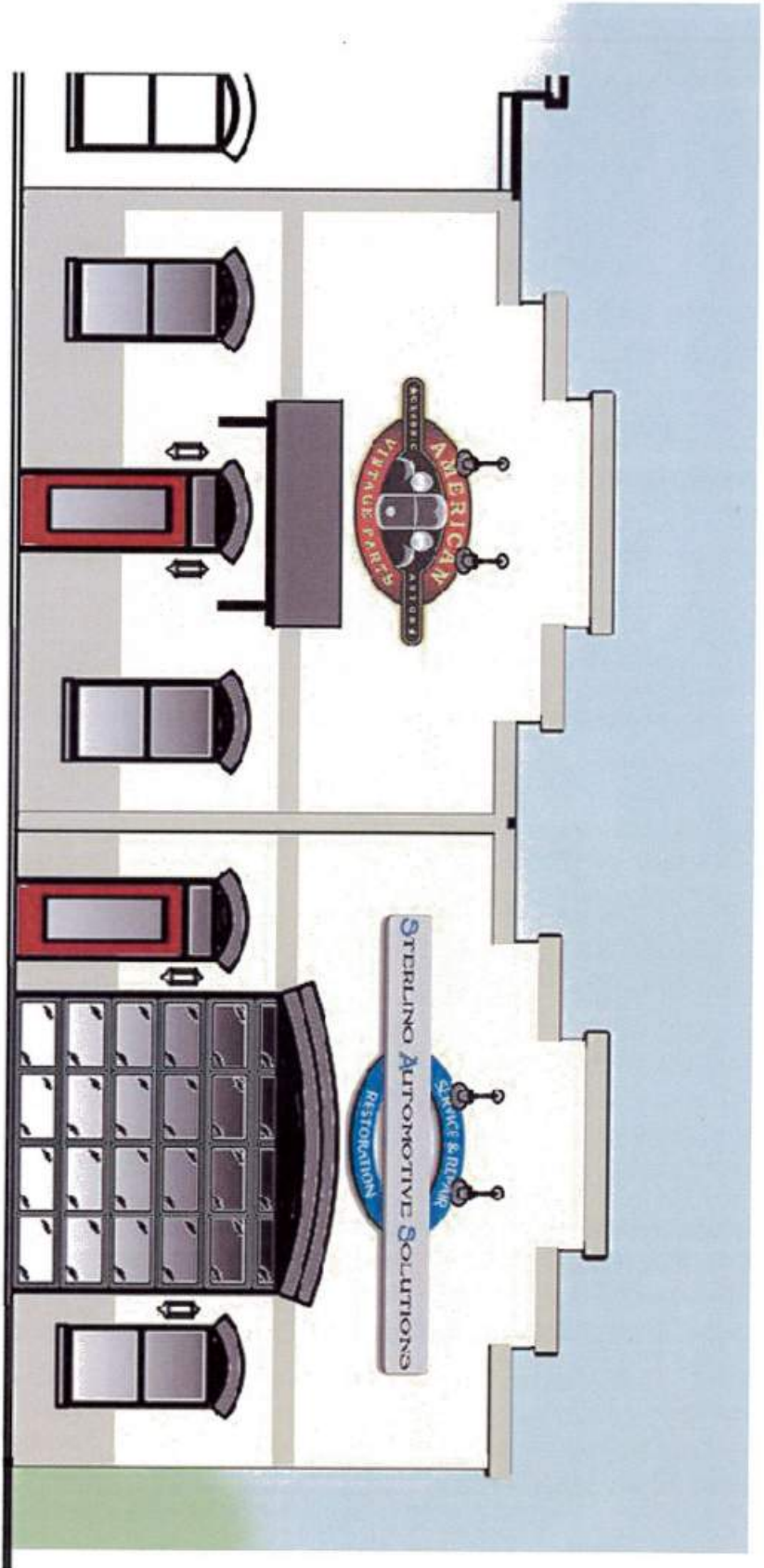


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 SOUTH OGDEN, UT 84403  
 PHONE: 801-392-6882 FAX: 801-621-1494  
 www.ridgeline-design.com

Project developed by the owner and design team. Design fees are not to be used for a complete construction contract. The owner is responsible for their design and construction. The design team is not responsible for construction. © 2015 Ridgeline Design Architects







**RL-Writers  
Parchment**

Painted Brick  
Siding

**BM PM-7  
Platinum Gray**

Painted Banding  
on brick,  
Conc. Caps

**BM PM-9  
Black**

Door casings  
Window casings

**BM PM-18  
Heritage Red**

All Pedestrian  
Doors

**BM PM-10  
Chrome Green**

All Garage Doors

Exhibit D: Original Blacksmith Shop Architectural Detail





# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and recommendation on a proposal to amend the Weber County Land Use Code to provide for the nonconforming designation of lots made smaller by right-of-way expansions, and to provide administrative clarifications related to those sections.
<b>Agenda Date:</b>	Tuesday, February 24, 2015
<b>Staff Report Date:</b>	Thursday, February 12, 2015
<b>Applicant:</b>	Planning Division
<b>File Number:</b>	ZTA 2014-05

### Property Information

<b>Approximate Address:</b>	Not Applicable
<b>Project Area:</b>	Not Applicable
<b>Zoning:</b>	Not Applicable
<b>Existing Land Use:</b>	Not Applicable
<b>Proposed Land Use:</b>	Not Applicable
<b>Parcel ID:</b>	Not Applicable
<b>Township, Range, Section:</b>	Not Applicable

### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

### Staff Information

<b>Report Presenter:</b>	Charlie Ewert cewert@co.weber.ut.us (801) 399-8763
<b>Report Reviewer:</b>	SW

## Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7 (Definitions)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures and Nonconforming Uses/Parcels)

## 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 amendments. With legislative actions it is required that the Planning Commission give a recommendation to the County Commission. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Background

The Engineering Department is currently working with the public along 3500 West and 12th Street to initiate a public right of way expansion of both roads. The expansions will take the front portions of the parcels that front these streets. The amount taken depends on a myriad of factors, such as the current right of way width, necessary road appurtenances, and proximity to intersections of streets and canals. A special ordinance is necessary that allows lots made noncompliant to current zoning standards to be considered a legal, nonconforming status. This will help clarify in the law that the current occupancy, use, and the right to initiate new uses, as may be allowed by the zone, may be continued on properties that drop below the zoning standards.

In the process of vetting language to enable this, staff found other areas of the code related to nonconforming parcels that need additional clarity. Under historic best management practices, and in model ordinances used throughout the country,

the nonconforming use and noncomplying structures ordinance is intended to ensure that the right to continue existing uses and structures are vested throughout time, and are protected from zoning changes or standards changes presented by new ordinances (often referred to as “grandfathered”). However, the original intent of such an ordinance is to make the changes or modifications of nonconforming uses and structures so restrictive that future land owners are more motivated to eliminate the nonconformity and comply with new ordinance standards (achieved by reconfiguring property and/or tearing down old structures). This intent was a method of advancing the purposes of new ordinances, which were presumably enacted to better the health, safety, and welfare of the public.

In Weber County, such restrictiveness has not prevailed. Even though the framework of Chapter 108-12 Noncomplying Structures and Nonconforming Uses/Parcels appears to follow the framework of historic model ordinances, the chapter has been amended to be more permissive regarding the modification of noncomplying structures. It has also been amended with provisions on how to treat nonconforming lots, giving leniency to those lots created in a manner that did not comply with previous subdivision codes. Essentially, what this does is gives a grant of amnesty from subdivision requirements for these lots. The County does this for three reasons:

1. It some cases it is difficult to determine what laws were in effect at the time, and whether they complied with state laws of the time.
2. It is difficult to tell whether the County has consistently and fairly applied those laws to all people/properties.
3. It is politically unpalatable to penalize a successor for violations that were created by a prior owner.

These provisions are not proposed to be removed, but they are being revised to provide clarity.

## Policy Analysis

To provide for lots affected by public right-of-way expansions, Staff proposes the changes that can be found in the attached Exhibit A proposed code change, Section 108-12-15. Along with this new code section, a notice document has been created that will be recorded on the properties affected by right of way expansions. This notice will give current and future property owners notice of the new ordinance, and provide clarity in the record that their right to existing and new uses on the property will not be affected by the right of way expansion. This notice is provided in Exhibit B. The notice is not part of the text amendment.

Regarding unplatted properties, the changes proposed in Exhibit A, under Section 108-12-11, maintain the flexibility of the current ordinance whilst also providing clarifications. One primary difference in the proposal that deviates from the historic standard of practice is the modified definition of “Lot, nonconforming,” in Section 101-1-7. Current ordinance only lists that zoning area and zoning width standards may make a lot nonconforming. The new definition specifies that all applicable lot standards are to be considered when evaluating whether a lot is nonconforming. The significance of this change is this: lot standards may be found in various places in the code, including the zoning ordinance and the subdivision ordinance. If a lot is legally created or modified under the lot standards of any land use code requirement at the time and any of those lot standards are later changed, then the lot is considered nonconforming as it relates to the changed lot standard, whatever that standard may be. The proposed definition is no longer limiting to zoning area and zoning width standards.

Because this change parts ways with historic application of this ordinance, both within Weber County and elsewhere, staff consulted with the Weber County legal team and the Office of the Property Rights Ombudsman to ensure the philosophy is keeping with the goal of maintaining a supportable and defensible code.

This new distinction is only important inasmuch as nonconforming lots are treated differently from conforming lots. Staff has searched the code for all references to nonconforming lots and cannot find any reference that this change may negatively affect.

## Conformance to the General Plan

Legislative decisions should be considered through the lens of policy perspectives provided in the General Plan. A review of the general plan documents returned little specificity on the subjects. However, the transportation element of both

townships' current general plans provide recommendations regarding sufficient vehicular transportation facilities<sup>1</sup>, and this proposal helps support that.

## Conditions of Approval

Not Applicable

## Past Action on this Item

The Western Weber Planning Commission reviewed the proposal in a work session on November 18, 2014. The Ogden Valley Planning Commission reviewed the proposal in a work session on January 27, 2015. No action was taken in either meeting.

## Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 in the following manners:

- Posted on the County's Official Website 10 days in advance of the hearing.
- Posted on the Utah Public Notice Website 10 days in advance of the hearing.
- Published in a local newspaper 10 days in advance of the hearing.

## Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The additions will provide property owners affected by the expansion of a public right-of-way the protections of a nonconforming status that fall below zoning standards as a result of the expansion.
2. The additions provide property owners with an equitable balance to an issue caused by the County's acquisition of a portion of their land for public purposes.
3. The clarifications are not detrimental to the health, safety, and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission. A model motion is provided below.

## Sample Motions

Sample Motion for a **Positive Recommendation** – "I move we forward a positive recommendation to the County Commission for the Zoning Text Amendment regarding lots made nonconforming by public right-of-way expansion, and other clarifications related to regulation of nonconforming lots, File #ZTA 2014-05, with the following findings:

1. All findings recommended by staff in the staff report dated February 12, 2015;
  - a. [as modified with these changes: \_\_\_\_\_]
2. ... List and additional findings to support the amendment, as may be deemed necessary."

Sample Motion for a **Negative Recommendation** – "I move we forward a negative recommendation to the County Commission for the Zoning Text Amendment regarding lots made nonconforming by public right-of-way expansion, and other clarifications related to regulation of nonconforming lots, File #ZTA 2014-05, with the following findings:

1. List any findings...

## Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change – Right of Way Expansions Causing Nonconforming Lots (Redlines).
- C. Code Change – Right of Way Expansions Causing Nonconforming Lots (Clean).
- D. Draft Notice of Legal-Nonconformance (for administrative use).
- E. Land Use Code Revision Process Flowchart

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<sup>1</sup> For 1998 Ogden Valley General Plan, see Section 9.02. For the 2003 West Central Weber General Plan, see Section 3-1.

## EXHIBIT A: SUMMARY, LIST, AND KEY TO PROPOSED CHANGES

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1 The following code changes are being proposed due to several planned public right of way expansion  
2 projects that may cause some lots to lose area and drop below the minimum lot standards of the  
3 applicable zone. During routine review of related code sections, staff found the need for greater clarity  
4 throughout, and are proposing such changes here.

5 This change addresses the following sections:

6 Sec 101-1-7. Definitions:

7 Lot, nonconforming

8 Lot of record (lawfully created lot)

9 Noncomplying structure

10 Nonconforming lot or parcel

11 Nonconforming sign

12 Sec. 108-12-10. Legal use of nonconforming lots

13 Related Additions, Corrections, and Clarifications:

14 Sec. 108-12. General Code Clarification.

15 Sec. 108-12-11. Subdivision Plat Requirements for Nonconforming Lots

16 Sec. 108-12-13. Setback requirements for nonconforming lots.

17 Sec. 108-12-14. Parcels previously combined

18

19 Key to changes:

20 Language that has been added is shown in blue underline.

21 ~~Language that has been moved to a new location is shown in green double strikeout.~~

22 ~~Language that has been deleted is shown in red strikeouts.~~

23 Language that has been moved from an old location is shown in green double underline.

## EXHIBIT B: CODE CHANGE – RIGHT OF WAY EXPANSIONS CAUSING NONCONFORMING LOTS.

All sections of code not specifically addressed herein shall remain unchanged.

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1 **PART II LAND USE CODE** <sup>[1]</sup>

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2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS** <sup>[2]</sup>

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13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

21 Sec. 101-1-9. Supplementation of Code.

22 Sec. 101-1-10. Catchlines of sections.

23 Sec. 101-1-11. Altering Code.

24 Sec. 101-1-12. Severability of parts of Code.

25 Sec. 101-1-13. General penalty; continuing violations.

26 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

27 ...

28 **Sec. 101-1-7. Definitions.**

29 ...

30 *Lot, nonconforming.* The term "nonconforming lot" means a lot or parcel [that complied](#)  
31 [with lot standards in effect at the time of the lot's creation and, because of subsequent changes to](#)  
32 [the Land Use Code, does not conform to the current lot standards.](#) [Applicable standards include](#)  
33 [lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance,](#)  
34 [and other lot standards of this Land Use Code.](#) ~~of land that has less than the required minimum~~  
35 ~~area or width as established by the zone in which it is located and provided that such lot or parcel~~  
36 ~~was of record as a legally created lot on the effective date of the ordinance from which this title is~~  
37 ~~derived.~~

38 ...

39 *Noncomplying structure.* The term "noncomplying structure" means a structure that  
40 legally existed before its current land use designation and because of one or more subsequent  
41 land use ordinance changes, does not conform to the setback, height restrictions, or other  
42 regulations, excluding those regulations that govern the use of land.

43 ~~*Nonconforming building or structure.* The term "nonconforming building or structure"~~  
44 ~~means a building or structure or portion thereof, lawfully existing at the time of the effective date~~  
45 ~~of the ordinance from which this chapter is derived, which does not conform to all the height, area~~  
46 ~~and yard regulations herein prescribed in the zone in which it is located.~~

47 [Nonconforming lot or parcel.](#) See "Lot, nonconforming."

48 [Nonconforming sign.](#) See "Sign, nonconforming."

49 *Nonconforming use.* The term "nonconforming use" means a use of land that legally  
50 existed before its current land use designation, has been maintained continuously since the time  
51 the land use ordinance regulation governing the land changed, and because of one or more  
52 subsequent land use ordinance changes, does not conform to the regulations that now govern  
53 the use of the land.

54 ...

55 **Title 108 STANDARDS**

56 CHAPTER 1. - DESIGN REVIEW

57 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

58 CHAPTER 3. - CLUSTER SUBDIVISIONS

59 CHAPTER 4. - CONDITIONAL USES

60 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)



- 61 CHAPTER 6. - TIME SHARE
- 62 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS
- 63 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS
- 64 CHAPTER 9. - MOTOR VEHICLE ACCESS
- 65 CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS AND STRUCTURES
- 66 CHAPTER 11. - RESERVED
- 67 | CHAPTER 12. - NONCOMPLYING STRUCTURES ~~AND~~, NONCONFORMING USES ~~PARCELS~~, AND  
 68 | NONCONFORMING LOTS
- 69 | CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S  
 70 | MARKETS
- 71 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS
- 72 CHAPTER 15. - STANDARDS FOR SINGLE-FAMILY DWELLINGS
- 73 CHAPTER 16. - OGDEN VALLEY LIGHTING
- 74 CHAPTER 17. - OGDEN VALLEY PATHWAYS
- 75 CHAPTER 18. - DRINKING WATER SOURCE PROTECTION
- 76 CHAPTER 19. - ACCESSORY APARTMENTS
- 77 CHAPTER 20. - FOREST CAMPGROUNDS
- 78 CHAPTER 21 - AGRI-TOURISM
- 79 ...
- 80 | CHAPTER 12. NONCOMPLYING STRUCTURES ~~AND~~ NONCONFORMING USES ~~PARCELS~~ AND  
 81 | NONCONFORMING LOTS

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- 82 | Sec. 108-12-1. Purpose and intent.
- 83 | Sec. 108-12-2. Maintenance, repairs, and alterations.
- 84 | Sec. 108-12-3. Additions and enlargements.
- 85 | Sec. 108-12-4. Alteration where parking insufficient.
- 86 | Sec. 108-12-5. Moving noncomplying structures.
- 87 | Sec. 108-12-6. Restoration of damaged buildings.
- 88 | Sec. 108-12-7. One-year vacancy or abandonment.
- 89 | Sec. 108-12-8. Change of use.
- 90 | Sec. 108-12-9. Expansion of nonconforming use.
- 91 | Sec. 108-12-10. Legal use of ~~parcels~~ nonconforming lots.

92 [Sec. 108-12-11. Subdivision plat requirements for nonconforming lots, exceptions.](#) ~~Parcels in areas subjected~~  
93 ~~to change in zoning.~~

94 ~~Sec. 108-12-12. Combining-Enlarging nonconforming parcels~~lots.

95 ~~Sec. 108-12-13. Setback requirements for nonconforming lots.~~ ~~Small lots/parcels created prior to zoning.~~

96 [Sec. 108-12-14. Parcels previously combined for tax purposes.](#)

97 [Sec. 108-12-15. Effect of Public Right of Way Expansion.](#)

### 98 **Sec. 108-12-1. Purpose and intent.**

99 The purpose and intent of this chapter is to provide standards for the development  
100 and use of noncomplying structures ~~and~~, nonconforming uses, ~~and nonconforming~~  
101 ~~lots~~ ~~parcels~~. These structures, uses, and ~~lots~~ ~~parcels~~ are considered legal, despite not  
102 meeting the current requirements of the zone in which they are located.

### 103 **Sec. 108-12-2. Maintenance, repairs, and alterations.**

104 (a) Maintenance, repairs, and structural alterations may be made to noncomplying structures  
105 on lots of record.

106 (b) Dwellings or other structures built on [lots or](#) parcels which were once legal, but have  
107 since been ~~made illegal~~ [modified in a manner that is in violation of applicable laws](#), shall  
108 not be issued land use or building permits, unless the structure is being strengthened or  
109 restored to a safe condition, or the [lot or](#) parcel is made to conform to current zoning  
110 regulations. In restoring the structure to a safe condition, no expansion of the structure is  
111 allowed.

### 112 **Sec. 108-12-3. Additions and enlargements.**

113 (a) A structure which is occupied by a nonconforming use shall not be added to or expanded  
114 in any manner, unless such expansion is made to conform to all yard and use regulations  
115 of the zone in which the structure is located.

116 (b) A noncomplying structure (main or accessory) shall not be added to or enlarged in any  
117 manner, unless such addition or enlargement conforms to all the regulations of the zone  
118 in which it is located, or conforms to the reduced yard setbacks as allowed in section  
119 108-12-13

120 (c) A legally constructed dwelling or other structure on a lot of record, which has yard  
121 setbacks that are less than the required yard setbacks for the zone in which it is located,  
122 shall be allowed to have an addition, provided that:

- 123 (1) The addition does not encroach into the required yard setbacks further than the  
124 existing dwelling or other structure; and
- 125 (2) The addition is located completely on the same property as the existing structure  
126 and does not encroach into a road right-of-way or on to adjacent property.
- 127 (d) A legally constructed dwelling or other structure on a lot of record, which is located within  
128 a stream corridor setback (as defined by the Weber County Land Use Code  
129 sections 108-7-23 and/or 104-28-2, ~~shall be allowed to have an addition(s)~~may be added  
130 to or enlarged, provided that:
- 131 (1) The addition does not encroach into the stream corridor setback further than the  
132 existing dwelling or other structure; and
- 133 (2) The addition meets the yard setback requirements of the zone in which it is  
134 located or conforms to the reduced yard setbacks as allowed in section 108-12-  
135 13; or
- 136 (3) The addition does not encroach into the required yard setbacks further than the  
137 existing dwelling or other structure.

138 **Sec. 108-12-4. Alteration where parking insufficient.**

139 A structure lacking sufficient automobile parking space as required by this chapter  
140 may be altered or enlarged, provided additional automobile parking space is supplied to  
141 meet the requirements of the Weber County Land Use Code.

142 **Sec. 108-12-5. Moving noncomplying structures.**

143 A noncomplying structure shall not be moved in whole or in part to any other location  
144 on a lot ~~or~~ parcel, unless every portion of such structure is made to conform to all  
145 regulations of the zone in which it is located, or made to conform to the reduced yard  
146 setbacks as allowed in section 108-12-13.

147 **Sec. 108-12-6. Restoration of damaged buildings.**

148 A noncomplying structure which is damaged or partially destroyed by fire, flood,  
149 wind, earthquake, or other calamity, act of God, or the public enemy, may be restored and  
150 the occupancy or use of such structure or part thereof, may be continued or resumed,  
151 provided that such restoration is started within a period of one year, by obtaining a land use  
152 permit, and is diligently pursued to completion.

153 **Sec. 108-12-7. One-year vacancy or abandonment.**

- 154 (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and  
155 which is or hereafter becomes vacant and remains unoccupied for a continuous period of  
156 one year, except for dwellings and structures to house animals and fowl, shall not  
157 thereafter be occupied except by a use which conforms to the use regulations of the  
158 zone in which it is located. Wherever a nonconforming use has been discontinued for a  
159 period of one year, such use shall not thereafter be re-established and any future use  
160 shall be in conformance with the current provisions of the Weber County Land Use Code.
- 161 (b) Any building or structure for which a valid building permit has been issued and actual  
162 construction was lawfully begun prior to the date when the structure became  
163 noncomplying, may be completed and used in accordance with the plans, specifications  
164 and permit on which said building permit was granted. The term "actual construction" is  
165 hereby defined to be the actual placing of construction materials in their permanent  
166 position, fastened in a permanent manner, actual work in excavating a basement or the  
167 demolition or removal of an existing structure begun preparatory to rebuilding; provided  
168 that in all cases actual construction work shall be diligently carried on until the completion  
169 of the building or structure involved.

170 **Sec. 108-12-8. Change of use.**

171 The nonconforming use of a legal structure may not be changed except to a  
172 conforming use. Where such a change is made to a conforming use, the use shall not  
173 thereafter be changed back to a nonconforming use.

174 **Sec. 108-12-9. Expansion of nonconforming use.**

175 A nonconforming use may be extended to include the entire floor area of the existing  
176 legal structure in which it was conducted at the time the use became nonconforming,  
177 provided, however, that a ~~certificate of occupancy~~ Land Use Permit is first obtained for such  
178 extension of use.

179 **Sec. 108-12-10. Legal use of nonconforming lots ~~parcels~~.**

- 180 ~~(a) — Any legally created lot and/or parcel of land, which existed prior to adoption of the~~  
181 ~~Weber County Land Use Code/Zoning Map may apply to develop any of the permitted or~~  
182 ~~conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or~~  
183 ~~parcel of land is located. In Western Weber County, the 1962 ownership plats are used as~~  
184 ~~the legal reference point, and in the Ogden Valley, the 1966 ownership plats are used as the~~  
185 ~~legal reference point.~~
- 186 ~~(b) — Any legally created lot and/or parcel of land which existed prior to the adoption of the~~  
187 ~~Weber County Land Use Code or an amendment to the Land Use Code, but which may now~~  
188 ~~require a different lot area or lot width/frontage, may apply to develop any of the permitted or~~

189 conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or  
190 parcel of land is located.

191 Development on a nonconforming lot is permitted. Development on a nonconforming lot  
192 is limited to only those permitted and conditional uses allowed on the smallest minimum lot size  
193 for the applicable zone. A new use on a nonconforming lot is prohibited if the proposed use  
194 requires a lot size larger than the smallest lot size permitted in the zone. A legally established use  
195 may continue on a nonconforming lot regardless of the lot size requirements of the use.

196 ...

197 **Sec. 108-12-11. ~~Parcels in areas subjected to change in zoning~~ Subdivision plat**  
198 **requirements for nonconforming lots, exemptions.**

199 All lots and parcels shall be platted as part of a subdivision in conformance with the  
200 requirements of Title 106 of this Land Use Code, unless otherwise exempted by State Code  
201 or this Land Use Code. The platting of nonconforming lots, and the amendment to a platted  
202 subdivision containing nonconforming lots are governed as follows:

203 (a) The following rules govern the treatment of an unplatted lot that was created in  
204 conformance with the lot standards in effect at the time of the lot's creation and, because  
205 of subsequent changes to the Land Use Code, does not conform to the current lot  
206 standards; the lot may not have conformed with the requirements of the subdivision code  
207 in effect at that time:

208 (1) If the existing lot can be defined as a Lot of Record, as defined in Section 101-1-7,  
209 the lot shall be exempt from subdivision platting requirements.

210 (2) If the existing lot was created prior to July 1, 1992, contained a single family dwelling  
211 unit, and complied with the standards of the zone in effect at the time of the lot's  
212 creation, the lot shall be exempt from subdivision platting requirements, and is a  
213 nonconforming lot.

214 (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the  
215 provisions of subsections (a)(1) and (a)(2), then the lot shall be platted in accordance  
216 with Title 106 of this Land Use Code. Lot standards applicable for such subdivision  
217 may be reduced to meet the minimum standards of the zone in effect at the time of  
218 the lot's creation so long as it does not create any more lots than currently exist, and  
219 the current lot size is not materially reduced from it's current acreage. All such platted  
220 lots that do not conform to current zoning standards shall thereafter be considered  
221 nonconforming lots. A lot that does not meet the minimum standards of the zone in

222 effect at the time of the lot's creation may be reconfigured upon platting to comply  
223 with such standards as long as the reconfiguration does not cause any other lot to  
224 become nonconforming or more nonconforming. A lot platted pursuant to this  
225 subsection may be further reduced in size to accommodate any right of way  
226 dedication as may be required by Title 106 of this Land Use Code. No unplatted lot  
227 or parcel governed by this subsection shall be granted a land use permit prior to  
228 subdivision platting.

229 (b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the  
230 standards of the zoning code and subdivision code in effect at the time of its creation, but  
231 no longer complies due to subsequent changes to these codes, may be amended  
232 pursuant to the minimum standards in effect at the time of its creation. The amendment  
233 shall not create any new lots. An amended plat shall be required.

234 ~~Where lot area and/or frontage/width requirements have increased as a result of a change in~~  
235 ~~zoning, the following shall apply:~~

236 ~~(1) — Parcels not meeting current zoning as to area and/or frontage/width~~  
237 ~~requirements, but containing a single family dwelling which:~~

238 ~~a. — Were built on and created and recorded prior to July 1992 changes to~~  
239 ~~the Utah Code, Subdivision Law and met area and frontage/width~~  
240 ~~requirements for the zone in which they were created at the time they were~~  
241 ~~created are considered nonconforming parcels; or~~

242 ~~b. — Were created and recorded with an existing single family dwelling~~  
243 ~~after July 1992 changes to the Utah Code, Subdivision Law but prior to the~~  
244 ~~change in zoning, and met area and frontage/width requirements for the zone~~  
245 ~~in which they were created at the time they were created shall submit an~~  
246 ~~application for subdivision approval;~~

247 ~~c. — Were part of a legal subdivision, but were further divided, and met the~~  
248 ~~requirements of subsections (1)a or b of this section shall be subject to the~~  
249 ~~note below.~~

250  
251 ~~**NOTE:** No lot within a subdivision approved by the Planning Commission~~  
252 ~~and County Commission and recorded in the County Recorder's Office in~~  
253 ~~accordance with the provisions of the Subdivision Ordinance, shall be further~~  
254 ~~divided, rearranged, added to or reduced in area nor shall the boundaries of~~  
255 ~~any lot be altered in a any manner so as to create more lots than initially~~  
256 ~~recorded without first obtaining the approval of the Land Use Authority.~~  
257 ~~Therefore, an amended plat shall be required.~~  
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~~(2) — Parcels not meeting current zoning as to area and/or frontage/width requirements, containing a single-family dwelling which:~~

- ~~a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law;~~
- ~~b. — Are able to obtain the additional area and frontage/width which would bring the lot into compliance with the area and frontage/width requirements for the zone in which they were created at the time they were created; and~~
- ~~c. — Complied with all other county ordinances when built;~~

~~may submit an application for subdivision approval provided they meet all other requirements of title 106, Subdivisions.~~

~~(3) — Parcels not meeting current zoning as to area and/or frontage/width requirements which:~~

- ~~a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and~~
- ~~b. — Met area and frontage/width requirements for the zone in which they were created at the time they were created;~~

~~may submit an application for subdivision approval provided they meet all other requirements of title 106.~~

~~(4) — Lots/parcels which are subject to subsections (1), (2), or (3) of this section, and have boundary descriptions that fall within a roadway, shall be allowed to develop with the lot/parcel area that remains after dedicating land for the roadway, as required by the Weber County Land Use Code.~~

~~(5) — Parcels that have been combined by the county recorder's office for tax purposes shall be allowed to separate one or more of the combined parcels on an approved and recorded form provided:~~

- ~~a. — The parcels that are being separated were originally created prior to July 1992 changes to the Utah Code, and Subdivision Law;~~
- ~~b. — The properties as configured prior to the combination met area and frontage/width requirements for the zone in which they were created, or were considered nonconforming parcels;~~
- ~~c. — The combination was done by the current owner or same owner acting as trustee, and was done by a quit claim, combination form, or other instrument, which states the consolidation of parcels is for tax purposes;~~

293 ~~d. No new lots are being created;~~

294 ~~e. The separation of parcels results in a configuration consistent with the~~  
295 ~~original parcels and conforms to the ordinance that was in place prior to the recording~~  
296 ~~of the combination form; and~~

297 ~~f. The separation of combined parcels authorized under this subsection does~~  
298 ~~not authorize a change in the configuration of an approved and recorded subdivision~~  
299 ~~or lots within such subdivision. A subdivision plat cannot be changed unless an~~  
300 ~~amended subdivision plat is prepared and recorded in accordance with Utah Code~~  
301 ~~and title 106 of the Land Use Code.~~

302 **Sec. 108-12-12. ~~Combining~~ Enlarging nonconforming ~~parcels~~ lots.**

303 Nonconforming lots may be reconfigured in a manner that complies with the  
304 standards of the zone in effect at the time of the lot's creation if the reconfiguration does not  
305 create any more lots than currently exist. The reconfiguration shall not cause any other lot to  
306 become nonconforming or more nonconforming. If the nonconforming lot is part of a platted  
307 subdivision an amended subdivision plat is required. ~~Parcels not meeting current zoning as~~  
308 ~~to area and frontage/width requirements that were legally created or made legal through the~~  
309 ~~provisions of this chapter, may be enlarged by combining adjoining parcels provided that:~~

310  
311 ~~(1) The combination is achieved by submitting a subdivision if any of the parcels~~  
312 ~~were part of a recorded subdivision or by combining parcels if they have metes~~  
313 ~~and bounds descriptions;~~

314 ~~(2) All adjoining parcels under common ownership, or brought under common~~  
315 ~~ownership after the date of the adoption of this section are merged to create the~~  
316 ~~largest lot possible;~~

317 ~~(3) The combination does not result in any illegal divisions of land; and~~

318 ~~(4) Structures built on the newly created lot shall resemble the architectural style,~~  
319 ~~height, size and mass of existing noncommercial structures on parcels within 500~~  
320 ~~feet of the newly created lot, and meet all current setback and height~~  
321 ~~requirements of the zone in which the combination is made.~~

322 **Sec. 108-12-13. Setback requirements for nonconforming lots. ~~Small lots/parcels~~**  
323 **~~created prior to zoning.~~**



324 | A nonconforming lot/~~parcel~~ that has a smaller width than is required for the zone in  
325 | which it is located may be developed in a manner that does not exceed the following allowed  
326 | reduction in side yard setbacks:

327 | (1) A nonconforming lot's/~~parcel's~~ actual width (v) may be divided by the current  
328 | required frontage/width (w) in order to formulate a ratio or proportional relation  
329 | (x). (Formula: "v" divided by "w" equals "x.")

330 | (2) The ratio may then be multiplied by the current zone's side yard setback  
331 | requirement (y) in order to establish a reduced setback (z). (Formula: "x"  
332 | multiplied by "y" equals "z".)

333 | (3) The reduced side yard setback is subject to the conditions listed below.  
334 | (Formula:  $v \div w = x$ .  $x \times y = z$ .)

335 | a. Under no circumstances shall an interior lot/~~parcel~~ be allowed to reduce  
336 | the side-yard setback requirement below five feet on one side and eight feet  
337 | on the other.

338 | b. Under no circumstances shall a corner lot/~~parcel~~ be allowed to reduce the  
339 | side-yard requirement below ten feet when the side yard fronts on a street.

#### 341 | Sec. 108-12-14. Parcels previously combined for tax purposes.

342 | (a) Parcels that have been combined by the county recorder's office for tax purposes shall be  
343 | allowed to separate one or more of the combined parcels on an approved and recorded form  
344 | provided if:

345 | (1) a.—The parcels that are being separated were originally created prior to July 1, 1992;  
346 | changes to the Utah Code, and Subdivision Law;

347 | (2) b.—The properties as configured prior to the combination met area and frontage/width  
348 | requirements for the zone in which they were created, or were considered  
349 | nonconforming ~~parcels~~ lots;

350 | (3) c.—The combination was done by the current owner or same owner acting as trustee,  
351 | and was done by a quit claim, combination form, or other instrument, which states the  
352 | consolidation of parcels is for tax purposes;

353 | (4) d.—No new lots are being created; and

354 | (5) e.—The separation of parcels results in a configuration consistent with the original  
355 | parcels and conforms to the ordinance that was in place prior to the recording of the

356 combination form, and the resulting lots conform with the provisions of Section 108-12-  
357 11. and

358 (b) ~~f.—The separation of combined parcels authorized under this sub~~Section does not authorize a  
359 change in the configuration of an approved and recorded subdivision or lots within such  
360 subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is  
361 prepared and recorded in accordance with Utah Code and titleAny change to the configuration  
362 of a subdivision must comply with Title 106 of the Land Use Code, and any applicable state  
363 law.

364 **Sec. 108-12-15. Effect of Public Right of Way Expansion.**

365 (a) Any structure that legally existed with conforming or nonconforming setback prior to the  
366 expansion of a public right of way where the expansion of such public right of way makes  
367 the structure noncomplying or more noncomplying to the setback requirements of this  
368 Land Use Code, shall be deemed a legal, noncomplying structure.

369 (b) Any lot that legally existed in a conforming or nonconforming status prior to the  
370 expansion of a public right of way where the expansion of such public right of way makes  
371 the lot nonconforming or more nonconforming to the standards of this Land Use Code,  
372 shall be deemed a legal, nonconforming lot.

373 (c) This section does not excuse or exempt any past or future action that creates or modifies  
374 a lot in a manner that is in violation of applicable laws.

375

## EXHIBIT B: CODE CHANGE – RIGHT OF WAY EXPANSIONS CAUSING NONCONFORMING LOTS.

All sections of code not specifically addressed herein shall remain unchanged.

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### 1 PART II LAND USE CODE <sup>[1]</sup>

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2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

### 12 **Title 101 GENERAL PROVISIONS** <sup>[2]</sup>

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13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

21 Sec. 101-1-9. Supplementation of Code.

22 Sec. 101-1-10. Catchlines of sections.

23 Sec. 101-1-11. Altering Code.

24 Sec. 101-1-12. Severability of parts of Code.

25 Sec. 101-1-13. General penalty; continuing violations.

26 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

27 ...

28 **Sec. 101-1-7. Definitions.**

29 ...

30 *Lot, nonconforming.* The term "nonconforming lot" means a lot or parcel that complied  
31 with lot standards in effect at the time of the lot's creation and, because of subsequent changes to  
32 the Land Use Code, does not conform to the current lot standards. Applicable standards include  
33 lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance,  
34 and other lot standards of this Land Use Code.

35 ...

36 *Noncomplying structure.* The term "noncomplying structure" means a structure that  
37 legally existed before its current land use designation and because of one or more subsequent  
38 land use ordinance changes, does not conform to the setback, height restrictions, or other  
39 regulations, excluding those regulations that govern the use of land.

40

41 *Nonconforming lot or parcel.* See "Lot, nonconforming."

42 *Nonconforming sign.* See "Sign, nonconforming."

43 *Nonconforming use.* The term "nonconforming use" means a use of land that legally  
44 existed before its current land use designation, has been maintained continuously since the time  
45 the land use ordinance regulation governing the land changed, and because of one or more  
46 subsequent land use ordinance changes, does not conform to the regulations that now govern  
47 the use of the land.

48 ...

49 **Title 108 STANDARDS**

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50 CHAPTER 1. - DESIGN REVIEW

51 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

52 CHAPTER 3. - CLUSTER SUBDIVISIONS

53 CHAPTER 4. - CONDITIONAL USES

54 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

55 CHAPTER 6. - TIME SHARE

56 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

57 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

58 CHAPTER 9. - MOTOR VEHICLE ACCESS

- 59 CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS AND STRUCTURES
  - 60 CHAPTER 11. - RESERVED
  - 61 CHAPTER 12. - NONCOMPLYING STRUCTURES, NONCONFORMING USES, AND NONCONFORMING LOTS
  - 62 CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S
  - 63 MARKETS
  - 64 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS
  - 65 CHAPTER 15. - STANDARDS FOR SINGLE-FAMILY DWELLINGS
  - 66 CHAPTER 16. - OGDEN VALLEY LIGHTING
  - 67 CHAPTER 17. - OGDEN VALLEY PATHWAYS
  - 68 CHAPTER 18. - DRINKING WATER SOURCE PROTECTION
  - 69 CHAPTER 19. - ACCESSORY APARTMENTS
  - 70 CHAPTER 20. - FOREST CAMPGROUNDS
  - 71 CHAPTER 21 - AGRI-TOURISM
  - 72 ...
  - 73 **CHAPTER 12. NONCOMPLYING STRUCTURES, NONCONFORMING USES, AND NONCONFORMING LOTS**
- 

- 74 Sec. 108-12-1. Purpose and intent.
- 75 Sec. 108-12-2. Maintenance, repairs, and alterations.
- 76 Sec. 108-12-3. Additions and enlargements.
- 77 Sec. 108-12-4. Alteration where parking insufficient.
- 78 Sec. 108-12-5. Moving noncomplying structures.
- 79 Sec. 108-12-6. Restoration of damaged buildings.
- 80 Sec. 108-12-7. One-year vacancy or abandonment.
- 81 Sec. 108-12-8. Change of use.
- 82 Sec. 108-12-9. Expansion of nonconforming use.
- 83 Sec. 108-12-10. Legal use of nonconforming lots.
- 84 Sec. 108-12-11. Subdivision plat requirements for nonconforming lots, exceptions.
- 85 Sec. 108-12-12. Enlarging nonconforming lots.
- 86 Sec. 108-12-13. Setback requirements for nonconforming lots.
- 87 Sec. 108-12-14. Parcels previously combined for tax purposes.
- 88 Sec. 108-12-15. Effect of Public Right of Way Expansion.

89 **Sec. 108-12-1. Purpose and intent.**

90 The purpose and intent of this chapter is to provide standards for the development  
91 and use of noncomplying structures, nonconforming uses, and nonconforming lots. These  
92 structures, uses, and lots are considered legal, despite not meeting the current requirements  
93 of the zone in which they are located.

94 **Sec. 108-12-2. Maintenance, repairs, and alterations.**

- 95 (a) Maintenance, repairs, and structural alterations may be made to noncomplying structures  
96 on lots of record.
- 97 (b) Dwellings or other structures built on lots or parcels which were once legal, but have  
98 since been modified in a manner that is in violation of applicable laws, shall not be issued  
99 land use or building permits, unless the structure is being strengthened or restored to a  
100 safe condition, or the lot or parcel is made to conform to current zoning regulations. In  
101 restoring the structure to a safe condition, no expansion of the structure is allowed.

102 **Sec. 108-12-3. Additions and enlargements.**

- 103 (a) A structure which is occupied by a nonconforming use shall not be added to or expanded  
104 in any manner, unless such expansion is made to conform to all yard and use regulations  
105 of the zone in which the structure is located.
- 106 (b) A noncomplying structure (main or accessory) shall not be added to or enlarged in any  
107 manner, unless such addition or enlargement conforms to all the regulations of the zone  
108 in which it is located, or conforms to the reduced yard setbacks as allowed in section  
109 108-12-13
- 110 (c) A legally constructed dwelling or other structure on a lot of record, which has yard  
111 setbacks that are less than the required yard setbacks for the zone in which it is located,  
112 shall be allowed to have an addition, provided that:
- 113 (1) The addition does not encroach into the required yard setbacks further than the  
114 existing dwelling or other structure; and
- 115 (2) The addition is located completely on the same property as the existing structure  
116 and does not encroach into a road right-of-way or on to adjacent property.
- 117 (d) A legally constructed dwelling or other structure on a lot of record, which is located within  
118 a stream corridor setback (as defined by the Weber County Land Use Code  
119 sections 108-7-23 and/or 104-28-2, may be added to or enlarged, provided that:
- 120 (1) The addition does not encroach into the stream corridor setback further than the  
121 existing dwelling or other structure; and

122 (2) The addition meets the yard setback requirements of the zone in which it is  
123 located or conforms to the reduced yard setbacks as allowed in section 108-12-  
124 13; or

125 (3) The addition does not encroach into the required yard setbacks further than the  
126 existing dwelling or other structure.

127 **Sec. 108-12-4. Alteration where parking insufficient.**

128 A structure lacking sufficient automobile parking space as required by this chapter  
129 may be altered or enlarged, provided additional automobile parking space is supplied to  
130 meet the requirements of the Weber County Land Use Code.

131 **Sec. 108-12-5. Moving noncomplying structures.**

132 A noncomplying structure shall not be moved in whole or in part to any other location  
133 on a lot or parcel, unless every portion of such structure is made to conform to all regulations  
134 of the zone in which it is located, or made to conform to the reduced yard setbacks as  
135 allowed in section 108-12-13.

136 **Sec. 108-12-6. Restoration of damaged buildings.**

137 A noncomplying structure which is damaged or partially destroyed by fire, flood,  
138 wind, earthquake, or other calamity, act of God, or the public enemy, may be restored and  
139 the occupancy or use of such structure or part thereof, may be continued or resumed,  
140 provided that such restoration is started within a period of one year, by obtaining a land use  
141 permit, and is diligently pursued to completion.

142 **Sec. 108-12-7. One-year vacancy or abandonment.**

143 (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and  
144 which is or hereafter becomes vacant and remains unoccupied for a continuous period of  
145 one year, except for dwellings and structures to house animals and fowl, shall not  
146 thereafter be occupied except by a use which conforms to the use regulations of the  
147 zone in which it is located. Wherever a nonconforming use has been discontinued for a  
148 period of one year, such use shall not thereafter be re-established and any future use  
149 shall be in conformance with the current provisions of the Weber County Land Use Code.

150 (b) Any building or structure for which a valid building permit has been issued and actual  
151 construction was lawfully begun prior to the date when the structure became  
152 noncomplying, may be completed and used in accordance with the plans, specifications  
153 and permit on which said building permit was granted. The term "actual construction" is  
154 hereby defined to be the actual placing of construction materials in their permanent

155 position, fastened in a permanent manner, actual work in excavating a basement or the  
156 demolition or removal of an existing structure begun preparatory to rebuilding; provided  
157 that in all cases actual construction work shall be diligently carried on until the completion  
158 of the building or structure involved.

159 **Sec. 108-12-8. Change of use.**

160 The nonconforming use of a legal structure may not be changed except to a  
161 conforming use. Where such a change is made to a conforming use, the use shall not  
162 thereafter be changed back to a nonconforming use.

163 **Sec. 108-12-9. Expansion of nonconforming use.**

164 A nonconforming use may be extended to include the entire floor area of the existing  
165 legal structure in which it was conducted at the time the use became nonconforming,  
166 provided, however, that a Land Use Permit is first obtained for such extension of use.

167 **Sec. 108-12-10. Legal use of nonconforming lots.**

168

169 Development on a nonconforming lot is permitted. Development on a nonconforming lot  
170 is limited to only those permitted and conditional uses allowed on the smallest minimum lot size  
171 for the applicable zone. A new use on a nonconforming lot is prohibited if the proposed use  
172 requires a lot size larger than the smallest lot size permitted in the zone. A legally established use  
173 may continue on a nonconforming lot regardless of the lot size requirements of the use.

174 ...

175 **Sec. 108-12-11. Subdivision plat requirements for nonconforming lots,**  
176 **exemptions.**

177 All lots and parcels shall be platted as part of a subdivision in conformance with the  
178 requirements of Title 106 of this Land Use Code, unless otherwise exempted by State Code  
179 or this Land Use Code. The platting of nonconforming lots, and the amendment to a platted  
180 subdivision containing nonconforming lots are governed as follows:

181 (a) The following rules govern the treatment of an unplatted lot that was created in  
182 conformance with the lot standards in effect at the time of the lot's creation and, because  
183 of subsequent changes to the Land Use Code, does not conform to the current lot  
184 standards; the lot may not have conformed with the requirements of the subdivision code  
185 in effect at that time:



- 186 (1) If the existing lot can be defined as a Lot of Record, as defined in Section 101-1-7,  
187 the lot shall be exempt from subdivision platting requirements.
- 188 (2) If the existing lot was created prior to July 1, 1992, contained a single family dwelling  
189 unit, and complied with the standards of the zone in effect at the time of the lot's  
190 creation, the lot shall be exempt from subdivision platting requirements, and is a  
191 nonconforming lot.
- 192 (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the  
193 provisions of subsections (a)(1) and (a)(2), then the lot shall be platted in accordance  
194 with Title 106 of this Land Use Code. Lot standards applicable for such subdivision  
195 may be reduced to meet the minimum standards of the zone in effect at the time of  
196 the lot's creation so long as it does not create any more lots than currently exist, and  
197 the current lot size is not materially reduced from it's current acreage. All such platted  
198 lots that do not conform to current zoning standards shall thereafter be considered  
199 nonconforming lots. A lot that does not meet the minimum standards of the zone in  
200 effect at the time of the lot's creation may be reconfigured upon platting to comply  
201 with such standards as long as the reconfiguration does not cause any other lot to  
202 become nonconforming or more nonconforming. A lot platted pursuant to this  
203 subsection may be further reduced in size to accommodate any right of way  
204 dedication as may be required by Title 106 of this Land Use Code. No unplatted lot  
205 or parcel governed by this subsection shall be granted a land use permit prior to  
206 subdivision platting.
- 207 (b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the  
208 standards of the zoning code and subdivision code in effect at the time of its creation, but  
209 no longer complies due to subsequent changes to these codes, may be amended  
210 pursuant to the minimum standards in effect at the time of its creation. The amendment  
211 shall not create any new lots. An amended plat shall be required.

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219 **Sec. 108-12-12. Enlarging nonconforming lots.**

220 Nonconforming lots may be reconfigured in a manner that complies with the  
221 standards of the zone in effect at the time of the lot's creation if the reconfiguration does not  
222 create any more lots than currently exist. The reconfiguration shall not cause any other lot to  
223 become nonconforming or more nonconforming. If the nonconforming lot is part of a platted  
224 subdivision an amended subdivision plat is required.

225 **Sec. 108-12-13. Setback requirements for nonconforming lots..**

226 A nonconforming lot that has a smaller width than is required for the zone in which it  
227 is located may be developed in a manner that does not exceed the following allowed  
228 reduction in side yard setbacks:

229 (1) A nonconforming lot's actual width (v) may be divided by the current required  
230 frontage/width (w) in order to formulate a ratio or proportional relation (x).  
231 (Formula: "v" divided by "w" equals "x.")

232 (2) The ratio may then be multiplied by the current zone's side yard setback  
233 requirement (y) in order to establish a reduced setback (z). (Formula: "x"  
234 multiplied by "y" equals "z".)

235 (3) The reduced side yard setback is subject to the conditions listed below.

236 a. Under no circumstances shall an interior lot be allowed to reduce the side-  
237 yard setback requirement below five feet on one side and eight feet on the  
238 other.

239 b. Under no circumstances shall a corner lot be allowed to reduce the side-  
240 yard requirement below ten feet when the side yard fronts on a street.

241

242 **Sec. 108-12-14. Parcels previously combined for tax purposes.**

243 (a) Parcels that have been combined by the county recorder's office for tax purposes shall be  
244 allowed to separate one or more of the combined parcels on an approved and recorded form if:

245 (1) The parcels that are being separated were originally created prior to July 1, 1992;

246 (2) The properties as configured prior to the combination met area and frontage/width  
247 requirements for the zone in which they were created, or were considered  
248 nonconforming lots;

- 249 (3) The combination was done by the current owner or same owner acting as trustee, and  
250 was done by a quit claim, combination form, or other instrument, which states the  
251 consolidation of parcels is for tax purposes;
- 252 (4) No new lots are being created; and
- 253 (5) The separation of parcels results in a configuration consistent with the original parcels  
254 and conforms to the ordinance that was in place prior to the recording of the combination  
255 form, and the resulting lots conform with the provisions of Section 108-12-11.
- 256 (b) The separation of combined parcels authorized under this Section does not authorize a change  
257 in the configuration of an approved and recorded subdivision or lots within such subdivision.  
258 Any change to the configuration of a subdivision must comply with Title 106 of the Land Use  
259 Code, and any applicable state law.

260 **Sec. 108-12-15. Effect of Public Right of Way Expansion.**

- 261 (a) Any structure that legally existed with conforming or nonconforming setback prior to the  
262 expansion of a public right of way where the expansion of such public right of way makes  
263 the structure noncomplying or more noncomplying to the setback requirements of this  
264 Land Use Code, shall be deemed a legal, noncomplying structure.
- 265 (b) Any lot that legally existed in a conforming or nonconforming status prior to the  
266 expansion of a public right of way where the expansion of such public right of way makes  
267 the lot nonconforming or more nonconforming to the standards of this Land Use Code,  
268 shall be deemed a legal, nonconforming lot.
- 269 (c) This section does not excuse or exempt any past or future action that creates or modifies  
270 a lot in a manner that is in violation of applicable laws.  
271
-



**Weber County**

**Notice of Effect  
Public Right of Way Expansion of Street Name**

**Legal Description**

SEE EXHIBIT A

**RE: Potential Nonconformity on Land Due to the Expansion of the Street Name Right of Way, as part of Project Number and Description.**

The parcel of land with the Land Serial Number # \_\_\_\_\_ is currently zoned ZONE (ZONE SYMBOL).

This notice is intended to document how the above specified right of way expansion project affects the subject property. If the property legally existed in a conforming or legal nonconforming status prior to the expansion of the public right of way, and the expansion of the public right of way has made the lot or parcel nonconforming or more nonconforming to the lot standards of the subject property's zone, the property shall be deemed legal, even though nonconforming. Any further development of it shall be allowed pursuant to and in compliance with Weber County Code §108-12, and other applicable local, state, and federal laws. The same consideration will be given for structures affected by the expansion of a public right of way; if the setbacks are made noncomplying or more noncomplying the structure shall be deemed legal, even though noncomplying.

Note: This notice does not excuse or exempt any past or future action that creates or modifies a lot, parcel, or structure in a manner that is in violation of applicable laws.

\_\_\_\_\_ Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Sean Wilkinson  
Planning Director

STATE OF UTAH    )  
                              :SS  
COUNTY OF WEBER )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the foregoing instrument, who duly acknowledged to me that he/she/they executed the same.

Notary Public

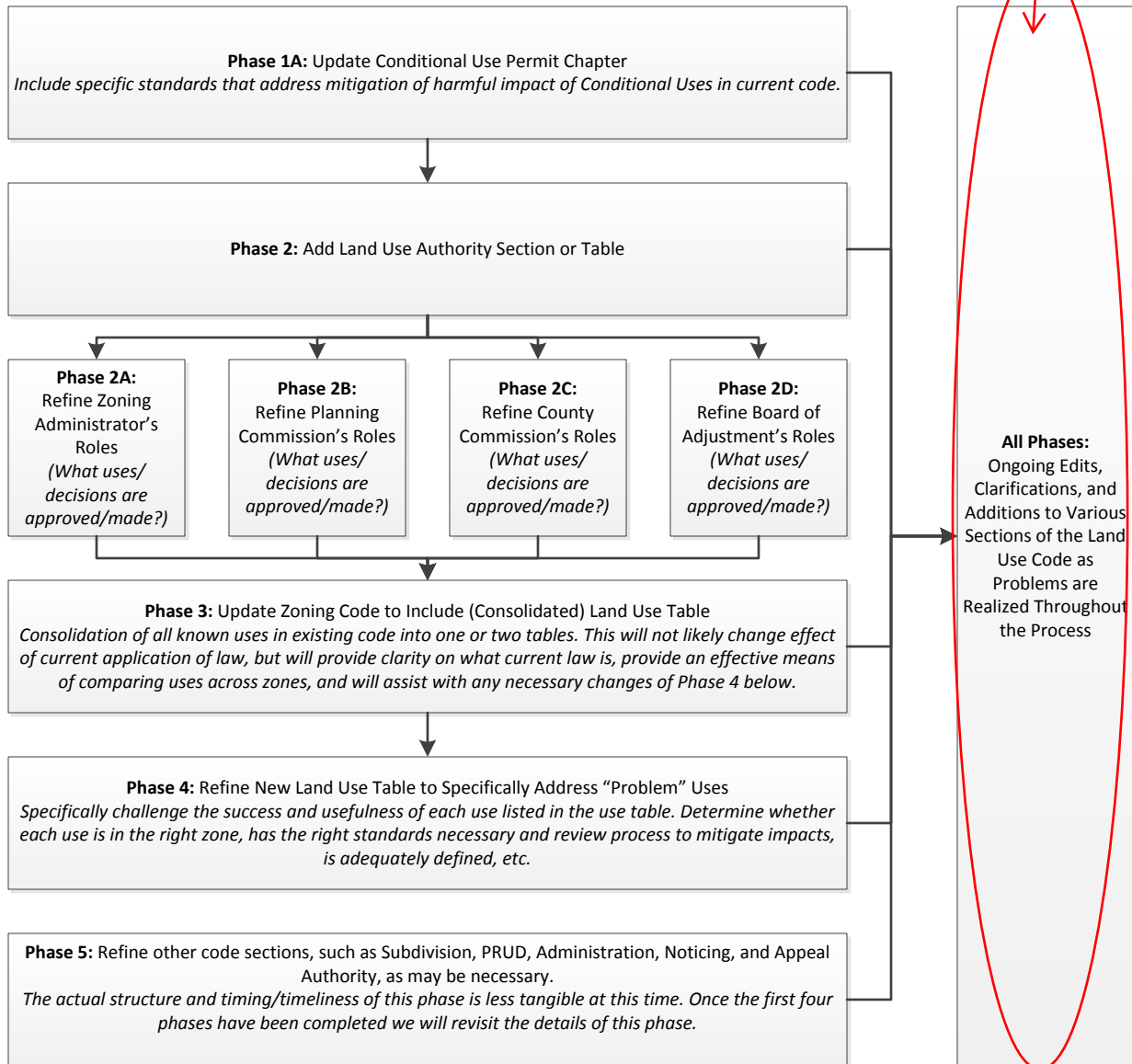
\_\_\_\_\_

Residing at \_\_\_\_\_

# Weber County Land Use Code Revision Process Workflow

The proposed edits fall here

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.





- Chapter 25 (MANUFACTURING ZONE M-3), Section 2 (Permitted Uses)
- Chapter 26 (OPEN SPACE ZONE O-1), Section 2 (Permitted Uses)
- Chapter 29 (OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1), Section 8 (Land Uses)

## Legislative Decisions

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

## Background

The current land use code (LUC), under the definitions of *accessory building*, *main building*, *accessory use*, and *main use*, does not appear to allow an “accessory building” to be placed on a lot that does not have a “main building.” In essence, what this means is that any main use of property that is an open air use of property (i.e., agriculture, agritourism, golf course, public and private park, reservoir, mining operations, parking lot, etc.) may not have an accessory building to support the use unless and until a main building has been established. To complicate this, most zones list “accessory building or use customarily incidental to any permitted or conditional use” as a permitted use in the zone, leading one to think that an accessory building can be established without a main building, despite the directive in the definitions section.

This conflict has caused confusion for administration of the code.

## Policy Analysis

The Planning Commission should evaluate which of the two conflicting provisions should prevail. Should accessory buildings incidental to a permitted or conditional use be allowed without a main building on the property? Or should a main building be required prior to the establishment of an accessory building?

As an interpretive guide, the Planning Commission should know that the difference between a main building and an accessory building is not necessarily based on the specific use of the building as provided in the listed permitted or conditional uses of the zones; it is based on whether the use of the building can be identified as incidental and accessory to the use of another building. If it cannot be, then it is a main building; the use of which must comply with the allowed permitted and conditional uses listed in the zone chapters.

If a building is defined as a main building it has to meet stricter setback requirements than a building defined as an accessory building. These requirements depend on the zone. This is an important distinction, because open-air uses of land typically rely on greater amounts of unobstructed land area. A main building may also be subject to more specific architectural and site design requirements if it is used to accommodate commercial uses, industrial uses, manufacturing uses, public uses, quasi-public uses, or recreation resort uses.<sup>1</sup>

This topic is primarily focused on uses of property that are open-air uses of land that have not otherwise had buildings established on them. One of the primary open-air uses of land in Weber County is agriculture. It will be in the best interest of those agricultural users and agriculture-adjacent land owners for the ordinances to be clarified in a manner that clearly sets forth the expectations.

With the proposal found in Exhibit B, staff is providing a way to allow a “main building designed or used to accommodate the main use to which the premises are devoted,” which for certain types of open-air land uses may in fact look and act like an accessory building, but for the purposes of establishing required setbacks and applicable design standards, is regulated like a main building. Thus, with this addition it is possible for open-air land uses to have a “main building” as an “accessory use” of land. After a “main building” is established, the owner may establish an “accessory building” – at the reduced accessory building setback – as long as the accessory building is incidental and accessory to the use of the main building.

<sup>1</sup> See LUC §108-1-2 and LUC §108-2-3 for applicability requirements for Design Review and Ogden Valley Architectural, Landscape, and Screening Design Standards.

As the Planning Commission hears and considers each proposed change there are several things to be looking for:

1. Does the proposed change comply with the purpose and/or intent of the specific code section or relevant zone? Every change should comply with that purpose/intent.
2. Does the proposed change comply with the goals and objectives of the General Plan? The General Plan should act as a guide to vet land use ordinance decisions.
3. Does the proposed change promote the health, safety, and welfare of the community?
4. Does the proposed change provide equitable balance between land use rights and the public good?

## Conformance to the General Plan

The attached proposal generally follows how the current administration is applying the land use code. It simply clarifies the approach. Support for it can be loosely found in both general plans. Providing a code that enables support buildings for open-air land uses promotes those potential land uses.

In Western Weber County the primary open-air land use is agriculture. The West Central Weber County General Plan indicates the desire to protect and promote agricultural uses/lands through agricultural protection and preservation efforts.<sup>2</sup> The plan's Future Land Use Map (aka "proposed land use map") also depicts large quantities of land intended to support agricultural uses.<sup>3</sup>

In the Ogden Valley the primary open air land use may be threefold: agriculture, general open space, and recreation; each having their own unique needs for support buildings, as may be allowed by code. The Ogden Valley General Plan supports the use of land for agriculture,<sup>4</sup> and also sets forth policies and implementation strategies intended to "protect open land and encourage the creation of new recreation facilities..."<sup>5</sup>

## Conditions of Approval

Not Applicable

## Past Action on this Item

The Western Weber Planning Commission reviewed the proposal in a work session on December 9, 2014. The Ogden Valley Planning Commission reviewed the proposal in a work session on January 27, 2015. No formal action was taken in either meeting.

## Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

## Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The changes are necessary to provide an appropriate level of support for open-air uses of land.
2. The clarification will provide for a more efficient administration of code.
3. The changes comply with the intent of the land use code.
4. The changes are supported by the General Plan(s).
5. The clarifications are not detrimental to the health, safety, and welfare of County residents.

<sup>2</sup> See West Central Weber County General Plan (2003), Pg. 2-16.

<sup>3</sup> See West Central Weber County General Plan (2003), Map 2-4.

<sup>4</sup> See Ogden Valley General Plan (1998), Pg 25

<sup>5</sup> See Ogden Valley General Plan Recreation Element (2005), Pg. 143



The Planning Commission's decision should be made as a recommendation to the County Commission. A model motion is provided below.

## Sample Motions

Sample Motion for a **Positive Recommendation** – “I move we forward a positive recommendation to the County Commission for the Zoning Text Amendment regarding regulations and permissions of main buildings and accessory buildings, and main uses and accessory uses, File #ZTA 2014-06, with the following findings:

1. Example: All findings recommended by staff in the staff report dated February 13, 2015;
  - a. [as modified with these changes:\_\_\_\_\_]
2. ... List and additional findings to support the amendment, as may be deemed necessary.”

Sample Motion for a **Negative Recommendation** – “I move we forward a negative recommendation to the County Commission for the Zoning Text Amendment regarding regulations and permissions of main buildings and accessory buildings, and main uses and accessory uses, File #ZTA 2014-06, with the following findings:

1. List any findings...

## Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change – Regulations and Permissions of Main Buildings and Accessory Buildings, and Main Uses and Accessory Uses [Redlined].
- C. Code Change – Regulations and Permissions of Main Buildings and Accessory Buildings, and Main Uses and Accessory Uses [Clean].
- D. Land Use Code Revision Process Flowchart.

## **EXHIBIT A: CODE CHANGE – SUMMARY, LIST, AND KEY TO PROPOSED CHANGES: REGULATIONS AND PERMISSIONS OF MAIN BUILDINGS AND ACCESSORY BUILDINGS, AND MAIN USES AND ACCESSORY USES.**

---

The following code changes are being proposed to clarify regulations regarding the allowance for main and accessory buildings, specifically as they are applied to open air main uses of land.

### **This change addresses the following sections:**

#### **Title 101 General Provisions**

Sec. 101-1-7. Definitions:

Building, accessory

Building, main

Use, accessory

Use, main

#### **Title 104 Zones**

Sec. 104-3-2. - Permitted uses.(RE-15 and RE-20)

Sec. 104-4-1. - Permitted uses (G)

Sec. 104-5-3. Permitted uses (A-1)

Sec. 104-6-3. - Permitted uses (AV-3)

Sec. 104-7-3. - Permitted uses (A-2)

Sec. 104-8-3. - Permitted uses (A-3)

Sec. 104-9-2. - Permitted uses (F-5, F-10, F-40)

Sec. 104-10-2. - Permitted uses (S-1)

Sec. 104-11-4. - Permitted uses (CVR-1)

Sec. 104-12-2. - Permitted uses (R-1-12, R-1-10)

Sec. 104-13-2. - Permitted uses (FR-1)

Sec. 104-14-2. - Permitted uses (FV-3)

Sec. 104-15-2. - Permitted uses (R-2)

Sec. 104-16-2. - Permitted uses (R-3)

Sec. 104-17-2. - Permitted uses (FR-3)

Sec. 104-18-2. - Permitted uses (RMHP)

Sec. 104-19-2. - Permitted uses (RMH-1-6)  
Sec. 104-20-5. - Uses (C-1, C-2, C-3)  
Sec. 104-21-5. - Uses (CV-1, CV-2)  
Sec. 104-22-2. - Permitted uses (M-1)  
Sec. 104-23-2. - Permitted uses (MV-1)  
Sec. 104-25-2. - Permitted uses (M-3)  
Sec. 104-26-2. - Permitted uses (O-1)  
Sec. 104-29-8. - Land uses (DRR-1)

**Key to reading changes:**

- Language that has been added is shown in blue underline.
- ~~Language that has been deleted is shown in red strikeouts.~~
- ~~Language that has been moved to a new location is shown in green double knockout.~~
- Language that has been moved from an old location is shown in green double underline.
- Three periods in a row [...] indicate that there is more to the section that is not being addressed with this change.

**EXHIBIT B: CODE CHANGE – REGULATIONS AND PERMISSIONS OF MAIN BUILDINGS AND ACCESSORY BUILDINGS, AND MAIN USES AND ACCESSORY USES [REDLINED].**

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1 **PART II LAND USE CODE**

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2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS**

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13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

22 Sec. 101-1-9. Supplementation of Code.

23 Sec. 101-1-10. Catchlines of sections.

- 24 Sec. 101-1-11. Altering Code.
- 25 Sec. 101-1-12. Severability of parts of Code.
- 26 Sec. 101-1-13. General penalty; continuing violations.
- 27 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

28 ...

29 **Sec. 101-1-7. Definitions.**

30 ...

31 *Building, accessory.* The term "building, accessory" means ~~a subordinate structure~~  
 32 ~~detached from but located on the same lot as the main structure, the use of which is incidental~~  
 33 ~~and accessory to that of the main structure. A main building is required prior to an accessory~~  
 34 ~~building; a detached subordinate building located on a lot or parcel with a main building the use of~~  
 35 ~~which is incidental to the use of the main building.~~

36 ...

37 *Building, main.* The term "main building" means the principal building or one of the  
 38 principal buildings located on a lot or parcel designed or used to accommodate the primary use to  
 39 which the premises are devoted. Where a permissible use involves more than one structure  
 40 designed or used for the primary purpose, as in the case of apartment groups, each such  
 41 permitted building on one lot as defined by this Title shall be deemed a main building.~~the~~  
 42 ~~main/principal building and/or structure or one of the main/principal buildings and/or structures~~  
 43 ~~housing the main/principal use upon the lot.~~

44 ...

45 *Use, accessory.* The term "accessory use" means a use: of land or structure, or portion  
 46 thereof, customarily incidental and subordinate to the main use of the land or structure and  
 47 located on the same lot or parcel with the principal use.

- 48 (1) ~~Incidental to and on the same lot as a main use;~~
- 49 (2) ~~Customarily found in connection with a main building or use;~~
- 50 (3) ~~Which is subordinate in area, extent or purpose to the main building or main use~~  
 51 ~~served.~~

52 ...

53 *Use, main.* The term "main use" means the principal purpose for which a lot, parcel or  
 54 structure is designed, arranged or intended, or for which it is occupied or maintained as allowed  
 55 by the provisions of this Land Use Code. ~~use of land or structures, as distinguished from an~~  
 56 ~~accessory use.~~ Dwellings on parcels meeting the definition of an "agricultural parcel" shall be the  
 57 main use.  
 58  
 59  
 60

61 ...

62 **Title 104 ZONES**

---

63 CHAPTER 1. - IN GENERAL

64 CHAPTER 2. - (RESERVED)

65 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

66 CHAPTER 4. - GRAVEL ZONE G

67 CHAPTER 5. - AGRICULTURAL ZONE A-1

68 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

69 CHAPTER 7. - AGRICULTURAL A-2 ZONE

70 CHAPTER 8. - AGRICULTURAL ZONE A-3

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

72 CHAPTER 10. - SHORELINE ZONE S-1

73 CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1

74 CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10

75 CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1

76 CHAPTER 14. - FOREST VALLEY ZONE FV-3

77 CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2

78 CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3

79 CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3

80 CHAPTER 18. - RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP

81 CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6

82 CHAPTER 20. - COMMERCIAL ZONES C-1, C-2, C-3

83 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2

84 CHAPTER 22. - MANUFACTURING ZONE M-1

85 CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1

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Main/Accessory Building/Use [DRAFT Version: 2/17/2015 11:14 AM](#)

- 86 CHAPTER 24. - MANUFACTURING ZONE M-2
- 87 CHAPTER 25. - MANUFACTURING ZONE M-3
- 88 CHAPTER 26. - OPEN SPACE ZONE O-1
- 89 CHAPTER 27. - NATURAL HAZARDS OVERLAY DISTRICTS
- 90 CHAPTER 28. - OGDEN VALLEY SENSITIVE LANDS OVERLAY DISTRICTS
- 91 CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1
- 92 ...

93 **CHAPTER 3. RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

---

94 ...

95 **Sec. 104-3-2. - Permitted uses.**

96 The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

- 97 (1) [Accessory building incidental to the use of a main building; main building](#)
- 98 [designed or used to accommodate the main use to which the premises are](#)
- 99 [devoted; and accessory uses customarily incidental to a main use;](#)
- 100 ~~Accessory building or use customarily incidental to a permitted or conditional use;~~
- 101 (2) Agriculture and agricultural experiment station;
- 102 ...

103 **CHAPTER 4. GRAVEL ZONE G**

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104 **Sec. 104-4-1. - Permitted uses.**

105 In Gravel Zone G, no building, structure, or land shall be used, and no building or  
 106 structure shall be erected which is arranged, intended or designed to be used for other than one  
 107 or more of the following uses:

108 ...

- 109 (4) [Accessory building incidental to the use of a main building; main building](#)
- 110 [designed or used to accommodate the main use to which the premises are](#)
- 111 [devoted; and accessory uses customarily incidental to a main use;](#)

112 CHAPTER 5. AGRICULTURAL ZONE A-1

---

113 ...

114 **Sec. 104-5-3. Permitted uses.**

115 The following uses are permitted in Agriculture Zone A-1:

- 116 (1) Accessory building incidental to the use of a main building; main building  
117 designed or used to accommodate the main use to which the premises are  
118 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~  
119 ~~building or use customarily incidental to any permitted or conditional use.~~  
120 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.  
121 ...

122 CHAPTER 6. AGRICULTURAL VALLEY AV-3 ZONE

---

123 ...

124 **Sec. 104-6-3. - Permitted uses.**

125 The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- 126 (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~  
127 ~~use.~~ Accessory building incidental to the use of a main building; main building  
128 designed or used to accommodate the main use to which the premises are  
129 devoted; and accessory uses customarily incidental to a main use;  
130 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.  
131 ...

132 CHAPTER 7. AGRICULTURAL A-2 ZONE

---

133 ...

134 **Sec. 104-7-3. - Permitted uses.**

135 The following uses are permitted in the Agriculture Zone A-2:

- 136 (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~  
137 ~~use.~~ Accessory building incidental to the use of a main building; main building  
138



139 | [designed or used to accommodate the main use to which the premises are](#)  
140 | [devoted; and accessory uses customarily incidental to a main use;](#)

141 | (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.

142 | ...

143 | **CHAPTER 8. AGRICULTURAL ZONE A-3**

---

144 | ...

145 | **Sec. 104-8-3. - Permitted uses.**

146 | The following uses are permitted in the Agriculture Zone A-3:

147 | (1) ~~Accessory building or use customarily incidental to any permitted or conditional~~  
148 | ~~use.~~ [Accessory building incidental to the use of a main building; main building](#)  
149 | [designed or used to accommodate the main use to which the premises are](#)  
150 | [devoted; and accessory uses customarily incidental to a main use;](#)

151 | (2) Agriculture, agricultural experiment station, apiary; aviary.

152 | ...

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

---

154 | ...

155 | **Sec. 104-9-2. - Permitted uses.**

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

157 | (1) Agriculture.

158 | ...

159 | (7) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within  
160 | the Ogden Valley area.

161 | (8) [Accessory building incidental to the use of a main building; main building](#)  
162 | [designed or used to accommodate the main use to which the premises are](#)  
163 | [devoted; and accessory uses customarily incidental to a main use.](#) ~~Accessory~~  
164 | ~~buildings and uses customarily incidental to the primary use.~~

165 | (9) Single-family residences.

166 | ...

167 **CHAPTER 10. SHORELINE ZONE S-1**

---

168 ...

169 **Sec. 104-10-2. - Permitted uses.**

170 The following uses are permitted in the

- 171 (1) Accessory building incidental to the use of a main building; main building  
172 designed or used to accommodate the main use to which the premises are  
173 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~  
174 buildings, structures and uses customarily incidental to a permitted use.  
175 (2) Agriculture, grazing and pasturing of animals.  
176 (3) Boating.  
177 ...

178 **CHAPTER 11. COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

---

179 ...

180 **Sec. 104-11-4. - Conditional uses.**

181 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as  
182 provided in [title 108](#), chapter 4 of this Land Use Code.

- 183 (1) Beer parlor, sale of draft beer.  
184 (2) Bed and breakfast inn.  
185 ...  
186 (34) Restaurants, including those with drive-up windows.  
187 (35) Accessory building incidental to the use of a main building; main building  
188 designed or used to accommodate the main use to which the premises are  
189 devoted; and accessory uses customarily incidental to a main use; ~~Accessory~~  
190 uses to the above listed.  
191 ...

**Comment [c1]:** Note: This zone is different.  
Accessory uses are only allowed by CUP.

192 **CHAPTER 12. SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

---

193 ...

194 **Sec. 104-12-2. - Permitted uses.**

195 The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- 196 (1) [Accessory building incidental to the use of a main building; main building](#)  
197 [designed or used to accommodate the main use to which the premises are](#)  
198 [devoted; and accessory uses customarily incidental to a main use;](#) ~~Accessory~~  
199 ~~buildings and uses customarily incidental to any permitted use.~~  
200 (2) Agriculture.  
201 (3) Church, synagogue or similar building used for regular religious worship.  
202 ...

203 **CHAPTER 13. FOREST RESIDENTIAL ZONE FR-1**

---

204 ...

205 **Sec. 104-13-2. - Permitted uses.**

206 The following uses are permitted in the Forest Residential Zone FR-1:

- 207 (1) [Accessory building incidental to the use of a main building; main building](#)  
208 [designed or used to accommodate the main use to which the premises are](#)  
209 [devoted; and accessory uses customarily incidental to a main use;](#) ~~Accessory~~  
210 ~~building or accessory use customarily incidental to a permitted use.~~  
211 (2) Agriculture.  
212 (3) Animals and fowl kept for family food production.  
213 ...

214 **CHAPTER 14. FOREST VALLEY ZONE FV-3**

---

215 ...

216 **Sec. 104-14-2. - Permitted uses.**

217 The following uses are permitted in the Forest Valley Zone FV-3:

- 218 (1) [Accessory building incidental to the use of a main building; main building](#)  
219 [designed or used to accommodate the main use to which the premises are](#)  
220 [devoted; and accessory uses customarily incidental to a main use;](#) ~~Accessory~~  
221 ~~building or accessory use customarily incidental to a permitted use.~~  
222 (2) Agriculture.  
223 (3) Animals and fowl kept for family food production.  
224 ...

225 **CHAPTER 15. TWO-FAMILY RESIDENTIAL ZONE R-2**

---

226 ...

227 **Sec. 104-15-2. - Permitted uses.**

228 The following uses are permitted in the Two-Family Residential Zone R-2:

- 229 (1) [Accessory building incidental to the use of a main building; main building](#)  
230 [designed or used to accommodate the main use to which the premises are](#)  
231 [devoted; and accessory uses customarily incidental to a main use.](#) ~~Accessory~~  
232 ~~buildings and uses customarily incidental to any permitted use.~~  
233 (2) Agriculture.  
234 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.  
235 ...

236 **CHAPTER 16. MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

---

237 ...

238 **Sec. 104-16-2. - Permitted uses.**

239 The following uses are permitted in the Multiple-Family Residential Zone R-3:

- 240 (1) [Accessory building incidental to the use of a main building; main building](#)  
241 [designed or used to accommodate the main use to which the premises are](#)  
242 [devoted; and accessory uses customarily incidental to a main use.](#) ~~Accessory~~  
243 ~~buildings and uses customarily incidental to any permitted use.~~  
244 (2) Agriculture.  
245 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.  
246 ...

247 **CHAPTER 17. FOREST RESIDENTIAL ZONE FR-3**

---

248 ...

249 **Sec. 104-17-2. - Permitted uses.**

250 The following uses are permitted in the Forest Residential Zone FR-3:

- 251 (1) [Accessory building incidental to the use of a main building; main building](#)  
252 [designed or used to accommodate the main use to which the premises are](#)

- 253 | ~~devoted; and accessory uses customarily incidental to a main use.~~ ~~Accessory~~  
254 | ~~building or accessory use customarily incidental to a use permitted in the zone.~~  
255 | (2) Cluster subdivision in accordance with title 108, chapter 3.  
256 | ...

257 | **CHAPTER 18. RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP**

---

258 | ...

259 | **Sec. 104-18-2. - Permitted uses.**

260 | The following uses are permitted in the RMHP Zone:

- 261 | (1) ~~Accessory building incidental to the use of a main building; main building~~  
262 | ~~designed or used to accommodate the main use to which the premises are~~  
263 | ~~devoted; and accessory uses customarily incidental to a main use.~~ ~~Accessory~~  
264 | ~~building and use customarily incidental to any permitted use.~~  
265 | (2) Mobile/manufactured home park, trailer court, overnight recreational vehicle park,  
266 | provided such park, or court meet the requirements and standards prescribed in  
267 | the county mobile home park ordinance.  
268 | ...

269 | **CHAPTER 19. RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

---

270 | ...

271 | **Sec. 104-19-2. - Permitted uses.**

272 | The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

- 273 | (1) ~~Accessory building incidental to the use of a main building; main building~~  
274 | ~~designed or used to accommodate the main use to which the premises are~~  
275 | ~~devoted; and accessory uses customarily incidental to a main use.~~ ~~Accessory~~  
276 | ~~building and use customarily incidental to any permitted use.~~  
277 | (2) Manufactured home (double wide or wider) in an approved manufactured home  
278 | subdivision or manufactured home PRUD. (Single wides with or without room  
279 | expansions or extensions are prohibited.)  
280 | ...

281 **CHAPTER 20. COMMERCIAL ZONES C-1, C-2, C-3**

282 ...

283 **Sec. 104-20-5. - Uses.**

284 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses  
 285 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided  
 286 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

	C-1	C-2	C-3
<a href="#">Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;</a> <del>Accessory buildings and uses customarily incidental to a permitted use</del>	P	P	P
Air conditioning, sales and service	N	N	P

287 ...

288 **CHAPTER 21. COMMERCIAL VALLEY ZONES CV-1 and CV-2**

289 ...

290 **Sec. 104-21-5. - Uses.**

291 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses  
 292 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided  
 293 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" shall not be allowed in that zone.

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	P
<a href="#">Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;</a> <del>Accessory buildings and uses customarily incidental to</del>	P	P

<del>a permitted or conditional uses</del>		
Animal hospital	N	C

294 ...

295 **CHAPTER 22. MANUFACTURING ZONE M-1**

---

296 ...

297 **Sec. 104-22-2. - Permitted uses.**

298 The following uses are permitted in the Manufacturing Zone M-1:

- 299 (1) ~~Accessory building incidental to the use of a main building; main building~~  
300 ~~designed or used to accommodate the main use to which the premises are~~  
301 ~~devoted; and accessory uses customarily incidental to a main use.~~ ~~Accessory~~  
302 ~~uses and buildings customarily incidental to a permitted use.~~  
303 (2) Any permitted use in a C-3 Zone except dwelling units.  
304 (3) Agriculture.  
305 ...

306 **CHAPTER 23. OGDEN VALLEY MANUFACTURING ZONE MV-1**

---

307 ...

308 **Sec. 104-23-2. - Permitted uses.**

309 The following uses are permitted in the MV-1, Ogden Valley Light Manufacturing Zone:

- 310 (1) ~~Accessory building incidental to the use of a main building; main building~~  
311 ~~designed or used to accommodate the main use to which the premises are~~  
312 ~~devoted; and accessory uses customarily incidental to a main use.~~ ~~Accessory~~  
313 ~~uses and buildings customarily incidental to a permitted use.~~  
314 (2) Agricultural implement repair.  
315 ...

316 **CHAPTER 24. MANUFACTURING ZONE M-2**

---

317 ...

318 **Sec. 104-24-2. - Permitted uses.**

319 The following uses are permitted in the M-2 Zone:

- 320 (1) Any permitted use in an M-1 Zone.
- 321 (2) Building material sale yard, blacksmith shop.
- 322 (3) Contractors equipment storage yard.
- 323 ...

**Comment [c2]:** The M-1 zone allows accessory buildings, main buildings, and accessory uses (see line 299 above).

324 **CHAPTER 25. MANUFACTURING ZONE M-3**

325 ...

326 **Sec. 104-25-2. - Permitted uses.**

327 The following uses are permitted in the M-3 Zone:

- 328 (1) Any permitted use in an M-2 Zone except dwelling units.
- 329 ~~(2) Accessory uses and buildings customarily incidental to a permitted use.~~
- 330 ~~(3)~~(2) Laboratories.
- 331 ~~(4)~~(3) Machine shop.
- 332 ~~(5)~~(4) Office, business, professional and governmental.
- 333 ~~(6)~~(5) Public buildings and utilities.
- 334 ~~(7)~~(6) Warehouse.
- 335 ~~(8)~~(7) Welding shop.
- 336 ...

**Comment [c3]:** This is already provided for in line 328, which references line 320. Line 320 refers to line 299.

337 **Sec. 104-25-3. - Conditional uses.**

338 The following uses shall be permitted only when authorized by a conditional use permit as provided in title  
339 108, chapter 4 of this Land Use Code:

- 340 (1) Any conditional use in an M-2 Zone.
- 341 ~~(2) Accessory uses and buildings customarily incidental to a conditional use.~~
- 342 ~~(3)~~(2) Aircraft engine testing, including jet, missile and chemical engines.
- 343 ~~(4)~~(3) Blast furnace.
- 344 ~~(5)~~(4) Feed, cereal or flour mill.
- 345 ~~(6)~~(5) Forage plant or foundry.
- 346 ~~(7)~~(6) Manufacture, processing, refining, treatment, distillation, storage or compounding
- 347 of the following: Acid, ammonia, bleaching powder and chlorine; fireworks or
- 348 explosives, asphalt, chemicals of an objectionable or dangerous nature,
- 349 creosote, disinfectants or insecticides; bones, coal or wood, fertilizer, gas, glue,
- 350 size or gelatin, ore, potash, proxylin, rubber of guttapercha, plastic, tallow, grease
- 351 or lard, tar, roofing or waterproofing materials, furs, wool, hides.

**Comment [c4]:** This is a small policy shift. Eliminating this line defaults access bldgs. and uses to a permitted use regardless of whether or not the main use is permitted or conditional. The idea here is that the main use may require heightened CUP review, but the accessory and incidental buildings may not. A land owner will still be required to amend their site plan to show the new proposed accessory building but approval of the site plan change will be done by staff. This provision is only applicable to the M-3 zone because this specific regulation is only in the M-3 zone.



- 352 | ~~(8)~~(7) Ore beneficiation, smelting, or refining of materials, steel or iron mills, mines,  
353 | quarries; gravel pits.  
354 | ~~(9)~~(8) Petroleum refining.  
355 | ~~(10)~~(9) Manufacturing, fabrication, assembly, canning, processing, treatment, or storage  
356 | of the following:  
357 | a. Acetylene gas, aircraft, airplanes and parts, automobiles and parts; alcohol.  
358 | b. Brick, brass.  
359 | c. Candles, cans, celluloid, cement, copper.  
360 | d. Dyestuff.  
361 | e. Emery cloth, excelsior.  
362 | f. Feathers, felt, fiber, fish, film.  
363 | g. Glass, glucose, gypsum.  
364 | h. Hair, hardware.  
365 | i. Ink, iron.  
366 | j. Lamp black, linoleum, line.  
367 | k. Meats, machinery, mail, matches.  
368 | l. Oil, oilcloth, oiled rubber goods, oxygen.  
369 | m. Paper, paint, pulp, pickles, pottery, plaster of Paris.  
370 | n. Shoe polish, stove polish, shoddy, soap and detergents, soda, starch,  
371 | sauerkraut, salt, steel, shellac.  
372 | o. Turpentine, tile, terra cotta.  
373 | p. Vinegar, varnish.  
374 | q. Yeast.  
375 | ~~(14)~~(10) Metals and metal products extraction, treatment and processing including the  
376 | extraction, processing and manufacturing of magnesium chloride, magnesium,  
377 | potassium, sodium, lithium, boron, bromine and their salts or chemical  
378 | derivatives.  
379 | ~~(12)~~(11) Missiles and missile parts.  
380 | ~~(13)~~(12) Large scale photovoltaic solar energy systems designed to produce energy for  
381 | wholesale purposes.  
382 | ~~(14)~~(13) Public utility substations.  
383 | ~~(15)~~(14) Private recreation areas.  
384 | ~~(16)~~(15) Railroad yards, shop or roundhouse; rock crusher.  
385 | ~~(17)~~(16) Site leveling and preparation for future development.  
386 | ~~(18)~~(17) Space craft and space craft parts.  
387 | ~~(19)~~(18) Storage of petroleum.

388 | **CHAPTER 26. OPEN SPACE ZONE O-1**

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389 | ...

390 | **Sec. 104-26-2. - Permitted uses.**

391 | The following uses are permitted in the Open Space Zone O-1.

- 392 (1) Accessory building incidental to the use of a main building; main building  
 393 designed or used to accommodate the main use to which the premises are  
 394 devoted; and accessory uses customarily incidental to a main use;  
 395 ~~(1)~~(2) Agriculture.  
 396 ~~(2)~~(3) Botanical or zoological garden.  
 397 ~~(3)~~(4) Cemetery.  
 398 ~~(4)~~(5) Conservation areas: botanical or zoological.  
 399 ~~(5)~~(6) Fishing ponds; private or public.  
 400 ~~(6)~~(7) Golf course, except miniature golf courses.  
 401 ~~(7)~~(8) Horse raising, provided conducted in a pasture of at least five acre size and with  
 402 a maximum density of two horses per acre.  
 403 ~~(8)~~(9) Private park, playground or recreation area.  
 404 ~~(9)~~(10) Public park, public recreation grounds and associate buildings, but not including  
 405 privately owned commercial amusement business.  
 406 ~~(10)~~(11) Public service buildings.  
 407 ~~(11)~~(12) Wildlife sanctuaries.

**Comment [c5]:** This is a small policy shift. It coincides with the change on line 412. Accessory or incidental buildings in the O-1 zone can be approved after site plan review and approval by staff rather than by the Planning Commission. Review the permitted and conditional uses listed in this zone to determine whether this shift is acceptable.

408 **Sec. 104-26-3. - Conditional uses.**

409 The following uses shall be permitted only when authorized by a conditional use permit as provided in title  
 410 108, chapter 4 of this Land Use Code:

- 411 (1) Golf driving range in conjunction with a golf course.  
 412 ~~(2) Main and accessory buildings and uses customarily incidental to any permitted~~  
 413 ~~use.~~  
 414 ~~(3)~~(2) Public utility substations.

415 ...

416 **CHAPTER 29. OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

417 ...

418 **Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
<i>Residential Uses</i>	
Single-family dwelling	P

419

...

Water pumping plants and reservoirs	C
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P

420

**EXHIBIT C: CODE CHANGE – REGULATIONS AND PERMISSIONS OF MAIN BUILDINGS AND ACCESSORY BUILDINGS, AND MAIN USES AND ACCESSORY USES [CLEAN].**

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1 **PART II LAND USE CODE**

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2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS**

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13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory  
21 language.

22 Sec. 101-1-9. Supplementation of Code.

23 Sec. 101-1-10. Catchlines of sections.

24 Sec. 101-1-11. Altering Code.  
25 Sec. 101-1-12. Severability of parts of Code.  
26 Sec. 101-1-13. General penalty; continuing violations.  
27 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

28 ...

29 **Sec. 101-1-7. Definitions.**

30 ...

31 *Building, accessory.* The term "building, accessory" means a detached subordinate  
32 building located on a lot or parcel with a main building the use of which is incidental to the use of  
33 the main building.

34 ...

35 *Building, main.* The term "main building" means the principal building or one of the  
36 principal buildings located on a lot or parcel designed or used to accommodate the primary use to  
37 which the premises are devoted. Where a permissible use involves more than one structure  
38 designed or used for the primary purpose, as in the case of apartment groups, each such  
39 permitted building on one lot as defined by this Title shall be deemed a main building.

40 ...

41 *Use, accessory.* The term "accessory use" means a use of land or structure, or portion  
42 thereof, customarily incidental and subordinate to the main use of the land or structure and  
43 located on the same lot or parcel with the principal use.

44 ...

45 ...

46 *Use, main.* The term "main use" means the principal purpose for which a lot, parcel or  
47 structure is designed, arranged or intended, or for which it is occupied or maintained as allowed  
48 by the provisions of this Land Use Code. Dwellings on parcels meeting the definition of an  
49 "agricultural parcel" shall be the main use.

50 ...

51 **Title 104 ZONES**

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52 CHAPTER 1. - IN GENERAL

53 CHAPTER 2. - (RESERVED)

54 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

- 55 CHAPTER 4. - GRAVEL ZONE G
- 56 CHAPTER 5. - AGRICULTURAL ZONE A-1
- 57 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE
- 58 CHAPTER 7. - AGRICULTURAL A-2 ZONE
- 59 CHAPTER 8. - AGRICULTURAL ZONE A-3
- 60 CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40
- 61 CHAPTER 10. - SHORELINE ZONE S-1
- 62 CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1
- 63 CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10
- 64 CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1
- 65 CHAPTER 14. - FOREST VALLEY ZONE FV-3
- 66 CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2
- 67 CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3
- 68 CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3
- 69 CHAPTER 18. - RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP
- 70 CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6
- 71 CHAPTER 20. - COMMERCIAL ZONES C-1, C-2, C-3
- 72 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2
- 73 CHAPTER 22. - MANUFACTURING ZONE M-1
- 74 CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1
- 75 CHAPTER 24. - MANUFACTURING ZONE M-2
- 76 CHAPTER 25. - MANUFACTURING ZONE M-3
- 77 CHAPTER 26. - OPEN SPACE ZONE O-1
- 78 CHAPTER 27. - NATURAL HAZARDS OVERLAY DISTRICTS
- 79 CHAPTER 28. - OGDEN VALLEY SENSITIVE LANDS OVERLAY DISTRICTS
- 80 CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

81 ...

82 **CHAPTER 3. RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

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83 ...

84 **Sec. 104-3-2. - Permitted uses.**

85 The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

86 (1) Accessory building incidental to the use of a main building; main building  
87 designed or used to accommodate the main use to which the premises are  
88 devoted; and accessory uses customarily incidental to a main use;

89 (2) Agriculture and agricultural experiment station;

90 ...

91 **CHAPTER 4. GRAVEL ZONE G**

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92 **Sec. 104-4-1. - Permitted uses.**

93 In Gravel Zone G, no building, structure, or land shall be used, and no building or  
94 structure shall be erected which is arranged, intended or designed to be used for other than one  
95 or more of the following uses:

96 ...

97 (4) Accessory building incidental to the use of a main building; main building  
98 designed or used to accommodate the main use to which the premises are  
99 devoted; and accessory uses customarily incidental to a main use;

100 **CHAPTER 5. AGRICULTURAL ZONE A-1**

---

101 ...

102 **Sec. 104-5-3. Permitted uses.**

103 The following uses are permitted in Agriculture Zone A-1:

104 (1) Accessory building incidental to the use of a main building; main building  
105 designed or used to accommodate the main use to which the premises are  
106 devoted; and accessory uses customarily incidental to a main use;

107 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.  
108 ...

109 **CHAPTER 6. AGRICULTURAL VALLEY AV-3 ZONE**

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110 ...

111 **Sec. 104-6-3. - Permitted uses.**

112 The following uses are permitted in the Agricultural Valley, AV-3 Zone:

113 (1) Accessory building incidental to the use of a main building; main building  
114 designed or used to accommodate the main use to which the premises are  
115 devoted; and accessory uses customarily incidental to a main use;

116 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.

117 ...

118 **CHAPTER 7. AGRICULTURAL A-2 ZONE**

---

119 ...

120 **Sec. 104-7-3. - Permitted uses.**

121 The following uses are permitted in the Agriculture Zone A-2:

122  
123 (1) Accessory building incidental to the use of a main building; main building  
124 designed or used to accommodate the main use to which the premises are  
125 devoted; and accessory uses customarily incidental to a main use;

126 (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.

127 ...

128 **CHAPTER 8. AGRICULTURAL ZONE A-3**

---

129 ...

130 **Sec. 104-8-3. - Permitted uses.**

131 The following uses are permitted in the Agriculture Zone A-3:



- 132 (1) Accessory building incidental to the use of a main building; main building  
133 designed or used to accommodate the main use to which the premises are  
134 devoted; and accessory uses customarily incidental to a main use;  
135 (2) Agriculture, agricultural experiment station, apiary; aviary.  
136 ...

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

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138 ...

139 **Sec. 104-9-2. - Permitted uses.**

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

- 141 (1) Agriculture.  
142 ...  
143 (7) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within  
144 the Ogden Valley area.  
145 (8) Accessory building incidental to the use of a main building; main building  
146 designed or used to accommodate the main use to which the premises are  
147 devoted; and accessory uses customarily incidental to a main use;  
148 (9) Single-family residences.  
149 ...

150 **CHAPTER 10. SHORELINE ZONE S-1**

---

151 ...

152 **Sec. 104-10-2. - Permitted uses.**

153 The following uses are permitted in the

- 154 (1) Accessory building incidental to the use of a main building; main building  
155 designed or used to accommodate the main use to which the premises are  
156 devoted; and accessory uses customarily incidental to a main use;  
157 (2) Agriculture, grazing and pasturing of animals.  
158 (3) Boating.  
159 ...

160 **CHAPTER 11. COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

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161 ...

162 **Sec. 104-11-4. - Conditional uses.**

163 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as  
164 provided in [title 108](#), chapter 4 of this Land Use Code.

165 (1) Beer parlor, sale of draft beer.

166 (2) Bed and breakfast inn.

167 ...

168 (34) Restaurants, including those with drive-up windows.

169 (35) Accessory building incidental to the use of a main building; main building  
170 designed or used to accommodate the main use to which the premises are  
171 devoted; and accessory uses customarily incidental to a main use;

172 ...

173 **CHAPTER 12. SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

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174 ...

175 **Sec. 104-12-2. - Permitted uses.**

176 The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

177 (1) Accessory building incidental to the use of a main building; main building  
178 designed or used to accommodate the main use to which the premises are  
179 devoted; and accessory uses customarily incidental to a main use;

180 (2) Agriculture.

181 (3) Church, synagogue or similar building used for regular religious worship.

182 ...

183 **CHAPTER 13. FOREST RESIDENTIAL ZONE FR-1**

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184 ...

185 **Sec. 104-13-2. - Permitted uses.**

186 The following uses are permitted in the Forest Residential Zone FR-1:

187 (1) Accessory building incidental to the use of a main building; main building  
188 designed or used to accommodate the main use to which the premises are  
189 devoted; and accessory uses customarily incidental to a main use;

190 (2) Agriculture.

- 191 (3) Animals and fowl kept for family food production.  
192 ...

193 **CHAPTER 14. FOREST VALLEY ZONE FV-3**

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194 ...

195 **Sec. 104-14-2. - Permitted uses.**

196 The following uses are permitted in the Forest Valley Zone FV-3:

- 197 (1) Accessory building incidental to the use of a main building; main building  
198 designed or used to accommodate the main use to which the premises are  
199 devoted; and accessory uses customarily incidental to a main use;  
200 (2) Agriculture.  
201 (3) Animals and fowl kept for family food production.  
202 ...

203 **CHAPTER 15. TWO-FAMILY RESIDENTIAL ZONE R-2**

---

204 ...

205 **Sec. 104-15-2. - Permitted uses.**

206 The following uses are permitted in the Two-Family Residential Zone R-2:

- 207 (1) Accessory building incidental to the use of a main building; main building  
208 designed or used to accommodate the main use to which the premises are  
209 devoted; and accessory uses customarily incidental to a main use;  
210 (2) Agriculture.  
211 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.  
212 ...

213 **CHAPTER 16. MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

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214 ...

215 **Sec. 104-16-2. - Permitted uses.**

216 The following uses are permitted in the Multiple-Family Residential Zone R-3:

- 217 (1) Accessory building incidental to the use of a main building; main building  
218 designed or used to accommodate the main use to which the premises are  
219 devoted; and accessory uses customarily incidental to a main use;  
220 (2) Agriculture.  
221 (3) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.  
222 ...

223 **CHAPTER 17. FOREST RESIDENTIAL ZONE FR-3**

---

224 ...

225 **Sec. 104-17-2. - Permitted uses.**

226 The following uses are permitted in the Forest Residential Zone FR-3:

- 227 (1) Accessory building incidental to the use of a main building; main building  
228 designed or used to accommodate the main use to which the premises are  
229 devoted; and accessory uses customarily incidental to a main use.  
230 (2) Cluster subdivision in accordance with title 108, chapter 3.  
231 ...

232 **CHAPTER 18. RESIDENTIAL MOBILE/MANUFACTURED HOME PARK ZONE RMHP**

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233 ...

234 **Sec. 104-18-2. - Permitted uses.**

235 The following uses are permitted in the RMHP Zone:

- 236 (1) Accessory building incidental to the use of a main building; main building  
237 designed or used to accommodate the main use to which the premises are  
238 devoted; and accessory uses customarily incidental to a main use.  
239 (2) Mobile/manufactured home park, trailer court, overnight recreational vehicle park,  
240 provided such park, or court meet the requirements and standards prescribed in  
241 the county mobile home park ordinance.  
242 ...

243 **CHAPTER 19. RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

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244 ...

245 **Sec. 104-19-2. - Permitted uses.**

246 The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

- 247 (1) Accessory building incidental to the use of a main building; main building
- 248 designed or used to accommodate the main use to which the premises are
- 249 devoted; and accessory uses customarily incidental to a main use.
- 250 (2) Manufactured home (double wide or wider) in an approved manufactured home
- 251 subdivision or manufactured home PRUD. (Single wides with or without room
- 252 expansions or extensions are prohibited.)
- 253 ...

254 **CHAPTER 20. COMMERCIAL ZONES C-1, C-2, C-3**

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255 ...

256 **Sec. 104-20-5. - Uses.**

257 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses  
 258 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided  
 259 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

	C-1	C-2	C-3
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P	P	P
Air conditioning, sales and service	N	N	P

260 ...

261 **CHAPTER 21. COMMERCIAL VALLEY ZONES CV-1 and CV-2**

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262 ...

263 **Sec. 104-21-5. - Uses.**

264 In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses  
 265 designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided  
 266 in [title 108](#), chapter 4 of this Land Use Code. Uses designated "N" shall not be allowed in that zone.

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P	P
Animal hospital	N	C

267 ...

268 **CHAPTER 22. MANUFACTURING ZONE M-1**

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269 ...

270 **Sec. 104-22-2. - Permitted uses.**

271 The following uses are permitted in the Manufacturing Zone M-1:

- 272 (1) Accessory building incidental to the use of a main building; main building
- 273 designed or used to accommodate the main use to which the premises are
- 274 devoted; and accessory uses customarily incidental to a main use;
- 275 (2) Any permitted use in a C-3 Zone except dwelling units.
- 276 (3) Agriculture.
- 277 ...

278 **CHAPTER 23. OGDEN VALLEY MANUFACTURING ZONE MV-1**

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279 ...

280 **Sec. 104-23-2. - Permitted uses.**

281 The following uses are permitted in the MV-1, Ogden Valley Light Manufacturing Zone:

- 282 (1) Accessory building incidental to the use of a main building; main building
- 283 designed or used to accommodate the main use to which the premises are
- 284 devoted; and accessory uses customarily incidental to a main use.
- 285 (2) Agricultural implement repair.

286 ...

287 **CHAPTER 24. MANUFACTURING ZONE M-2**

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288 ...

289 **Sec. 104-24-2. - Permitted uses.**

290 The following uses are permitted in the M-2 Zone:

- 291 (1) Any permitted use in an M-1 Zone.
- 292 (2) Building material sale yard, blacksmith shop.
- 293 (3) Contractors equipment storage yard.
- 294 ...

295 **CHAPTER 25. MANUFACTURING ZONE M-3**

---

296 ...

297 **Sec. 104-25-2. - Permitted uses.**

298 The following uses are permitted in the M-3 Zone:

- 299 (1) Any permitted use in an M-2 Zone except dwelling units.
- 300 (2) Laboratories.
- 301 (3) Machine shop.
- 302 (4) Office, business, professional and governmental.
- 303 (5) Public buildings and utilities.
- 304 (6) Warehouse.
- 305 (7) Welding shop.
- 306 ...

307 **Sec. 104-25-3. - Conditional uses.**

308 The following uses shall be permitted only when authorized by a conditional use permit as provided in title  
309 108, chapter 4 of this Land Use Code:

- 310 (1) Any conditional use in an M-2 Zone.
- 311 (2) Aircraft engine testing, including jet, missile and chemical engines.
- 312 (3) Blast furnace.
- 313 (4) Feed, cereal or flour mill.
- 314 (5) Forage plant or foundry.

- 315 (6) Manufacture, processing, refining, treatment, distillation, storage or compounding  
316 of the following: Acid, ammonia, bleaching powder and chlorine; fireworks or  
317 explosives, asphalt, chemicals of an objectionable or dangerous nature,  
318 creosote, disinfectants or insecticides; bones, coal or wood, fertilizer, gas, glue,  
319 size or gelatin, ore, potash, proxylin, rubber of guttapercha, plastic, tallow, grease  
320 or lard, tar, roofing or waterproofing materials, furs, wool, hides.
- 321 (7) Ore beneficiation, smelting, or refining of materials, steel or iron mills, mines,  
322 quarries; gravel pits.
- 323 (8) Petroleum refining.
- 324 (9) Manufacturing, fabrication, assembly, canning, processing, treatment, or storage  
325 of the following:
- 326 a. Acetylene gas, aircraft, airplanes and parts, automobiles and parts; alcohol.  
327 b. Brick, brass.  
328 c. Candles, cans, celluloid, cement, copper.  
329 d. Dyestuff.  
330 e. Emery cloth, excelsior.  
331 f. Feathers, felt, fiber, fish, film.  
332 g. Glass, glucose, gypsum.  
333 h. Hair, hardware.  
334 i. Ink, iron.  
335 j. Lamp black, linoleum, line.  
336 k. Meats, machinery, mail, matches.  
337 l. Oil, oilcloth, oiled rubber goods, oxygen.  
338 m. Paper, paint, pulp, pickles, pottery, plaster of Paris.  
339 n. Shoe polish, stove polish, shoddy, soap and detergents, soda, starch,  
340 sauerkraut, salt, steel, shellac.  
341 o. Turpentine, tile, terra cotta.  
342 p. Vinegar, varnish.  
343 q. Yeast.
- 344 (10) Metals and metal products extraction, treatment and processing including the  
345 extraction, processing and manufacturing of magnesium chloride, magnesium,  
346 potassium, sodium, lithium, boron, bromine and their salts or chemical  
347 derivatives.
- 348 (11) Missiles and missile parts.
- 349 (12) Large scale photovoltaic solar energy systems designed to produce energy for  
350 wholesale purposes.
- 351 (13) Public utility substations.
- 352 (14) Private recreation areas.
- 353 (15) Railroad yards, shop or roundhouse; rock crusher.
- 354 (16) Site leveling and preparation for future development.
- 355 (17) Space craft and space craft parts.
- 356 (18) Storage of petroleum.

357 **CHAPTER 26. OPEN SPACE ZONE O-1**

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358 ...

359 **Sec. 104-26-2. - Permitted uses.**

360 The following uses are permitted in the Open Space Zone O-1.

- 361 (1) Accessory building incidental to the use of a main building; main building
- 362 designed or used to accommodate the main use to which the premises are
- 363 devoted; and accessory uses customarily incidental to a main use;
- 364 (2) Agriculture.
- 365 (3) Botanical or zoological garden.
- 366 (4) Cemetery.
- 367 (5) Conservation areas: botanical or zoological.
- 368 (6) Fishing ponds; private or public.
- 369 (7) Golf course, except miniature golf courses.
- 370 (8) Horse raising, provided conducted in a pasture of at least five acre size and with
- 371 a maximum density of two horses per acre.
- 372 (9) Private park, playground or recreation area.
- 373 (10) Public park, public recreation grounds and associate buildings, but not including
- 374 privately owned commercial amusement business.
- 375 (11) Public service buildings.
- 376 (12) Wildlife sanctuaries.

377 **Sec. 104-26-3. - Conditional uses.**

378 The following uses shall be permitted only when authorized by a conditional use permit as provided in title  
379 108, chapter 4 of this Land Use Code:

- 380 (1) Golf driving range in conjunction with a golf course.
- 381 (2) Public utility substations.

382 ...

383 **CHAPTER 29. OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

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384 ...

385 **Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
<i>Residential Uses</i>	

Single-family dwelling	P
------------------------	---

386

...	
Water pumping plants and reservoirs	C
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;	P

387

# Exhibit D: Land Use Code Revision Process Flowchart

## Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

The proposed edits fall here

