

## OGDEN VALLEY PLANNING COMMISSION

### MEETING AGENDA

**August 22, 2023**

**Pre-meeting 4:30/Regular Meeting 5:00**

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

**1 Minutes:** 6-27-2023

#### **Petitions, Applications, and Public Hearings:**

##### **2. Legislative Items:**

**2.1 ZTA2023-03.1** A request for reconsideration of an amendment to the Form-Based zone to insert additional architectural styles, and enable various combinations of architectural styles within village areas. **Planner: Charlie Ewert**

##### **3. Public Comment for Items not on the Agenda:**

##### **5. Remarks from Planning Commissioners:**

##### **5. Planning Director Report:**

##### **6. Remarks from Legal Counsel**

#### **Adjourn to Work Session**

#### **Work Session**

**WS1:** A work session to discuss ZMA2023-12, an applicant-requested zoning map amendment to change the zoning for a property in the Ogden Valley located at 2690 N 5600 E from Agricultural (AV-3) to Form-Based Code (FB). **Planner: Bill Cobabe**

**WS2:** A work session to continue the Planning Commission's review of proposed changes to the Agritourism ordinance, and the proposal to add agritourism as a conditional use in the S (shoreline) and F (Forest) zones. **Planner: Charlie Ewert**

#### **Adjourn**

***The regular meeting will be held in person at the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.***

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/81117637141> Meeting ID: 811 1763 7141

**A Pre-Meeting will be held at 4:30 p.m.** The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open public meeting.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761***

## Meeting Procedures

### Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

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

### Speak to the Point:

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

### Handouts:

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

### Remember Your Objective:

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

Minutes of the Work Session of the Ogden Valley Planning Commission for June 27, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/83808621750>, the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** Trevor Shuman, Chair, Jeff Barber, Jeff Burton, Jared Montgomery, and Janet Wampler.

**Absent/Excused:** Justin Torman and Dayson Johnson.

**Staff Present:** Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Shuman conducted roll call and indicated all Commissioners were in attendance.

#### 1. **Minutes: April 25 and May 2, 2023.**

Chair Shuman asked if there are any corrections to be made to the minutes as presented. No corrections were made and Chair Shuman declared the minutes approved as presented.

#### **Adjourn to Work Session.**

**WS1: ZTA 2023-04, Water wise landscaping ordinance amendments to implement Flip Your Strip program in unincorporated Weber County. Planner: Steve Burton.**

Planner Burton explained Weber Basin Water Conservancy District has informed Weber County that they will allow residents of the unincorporated area to participate in the “Flip your Strip” program as long as the county has the following minimum standards in place:

1. No more than 35 % of the front and side yard landscaped area in new residential development be lawn; and
2. Restricting the placement of lawn in parking strips and in areas with widths of less than eight feet.

According to Weber Basin, the “Flip your Strip program” is “intended to remove turf from park strips and create attractive, low-water alternatives. Weber Basin will rebate \$1.25 per square foot to homeowners that convert the lawn landscaping in their park strip to a more water efficient area.” The district plans to administer the program as funds are available until April of 2024. He reviewed proposed ordinance language that is intended to implement the requirements of Weber Basin, so that unincorporated residents can participate in the rebate program. The draft language is also intended to require that all residential, commercial, and manufacturing buildings/projects implement water-wise landscaping to help in the greater water conservation effort. He noted if the Planning Commission is comfortable with the language, staff will schedule a public hearing for a meeting in July to provide for public input and for the Planning Commission to forward a recommendation to the County Commission.

Discussion among the Planning Commission and staff centered on whether it is appropriate to adjust other zoning ordinances to suggest that grass not be planted in park strips in new developments; whether there has been any consideration about the heat generated by rock or other xeriscaping elements placed in areas that were formerly occupied by turf; concerns regarding mandates from a taxing entity and the impact this type of action could have on water rights held by residents; and the authority of the Planning Commission to recommend denial of the ordinance amendments. The Commission reached a consensus that residents should be allowed to do what they want to do with their landscaping, and they do not want to recommend approval of an ordinance that would allow another entity to place restrictions on them.

There was a brief off-topic discussion regarding properties that are developed, but the homeowner never improves the property, and the land is not beautified and is consumed by weeds. Planner Ewert stated that for a home located in an homeowner’s association (HOA) development, the HOA would have its own policies and enforce rules regarding landscaping. But, for homes not in an HOA, the County does not have an ordinance requiring landscaping or beautification and there is no enforcement action for the County to take.

**WS2: Discussion regarding a county-initiated proposal to create a conservation subdivision that will help landowners create conservation-easements on open space in exchange for one-acre lots. Planner: Charlie Ewert**

Planner Ewert explained this matter was initiated by the County Commission after hearing from a resident whose mother, a landowner in the Valley, recently passed and her dying wish was for her property to be placed in a conservation easement. In order to accomplish that wish, the children would be required to subdivide the property and separate the land from the single-family home in order to pursue conservation. He noted that in light of the many discussions recently about preservation of open/green space, he wanted to look for opportunities to pursue conservation of these types of properties. He presented a draft ordinance that would create a conservation subdivision; the ordinance would address minimum lot sizes, clustering, and architectural standards.

The Planning Commission wished to discuss the property that initiated this discussion, with Mr. Ewert noting that if an ordinance is adopted, it would apply to any applicable property in the Valley rather than a single property. Chair Shuman asked why time was spent on this issue when it is something can already be accomplished under current zoning ordinances, such as the cluster ordinance. Other Planning Commissioners questioned whether the motive behind this proposed ordinance would be to provide increased development opportunities in the Valley, under the guise of preserving open space. This led to high-level discussion and debate among the Commission regarding whether to undertake the writing of such an ordinance suggested by Mr. Ewert; the Planning Commission concluded they do not think an ordinance is necessary in order to provide the specific property owner choices in dealing with the disposition or preservation of their property.

**WS3: Discussion regarding proposed revisions to the Agritourism ordinance, and possibly expanding it into the S-1 zone. Planner: Charlie Ewert**

Planner Ewert summarized past discussions regarding this issue and facilitated a review of the changes that have been made to the Agritourism ordinance responsive to the feedback received from the Planning Commission and the public. There was a focus on intended and unintended consequences of the ordinance revisions; differentiation between large and small agritourism uses; allowed uses that may not be directly related to the production of agriculture; appropriate licensing terms for agritourism uses; and the definitions of various terms used in the ordinance. Mr. Ewert asked the Commission to provide any additional feedback to him via email; he stated he will use the feedback provided tonight and via email to further adjust the proposed ordinance before bringing it back to the group for continued discussion in a future meeting.

**Meeting Adjourned: The meeting adjourned at 7:44 p.m.  
Respectfully Submitted,**

\_\_\_\_\_  
**Weber County Planning Commission**



# MEMO

To: County Commission and Ogden Valley Planning Commission  
From: Charles Ewert  
Date: August 15, 2023  
RE: August 22, 2023 Meeting Agenda Item: Proposed amendments to the architectural theme requirements of the Form-Based Zone to allow a wider range of style options

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On May 23, 2023, the planning commission forwarded a negative recommendation to the county commission for a proposed text amendment to the Form Based Zone. The amendment proposal was twofold:

- Changing architectural standards and allowances within certain form-based village areas; and
- Changing the Eden area's street regulating plan.

The county commission considered the planning commission's negative recommendation on June 12, 2023. At this time the county commission requested that the two components of the proposal be divided into two separate items. The county commission then remanded the proposed architectural standards back to the planning commission to see if the planning commission would reconsider their recommendation specific to this item.

Attached you will find the proposed architectural standards as previously reviewed by the planning commission for your reconsideration in the August 22<sup>nd</sup> meeting. The public hearing for this item was already held on May 23<sup>rd</sup>. No additional hearing is required for the planning commission to forward a new recommendation to the county commission.



**WEBER COUNTY**  
**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**AN AMENDMENT TO THE FORM-BASED (FB) ZONE TO CREATE AN “EDEN CROSSING” STREET REGULATING PLAN MAP AND RELATED ARCHITECTURAL STANDARDS FOR THE OGDEN VALLEY PLANNING AREA.**

**WHEREAS**, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, on \_\_\_\_\_, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

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

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

**WHEREAS**, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development of neighborhoods and communities;

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

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

**Part II Land Use Code**

...

**TITLE 104 ZONES**

...

**Chapter 104-22 Form-Based Zone FB**

...

**Sec 104-22-6 Building Design Standards**

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- ~~Sec 104-22-6.010 Building Design Standards Per-By Street Type~~
- ~~Sec 104-22-6.020 Architecture Matrix Building Design Standards By Area~~
- ~~Sec 104-22-6.030 Old West Town Eden Area Building Design Standards~~
- ~~Sec 104-22-6.040 Agrarian New Town Eden Area Building Design Standards~~
- ~~Sec 104-22-6.050 Mountain Modern Nordic Valley Area Building Design Standards~~

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**Sec 104-22-6.020 Architecture Matrix Building Design Standards By Area**

- (a) Architectural compliance required. Each building, ~~E~~except for single-family and two-family dwellings, ~~three-family and four-family dwellings, the following regulations shall follow the architecture standards listed in this section. (Sections 104-22-6.3 through 104-22-6.5) are applicable to the architecture and design of buildings in each area.~~ Each area, as depicted in the applicable street regulating plan, has ~~a unique~~one or more unique architectural theme(s) allowed as provided ~~herein~~in the following table and in accordance with the following sections in this section.
- (b) Licensed architect required. Each building, except those aforementioned in Subsection (a) of this section, is required to be designed by a licensed architect. After receiving recommendation from a licensed architect, the ~~planning commission~~Land Use Authority may, but is not obligated to, allow minor modifications to the applicability of the standards in this section as long as it results in a design that better aligns with the intent of the design theme and blends well with the design features of adjacent buildings.
- (c) Allowed architecture. The follow table lists the type of architecture that is allowed within a specific village area. The letter "A" represents a style that is allowed in the respective area. A "N" represents a style that is not allowed in that area.

			Old West	Agrarian	Mountain Rustic	Mountain Modern	Modern Alpine
EDEN	OLD TOWN	5500 E and streets surrounding Old Town Eden Park.	A	N	N	N	N
		The rest of Old Town.	A	A	A	N	N
	NEW TOWN	Within 20 feet of public street <sup>1</sup>	A	N	A	A	N
		The rest of New Town.	A	A	A	A	N
NORDIC VALLEY			N	N	N	N	A
WEST WEBER VILLAGE			N	A	N	N	N

<sup>1</sup> A public street in this case means any public street right-of-way, existing and planned.

...

**Sec 104-22-6.030 Old West Town Eden Area Building Design Standards**

~~In addition to applicable standards in this chapter, the following standards apply to all buildings in the Old Town Eden Area:~~

- (a) Design theme. ~~All b~~Buildings shall have architectural styling and materials that resemble historic commercial main-street buildings in the Western United States that were in existence between 1880 and 1910. Each new building shall provide diversity and variety in building design, architectural features, and building material that set each building apart from adjacent buildings.
- (b) Building form. A building's street-facing façade shall be designed to have a base, body, and cap, each of varying design features and building material. The base of the building shall be no less than one-sixth and no greater than one-third the height of the building. The cap shall be no less than one-twentieth the height of the building.
- (c) Rooflines. Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide

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the roof slope.

- (d) **Building massing.** The horizontal wall massing of building facades shall be broken at least every 20 feet with no less than a six-inch shift in the plain of adjacent walls. The building shall appear to be post and beam construction, with vertical columns rising from the base to the cap of the building, and with windows or other openings located to not interrupt the vertical rise of the columns. ~~Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.~~
- (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
- (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed. Other muted earth-tone ~~paints~~ colors generally visible from the site may be used as long as they complement the age period. No more than 70 percent of a building's facade shall be white.
- (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

...

**Sec 104-22-6.040 Agrarian New Town Eden Area Building Design Standards**

~~In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Area:~~

- (a) **Design theme.** ~~All b~~Buildings shall have architectural styling and materials that implement agrarian-style architecture. ~~Agrarian-style architecture~~ Each building shall incorporate at least two of the following four options:
  - (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
  - (2) ~~An attached shed roof at a 4/12 or greater slope that is not attached to the main roof structure.~~ A shed roof at a 4/12 or greater slope that is attached to the side of the building but not attached to the main roof structure.
  - (3) A clerestory or cupola.
  - (4) Gable-style dormer windows.
- (b) **Building form.** ~~A building's~~ Each street-facing building façade shall be designed and constructed to have a building base, building body, and varying building roofline, each ~~of having varying building materials or design techniques~~ design features and building material. The base of the building shall be no less than one-tenth and no greater than one-third the height of the building.
- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.
- (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls. ~~Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.~~
- (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
  - (1) Brick or stone may be used in place of wood if approved by the Land Use Authority.
  - (2) Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.
- (f) **Colors.** Muted earth-tone colors generally visible from the site are required. No more than 70 percent

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of a building's facade shall be white.

- (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

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**Sec 104-22-6.050 ~~Modern Alpine~~ ~~Nordic Valley Area~~ Building Design Standards**

~~In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Valley Area:~~

- (a) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of European alpine design. A modern interpretation of European alpine design includes a balance between modern alpine and classical European alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.

...

- (b) **Colors.** Muted earth-tone colors generally visible from the site are required. No more than 30 percent of a building's facade shall be white.

...

**Sec 104-22-6.060 Mountain Modern Architecture**

- (a) **Design theme.** All buildings shall have architectural styling and materials that implement mountain modern-style architecture. Mountain modern-style architecture shall incorporate at least three of the following five options:

- (1) Either a gable roof at a 6/12 or greater slope, a flat roof, a shed roof, or a combination of the roof types.
- (2) A shed-roof at a 2/12 or greater slope that is attached to the side of the building but not attached to the main roof structure.
- (3) A prominent covered porch, deck element, chimney, or other unique architectural feature or features approved by the Land Use Authority.
- (4) Vertical rectangular windows, single, paired, or in triples. Paired and tripled windows shall all be the same dimensions. The composition of all windows on a building's facade shall be balanced.
- (5) Appurtenances such as exposed roof rafter tails, decorative kickers, and exposed beams or column detailing.

- (b) **Building form.** Each street-facing facade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.

- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.

- (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls. Each street-facing facade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.

- (e) **Building material.** Building facade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building facade shall also be used on all other sides of the building.

- (1) Brick or stone may be used in place of wood if approved by the Land Use Authority.
- (2) Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.
- (3) Stucco may be used as an accent material, but may not comprise more than 30% of a building's facade

- (f) **Colors.** Warm muted earth-tone colors generally visible from the site are required. No more than 70 percent of a building's facade shall be white.

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- (g) Examples. Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.





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**Sec 104-22-6.060 Mountain Rustic Architecture**

- (a) **Design theme.** All buildings shall have architectural styling and materials that implement mountain rustic architecture. Mountain rustic architecture shall incorporate the following
  - (1) A gabled roof at a 6/12 or greater slope. An attached shed roof is permissible at a lower slope if it covers a porch, patio, window pop-out, or similar.
  - (2) Exposed beams and columns made of large rough-cut timbers; the columns having a stone base.
  - (3) A prominent covered porch, deck, or balcony, or a large prominent stone chimney.
- (b) **Building form.** Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.
- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.
- (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls.
- (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. Building material shall appear distressed. The primary building material shall be either wood, log, or similar appearing siding, or natural stone. At least one of the building materials used on the building façade shall also be used on all other sides of the building.



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(1) The building's base shall be natural stone

(2) Metal accents or trim may be used if it has been aged to have a patina.

(f) Colors. Muted earth-tone colors generally visible from the site are required.

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**PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS  
\_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2023.**

**AYE                      NAY                      ABSENT                      ABSTAIN**

Gage Froerer  
Jim "H" Harvery  
Sharon Arrington Bolos

Presiding Officer

Attest

\_\_\_\_\_  
Gage Froerer, Chair

\_\_\_\_\_  
Ricky D. Hatch, CPA, Clerk/Auditor



## Weber County Planning Division

### MEMORANDUM

To: Ogden Valley Planning Commission  
From: William Cobabe, Planning  
Date: August 22, 2023  
Subject: Proposed Zoning Map Amendment – Seth Herway

Planning Commissioners,

Attached to this memo is a map showing the location and current zoning of a proposed zoning map amendment. The proposed zone change would be from the current zone Agricultural (AV-3) to the Form Based Code (FB). The applicant has noted:

*We propose to rezone the property located at 2690 N 5600 E in Eden Utah, comprised of parcels 22-050-0025 and 22-050-0012, to form based zoning. This rezoning would allow a development right located in a open, natural, and scenic area of the Ogden Valley to be reallocated to a village area where the property exists. The referenced property is immediately next to a housing subdivision (Eden Acres) that consists of dozens of parcels of 1 acre lots and a parcel that was recently rezoned (April 2023 to transfer development from Sunnyfield Farms area to the subdivision/village area of the property in question) from AV3 to form based zoning. Rezoning the lot in question would be consistent with the recent rezoning of the parcel across the street from the 2690 N 5600 E and consistent with the Ogden Valley General Plan by maintaining the village nature of the housing in the immediate vicinity while eliminating development in more natural and scenic areas.*

The property to the west was recently rezoned from AV-3 to FB, and the Code does call for this area to be a part of the Form Based Code according to the street regulating plan (see below). The street type calls for this area to be developed as a “Rural Residential” area, allowing for 40,000 square foot lots. Because the property in question is about 2.5 acres, this would allow for one additional dwelling unit to be permitted on the property if the land were to be subdivided, as well as the remaining anticipated uses allowed in the FB zone - Rural Residential areas.

Please feel free to contact me with any questions.

Best,

William Cobabe  
Planner III  
801-399-8772



# Weber County Planning Division

## Current Zoning

Webster County Geo-Gizmo Recorder Surveyor Elections Planning Mapping Create Mailer Help

Find address or place

Parcel: 220500012

Owner: HERWAY, SETH  
Mailing Address: 2690 N 5600 E, EDEN UT 843109790  
Property Address: 2690 N 5600 E, EDEN  
Tax Unit: 28  
Acreage: 2.26  
[More Parcel Info...](#)

[Zoom to](#) ...

Layer List

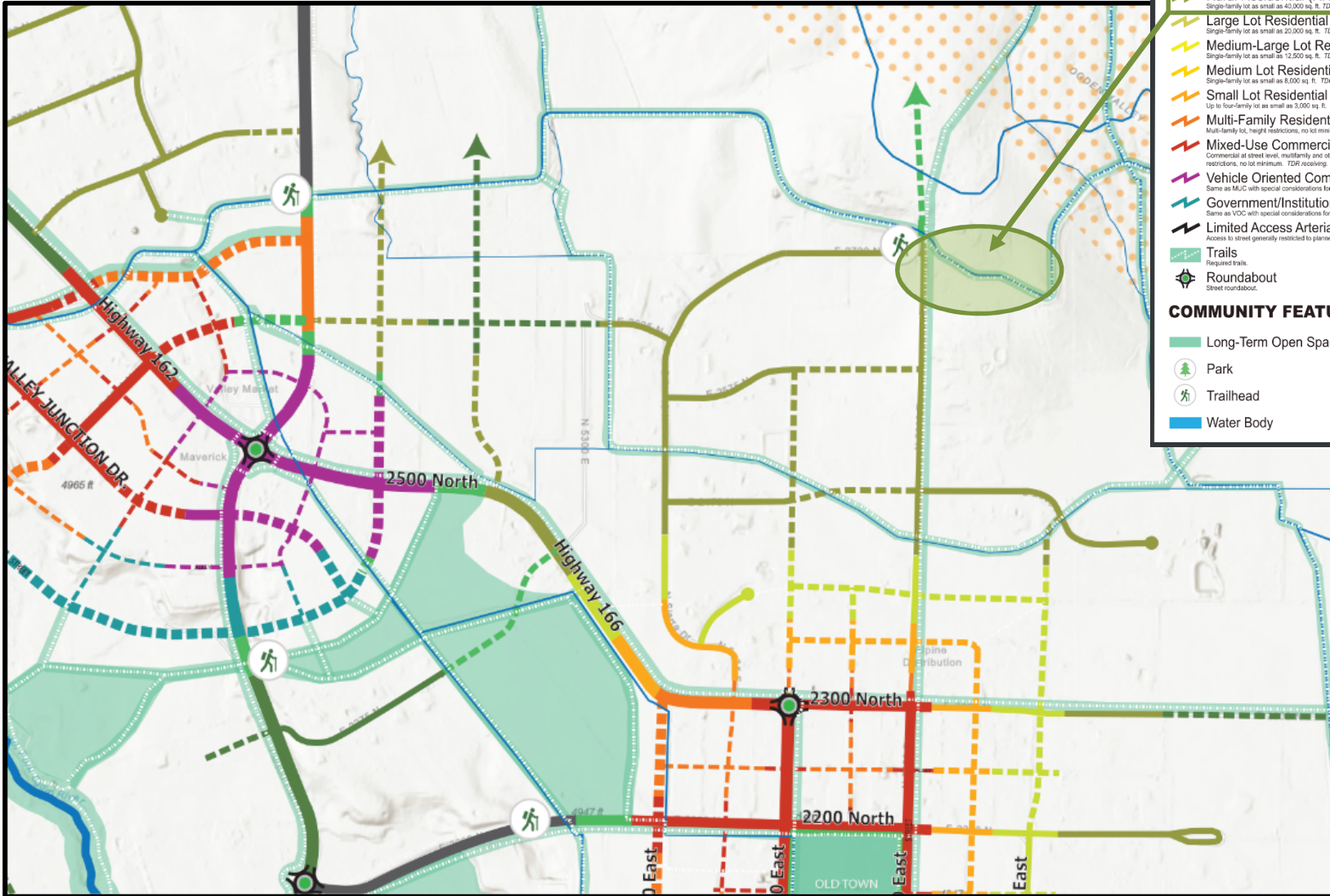
Powered by esri





# Weber County Planning Division

## Street Regulating Plan



**STREET TYPES AND AMENITIES**

- General Open Space  
TDR zoning
- Estate Lot Residential (ELR)  
Single-family lot as small as 20,000 sq. ft. TDR zoning
- Rural Residential (RR)  
Single-family lot as small as 40,000 sq. ft. TDR zoning in WWP1 and receiving in OVP1
- Large Lot Residential (LLR)  
Single-family lot as small as 12,500 sq. ft. TDR zoning
- Medium-Large Lot Residential (MLLR)  
Single-family lot as small as 6,000 sq. ft. TDR zoning
- Medium Lot Residential (MLR)  
Single-family lot as small as 4,000 sq. ft. TDR zoning
- Small Lot Residential (SLR)  
Up to four-family lot as small as 3,000 sq. ft. TDR zoning
- Multi-Family Residential (MFR)  
Multi-family lot, height restrictions, no lot minimum. TDR zoning
- Mixed-Use Commercial (MUC)  
Commercial at street level, multifamily and other uses above and behind, height restrictions, no lot minimum. TDR zoning
- Vehicle Oriented Commercial (VOC)  
Same as MUC with special considerations for vehicle-oriented uses. TDR zoning
- Government/Institutional (G/I)  
Same as VOC with special considerations for government and institutional uses. TDR zoning
- Limited Access Arterial or Collector Street  
Access to street generally restricted to planned intersections
- Trails  
Required trails
- Roundabout  
Street roundabout

**COMMUNITY FEATURES**

- Long-Term Open Space
- Park
- Trailhead
- Water Body

# MEMO

To: Ogden Valley Planning Commission  
From: Charles Ewert  
Date: August 15, 2023  
RE: August 22, 2023 Work Session Item: Agritourism Ordinance Amendments

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In the planning commission's last work session we reviewed the proposed amendments to the Agritourism chapter of the land use code. We also reviewed the Shoreline and Forest zones to determine whether agritourism should be allowed there. In that meeting the planning commission gave staff direction to make the following additional changes:

- Allow small uses such as educational classes on agritourism operations as small as three acres, but eliminate the allowance of more intense uses. These operations will retain the "Garden" designation. The following are uses that the planning commission may find desirable for these smallest of operations:
  - Children's camp
  - Rental garden or rental row(s)
  - Educational classes
  - Farm tours
  - Fee fishing
- Change the acreage of "small" operations to no less than nine acres. Making this change also eliminates the intermediate designation of a "family operation."

In addition to the above changes requested by the planning commission, staff are also proposing a use table that is re-alphabetized to accommodate all of the previously discussed proposed changes. This involves deleting the old use table in favor of inserting a reorganized table.

Last, after a review of the Farmland Assessment Act, it appears one of the qualifiers of the current ordinance may be unnecessarily redundant. The Farmland Assessment Act is also attached.

These new proposed changes are highlighted in yellow to ease your review. All other changes previously proposed remain unchanged, and are no longer highlighted in this version. I look forward to meeting with you next week to complete this review.

**WEBER COUNTY**

**ORDINANCE NUMBER 2023-**

**AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO THE SHORELINE (S-1) ZONE TO ENABLE AGRITOURISM AS A CONDITIONAL USE.**

**WHEREAS**, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, on \_\_\_\_\_, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

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

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

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

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

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

1 **TITLE 101 GENERAL PROVISIONS**

2 ...

3 **CHAPTER 101-2 DEFINITIONS**

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

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

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

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

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

21 ...

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

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

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

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

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

**Commented [E1]:** Changing from "special occasion"

**Commented [E2]:** Search code for conflicts or redundancies

**Commented [E3]:** Moved from elsewhere to here

**Commented [E4]:** Moved from elsewhere to here

**Commented [E5]:** Moved from elsewhere to here

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

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

Commented [E6]: Moved from elsewhere to here

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

Commented [E7]: Moved from elsewhere to here

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

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

Commented [E8]: Moved from elsewhere to here

60 ...

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

68 ...

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

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74 ...

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

82 ...



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

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

Commented [E9]: Consolidated into "lodging house"

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

Commented [E10]: Consolidated into "lodging house"

91 ...

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

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

97 ...

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

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

Commented [E11]: Consolidated into "lodging house"

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

Commented [E12]: The proposed changes herein make this definition irrelevant.

Commented [E13]: This is a standard, not a definition

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

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

119 ...

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

121 ...

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

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

127 ...

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

129 ...

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

135 ...

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

143 ...

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

148 ...

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

150 ...

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

156 ...

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

158 ...

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

162 ...

**Commented [E14]:** Revising this definition using similar language found in hotel. A hotel is defined this same way except has 16+ rooms.

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

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

168 ...

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

170 ...

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

174 ...

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

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

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

194 ...

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

196 ...

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

202 ...

**Commented [E15]:** No longer needed. Revised code replaces this phrase with "market," which does not need a specialized definition outside of Merriam Webster.

**Commented [E16]:** The proposal steers away from this term, in favor of specifically stating that non-ag products can only be offered for sale if offered alongside product produced by the farm.

**Commented [E17]:** This proposed amendment eliminates the need for this definition.

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

204 ...

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

209 ...

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

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

214 ...

215

Commented [E18]: Replacing with "events facility"

216 **TITLE 104 ZONES**

217 ...

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

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

- 220 (a) The intent of the forest zones is to protect and preserve the natural environment of those areas of the  
221 county that are characterized by mountainous, forest or naturalistic land, and to permit development  
222 compatible to the preservation of these areas.
- 223 (b) The objectives in establishing the forest zones are:
- 224 (1) To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the  
225 natural resources, vegetation and attractions;
- 226 (2) To reduce the hazards of flood and fire;
- 227 (3) To prevent sanitation and pollution problems and protect the watershed;
- 228 (4) To provide areas for private and public recreation and recreation resorts; and
- 229 (5) To provide areas for homes, summer homes, and summer camp sites.

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

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

- 232 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~  
233 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~  
234 ~~incidental to a main use.~~
- 235 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 236 ~~(c) Agriculture.~~
- 237 ~~(d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.~~
- 238 ~~(e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to~~  
239 ~~the animal. The keeping of animals and fowl for family food production. Golf course, except miniature~~  
240 ~~golf courses.~~
- 241 ~~(f) Home occupations.~~
- 242 ~~(g) Household pets.~~
- 243 ~~(h) Private stables, not to exceed one horse per acre.~~
- 244 ~~(i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements~~  
245 ~~of the Forest Campground Ordinance of Weber County; public buildings.~~
- 246 ~~(j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less~~  
247 ~~than 180 days for recreational use only and not for longer term placement nor for full time living. The~~  
248 ~~following additional conditions shall apply:~~
- 249 ~~(1) The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-~~  
250 ~~40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster~~  
251 ~~subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this~~  
252 ~~chapter.~~
- 253 ~~(2) County environmental health department approval as to waste disposal by an approved septic tank~~  
254 ~~and drain field with approved connection to the R.V., and a land use permit from the county planning~~  
255 ~~commission for each unit, which shall expire after 180 days from date of issue, and including only~~  
256 ~~the following accessory uses: not more than one storage shed of not more than 200 square feet~~  
257 ~~per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck~~

**Commented [E19]:** This section reformats the F zones to follow the same conventions as other zone sections. No substantive changes are intended except to add agritourism as an allowed use in all forest zones.

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

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

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

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

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

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

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

268 e. ~~Recreation regulations.~~

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

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

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

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

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

**F-5 F-10 F-40 Special Regulations**

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

<b>Main building</b> , designed or used to accommodate the main use.	P	P	P	
--	---	---	---	--

279 (b) [Agricultural uses, non-animal.](#)

	F-5	F-10	F-40	<u><a href="#">Special Regulations</a></u>
<b>Agriculture.</b>	P	P	P	
<u><a href="#">Aquaculture.</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	<u><a href="#">P</a></u>	

**Commented [E20]:** Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

280 (c) [Animal-related noncommercial uses.](#) The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

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

**Commented [E21]:** Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

**Commented [E22]:** Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

**Commented [E23]:** Not specifically listed in the F zones, but presumed to be allowed under the “agriculture” use.

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

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

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

284 (e) [Institutional uses.](#)

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

<b>Cemetery.</b>	C	C	C	
<b>Church, synagogue or similar building used for regular religious worship.</b>	C	C	C	

285 (f) [Residential uses.](#)

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

<b>Recreation lodge</b>	C	C	C	
<b>Single-family dwelling.</b>	P	P	P	

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

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

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



Public or nonprofit skeet or trap shooting range	N	N	C	
--	---	---	---	--

288 (h) Utility uses.

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

Commented [E24]: Sign code already governs this

289 (i) Other uses.

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

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

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

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

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

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

- 329 (1) It may only be carried on during times that are reasonable and necessary due to lack of natural  
 330 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 331 (2) It shall not exceed a density of 40 head per acre of used land.
- 332 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining  
 333 parcel of land.

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

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

- 337 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,  
 338 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five  
 339 turkeys, five ducks, five geese, or five pigeons.
- 340 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than  
 341 40,000 square feet.

**Commented [E25]:** Pasting these regulations in from the corresponding section of the agricultural zones chapter. (For consistency)

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

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

Commented [E26]: This regulation already exists

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

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

Commented [E27]: This regulation already exists.

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

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

372 (a) **Lot area:**

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

373 (b) **Lot width:**

	F-5	F-10	F-40
Minimum for all uses:	300 feet <sup>1</sup>	400 feet <sup>1</sup>	660 feet <sup>1</sup>

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

377 (c) **Yard setback:**

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

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

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

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

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

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

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

	F-5	F-10	F-40
Minimum main building height:	1 story		
Maximum main building height:	35 feet		
Maximum accessory building height:	25 feet unless meeting requirements of <a href="#">Section 108-7-16</a> , Large accessory buildings		

382

383

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

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

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

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

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

384 ...

385

386 **TITLE 104 ZONES**

387 ...

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

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

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

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

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

- 407 ~~(a) Accessory building incidental to the use of a main building; main building designed or used to~~  
408 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~  
409 ~~incidental to a main use.~~
- 410 ~~(b) Accessory dwelling unit, in compliance with Chapter 108-19.~~
- 411 ~~(c) Agriculture, grazing and pasturing of animals.~~
- 412 ~~(d) Boating.~~
- 413 ~~(e) Cemeteries.~~
- 414 ~~(f) Fishing.~~
- 415 ~~(g) Golf courses, excluding miniature golf courses.~~
- 416 ~~(h) Home occupations.~~
- 417 ~~(i) Keeping of animals and fowl for family food production.~~
- 418 ~~(j) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements~~  
419 ~~of the Forest Campground Ordinance of Weber County. Public buildings~~
- 420 ~~(k) Single-family dwelling. Signs.~~
- 421 ~~(l) Water skiing and other water recreation activities.~~

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

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

Commented [E28]: Consolidating into Land Use Tables.

427 ~~(i)~~ Accessory uses. An accessory use is prohibited unless located on the same lot or parcel as the  
 428 main use to which it is accessory.

**S-1 Special Regulations**

<b>Accessory building,</b> accessory and incidental to the use of a main building.	P	
<b>Accessory dwelling unit.</b>	P	See <u>Chapter 108-19.</u>
<b>Accessory use,</b> accessory and incidental to the main use.	P	
<b>Family food production,</b> accessory to a residential use. <del>Keeping of animals and fowl for family food production.</del>	P	<u>See Section 104-10-4</u>
<b>Home occupation,</b> accessory to a residential use.	P	<u>See Chapter 108-13.</u>
<u>Household pets, accessory to a residential use.</u>	P	
<b>Main building,</b> designed or used to accommodate the main use.	P	

**Commented [E29]:** Other zones specifically list this as an accessory use. Omitting it here but specifically listing it elsewhere makes it not allowed in this zone by inference.

429 ~~(k)~~ Agricultural uses, non-animal.

**S-1 Special Regulations**

<b>Agriculture.</b>	P	
<b>Aquaculture.</b>	P	

430 ~~(l)~~ Animal-related noncommercial uses. The following are animal-related uses that do not and shall  
 431 not typically generate customer-oriented traffic to the lot or parcel.

**S-1 Special Regulations**

<b>Animal grazing.</b> Animal grazing, as defined in Section 101-2.	P	See Section 104-10-4.
<u>Apiary.</u>	P	
<u>Aquaculture, animal related.</u>	P	

**Commented [E30]:** Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

**Commented [E31]:** Not specifically listed in the S-1 zone, but presumed to be allowed under the "agriculture" use.

<a href="#">Aviary.</a>	P	
Corral, stable or building for keeping animals or fowl.	P	See <a href="#">Section 104-10-4.</a>

**Commented [E32]:** Not specifically listed in the S-1 zone, but presumed to be allowed under the “agriculture” use.

432 ~~(h)~~(m) [Commercial uses.](#) The following are uses that typically generate for-profit customer-oriented traffic  
433 to the lot or parcel.

**S-1 Special Regulations**

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

**Commented [E33]:** Applicant’s request

434 ~~(m)~~(n) [Institutional uses.](#)

**S-1 Special Regulations**

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

435 ~~(n)~~(o) [Residential uses.](#)

**S-1 Special Regulations**

Single-family dwelling.	P	
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436 ~~(e)~~(p) [Recreational noncommercial uses.](#) The following are recreational uses that are typically owned  
437 or operated by a nonprofit or governmental entity.

**S-1 Special Regulations**

<del>Boating</del>	P	
<del>Fishing</del>	P	
Private park, playground or recreation area. No privately owned commercial amusement business.	C	

**Commented [E34]:** Unnecessary to regulate in the land use code. This is not a land use.

**Commented [E35]:** Unnecessary to regulate in the land use code. This is not a land use. Specifically listed these uses here make them “not permitted” in all other zones in which they are not listed.



Public campground and picnic area.	P	See <u>Chapter 108-20</u> .
Public park, recreation grounds and associated buildings.	P	
<del>Water skiing and other water recreation activities.</del>	<del>P</del>	

**Commented [E36]:** Unnecessary to regulate in the land use code. This is not a land use.

438 ~~(p)~~(q) Utility uses.

**S-1 Special Regulations**

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

**Commented [E37]:** Sign code already governs this

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

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

- 442 (1) Public health requirements concerning domestic water supply and sewage disposal shall comply  
443 with provisions of section 108-7-9.
- 444 (2) No building or structure shall be constructed within the boundaries of any public reservoir as  
445 determined by the public agency having jurisdiction or within the boundaries of any natural  
446 waterway or watercourse as determined by the county engineer wherein no buildings or structures  
447 shall be constructed or land subdivided. Where buildings are to be constructed within 50 feet of the  
448 exterior boundaries of a flood channel existing at the effective date of the ordinance from which this  
449 chapter is derived, adequate measures must be taken as determined by the Weber County  
450 Engineer so as to protect the building or structure from damage due to floods and so as not to  
451 increase the hazard to surrounding lands and buildings.
- 452 (3) The required yard space shall be kept free of debris, refuse or other inflammable material which  
453 may constitute a fire hazard.

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

**Commented [E38]:** Redundant.

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

**Commented [E39]:** Pasting these regulations in from the corresponding section of the agricultural zones chapter. (For consistency)

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

- 459 a. It may only be carried on during times that are reasonable and necessary due to lack of natural  
460 growing feed as a result of seasonal changes or extreme and temporary meteorological events.
- 461 b. It shall not exceed a density of 25 head per acre of used land.
- 462 c. It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining  
463 parcel of land.

464 (2) Corral, stable or building for keeping animals or fowl. This use shall be located no less than  
465 100 feet from a public street and not less than 25 feet from any side or rear lot line.

466 (3) Family food production.

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

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

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

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

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

479 ~~(d)~~(e) Lot area:

S-1

Minimum for all uses:

5 acres

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

S-1

Minimum for all uses:

300 feet

481 (g) Yard setback:

482 (1) Front yard setback:

S-1

Minimum front yard setback:

30 feet

483 (2) Side yard setback:

S-1

Minimum for all uses:

20 feet

484 (3) Rear yard setback:

S-1

Main building:

30 feet

Accessory building:	10 feet
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485 ~~(f)~~(h) **Building height:**

**S-1**

Minimum main building height:	1 story
Maximum main building height:	35 feet
Maximum accessory building height:	25 feet unless meeting requirements of <u>Section 108-7-16</u> , Large accessory buildings

486 **Sec 104-10-4 Area Regulations Building Site Area Required**

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

489 **Sec 104-10-5 Front Yard Regulations**

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

- 491 (a) 30 feet on streets of less than 80 feet in width;
- 492 (b) 100 feet on streets and highways of 80 feet or more in width.

493 **Sec 104-10-6 Side And Rear Yard Regulations**

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

495 ...

496

497 **TITLE 108 STANDARDS**  
498 ...  
499 **CHAPTER 108-21 AGRITOURISM**

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

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

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

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

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

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

533 ~~(b) **Primary use.** All agritourism operations shall clearly be accessory and incidental to a primary~~  
534 ~~agricultural use of the property. To this end, at no time shall the activity area of an agritourism operation~~  
535 ~~be greater than the actual area of the agricultural operation. Agriculture is the preferred use in~~  
536 ~~agricultural zones; therefore, all agri-tourism uses/activities shall be complementary and clearly~~  
537 ~~accessory to the primary agricultural use. To guarantee legitimacy and viability, an agri-tourism~~  
538 ~~operation shall demonstrate that the subject property has been qualified under the Farmland~~  
539 ~~Assessment Act or that the subject property is currently, or will be within the next growing season,~~  
540 ~~producing an agricultural product in an amount that meets or exceeds the production requirement as~~  
541 ~~established by the Farmland Assessment Act. A farmer, whose primary agricultural use is that of an~~

**Commented [E40]:** This paragraph is intended to do the same thing while also eliminating fluff and subjective language.

**Commented [E41]:** Most of these entities are already expected to be a part of the conditional use permit review process. Stating them here is redundant and may create conflict as codes evolve over time.

**Commented [E42]:** It is not advisable to have a non-county entity as a reviewing entity. Rather, the planner will solicit comment from other experts if necessary during the review process.

542 apiary, shall be required to maintain two hives per acre with a ten-hive minimum. No more than 20  
543 hives shall be necessary when a farm exceeds ten acres.

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

- 545 (1) The agricultural operator has owned the subject property for the last two years.;
- 546 (2) The agricultural operator has commercially sold an agricultural product that was produced on the  
547 subject property for greater than one year;
- 548 (3) The subject property:
- 549 a. Is qualified under the Farmland Assessment Act; or  
550 is currently, or will be within the next growing season, producing an agricultural product in an  
551 amount that meets or exceeds the production requirement as established by the Farmland  
552 Assessment Act; or
- 553 b. If an apiary, contains at least ten hives.

554 (d) **Permit enforcement.** An agritourism permit includes all conditions of approval as may be applied by  
555 the Land Use Authority. At no time shall an agritourism operation be conducted in a manner that  
556 conflicts with the details of the agritourism permit application or the conditions of approval. If a condition  
557 or finding of approval conflicts with any detail provided in the application, the condition or finding shall  
558 prevail.

559 (e) **Supplemental application Narrative.** In addition to the application requirements listed in ~~title-Title~~  
560 108, ~~chapter-Chapter~~ 4 of this Land Use Code (~~conditional uses~~), all agri-tourism applications shall be  
561 accompanied by a ~~detailed~~concise narrative describing the ~~farm-agricultural operation~~ and the overall  
562 vision for the proposed agri-tourism operation. The narrative shall also include the following:

- 563 (1) **History.** ~~farm-~~The history of the agricultural operation along with evidence that demonstrates the  
564 operation meets the minimum qualifications herein.;
- 565 ~~— A description of the agricultural operation, its general functions, maintenance, product(s), and~~  
566 ~~customer base, a description or plan for the general maintenance of its agricultural product(s);~~
- 567 (2) **Description of anticipated changes.** A description of any plans for changes to the agricultural  
568 operation, its general functions, maintenance, product(s), and customer base.
- 569 (3) **Description of use's incidental and accessory nature.** A description of how the agritourism  
570 operation is incidental and accessory to the agricultural operation, and a plan for how the owner  
571 will ensure the agritourism operation remains incidental and accessory in perpetuity.
- 572 (4) **Description of new infrastructure and buildings.** A description of all intended new infrastructure,  
573 including streets, driveways, parking lots, buildings, and utilities.
- 574 (5) **Description of operation.** An explanation or description of the agritourism operation including:~~and~~  
575 ~~proposals for the following~~
- 576 ~~Offerings for agriculturally related and non-agriculturally related p~~
- 577 a. Products that will be sold onsite.
- 578 b. and uses/aActivities offered onsite.
- 579 c. The type of customer or clientele base that is expected to patronize the operation, categorized  
580 based on the intensity of their visitation and the specific product or activity for which they are  
581 or will be visiting. For example, the customer-base for a produce store may be the general

**Commented [E43]:** Upon review of the Farmland Assessment Act, it appears the act already provides for this special case.

582 [public with customers coming and going many hours throughout the day; the clientele for a](#)  
583 [barn dance might be a private party of a specified number of people that come and go once on](#)  
584 [the day of the party; and the customers or clientele for a lodging house might be pre-registered](#)  
585 [or reserved individuals or small groups.](#)

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

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

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

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

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

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

600 [i. As it relates to time, this shall mean the hours of operation specified in Section 108-](#)  
601 [21-3](#)

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

#### 604 **Sec 108-21-3 General Development Standards**

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

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

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

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

622 ~~(a) **Access and frontage.** Notwithstanding section 108-7-31 (access to a lot/parcel using a private right-~~  
623 ~~of-way/easement), an An agri-tourism operation shall provide customers access from an Arterial Street~~

624 or Collector Street. It is not required to have actual frontage on a street, but the access from the Arterial  
625 Street or Collector Street to the operation shall either be owned in fee or recorded easement by the  
626 agricultural operation. The access from the public right-of-way to the operation shall meet the  
627 requirements of Section 108-7-29 unless specified otherwise by the local fire authority. ~~or access~~  
628 directly off of a public or privately dedicated roadway. The Land Use Authority may allow access from  
629 a Major Neighborhood Street or Minor Neighborhood Street as long as the street is public and as long  
630 as the agritourism operation does not increase traffic beyond that which is typical for the type of street.  
631 Evidence of this shall be submitted with the application.

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

650 (c) **Ownership.** An agricultural operation to which an agri-tourism operation is accessory may consist of  
651 multiple properties; ~~however, all.~~ All properties shall have identical and common ownership and shall  
652 be contiguous except where contiguity is interrupted by a public street right-of-way.

653 (d) **Production.** The entirety of the agricultural operation's gross acreage, as described in Subsection (b)  
654 of this section. ~~An agri-tourism operation~~ shall, with exception of the winter season, ~~be~~ actively and  
655 continuously ~~used in a manner that supports the produce production of~~ an agricultural product, ~~for sale~~  
656 and purchase. In the event that the ~~agri-tourism operation's~~ agricultural ~~operation's~~ productivity ceases  
657 or becomes improperly maintained, as determined by the ~~planning commission~~ Land Use Authority, the  
658 right to operate an agri-tourism business ~~operation's~~ under a conditional use permit may be revoked.

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

667 (e) **Hours of operation.** ~~Agri-tourism uses/activities, not~~ **Not** including residential overnight lodging  
668 accommodations, and unless specified otherwise in an approved application or other conditions of  
669 approval, and/or those conducted within a completely enclosed building, ~~the hours of operation~~ shall

670 be limited to between operating during the daily hours of 8:00 a.m. and 8:00 p.m., except if the use or  
671 activity is restricted to an area of the property that is at least 500 feet from an existing dwelling unit  
672 located on another property. 10:00 p.m. The planning commission~~The Land Use Authority~~ may, but is  
673 not obligated to, consider a variation to this~~allow other hours of operation if the applicant can~~  
674 demonstrate mitigation of detrimental effects.~~standard upon finding that a proposed use/activity is~~  
675 reliant on and/or based on making observations that can only occur during hours otherwise not  
676 permitted.

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

#### 683 **Sec 108-21-4 Agricultural Operation Designation**

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

685 (a) ~~**Market garden agricultural operation** includes an is when an agricultural operation's gross acreage,~~  
686 ~~as described in Section 108-21-3(b), agriculturally productive property consisting of is between three~~  
687 ~~acres or more, but fewer than five and nine acres.~~

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

690 (e)(b) ~~**Small farm agricultural operation** is when an agricultural operation's gross acreage, as described~~  
691 ~~in Section 108-21-3(b), includes an agriculturally productive property consisting of ten- is between nine~~  
692 ~~acres or more, but fewer than and 20 acres.~~

693 (e)(c) ~~**Medium agricultural operation farm** is when an agricultural operation's gross acreage, as~~  
694 ~~described in Section 108-21-3(b), includes an agriculturally productive property area consisting of is~~  
695 ~~between 20 acres or more, but fewer than and 40 acres.~~

696 (e)(d) ~~**Large agricultural operation farm** is when an agricultural operation's gross acreage, as described~~  
697 ~~in Section 108-21-3(b), includes an agriculturally productive property area consisting of is between 40~~  
698 ~~acres or more, but fewer than and 80 acres.~~

699 (f)(e) ~~**Ranch** is when an agricultural operation's gross acreage, as described in Section 108-21-~~  
700 ~~3(b), includes an agriculturally productive property area consisting of is 80 acres or more.~~

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

702 If an applicant can demonstrate appropriate mitigation of detrimental effects, as specified in Chapter 108-  
703 4, the following uses and /activities have been determined desirable when thoughtfully incorporated into  
704 an approved shall be allowed for an agri-tourism operation when marked with an "A" under their  
705 corresponding agricultural operation designation. The use or activity is not allowed if marked with an "N."

706



707 As stated above, these uses/activities may be subject to other requirements beyond those imposed by this  
 708 chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements  
 709 contained in other codes, ordinances, statutes, or applicable standards. Those uses/ or activities marked  
 710 with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other  
 711 specific, codes, ordinances, statutes, or other applicable standards. See section Section 108-21-7 6 for  
 712 these specific design and/or limitation standards associated with each use/activity marked with an asterisk  
 713 (\*).

USES OR ACTIVITIES	AGRICULTURAL OPERATION DESIGNATION					SPECIAL REGULATIONS
	Garden	Small	Medium	Large	Ranch	
<u><a href="#">Agricultural arts center:</a></u>	N	A	A	A	A	
<u><a href="#">Agricultural Product Processing and Packaging:</a></u>	N	A	A	A	A	<u><a href="#">Onsite retail sales of processed and packaged products is only allowed as otherwise specified herein.</a></u>
<u><a href="#">Agritourism Events Facility:</a></u>	N	A	A	A	A	
<u><a href="#">Agritourism Farm Tour:</a></u>	A	A	A	A	A	
<u><a href="#">Agritourism Fee Fishing:</a></u>	A	A	A	A	A	
<u><a href="#">Agritourism Health Farm:</a></u>	N	A	A	A	A	<u><a href="#">Limited to wellness, nutrition, and cooking education, and exercise and yoga classes, and meditation, and massage therapy. A health farm may serve meals only when served to participating clientele.</a></u>
<u><a href="#">Agritourism Hunting Preserve</a></u>	N	N	N	N	A	<u><a href="#">See Section 108-21-7</a></u>
<u><a href="#">Agritourism You-Pick Operation:</a></u>	N	A	A	A	A	
<u><a href="#">Agro-ecology research and education center :</a></u>	N	A	A	A	A	<u><a href="#">Lodging, if any, is limited to accommodations for faculty, staff, and students.</a></u>
<u><a href="#">Apiary</a></u>	N	A	A	A	A	<u><a href="#">If the apiary is the primary agricultural operation, then the operation shall have no less than two hives per acre and a ten-hive minimum. However, no more than 20 hives are required.</a></u>
<u><a href="#">Barn dance:</a></u>	N	A	A	A	A	

Commented [E44]: Changing from "special occasion"

<b>Camping</b>	<u>Glamorous camping area:</u>	N	A	A	A	A	No more than two tents, cabins, recreational vehicles, or combination thereof, per each five acres of gross agricultural operation, and no more than six people per tent or cabin. Tent and cabin area shall be completely screened from the view of adjoining properties.
	<u>Recreational Vehicle area:</u>	N	N	A	A	A	
<b>Children's Camp</b>		A	A	A	A	A	The camp shall be based on an agricultural theme and provide agriculturally related activities.
<b>Conference or Education Center:</b>		N	A	A	A	A	Conferences and educational topics shall relate to agriculture, agritourism, vegetation management, or similar.
<b>Dude Ranch</b>		N	N	N	A	A	
<b>Educational classes:</b>		A	A	A	A	A	All courses of study or subject matter shall incorporate and consist of an agricultural or ecological component related to an Agricultural Product produced onsite.
<b>Farm museum:</b>		N	A	A	A	A	
<b>Farmers Market.</b> A farmer's market where multiple agricultural operators may sell their products:		N	N	A	A	A	
<b>Food Prep:</b>	<u>Bakery or café:</u>	N	N	A	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product.
	<u>Food concessions stand:</u>	N	A	A	A	A	
	<u>Restaurant:</u>	N	N	A	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale.
<b>Greenhouse or Nursery:</b>		N	A	A	A	A	Sales are limited to plants produced on the premises.
<b>Lodging House:</b>	<u>with up to 2 guest rooms:</u>	N	A	A	A	A	No more than two guest rooms per each acre of the agricultural operation.  See Section 108-21-7
	<u>with 3 to 7 guest rooms:</u>	N	A	A	A	A	
	<u>with 8 to 16 guest rooms:</u>	N	N	A	A	A	
<b>Petting zoo:</b>		N	A	A	A	A	
<b>Rental garden or garden row(s).</b>		A	A	A	A	A	

Commented [E45]: Adding this qualifier

Commented [E46]: Standard taken from agroecology research and education center and applied to all lodging houses. Seems generally applicable for all lodging.

<u>Seasonal amusement</u> such as haunted house, corn maze, hay stack slide or climbing area, and similar seasonal amusement uses:		N	A	A	A	A	
<u>Sleigh or hay ride:</u>		N	A	A	A	A	
<u>Store:</u>	<u>Agricultural Product Store:</u>	N	A	A	A	A	The market shall only be operated by the owner or manager of the onsite agricultural operation, and is limited to Agricultural Products, at least one of which must be produced onsite.
	<u>Gift shop:</u>		A	A	A	A	
	<u>Market:</u>	N	N	N	A	A	At least one type of the onsite agricultural operation's products shall be continuously offered for sale. It may be combined into another product. Products shall be limited to those commonly offered by a small grocer.

714

Uses/Activities	Farm Designations					
	Market Garden (3—5 acres)	Family Farm (5—10 acres)	Small Farm (10—20 acres)	Medium Farm (20—40 acres)	Large Farm (40—80 acres)	Ranch (=80 acres)
<b>Farm Stay (Residential and Overnight Lodging Accommodation) Uses/Activities</b>						
Accessory dwelling unit*	▲	▲	▲	▲	▲	▲
Agro ecology research and education center (AREC)*	▲	▲	▲	▲	▲	▲
B&B farm dwelling (2 room)*		▲	▲	▲	▲	▲
B&B farm retreat (7 room)*	▲	▲	▲	▲	▲	▲
B&B farm inn (16 room)*				▲	▲	▲
Glamorous camping (glamping)*	▲	▲	▲	▲	▲	▲
Conference/education center*			▲	▲	▲	▲

**Commented [E47]:** An accessory dwelling unit is only allowed as an accessory to a single-family dwelling use.

**Commented [E48]:** Moved to "camping"

<del>Single family dwelling; a.k.a. Farm house*</del>	▲	▲	▲	▲	▲	▲
Health farm*			▲	▲	▲	▲
<del>Motor coach/caravan area, agri-tourism*</del>	▲	▲	▲	▲	▲	▲
<b>Agriculturally Related Uses/Activities</b>						
Agro-ecology research and education center (AREC)*		▲	▲	▲	▲	▲
Barn dance		▲	▲	▲	▲	▲
Community garden/rent-a-row	▲	▲	▲	▲	▲	▲
Community supported agriculture	▲	▲	▲	▲	▲	▲
Corn maze			▲	▲	▲	▲
Educational classes	▲	▲	▲	▲	▲	▲
Farm museum		▲	▲	▲	▲	▲
Farm tour	▲	▲	▲	▲	▲	▲
Fee fishing (if aquaculture)		▲	▲	▲	▲	▲
Harvest market*	▲	▲	▲	▲	▲	▲
<del>Multi farmer open air (farmer's) market, agri-tourism*</del>				▲	▲	▲
Nursery (plant cultivation)	▲	▲	▲	▲	▲	▲
Petting farm/zoo	▲	▲	▲	▲	▲	▲
Sleigh/hay ride			▲	▲	▲	▲
Special event; as defined by title 38, special events	▲	▲	▲	▲	▲	▲

**Commented [E49]:** Unnecessary. This use is already allowed in all of the zones in which agritourism is allowed.

**Commented [E50]:** Moved to "Agricultural Product Store" in the Store category.

Special occasion, agri-tourism			▲	▲	▲	▲
U-pick operation/pumpkin patch	▲	▲	▲	▲	▲	▲
<b>Non-Agriculturally Related Uses/Activities</b>						
Agricultural arts center			▲	▲	▲	▲
Bakery/cafe featuring farm products*				▲	▲	▲
Conference/education center*					▲	▲
Fee fishing		▲	▲	▲	▲	▲
Food concessions stand*			▲	▲	▲	▲
Gift shop (retail)*	▲	▲	▲	▲	▲	▲
Haunted house/hay stack/farm			▲	▲	▲	▲
Hunting preserve*						▲
<del>On farm store/retail market, agri-tourism*</del>					▲	▲
Play area, agri-tourism		▲	▲	▲	▲	▲
Restaurant featuring farm products*				▲	▲	▲
<del>Special event; as defined by title 38, special events</del>	▲	▲	▲	▲	▲	▲
Health farm*				▲	▲	▲
<del>Motor coach/caravan area, agri-tourism*</del>				▲	▲	▲
Value-added product processing*	▲	▲	▲	▲	▲	▲

Commented [E51]: Moved to "Market" in the Store category above.

Commented [E52]: Changing to "events facilities" above.

Commented [E53]: Moved to camping.

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

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

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

		SETBACK STANDARDS		MAXIMUM ALLOWED FOOTPRINT
		From agricultural operation's exterior boundary	From existing dwelling on an adjacent lot	
<u><a href="#">Agroecology Research and Education Center:</a></u>		<del>50</del> 100 feet <sup>1</sup>	<del>400</del> 200 feet <sup>1</sup>	<u>Not applicable</u>
<u><a href="#">Agricultural Product processing and packaging:</a></u>		<del>Same as zone</del> 100 feet <sup>1</sup>	200 feet <sup>1</sup>	200 square feet <sup>2</sup>
<u><a href="#">Camping:</a></u>	<u><a href="#">Glamorous camping area:</a></u>	300 feet <sup>1</sup>	500 feet <sup>1</sup>	<u>Not applicable</u>
	<u><a href="#">Recreational Vehicle area:</a></u>			
<u><a href="#">Conference or education center:</a></u>		300 feet <sup>1</sup>	500 feet <sup>1</sup>	<u>Not applicable</u>
<u><a href="#">Educational classes:</a></u>		100 feet <sup>1</sup> <del>Same as zone</del>	200 feet <sup>1</sup> <del>Same as zone</del>	<u>Not applicable</u>
<u><a href="#">Food Prep:</a></u>	<u><a href="#">Bakery or café:</a></u>	<del>150</del> 200 feet <sup>1</sup>	<del>3</del> 400 feet <sup>1</sup>	<u>Not applicable</u>
	<u><a href="#">Restaurant</a></u>			
<u><a href="#">Market, farmers:</a></u>		200 feet <sup>1</sup>	<del>3</del> 400 feet <sup>1</sup>	<u>Not applicable</u>
<u><a href="#">Lodging House:</a></u>	<u><a href="#">2 quest rooms</a></u>	<del>5</del> 100 feet <sup>1</sup>	<del>4</del> 200 feet <sup>1</sup>	
	<u><a href="#">3 to 7 quest rooms</a></u>	<del>4</del> 200 feet <sup>1</sup>	<del>3</del> 400 feet <sup>1</sup>	<u>Not applicable</u>
	<u><a href="#">8 to 16 quest rooms</a></u>	<del>3</del> 400 feet <sup>1</sup>	<del>5</del> 600 feet <sup>1</sup>	
<u><a href="#">Petting farm/zoo.</a></u>		<del>Same as zone</del> 400 feet <sup>1</sup>	<del>Same as zone</del> 600 feet <sup>1</sup>	<u>Not applicable</u>
<u><a href="#">Store:</a></u>	<u><a href="#">Agricultural Product Store:</a></u>	<del>Same as zone</del> 100 feet <sup>1</sup>	<del>Same as zone</del> 200 feet <sup>1</sup>	<u>Not applicable</u>
	<u><a href="#">Gift shop:</a></u>	100 feet <sup>1</sup> <del>Same as zone</del>	200 feet <sup>1</sup> <del>Same as zone</del>	200 square feet <sup>2</sup>
	<u><a href="#">Market:</a></u>	150 feet <sup>1</sup>	300 feet <sup>1</sup>	

**Commented [E54]:** Current code terms this “motor coach/caravan area.”

**Commented [E55]:** New standard not in current code

**Commented [E56]:** Previously called “harvest market.” Changing term because “harvest” usually refers to the harvesting of a crop at particular times of year, but this type of market is not limited herein on times of year or types of produce.

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

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

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

**Commented [E57]:** Check ref.

**(a) Agricultural product processing and packaging.**

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

**(b) Agritourism Hunting pPreserve.**

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

**Commented [E58]:** Where is this possible? All upland areas either public or developing in WW...

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

**Commented [E59]:** Replacing terms with those more commonly used in this Land Use Code.

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

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

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

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

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

~~A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a single-family dwelling.~~



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

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

776

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

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

780 A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title  
781 106, subdivision.

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

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

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

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

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

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

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

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

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

802 Luxury camping (glamping).

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

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

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

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

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

813 ~~Accessory dwelling unit.~~

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

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

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

826 ~~Conference/education center.~~

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

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

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

834 ~~Health farm.~~

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

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

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

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

843 ~~Motor coach/caravan area.~~

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

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

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

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

855 ~~Agriculturally related uses/activities.~~

856 ~~Arjo ecology research and education center (AREC).~~

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

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

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

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

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

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

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

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

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

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

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

883 ~~Farm stay.~~

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

885 ~~Gift shop (retail).~~

886 ~~A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to~~  
887 ~~the following size standards:~~

<del>1.</del>	<del>Market garden (3&lt;5 ac)</del>	<del>200 square feet maximum.</del>
<del>2.</del>	<del>Family farm (5&lt;10 ac)</del>	<del>200 square feet maximum.</del>
<del>3.</del>	<del>Small farm (10&lt;20 ac)</del>	<del>200 square feet maximum.</del>
<del>4.</del>	<del>Medium farm (20&lt;40 ac)</del>	<del>400 square feet maximum.</del>
<del>5.</del>	<del>Large farm (40&lt;80 ac)</del>	<del>600 square feet maximum.</del>
<del>6.</del>	<del>Ranch (&gt;80 ac)</del>	<del>800 square feet maximum.</del>

888 ~~**a. — Hunting preserve.**~~

889 ~~**(a) — Hunting preserve.**~~

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

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

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

893 ~~**(1) — Motor coach/caravan area.**~~

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

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

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

899 b. ~~An on-farm store/retail market and its outdoor display area or on-farm store/retail market area~~  
900 ~~within a multi-use building shall be limited to the following size standards:~~  
901

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

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

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

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

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

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

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

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

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

932 f. ~~An Agricultural Product processing and packaging VAPPP building and any outdoor work area~~  
933 ~~or VAPPP area within a multi-use building shall be limited to the following size standards:~~

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

~~g.—Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.~~

~~h.—The structure building in which VAPPP takes place shall in no case be located closer than 200 feet to an existing single-family dwelling on an adjacent lot/parcel.~~

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**PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 16<sup>TH</sup> DAY OF MAY, 2023.**

**AYE                      NAY                      ABSENT ABSTAIN**

Gage Froerer  
Jim “H” Harvery  
Sharon Arrington Bolos

**Presiding Officer**

**Attest**

\_\_\_\_\_  
Gage Froerer, Chair

\_\_\_\_\_  
Ricky D. Hatch, CPA, Clerk/Auditor

**Effective 5/3/2023**

**59-2-503 Qualifications for agricultural use assessment.**

- (1) For general property tax purposes, land may be assessed on the basis of the value that the land has for agricultural use if the land:
  - (a) is not less than five contiguous acres in area, except that land may be assessed on the basis of the value that the land has for agricultural use:
    - (i) if:
      - (A) the land is devoted to agricultural use in conjunction with other eligible acreage; and
      - (B) the land and the other eligible acreage described in Subsection (1)(a)(i)(A) have identical legal ownership; or
    - (ii) as provided under Subsections (4) and (5); and
  - (b) except as provided in Subsection (6) or (7):
    - (i) is actively devoted to agricultural use; and
    - (ii) has been actively devoted to agricultural use for at least two successive years immediately preceding the tax year for which the land is being assessed under this part.
- (2) In determining whether land is actively devoted to agricultural use, production per acre for a given county or area and a given type of land shall be determined by using the first applicable of the following:
  - (a) production levels reported in the current publication of the Utah Agricultural Statistics;
  - (b) current crop budgets developed and published by Utah State University; and
  - (c) other acceptable standards of agricultural production designated by the commission by rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) Land may be assessed on the basis of the land's agricultural value if the land:
  - (a) is subject to the privilege tax imposed by Section 59-4-101;
  - (b) is owned by the state or any of the state's political subdivisions; and
  - (c) meets the requirements of Subsection (1).
- (4) Notwithstanding Subsection (1)(a), the commission or a county board of equalization may grant a waiver of the acreage limitation for land upon:
  - (a) appeal by the owner; and
  - (b) submission of proof that 80% or more of the owner's, purchaser's, or lessee's income is derived from agricultural products produced on the property in question.
- (5) Notwithstanding Subsection (1)(a), the commission or a county board of equalization shall grant a waiver of the acreage limitation for land upon:
  - (a) appeal by the owner; and
  - (b) submission of proof that:
    - (i) the failure to meet the acreage requirement arose solely as a result of an acquisition by a public utility or a governmental entity by:
      - (A) eminent domain; or
      - (B) the threat or imminence of an eminent domain proceeding; and
    - (ii) the land is actively devoted to agricultural use.
- (6)
  - (a) The commission or a county board of equalization may grant a waiver of the requirement that the land is actively devoted to agricultural use for the tax year for which the land is being assessed under this part upon:
    - (i) appeal by the owner; and
    - (ii) submission of proof that:
      - (A) the land was assessed on the basis of agricultural use for at least two years immediately preceding that tax year; and

- (B) the failure to meet the agricultural production requirements for that tax year was due to no fault or act of the owner, purchaser, or lessee.
- (b) As used in Subsection (6)(a), "fault" does not include:
- (i) intentional planting of crops or trees which, because of the maturation period, do not give the owner, purchaser, or lessee a reasonable opportunity to satisfy the production levels required for land actively devoted to agricultural use; or
  - (ii) implementation of a bona fide range improvement program, crop rotation program, or other similar accepted cultural practices which do not give the owner, purchaser, or lessee a reasonable opportunity to satisfy the production levels required for land actively devoted to agricultural use.
- (7) Land that otherwise qualifies for assessment under this part qualifies for assessment under this part in the first year the land resumes being actively devoted to agricultural use if:
- (a) the land becomes ineligible for assessment under this part only as a result of a split estate mineral rights owner exercising the right to extract a mineral; and
  - (b) the land qualified for assessment under this part in the year immediately preceding the year the land became ineligible for assessment under this part only as a result of a split estate mineral rights owner exercising the right to extract a mineral.
- (8) Land that otherwise qualifies under Subsection (1) to be assessed on the basis of the value that the land has for agricultural use does not lose that qualification by becoming subject to a forest stewardship plan developed under Section 65A-8a-106 under which the land is subject to a temporary period of limited use or nonuse.

Amended by Chapter 72, 2023 General Session