

- (1) Occasional event lighting shall be turned off by 10:30 p.m. and any remaining lighting shall comply with this chapter; and
  - (2) Occasional events shall not occur more than twice per month;
- (k) *Underwater lighting.* Underwater lighting in a swimming pool or other water feature provided it is not intended to illuminate features above water;
  - (l) *Temporary public agency lighting.* Temporary outdoor lighting in use by law enforcement or a government agency or at their direction;
  - (m) *Tower lighting.* Tower lighting required by the FAA or the FCC, provided that it shall not exceed the minimum requirements of those agencies. Collision markers shall have a dual mode for day and night to minimize impact to the night sky and migrating birds; and
  - (n) *Traffic control devices.* Traffic control devices and signals.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

HISTORY

Amended by Ord. [2020-8](#) on 6/16/2020

**Sec 108-16-6 Procedures For Compliance**

- (a) *Applications.* Any application for a permit or approval required by this Land Use Code shall contain evidence that the proposed work complies with this chapter.
- (b) *Contents of application or submittal.*
  - (1) In addition to the specific application requirements elsewhere in this Land Use Code, the application submittal shall contain the following:
    - a. Plans indicating the location of all artificial light sources on the premises, including their height above the ground.
    - b. Description of each artificial light source device, and supporting structure. This description may include, but is not limited to, device specifications from the manufacturer, drawings, details, and cross sections, when available.
  - (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be complete and shall be presented in a manner that clearly demonstrates compliance with this chapter. The land use authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

**Sec 108-16-7 Required Replacement Of Nonconforming Outdoor Lighting**

After the effect of this chapter, which is August 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

- (a) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of

this chapter within ten years after the effect of this chapter. The county shall provide periodic public notice of the effect, of this chapter. The county shall employ educational methods and incentives to encourage voluntary compliance prior to this 10-year period and to assist the public in understanding and complying with this chapter;

- (b) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source shall comply with the requirements of this chapter;
- (c) *Building exterior modification.* When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing.
- (d) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:
  - (1) Twenty-five percent of the total area of the building as it exists on August 1, 2017; or
  - (2) Two thousand five hundred square feet; and
- (e) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:
  - (1) Twenty-five percent of the site area; or
  - (2) Twenty thousand square feet.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

#### HISTORY

Amended by Ord. [2020-8](#) on 6/16/2020

### **Sec 108-16-8 Violations, Enforcement, And Implementation**

- (a) *Violations.* The following constitute violations of this chapter:
  - (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance with the provisions of this chapter.
  - (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval without the review and approval of the land use authority when such alteration does not conform to the provisions of this chapter.
  - (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a manner that does not comply with this chapter.
- (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in section 102-4-4.

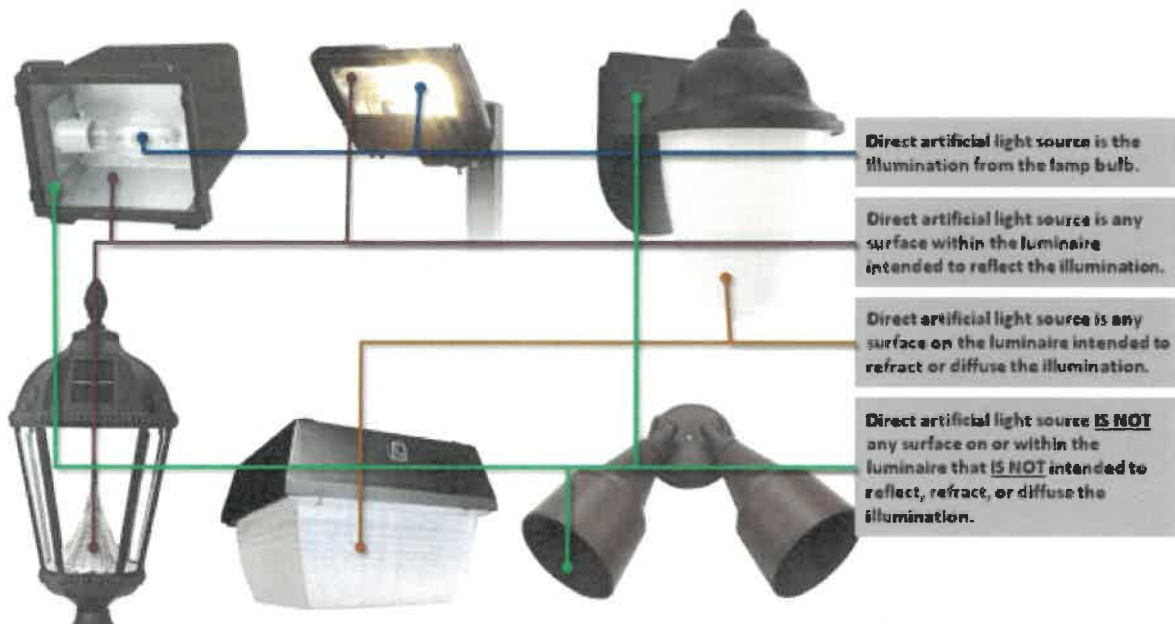
(c) *Creation of dark sky committee.* The county will create an Ogden Valley dark sky committee to include representatives as follows: one planning division employee, two Ogden Valley residents at large, two Ogden Valley Business Association members, and one individual from the Ogden Weber Chamber of Commerce. The committee's purpose shall be to advise the county on dark sky best practices, implementation strategies, incentive programs, public/private partnerships, and anything else as the county commission deems necessary.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

HISTORY

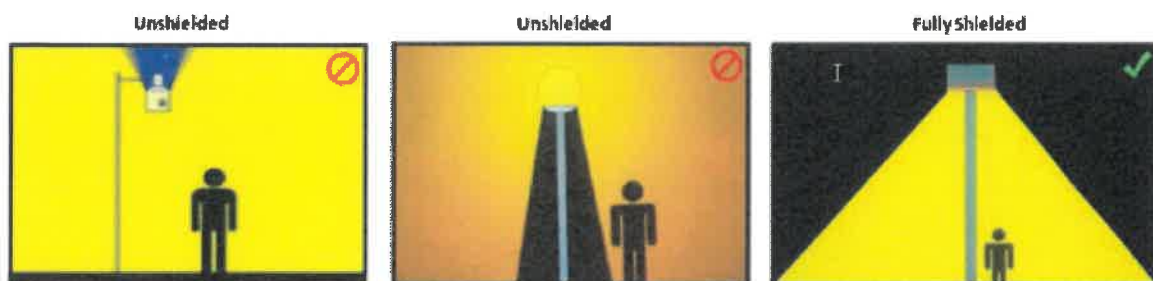
Amended by Ord. [2020-8](#) on 6/16/2020

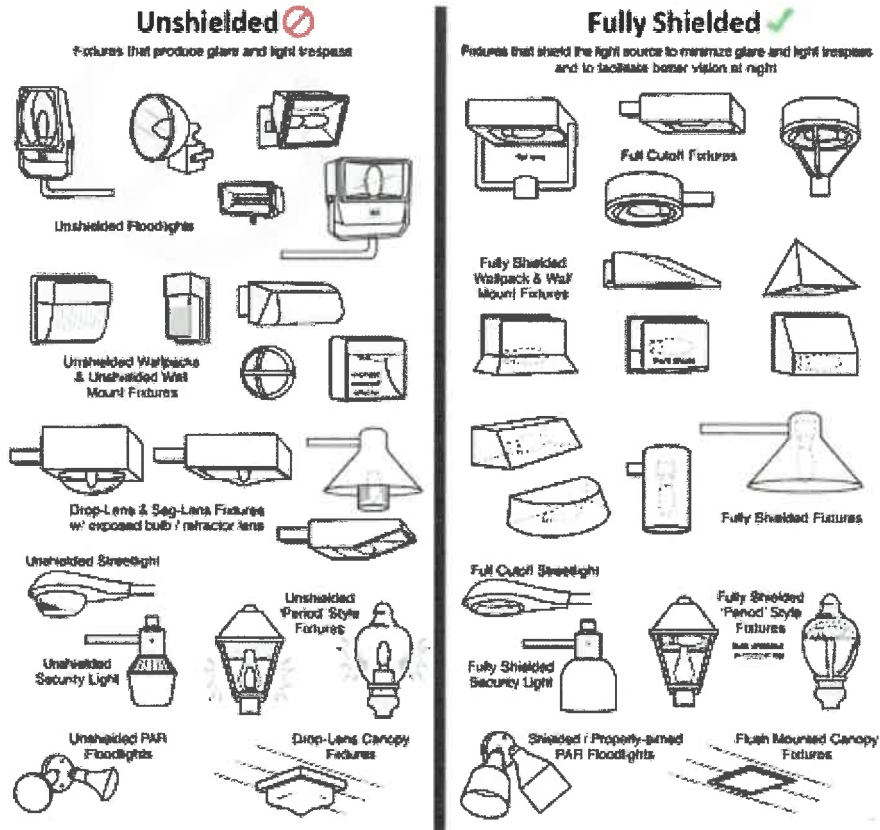
**Sec 108-16-9 Examples Of Direct Artificial Light**



(Ord. No. 2017-24, Exh. B, 6-27-2017)

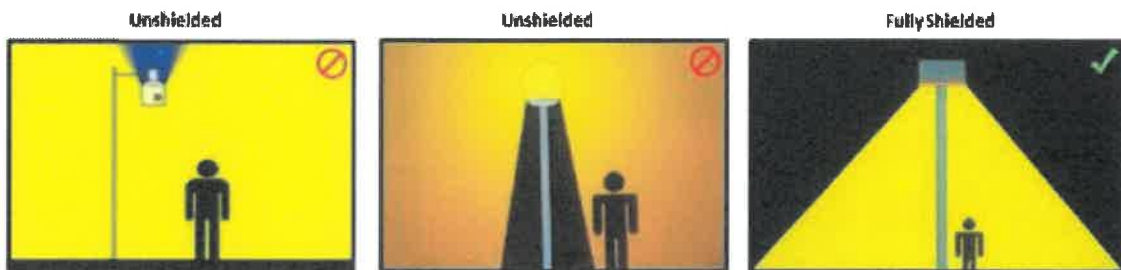
**Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources**

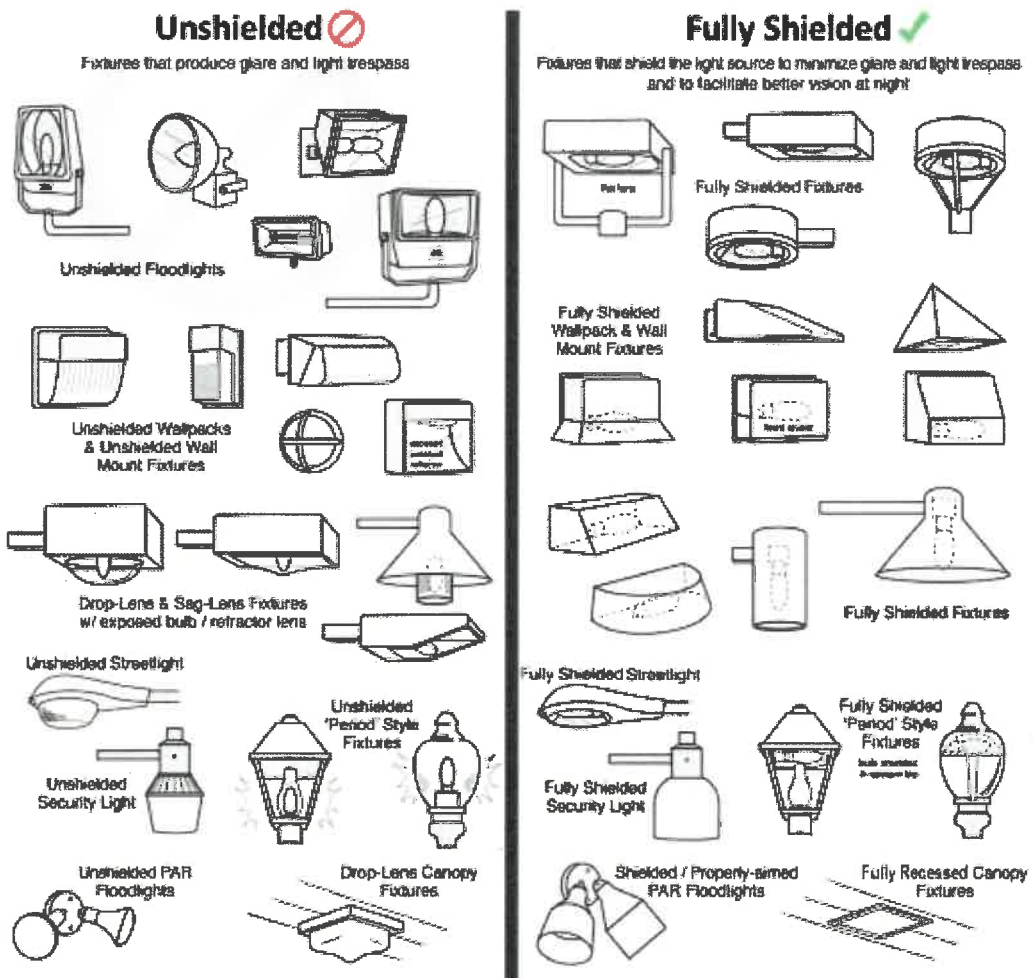




(Ord. No. 2017-24, Exh. B, 6-27-2017)

**Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources\***

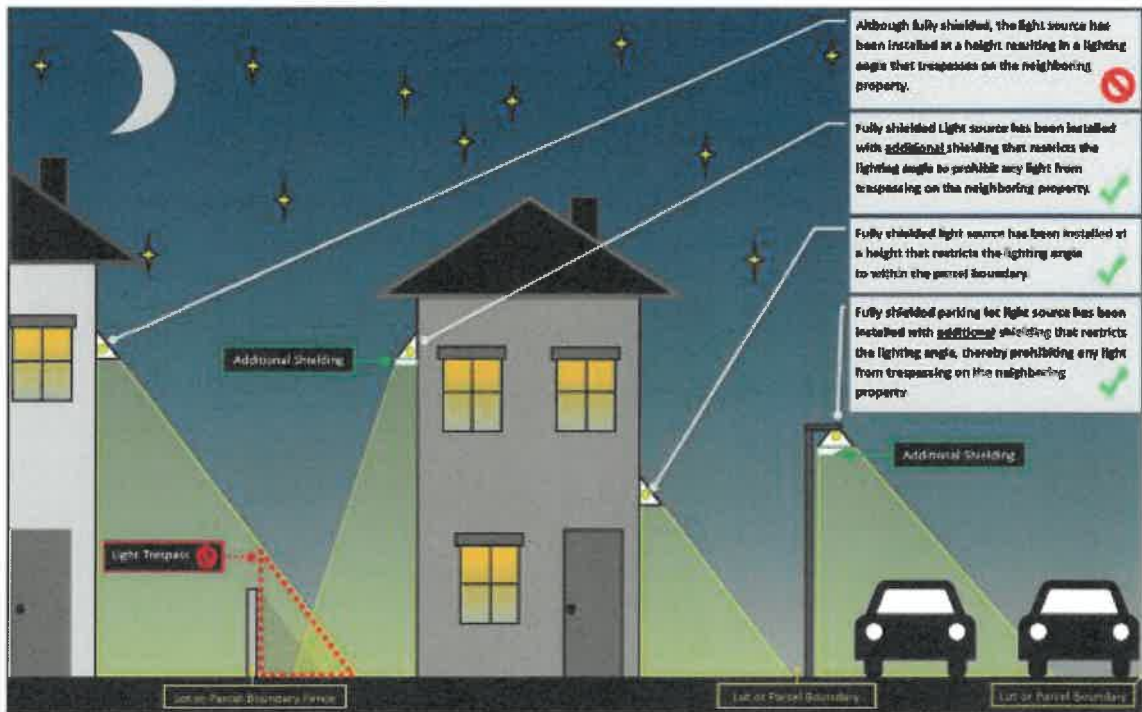
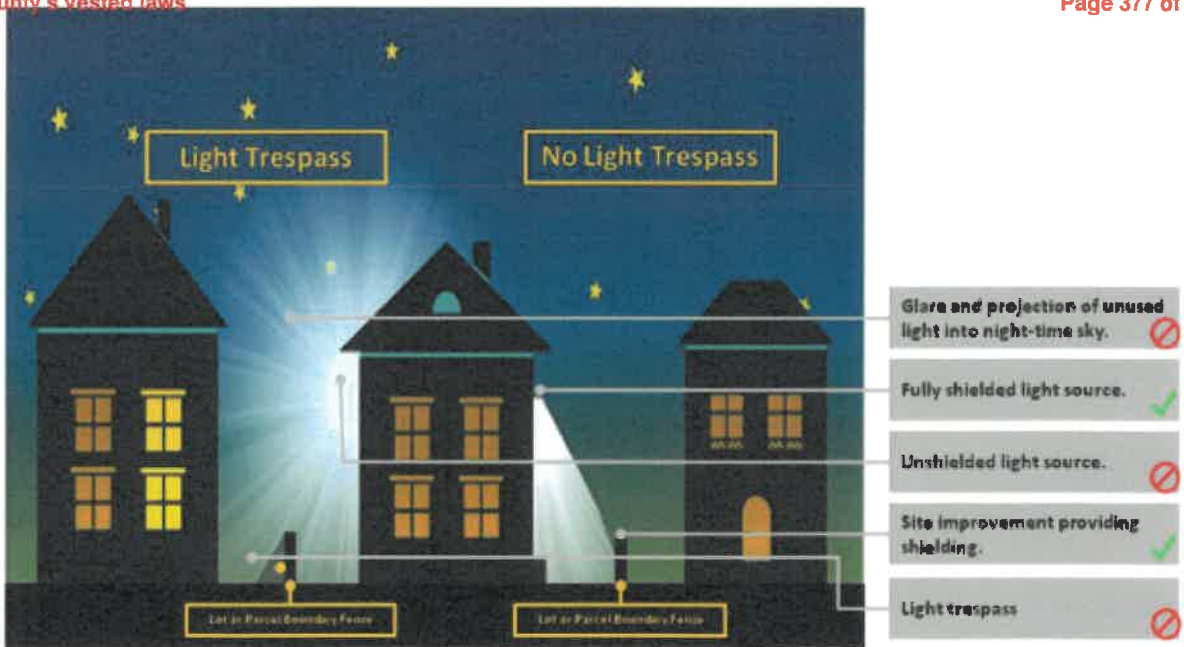




(Ord. No. 2017-24, Exh. B, 6-27-2017)

HISTORY  
Amended by Ord. [2020-8](#) on 6/16/2020

**Sec 108-16-11 Example Of Light Trespass**

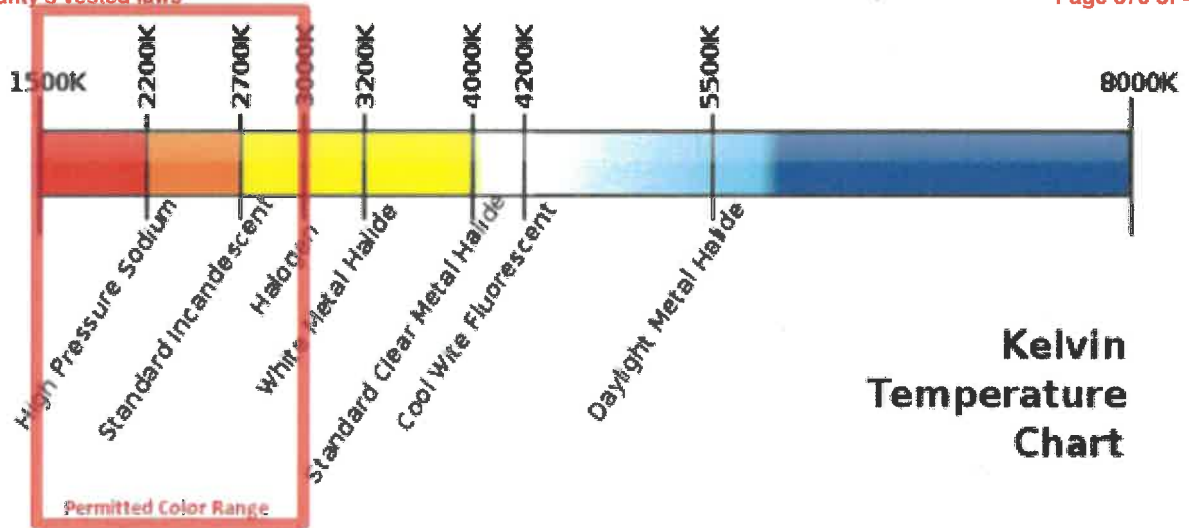


(Ord. No. 2017-24, Exh. B, 6-27-2017)

**HISTORY**

Amended by Ord. [2020-8](#) on 6/16/2020

**Sec 108-16-12 Standard Kelvin Temperature Chart**



(Ord. No. 2017-24, Exh. B, 6-27-2017)

**Sec 108-16-13 Example Of Canopy Lighting**

Lumen per Square Foot Ratio	
(14) 2800 Lumen Bulbs	7.78 Lumens per Square Foot of Canopy Area
5040 Square Feet of Canopy Area	

- Total combined lumens less than or equal to 8 lumens per square foot. ✓
- Fully shielded, recessed light source. Only incidental reflection. ✓
- Direct light projected no greater than five feet from canopy perimeter. ✓

(Ord. No. 2017-24, Exh. B, 6-27-2017)

**Sec 108-16-14 Example Of Parking Lot Lighting**

Lumen per Square Foot Ratio	
{60} 8000 Lumen Bulbs	1.92 Lumens per Square Foot of Parking Lot Area
250,000 Square Feet of Parking Lot Area	

- Total combined lumens less than or equal to 2 lumens per square foot. ✓
- Parking lot lighting spill-over shielded by wall. ✓
- Direct artificial light source only visible when on parking lot area. ✓
- No spill-over onto non-parking lot area. ✓



**Sec 108-16-15 Example Of Recreation Facility Lighting**



(Ord. No. 2017-24, Exh. B, 6-27-2017)

**Chapter 108-17 Ogden Valley Pathways**

[Sec 108-17-1 Purpose And Intent](#)

[Sec 108-17-2 General Categories Of Pathways](#)

[Sec 108-17-3 Locating Pathways](#)

[Sec 108-17-4 Pathway Types And Development Standards](#)

[Sec 108-17-5 Landowner Relations](#)

**Sec 108-17-1 Purpose And Intent**

The pathway element of the Ogden Valley general plan (Ogden Valley pathways master plan) was developed to promote, plan and protect non-motorized public pathways in order to maintain and enhance the Ogden Valley's beauty, pastoral atmosphere, rural lifestyle, outdoor recreational opportunities and sense of community. The vision is to establish a network of pathways linking all of Ogden Valley and to enable residents, visitors and their children to travel in safety on foot, bicycle, horseback, skates, snowshoes or skis, to a wide variety of destinations throughout the valley.

(Ord. of 1956, § 40-1)

**Sec 108-17-2 General Categories Of Pathways**

Pathways shall be designated for non-motorized use only except as used for law enforcement officers and other authorized personnel in the course of their duties. There are two general categories of pathways:

- (a) A valley-wide pathway network as shown in the Ogden Valley pathways master plan, referred to subsequently as the master pathways map.
- (b) Pathways to connect individual neighborhoods or subdivisions to the network.

(Ord. of 1956, § 40-2)

**Sec 108-17-3 Locating Pathways**

- (a) Wherever possible, pathways shall be located in corridors that have been or will be preserved as natural or green space, thus creating a "greenway" and not a standard sidewalk or alley. The master pathways map is adopted as a guide, and is not intended to define the exact route of every pathway.
- (b) Each pathway, as shown on the master pathways map, as well as other pathways which may be proposed in the future, shall be constructed or designated for public use in one or a combination of the following locations:
- (1) On currently existing public rights-of-way.
  - (2) On rights-of-way or easement corridors acquired from willing landowners, who may grant or sell a portion of their property, an easement, or a license for use.
  - (3) Sidewalks developed as part of a subdivision shall provide access to the pathway network. The provision of the pathway fulfills what is a county sidewalk requirement.
  - (4) Greenways.

(Ord. of 1956, § 40-3)

### **Sec 108-17-4 Pathway Types And Development Standards**

Pathways in the Ogden Valley will be used by a wide variety of non-motorized user groups; therefore multiple-use pathways can often provide the greatest benefit to the most users. In some cases, a pathway suitable for one user group may be unsuitable for another, due to inherent conditions such as surface or location.

(a) ***Pathways; types.***

- (1) ***Unpaved trails.*** Typically located in parks or undeveloped areas, these pathways are suitable for equestrians, hikers, walkers, joggers, and mountain bikes. They shall be a minimum of four feet in width, except in the back country, where they shall conform to USDA Forest Service standard trail specifications for desired and expected user types. Unpaved trails shall be constructed of native material or surfaced with crushed rock or similar material when necessary to prevent erosion or mud conditions. Where unpaved trails parallel a roadway trails shall be separated from the roadway by a barrier open space or landscaping of minimum of ten feet. The typical unpaved trails section is shown in figure 1.
- (2) ***Bike paths.*** Also called "shared use paths" or "Class I Bikeways," these pathways are suitable for walkers, joggers, skaters, and others, as well as children and casual bicyclists. Bike paths shall be paved with asphalt, concrete, or a compacted surface such as roto-mill or crushed rock and shall be separated from roadways by a minimum ten-foot barrier, open space or landscaping. Certain trails may be designated as unpaved trails with the agreement/expectation that they will later be converted to bike paths as funds become available. Bike paths shall be a minimum ten feet in width and designed to AASHTO (American Association of State Highway Transportation Officials) standards for shared use paths, as shown in figure 2.
  - a. Bollards or gates may be placed at the entrance to a bike path in order to prevent unauthorized use by motor vehicles. Bollards, when used, shall be placed a minimum of five feet apart, with one bollard on the centerline of the bike path in order to show two-way traffic directions. Approved signs shall be installed to designate the purpose and use of the bike path.

- (3) **Side paths.** Side paths are designed to run alongside a roadway and are intended primarily for pedestrian use. Side paths shall be paved with concrete, asphalt, road base or crushed rock, with a minimum of five-foot width, and located a minimum of ten feet from the roadway, where feasible. The ten-foot open space shall preserve the naturally occurring vegetation or shall be landscaped with grass or other plants. See figures 3 and 4.
- (4) **Shared roadways.** Shared roadways are minor or dead-end streets, typically local roads, loop roads and cul-de-sacs which are no more than 800 feet in length and serve no more than 14 dwelling units, where it is safe to walk or bike in the roadway, with no requirement for a separate pathway. Shared roadways are not appropriate for highways, areas of high motor vehicle speeds or commercial areas.
- (5) **Bike lanes.** Bike lanes are roadway lanes which shall be striped, marked and signed for the use of bicycles and are also known as "Class II Bikeways" designed to AASHTO standards, with a bike lane on each side of the roadway. All county roads in the Ogden Valley with an actual or expected average daily traffic count of 1,000 or more shall, when undergoing reconstruction or alteration over two miles or more, be constructed with bike lanes of a minimum five feet in width, as shown in figure 5. Where terrain precludes a minimum five-foot width, the county shall widen highway shoulders as much as practical.
  - a. The design of grates for stormwater catchbasins is also critical to bicycle safety on all roadways. Grates with parallel bars pose a special danger to bicyclists, whose tires can easily slip between the bars. Other types of grates have been designed that effectively carry away stormwater and are also safe for bicycles. The county shall adopt a "bicycle-safe" grate such as that shown in figure 6.
- (6) Because of safety concerns, side paths and sidewalks shall not be designated as bikeways.

(b) *Development.*

- (1) Pathways shall be required in all subdivisions, although some pathways may be of the shared roadway type described in subsection (a)(4) of this section. The planning commission shall consider the master pathways map and determine whether a pathway corridor should be set aside and what the exact route and width of the corridor should be. Land set aside in this manner shall count toward the provision of open space for clustering and other requirements.
- (2) Trail heads shall be located so as to minimize impact on the local community and complement the rural setting, while maintaining access to the general public.
- (3) A proposed local pathway system that is not shown on the master pathways map, but serves a particular development and is designed to tie into the general pathway network, shall also be considered by the planning commission for acceptance.
- (4) Unpaved trails may be used to link a development to forest service or other recreational land. Analysis shall be made by the developer during the approval process as to which pathway types are most appropriate and their location, with emphasis on safety, aesthetics and design that is tailored to the local topography and conditions.

(c) *Signage and facilities.*

- (1) Standard and consistent signs shall be used to designate trail heads, pathway uses, directional information, educational information and historical information along the pathways. Signs shall conform to the Ogden Valley sign ordinance which requires the use of natural materials.

- (2) Vehicle and bicycle parking, restrooms, drinking water, trail information and hitching posts shall be provided at the direction of the planning commission at the time of review and approval process, as not all facilities will be necessary and/or required.
- (3) Roadway crossing shall be accomplished by means of a signed and "zebra" striped crosswalk for most effective vehicular visibility. Tunnels or bridges may be constructed under/over high-traffic roads with county commission approval after a recommendation from the planning commission. Tunnels shall conform to AASHTO standards.

(d) *Utilities.*

- (1) Any digging and filling of utility trenches on or along a pathway by utility, construction and excavation companies shall require restoration of the pathway to its original condition or better.
- (2) Utility lines running parallel to the pathway shall be installed under the trail bed in order to minimize site disturbance. Laterals and lines perpendicular to the pathway shall be located to minimize site disturbance and removal of significant vegetation. Physical obstructions shall be located away from the pathway and access points such as manhole covers shall be located flush with the pathway surface to avoid hazards. A financial guaranty may be required by the board of county commissioners to ensure pathway restoration.
- (3) If a utility line of any significant distance is proposed to be trenched, the planning commission shall determine whether or not the utility route could reasonably be used for a pathway as described in this chapter, the general plan or the master pathways map. If it is determined that the utility easement would be a desirable pathway, the utility company shall, in their restoration of the contours, restore to a level surface and grade which would be usable as a pathway.

(e) *Maintenance.*

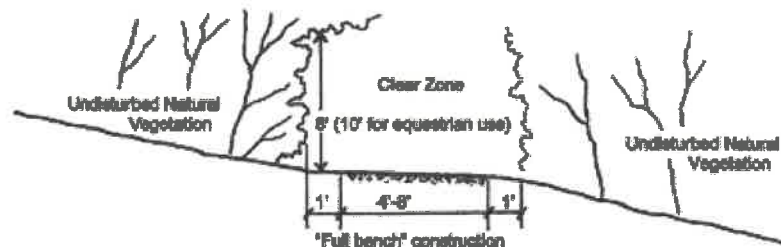
- (1) Prior to construction of a pathway, the entity to be responsible for maintenance shall sign a maintenance agreement to be approved by the county attorney and the county commissioners. Privately owned pathways, such as one in a gated community, shall be the sole responsibility of the homeowner's association. Maintenance of a pathway on privately owned land over which a public easement is granted shall be determined by agreement between the county and the landowner.
- (2) Volunteers from the Ogden Valley chapter of Weber Pathways and from other trail-advocacy organizations shall monitor the pathway system to report necessary maintenance issues to the county. In addition, volunteer efforts, by groups such as the Boy Scouts and various trail users, may be used for simple maintenance tasks. An adopt-a-trail program may be initiated.

(f) *Environmentally sensitive areas.*

- (1) The presence of wildlife is part of the heritage and charm of the Ogden Valley, and the protection of wildlife habitat and environmentally sensitive areas is an important value to the community. The state division of wildlife resources (DWR) has identified three types of critical wildlife habitat in the Ogden Valley area:
  - a. Winter range, primarily for deer and elk, in the Middle Fork-Monastery area.
  - b. The Class I fishery in Ogden Canyon.
  - c. Small areas of wetlands and Class 3 fisheries in the Ogden Valley.

- (2) Habitat items 1 and 2 are shown on the master pathway map. Wetlands have not been mapped on the master pathways map, but along with riparian areas, or the corridors of vegetation along streambanks, are habitats of great importance to local wildlife. The development of wetlands is regulated by the U.S. Army Corps of Engineers, and trails along streambanks are regulated by the state division of water rights.
- (3) Impacts of pathways on wildlife can be positive or negative and shall be determined by the planning commission during the review and approval process. In order to minimize negative effects on critical habitat, the following shall be considered:
- a. Pathways on public land in the critical winter range area shall be closed seasonally during such dates as recommended by the DWR. Locked gates, with signage explaining the importance of the habitat and the reason for the closure, shall be installed at the trail heads or other appropriate locations.
  - b. Any pathway near a river or stream shall be constructed so as not to adversely affect the water quality or riparian vegetation of the stream or to impair the natural processes of the stream, such as spring flooding.
  - c. When any pathway is planned for a designated wetland area, the Corps of Engineers shall be contacted for a 404 Permit.
  - d. Pathways shall not be routed through the middle of large undisturbed areas of natural vegetation, but shall be located on the edge of such areas or in places already disturbed by human activities.
  - e. Pathways shall not be routed continuously along stream banks, depriving wildlife of important undisturbed habitat, but shall provide a reasonable number of access points to the stream, so that the public will not be tempted to create unauthorized or "social" trails to reach the water.
  - f. Where appropriate, pathways shall be used to improve habitat through the consolidation of many "social" trails into one well-designed pathway. The "social" trails shall be revegetated with species native to the Ogden Valley or beneficial to wildlife.
  - g. The county leash laws shall be strictly enforced.

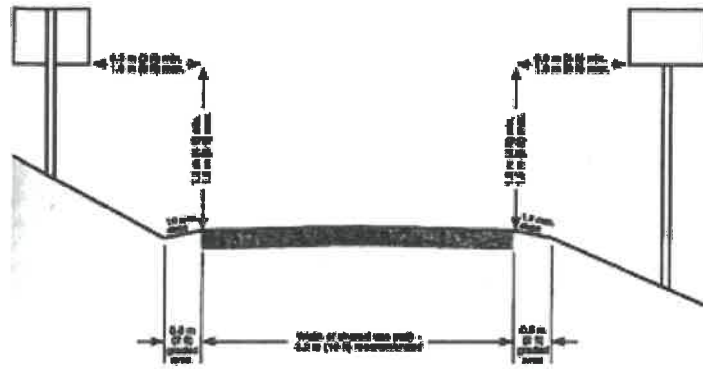
**Figure 1. Trails Unpaved Trail Section**



\*Must be at least 10' wide if planned for later conversion to a bike path. May be less than 4' wide in the back country, but must conform to USDA Forest Service standard trail specifications for desired and expected user types.

Surfacing, when used, shall be 1"-minus crushed rock, shall consist of no less than 50% clay, and shall be compacted to "hard" condition. Drainage shall be by means of rolling dips rather than waterbars.

Figure 2. Standard Bike Path Section



Asphalt paving shall be no less than 3" in thickness, over a sub-base of at least 6" of compacted road base or equivalent.

Adapted from AASHTO, 1999, *Guide for the Development of Bicycle Facilities*, p. 35

Figure 4. Interaction Details and Utility Locations for Roadway Section with Side Path

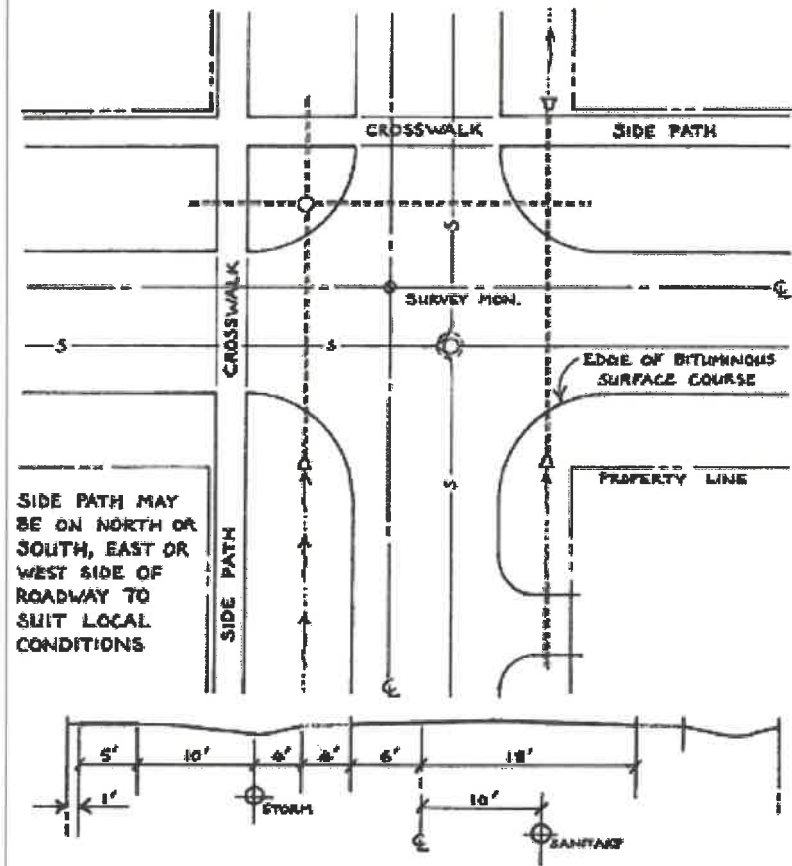
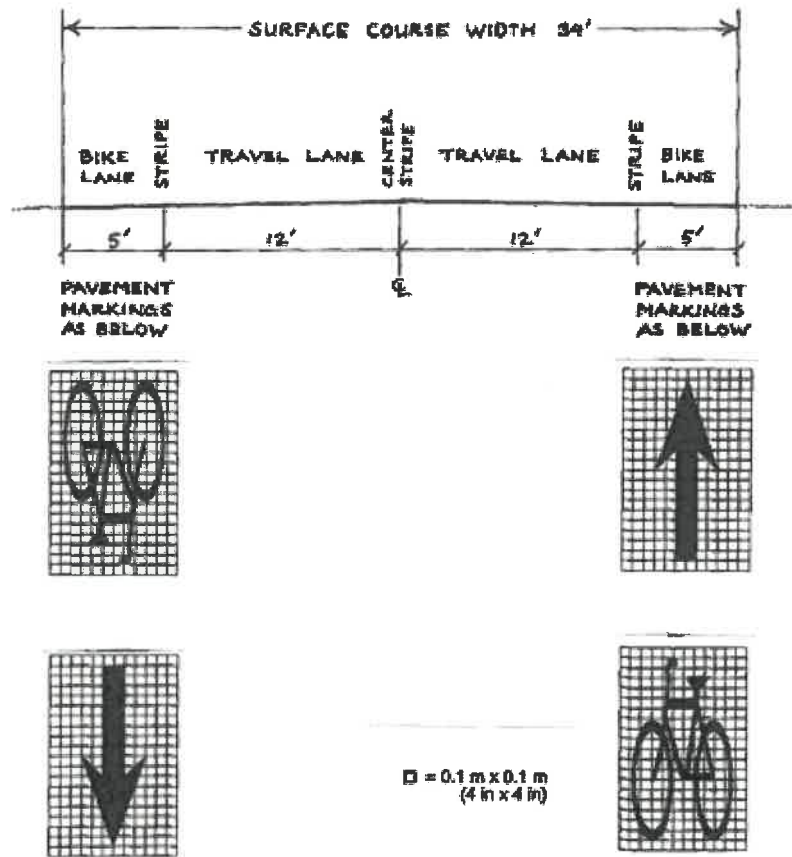
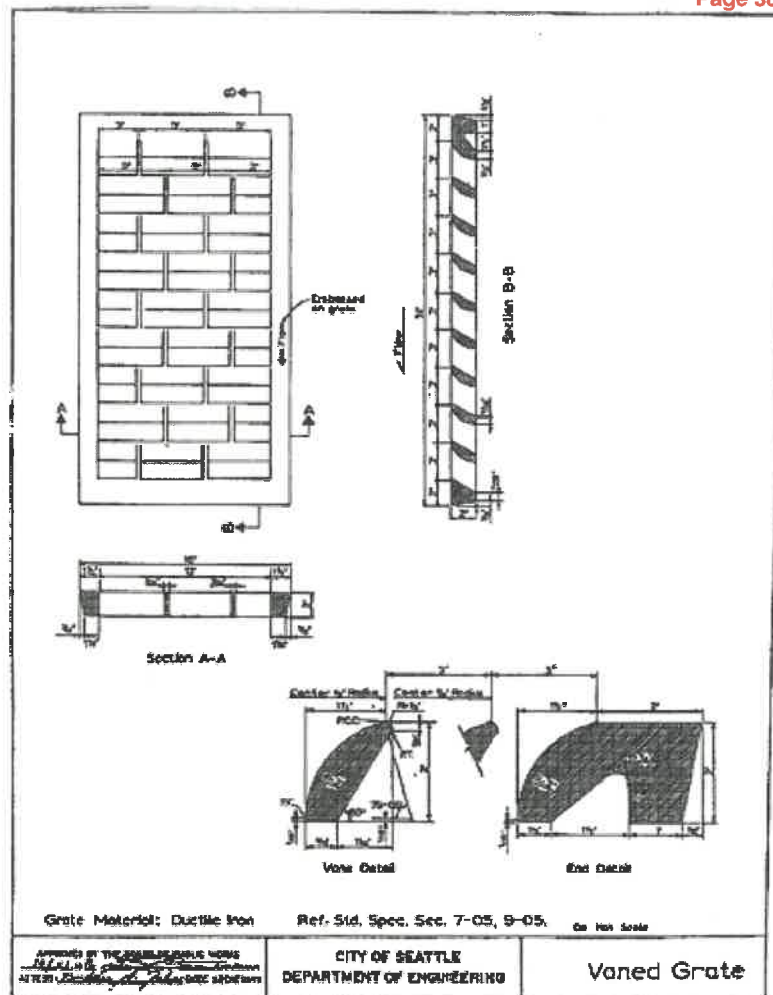


Figure 5. Roadway Section with Bike Lanes





From U.S. Department of Transportation, Federal Highway Administration, 1995, *Bicycle Safety-Related Research Synthesis*, p. 97

(Ord. of 1956, § 40-4)

**Sec 108-17-5 Landowner Relations**

- (a) Respect for private property rights is an essential aspect of the pathways program. As shown on the master pathways map, the scenarios under which pathways are to be constructed or designated for public use invite the cooperation of private property owners and the expression of their opinions and concerns. Furthermore, whenever a pathway is constructed along a pre-existing corridor formerly used for a different purpose, such as a canal or a power line, any pre-existing rights held by adjacent landowners concerning drainage, ditch maintenance, crossing and access, and other matters will continue to be honored.
- (b) Trespassing and liability are of concern to property owners adjacent to trails. While trespassing from pathways, just as trespassing from roadways, cannot be absolutely prevented, signs shall be posted at all trail heads reminding users to respect private property by staying on the trail. Access shall not be allowed or provided from a pathway onto private property without the permission of the landowner. Landowners adjacent to a pathway may, and are encouraged to create their own access paths to connect to the pathway.
- (c) The question of liability cannot be solved by the Ogden Valley pathways master plan or by this chapter; however, it should be emphasized that the potential liability incurred by property adjacent to a pathway is no greater than that experienced adjacent to a roadway. Furthermore, the State of Utah has adopted a Limitation of Landowner Liability Public Recreation Act (section



57-14-1 et seq.). This act specifically protects landowners who allow the public onto their property free of charge for recreational purposes.

(Ord. of 1956, § 40-5)

## **Chapter 108-18 Drinking Water Source Protection**

### **Sec 108-18-1 Purpose And Intent**

### **Sec 108-18-2 Definitions**

### **Sec 108-18-3 Establishment Of Drinking Water Source Protection Zones**

### **Sec 108-18-4 Identification Of Public Water Systems And Their Drinking Water Source Protection Zones**

### **Sec 108-18-5 Allowed Uses**

### **Sec 108-18-6 Prohibited Uses**

### **Sec 108-18-7 Sewers Within Drinking Water Source Protection Zones And Management Areas**

### **Sec 108-18-8 Drinking Water Source Protection Requirements**

### **Sec 108-18-9 Transition**

### **Sec 108-18-10 Administration**

## **Sec 108-18-1 Purpose And Intent**

The purpose of this chapter is to ensure the provision of a safe and sanitary drinking water supply to the residents of the county who receive water for culinary and domestic use from public water systems in the county by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs used by public water systems in the county and by the designation and regulation of property uses and conditions that may be maintained within such zones.

(Ord. of 1956, § 41-1)

## **Sec 108-18-2 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Best management practices* means a practice or combination of practices determined to be the most effective practicable means of conducting a land use activity to minimize the potential for becoming a pollution source (including technological, economic, and institutional considerations).

*Design standard* means established state or national standards for the design, construction, placement, or maintenance of a potential contamination source to prevent discharges to the groundwater. (See also Secondary containment. ) A control that is implemented by a potential contamination source to prevent discharges to the groundwater. Spill protection is an example of a design standard.

*Drinking water source protection (DWSP) zone* means the surface and subsurface area surrounding a groundwater source of drinking water supplying a public water system through which contaminants are reasonably likely to move toward and reach such groundwater source.

*Groundwater source* means any well, spring, tunnel, adit, or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.

*Pollution source* means point source discharges of contaminants to groundwater or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and

animal feeding operations with more than ten animal units. The following definitions clarify the meaning of the term "pollution source:"

*Animal feeding operation* means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

*Animal unit* means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

*Extremely hazardous substances* means those substances which are identified in the Sec. 302(EHS) column of the "Title III List of Lists - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011). A copy of this document may be obtained from: Section 313 Document Distribution Center, P.O. Box 12505, Cincinnati, OH 41212.

*Hazardous waste* means a waste with properties that make it dangerous or potential harmful to human health or to the environment.

*Potential contamination source* means any facility or site, which employs an activity or procedure, which may potentially contaminate groundwater. A pollution source is also a potential contamination source. Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term "potential contamination source" includes collection, pretreatment or storage facilities used primarily in connection with the system, but not under such control.

*Sanitary landfill* means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

*Sanitary sewer line* means a pipeline that connects a residence or other building with a sanitary sewer.

*Septic tank/drain field system* means a system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

*Source protection zone* means the specified surface and subsurface area surrounding a groundwater source of drinking water supplying a public water supply, through which contaminants are reasonably likely to move toward and reach such groundwater source. These zones shall have the approval of the state division of drinking water as described in R309-600 Source Protection Drinking Water Source Protection for Ground-Water Sources and as stated in section 108-18-3.

*Spring* means the ground surface outlet of a natural underground spring, including Spring collection and control boxes, valves, piping and other attachments.

*Stormwater infiltration structure* means a structure that is intended to discharge stormwater so that it infiltrates groundwater.

*SARA Title III* means the Superfund Amendment and Reauthorization Act section found in 40 CFR 300-302, pertaining to emergency response and right-to-know.

*Time of travel distance* means the distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer. Time of travel is determined from hydrological studies and is approved by the state department of environmental quality, division of drinking water.

*Underground storage tanks* means underground tanks used for the storage of gas, oil, or other hazardous substances.

*Wellhead* means the physical structure, facility, or device at the land surface from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

*Public water system* means a system, either publicly or privately owned, providing water for human consumption and other domestic uses, which:

- (a) Has at least 15 service connections; or
- (b) Serves an average of at least 25 individuals daily at least 60 days out of the year.

*Secondary containment* means a type of system that is used to provide release detection prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

(Ord. of 1956, § 41-2)

### **Sec 108-18-3 Establishment Of Drinking Water Source Protection Zones**

- (a) There are hereby established use districts to be known as Zones One, Two, Three, and Four, of the drinking water source protection area, or alternatively the management area. These zones shall have the approval of the state division of drinking water as described in R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources and are identified and described as follows:
  - (1) Zone One is the area within a 100-foot radius from the wellhead or margin of the collection area.
  - (2) Zone Two is the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
  - (3) Zone Three is the area within a three-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
  - (4) Zone Four is the area within a 15-year groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer.
  - (5) Management area means the area outside of Zone One and within a two-mile radius where the optional two-mile radius delineation procedure has been used to identify a protection area, as described in the state division of drinking water R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources. This area shall be treated as for Zone Two.
- (b) In some cases, such as bedrock areas, Zones Two, Three, and Four are overlapping due to the inability to determine time of travel. These are sensitive areas. In these cases, the zone should

(Ord. of 1956, § 41-3)

**Sec 108-18-4 Identification Of Public Water Systems And Their Drinking Water Source Protection Zones**

- (a) After a public water system in the county submits its drinking water source protection plan to the state division of drinking water, pursuant to the division's drinking water source protection regulations, as amended, and the division provides written notice to the public water system of its approval of the plan, the public water system shall, at its sole cost and expense, provide the county building division, county planning division, county health department and surveyor's office with a map, and additional information required by the office, identifying the four drinking water source protection zones the public water system designates for each of its sources of groundwater for drinking water in the plan approved by the division.
- (b) The county planning division shall then incorporate this information on a map of the county that it shall prepare and maintain, which identifies each public water system's sources of groundwater for drinking water and the four drinking water source protection zones for each source of groundwater.
- (c) It shall be the duty of each public water system, at its sole cost and expense, to submit any updated information as necessary to the county planning division and the county health department.

(Ord. of 1956, § 41-4)

**Sec 108-18-5 Allowed Uses**

- (a) In Zones One, Two, Three, and Four, each use established before the effective date of the ordinance from which this chapter is derived, and uses incidental and accessory to such use, may be continued in the same manner thereafter, provided that such use is not determined by any court of competent jurisdiction to be a nuisance under the provisions of federal, state, and/or local laws or regulations.
- (b) In addition to the uses permitted under subsection (a) of this section, the following uses, including uses incidental and accessory to that use, shall be allowed within the respective drinking water source protection zones:
  - (1) Zone One. No uses in addition to that allowed under subsection (a) of this section are allowed in Zone One.
  - (2) Zone Two. Use of single- or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of the ordinance from which this chapter is derived, provided that such uses are connected to a sanitary sewer system.
  - (3) Zone Three. Use of single- or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of the ordinance from which this chapter is derived.
  - (4) Zone Four.
    - a. Use of single- or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of the ordinance from which this chapter is derived.

- b. The tilling of the soil and the raising of crops provided that the use of fertilizers and pesticides is accomplished within applicable federal, state, and/or local requirements.
  - c. The pasturing of livestock provided all forage is raised on the pastured area.
- (5) In addition to the permitted uses specified in subsections (a) and (b) of this section, certain of the uses prohibited in Zones Two, Three, and Four pursuant to section 108-569 may be allowed in Zones Two, Three, and Four, respectively, if design standards are implemented for the specific use that will prevent contaminated discharges to groundwater.

(Ord. of 1956, § 41-5)

### **Sec 108-18-6 Prohibited Uses**

Subject to section 108-18-5, the following uses are prohibited within the following drinking water source protection zones:

- (a) Zone One. All uses that fall within the definition in this chapter of "pollution source" or "potential contamination source," including the following, are prohibited in Zone One:
  - (1) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
  - (2) Sanitary landfills.
  - (3) Hazardous waste or material disposal sites.
  - (4) Septic tanks/drain field systems.
  - (5) Sanitary sewer lines within 150 feet of a wellhead or spring collection area.
  - (6) Underground storage tanks.
  - (7) Stormwater infiltration structures.
  - (8) Any pollution source as defined herein or in Rule 309-113-101, as amended, of the division of drinking water's drinking water source protection regulations.
  - (9) Agriculture industries including, but not limited to, intensive feeding operations such as feedlots, dairies, fur breeding operations, poultry farms, etc.
- (b) Zone Two.
  - (1) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
  - (2) Sanitary landfills.
  - (3) Hazardous waste or material disposal sites.
  - (4) Septic tanks/drain field systems.
  - (5) Sanitary sewer lines within 150 feet of a wellhead or spring collection area.

- (6) Underground storage tanks.
- (7) Stormwater infiltration structures.
- (8) Any pollution source as defined herein or in Rule 309-113-101, as amended, of the division of drinking water's drinking water source protection regulations.
- (9) Agriculture industries including, but not limited to, intensive feeding operations such as feedlots, dairies, fur breeding operations, poultry farms, etc.

(c) Zone Three.

- (1) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- (2) Sanitary landfills.
- (3) Hazardous waste or material disposal sites.
- (4) Agriculture industries including, but not limited to, intensive feeding operation such as feedlots, dairies, fur breeding operations, poultry farms, etc.

(d) Zone Four.

- (1) Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- (2) Sanitary landfills.
- (3) Hazardous waste or material disposal sites.

(Ord. of 1956, § 41-6)

**Sec 108-18-7 Sewers Within Drinking Water Source Protection Zones And Management Areas**

Sanitary sewer lines may not be located within Zones One and Two or a management area unless the criteria identified below is met. If sewer lines are located or planned to be located within Zones One and Two or a management area, the developer must submit a preliminary evaluation report demonstrating that they comply with this criteria. Sewer lines that comply with these criteria may be assessed as adequately controlled potential contamination sources.

- (a) Zones One and Two. If the conditions specified in subsections (a)(1) and (2) of this section are met, all sewer lines within Zones One and Two shall be constructed in accordance with state requirement and must be at least ten feet from the wellhead.
  - (1) There is at least five feet of suitable soil between the bottom of the sewer lines and the top of the maximum seasonal groundwater table or perched water table. (Suitable soils contain adequate sand/silt/clay to act as an effective effluent filter within its depth for the removal of pathogenic organisms and fill the voids between coarse particles such as gravel, cobbles, and angular rock fragments); and
  - (2) There is at least five feet of suitable soil between the bottom of the sewer line and the top of any bedrock formations or other unsuitable soils. Bedrock formations include formations that have such a low permeability that they prevent the downward passage of

eminent. Bedrock formations that have open joints or solution channels, which permit such rapid flow that effluent is not renovated, are also considered unacceptable. Other unsuitable soils include those with coarse particles such as gravel, cobbles, or angular rock fragments with insufficient soil to fill the voids between the particles. Solid or fractured bedrock such as shale, sandstone, limestone, basalt, or granite are unacceptable.

- (b) Zones One and Two. If the conditions identified in R309-600-13(3)(a)(i) and (ii) cannot be met, any sewer lines within Zones One and Two or a management area shall be constructed in accordance with R309-515-6(4) and must be at least 300 feet from the wellhead or margin of the collection area.

(Ord. of 1956, § 41-7)

### **Sec 108-18-8 Drinking Water Source Protection Requirements**

Except as provided in this section, following the effective date of the ordinance from which this chapter is derived, no building permit or other form of approval from the county to develop or use real property within the county shall be issued until the applicant establishes that its proposed development or use of real property complies with the requirements of this chapter.

(Ord. of 1956, § 41-8)

### **Sec 108-18-9 Transition**

- (a) Until such time that a public water system submits its drinking water source protection plan to the state division of drinking water, the division provides written notice to the public water system of its approval of the plan, and the public water system provides the county building division, county health department, county planning division and surveyor's office with a map and any additional information required by the office identifying the public water system's sources of groundwater for drinking water and the four drinking water source protection zones for each of the sources, no building permit or other form of approval from the county to develop or use real property within the county shall be issued unless the applicant establishes that its proposed development or use of real property complies, with the source protection plan.
- (b) After a public water system submits its drinking water source protection plan to the state division of drinking water, the division provides written notice to the public water system of its approval of the plan, and the public water system provides the county building division, county health department, county planning division and surveyor's department with a map and any additional information required by the office identifying the public water system's sources of groundwater for drinking water and the four drinking water source protection zones for each of the sources, no building permit or other form of approval from the county to develop or use real property within the county shall be issued unless the applicant establishes that its proposed development or use of real property complies with the requirements of this chapter.

(Ord. of 1956, § 41-9)

### **Sec 108-18-10 Administration**

- (a) The policies and procedures for administration of any source protection zone established under this chapter, including without limitation those applicable to existing nonconforming uses, enforcement and penalties, shall be the same as provided in the existing Land Use Code, as presently enacted, except that the county technical committee may grant a variance. The technical committee consists of a member from the county building division, county engineering,

and the county health department. The county planning division shall provide support to the technical committee. If it is necessary to have additional expertise evaluate the variance, it shall be at the expense of the entity requesting the variance. The recommendation relative to the requested variance shall be documented and filed with the county planning division, and a copy returned to the requester.

- (b) The policies and procedures or administration of any drinking water source protection established under this chapter authorize a retail water supplier or wholesale water supplier to seek enforcement of the ordinance in a district court located within the county as permitted by U.C.A. 1953, § 19-4-113, or as subsequently amended. This chapter shall take effect 15 days after its adoption and first publication. Adoptions of a drinking water source protection ordinances by a cities or town, shall supersede the county's source drinking water source protection ordinance.

(Ord. of 1956, § 41-10)

## **Chapter 108-19 Accessory Dwelling Units**

[Sec 108-19-1 Purpose And Intent](#)

[Sec 108-19-2 Applicability](#)

[Sec 108-19-3 General Provisions](#)

[Sec 108-19-4 Standards And Requirements](#)

[Sec 108-19-5 Application Procedure](#)

[Sec 108-19-6 Moderate Income Housing Provision](#)

[Sec 108-19-7 Enforcement](#)

### HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

## **Sec 108-19-1 Purpose And Intent**

The purpose of this chapter is to provide regulations for accessory dwelling units that are incidental and accessory to a single-family dwelling, where allowed by the zone. Accessory dwelling units are intended to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life.

(Ord. of 1956, § 42-1)

### HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

## **Sec 108-19-2 Applicability**

- (a) *Applicability.* The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.
- (b) *Ogden Valley Accessory Dwelling Unit.* In the Ogden Valley, an accessory dwelling unit located in an accessory building shall only be allowed in one of the two following circumstances:
- (1) The lot has a base density, as defined in Chapter 101-2, of at least two. The lot owner shall record a covenant that runs with the land and is between the lot owner and the County. The covenant shall document the lot's calculated base density; the number of dwelling units developed on the lot, including the accessory dwelling unit; the number of dwelling unit rights subtracted from the base density by any other means; and the number of dwelling unit rights remaining for the property.
  - (2) A landowner has successfully negotiated the reallocation of a dwelling unit right from another lot or parcel, and is in compliance with the following:



- a. The reallocated dwelling unit right may only be transferred from a lot or parcel that:
  1. Is located in one of the following zones: RE-15, RE-20, AV-3, FV-3, and S-1; and
  2. Has an available dwelling unit right. Available dwelling unit rights are determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition.
- b. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units developed on the lot or parcel, including the accessory dwelling unit, if applicable; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.

HISTORY

Adopted by Ord. [2020-27](#) on 12/22/2020

Amended by Ord. [2022-14](#) on 5/25/2022

**Sec 108-19-3 General Provisions**

The following provisions shall apply:

- (a) *Number of accessory dwelling units per parcel.* No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.
- (b) *Amenities.* An accessory dwelling unit shall contain sufficient amenities to be definable by Chapter 101-2 as a dwelling unit.
- (c) *Parking.* Parking shall be as provided in Chapter 108-8 for an accessory dwelling unit, and shall be on a hard-surfaced area prepared to accommodate vehicle parking.
- (d) *Occupancy.* Either the accessory dwelling unit or the single-family dwelling unit shall be owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent. The non-owner-occupied unit is limited to no more than one family. For the purposes of this subsection (d), "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of seven months of the calendar year, except that temporary leave for religious, military, or other legitimate purposes qualifies as owner occupancy.
- (e) *Short-term rentals not allowed.* Neither the single-family dwelling unit, nor the accessory dwelling unit, shall be used or licensed as a short-term rental, otherwise known as "nightly rental" elsewhere in this Land Use Code, unless specifically allowed elsewhere in this Land Use Code.
- (f) *Relevant authority approvals.* The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

(Ord. of 1956, § 42-3)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

**Sec 108-19-4 Standards And Requirements**

- (a) *Standards same as single-family dwellings.* If new construction for an accessory dwelling unit is proposed or will occur, the standards for single-family dwellings, as provided in Title 108 Chapter 15, shall apply, except that an accessory dwelling unit shall not have more than one kitchen.
- (b) *Size.* The size regulations for an accessory dwelling unit are as follows:
- (1) The footprint of an accessory dwelling unit, as determined by the exterior perimeter of all levels when viewed from above, shall not be less than 400 square feet and shall not exceed 1,500 square feet. In no case shall the gross floor area of the accessory dwelling unit exceed 50 percent of the gross floor area of the single-family dwelling, or be greater than 2,000 square feet. However, an accessory dwelling unit located entirely within a basement of a single-family dwelling may consume the entire basement area regardless of square footage.
  - (2) Except as provided in (b)(3), the height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 35 feet.
  - (3) For a lot that has 20,000 square feet or less:
    - a. The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 90% of the height of the single-family dwelling.
    - b. The footprint of a building that houses an accessory dwelling unit combined with the footprint of the single-family dwelling, if different, shall not cover more than 25 percent of the total lot area.
- (c) *Relationship to the single-family dwelling; appearance.* The exterior design of an accessory dwelling unit, or the building that contains an accessory dwelling unit, shall compliment the single-family dwelling in a manner that preserves the appearance of the lot's single-family use.
- (1) The exterior of the accessory dwelling unit shall either:
    - a. Conform to the single-family dwelling in architectural style and materials on all sides of the building and roof;
    - b. Be designed by a licensed architect in a manner that gives the appearance of a barn or other similarly styled agricultural outbuilding; or
    - c. Be designed by a licensed architect in a manner that provides the architectural features of historic buildings from the general area.
  - (2) An accessory dwelling unit located in a building that is only connected to the single-family dwelling by means of a continuous roofline, such as a breezeway, shall be determined to be a part of the single-family dwelling provided that the distance between them is no greater than 15 feet.
- (d) *Location.* An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone.
- (e) *Access.* The main access into the accessory dwelling unit shall be on the side or rear of the building, as viewed from the front lot line. Each accessory dwelling unit shall have direct access to the exterior of the building in a manner that does not require passage through any other part of the building.
- (f) *Undivided ownership.* Ownership of an accessory dwelling unit shall not be transferred separate from the single-family dwelling to which it is an accessory, unless the transfer is part of a lawfully

platted subdivision that complies with all applicable lot standards of this Land Use Code, including building setbacks and access across the front lot line. A notice shall be recorded to the title of the lot that states that ownership may not transfer except in these circumstances.

- (g) *Converting existing dwelling unit.* An existing single-family dwelling unit, lawfully established at least 5 years prior to the date of application for an accessory dwelling unit, may be converted to an accessory dwelling unit and is exempt from the standards of this section.

#### HISTORY

Adopted by Ord. [2020-27](#) on 12/22/2020

### **Sec 108-19-5 Application Procedure**

Approval of an accessory dwelling unit requires a land use permit. The application and review procedure for a land use permit is as follows:

(a) *Application submittal requirements.*

- (1) A completed application form signed by the property owner or assigned agent.
- (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
- (4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.
- (5) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) *Review procedure.*

- (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
- (2) Planning Division staff will route the application to the local fire authority, local health department, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.
- (3) If the land use permit application complies with relevant land use laws, and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning Division staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.
- (4) If the application does not comply, Planning Division staff shall notify the applicant using the notification method typical for similar Planning Division correspondence. The applicant

shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.

- (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory dwelling unit.
- (6) If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

(Ord. of 1956, § 42-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

#### HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

Amended by Ord. [2020-27](#) on 12/22/2020

### **Sec 108-19-6 Moderate Income Housing Provision**

In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in the planning advisory areas of unincorporated Weber County. Accessory dwelling units created in accordance with this chapter will assist in providing for this need.

(Ord. of 1956, § 42-5)

#### HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

Amended by Ord. [2020-27](#) on 12/22/2020

### **Sec 108-19-7 Enforcement**

Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Noncompliance with the standards of this chapter shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allow for long term rental of the accessory dwelling unit.

#### HISTORY

Adopted by Ord. [2020-27](#) on 12/22/2020

## **Chapter 108-20 Forest Campgrounds**

[Article 108-20-I In General](#)

[Article 108-20-II Permit And Application](#)

[Article 108-20-III License Requirement And Application](#)

[Article 108-20-IV General Requirements](#)

[Article 108-20-V General Site Development Standards](#)

[Article 108-20-VI Electrical Service, Wiring, Fuel And Fire Protection](#)

[Article 108-20-VII Accessory Structures And Dwelling Units](#)

[Article 108-20-VIII Administration And Enforcement](#)

### **Article 108-20-I In General**

[Sec 108-20-1 Purpose](#)

[Sec 108-20-2 Definitions](#)

### **Sec 108-20-1 Purpose**

The purpose of the chapter is to provide regulations for the development and construction of forest campgrounds in the mountain and canyons areas of the unincorporated portion of the county in order to ensure that all such development will guarantee the public health, safety and general welfare, and represent, to the greatest extent possible, efforts to preserve the natural amenities of the landscape and ensure harmony with the overall environment.

(Code 1985, § 13-1-2)

### **Sec 108-20-2 Definitions**

When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

*Building inspector* means the building inspector of Weber County.

*Campsite* means an area within a campground designed or used to accommodate one party in a single travel trailer, recreational vehicle or tent.

*County health department* means the Weber-Morgan Health Department.

*Fire chief* means fire chief of the Weber Fire District or any member of his staff authorized to represent him.

*Forest campground* means an area used or designed to accommodate three or more automobile campers, travel trailers of not more than eight feet in width, motor recreational vehicles or tents for use of periodic overnight accommodations expressly for temporary outdoor recreational activities. There are four categories of forest campgrounds, as follows:

- (a) *Public campground*. A forest campground owned and operated by a public agency.
- (b) *Semi-public organization campground*. A forest campground owned and operated by a semi-public nonprofit organization for the exclusive temporary use and enjoyment of its members.
- (c) *Private campground*. A forest campground owned and operated by a private organization for the exclusive temporary use and enjoyment of those sharing in the ownership of the campground and/or of those holding a purchased membership in the organization.
- (d) *Commercial campground*. A forest campground owned and operated expressly for the purpose of renting space in the campground on a transient basis for profit to the general public.

*Health officer* means the director of the Weber-Morgan Health Department, or any member of his staff authorized to represent him.

*Planning commission* means the planning commission of Weber County.

*Spur* means a graded and graveled projection from a road within the campground designed specifically for parking a travel trailer, recreational vehicle, or automobile and serving a single camp unit.

*Trailer loop* means a graded and graveled projection extending from and connecting to a road within the campground specifically for parking a travel trailer and serving a single camp unit.

(Code 1985, § 13-1-3)

### **Article 108-20-II Permit And Application**

[Sec 108-20-19 Forest Campground Construction Or Improvement Permit](#)[Sec 108-20-20 Building Code](#)[Sec 108-20-21 Application; Site Plan Review](#)[Sec 108-20-22 Denial Of Permit; Review](#)[Sec 108-20-23 Unlawful To Vary From Approved Plans And Specifications](#)**Sec 108-20-19 Forest Campground Construction Or Improvement Permit**

It is unlawful for any person to construct, enlarge, alter, improve any forest campground, or to cause the same to be done, unless such person holds a valid and existing permit issued for the performance of such work by the building inspector.

(Code 1985, § 13-2-1)

**Sec 108-20-20 Building Code**

The procedure prescribed by the Uniform Building Code as adopted by the county and as amended shall be followed in applying for permits for the construction or alteration of a forest campground.

(Code 1985, § 13-2-2)

**Sec 108-20-21 Application; Site Plan Review**

- (a) In addition to other requirements, there shall be submitted to the planning commission with the application a comprehensive site plan drawn to scale showing the area and dimensions of the campground number and location of camp sites and group picnic areas location and dimensions of parking spurs, loops, and other parking areas width and arrangement of roads and the location and description of all camp facilities to include table, fireplaces, hydrants, toilet facilities, other accessory buildings and a design plan for supplemental planting, if proposed. An additional statement shall be submitted which indicates the suitability of the soils and general slope characteristics of the site to accommodate proposed development.
- (b) Additionally there shall be included on the submitted site plan, contour lines at five foot intervals in vertical distance except where slope on the site is excessively steep or flat, such being the case, the contour interval may be increased or decreased to better depict overall topography location and description of dominant ground cover and other natural features including streams, ponds, and lakes; and attached to the site plan a brief statement indicating actions to be taken to preserve the natural environment.
- (c) The planning commission shall promptly review the site plan, and if it shall appear therefrom that the plan complies with all applicable ordinances and regulations and represents in the opinion of the planning commission an acceptable overall design plan conducive to promoting public convenience, health, safety and general welfare and preservation, to the greatest extent possible, of the natural amenities of the area, it shall endorse their approval thereon and authorize the issuance of a land use permit.
- (d) The planning commission may in its discretion, propose recommendations and impose conditions for the improvement of said plan to provide for the safety and protection of the users and preservation of the environment. If the planning commission shall find that said plan does not comply with applicable ordinances and regulations, it shall disapprove said plan and return same to the applicant with a statement in writing indicating reasons for disapproval. Any action of the planning commission to impose conditions, reduce the actual number of campsites or deny the request for a conditional use permit shall be based on criteria in the Land Use Code which is the basis for issuance of conditional use permits. No permit shall be issued if the planning commission disapproves said site plan.

**Sec 108-20-22 Denial Of Permit; Review**

Any person, firm or corporation whose application for a permit under the provisions of this section has been denied by the planning commission may appeal such decision to the board of county commissioners upon filing a written request therefore within ten days after notice of such denial. Such written request shall specify with reasonable particularity the grounds on which the applicant relies for a reversal of the planning commission's denial of the permit. The county commission may affirm, amend or reverse in whole or part the decision of the planning commission. The decision of the county commission shall be final.

(Code 1985, § 13-2-4)

**Sec 108-20-23 Unlawful To Vary From Approved Plans And Specifications**

It is unlawful for any person to do any work in and about the construction, alteration, repair, improvement or enlargement of any forest campground or any structure thereon, for which a permit is required, which varies in any substantial particular from the approved plans and specifications submitted with the application for such permit and which were approved and/or upon which the permit issued is or was based.

(Code 1985, § 13-2-5)

**Article 108-20-III License Requirement And Application**

[Sec 108-20-40 License Required](#)

[Sec 108-20-41 Application For Issuance Of License](#)

**Sec 108-20-40 License Required**

It shall be unlawful for any person, firm or corporation to operate, maintain, or offer for use any forest campground without first making application to the license department and obtaining a license to do so.

(Code 1985, § 13-3-1)

**Sec 108-20-41 Application For Issuance Of License**

No new application for license shall be considered until the plans for such use shall have first been approved by the planning commission and a land use permit has been issued as required by the Land Use Code, and no such license shall be issued until such approval has been obtained. Any license issued without such approval shall be null and void. Each applicant, in making application for a license shall specify the exact number of campsites which shall be offered for use. Any enlargements, increase in capacity, or modification of an existing use shall be construed to be a new application of the purpose of this regulation, and no existing license shall be modified and no land use or building permit for such enlargement, increase in capacity or modification shall be issued until the application for the same shall be approved by the planning commission as required for a new application. Licenses for existing uses may be modified for increased use or expansion during the license year, but such license shall show thereon the additional facilities provided.

(Code 1985, § 13-3-2)

**Article 108-20-IV General Requirements**

[Sec 108-20-58 Miscellaneous Laws, Ordinances And Regulations](#)

[Sec 108-20-59 Signs](#)

[Sec 108-20-60 Periodic Recreational Usage Only](#)

[Sec 108-20-61 Duration Of Campsite Occupancy](#)[Sec 108-20-62 Restrictions Relating To The Erection Of Structures](#)**Sec 108-20-58 Miscellaneous Laws, Ordinances And Regulations**

In addition to the requirements as set forth in this chapter, all uses shall be established and constructed in compliance with all existing state and local statutes, ordinances, codes and regulations, including the rules and regulations of the county health department and/or state department of health, local county and state law enforcement agencies and fire department.

(Code 1985, § 13-4-1)

**Sec 108-20-59 Signs**

All signs shall be in accordance with requirements of the zone in which the campground is to be located.

(Code 1985, § 13-4-2)

**Sec 108-20-60 Periodic Recreational Usage Only**

- (a) No automobile camper, travel trailer, motor recreational vehicle or other similar vehicle or structure shall be located in a forest campground for full-time or year round use as a permanent dwelling habitation, and shall not be used for such purposes, but shall be used solely for periodic, four season, part-time recreational living purposes and shall be maintained in a readily movable condition.
- (b) The county building inspector shall have the power to require the disuse and removal of any such vehicle or structure if, in his determination, such vehicle or structure is not being used solely for part-time, periodic recreational living purposes.

(Code 1985, § 13-4-3)

**Sec 108-20-61 Duration Of Campsite Occupancy**

Commercial campground sites shall be occupied no longer than two consecutive weeks by the same camp party.

(Code 1985, § 13-4-4)

**Sec 108-20-62 Restrictions Relating To The Erection Of Structures**

No structure of any type shall be erected in a forest campground except those accessory structures as permitted in section 108-20-126.

(Code 1985, § 13-4-5)

**Article 108-20-V General Site Development Standards**[Sec 108-20-79 Minimum Campground Site Area](#)[Sec 108-20-80 Maximum Number Of Campsites Allowed](#)[Sec 108-20-81 Density And Spacing Requirements](#)[Sec 108-20-82 Traffic Circulation](#)[Sec 108-20-83 Parking](#)[Sec 108-20-84 Water Supply](#)[Sec 108-20-85 Wastewater Disposal](#)[Sec 108-20-86 Solid Waste Disposal](#)[Sec 108-20-87 Fireplaces And Tables](#)



[Sec 108-20-88 Group Picnic Sites](#)[Sec 108-20-89 Individual Camp And Picnic Sites](#)**Sec 108-20-79 Minimum Campground Site Area**

The minimum area for a forest campground shall be determined by the lot area requirements of the Land Use Code for the zone in which the campground is to be located, provided no campground shall have an area of less than five acres except in the FRC-1 and CR-I zones such campgrounds shall have a minimum area of one acre.

(Code 1985, § 13-5-1)

**Sec 108-20-80 Maximum Number Of Campsites Allowed**

- (a) The maximum number of campsites allowed in a forest campground shall be as follows:
- (1) In a public, commercial or semi-public organization campground: five campsites per acre of land designated and developed for camping purposes.
  - (2) In a private campground, the same area for each two campsites as required for a main use in the zone in which the campground is located.
- (b) The planning commission, in reviewing the site plan and attached statements, shall determine if the site is capable of accommodating the proposed maximum number of campsites allowed and shall thereupon determine whether the number of campsites per acre will be reduced below the maximum permitted. Such determination shall be based upon the land cover, percentage of land area with a slope in excess of 30 percent and other resource limitations.

(Code 1985, § 13-5-2)

**Sec 108-20-81 Density And Spacing Requirements**

Campsites shall be spaced in such a manner so that not more than five individual campsites shall occupy less than one acre of land. Clusters of campsites should consist of approximately 20 campsites and should be separated by natural barriers such as ridges, valleys, heavy timber, or similar natural features or by a sufficient distance to assure compatibility with the natural landscape.

(Code 1985, § 13-5-3)

**Sec 108-20-82 Traffic Circulation**

- (a) There shall be safe access into the campground through a single entrance where possible.
- (b) Acceleration and deceleration lanes shall be provided when the campground entrance is in close proximity to a heavily traveled highway. The lanes shall be 300 feet in length.
- (c) The surface width for two-way roads shall be at least 16 feet and at least 12-foot widths shall be provided for one-way roads.
- (d) All roads in the campground shall be graded and graveled and shall not exceed a grade of more than 15 percent.
- (e) Turn-around loops shall be constructed to provide at least a 45-foot turning radius measured to the centerline of the road.
- (f) A minimum distance of 200 to 300 feet shall separate roads within the campground.

(Code 1985, § 13-5-4)

### **Sec 108-20-83 Parking**

- (a) Spurs on one-way roads shall not exceed a 45-degree angle measured to the centerline of the road.
- (b) Spurs for automobiles and campers shall be at least 30 feet long, measured on the short side of the spur from the edge of the road.
- (c) Spurs for trailers shall be at least 55 feet long, measured on the short side of the spur from the edge of the road.
- (d) Spurs shall be a minimum of 12 feet wide.
- (e) The rear half of a spur and midsection of a loop shall not exceed two percent grade in order to provide a near level pad on which trailers and campers may be satisfactorily leveled. The rest of the spur or slope shall not exceed six percent grade; cross sections of loops and spurs shall be level or near level.
- (f) Trailer loops shall be a minimum of 60 feet local, measured along the edge of the adjoining interior road from centerline or entrance to centerline of exit.
- (g) Group parking located to serve picnic areas shall be arranged to permit adequate ingress and egress to individual spaces. Wheel stops shall be provided for each parking space.
- (h) Group parking facilities shall not be located more than 200 feet from the picnic area they are intended to serve. There shall be a minimum of one parking space per picnic table.

(Code 1985, § 13-5-5)

### **Sec 108-20-84 Water Supply**

- (a) *Source.* Water supplies shall be from a public water supply or from another source meeting requirements of "Rules and Regulations Relating to Public Water Supplies" as adopted by the state board of health.
- (b) *Water.* There shall be a minimum of one hydrant per five camp units.

(Code 1985, § 13-5-6)

### **Sec 108-20-85 Wastewater Disposal**

- (a) There shall be a minimum of two flush-type water closets for each campground, one designated for female and the other for male. Campgrounds having in excess of 15 camp units shall have two additional flush-type water closets for each additional 15 camp units or fractions thereof.
- (b) Toilet facilities for males and females if located in the same building shall be separated by a sound-resistant wall.
- (c) All toilet facilities must be located at least 75 feet from the farthest family unit and at least 100 feet from all lakes, streams or wells.
- (d) A toilet facility shall be located no further than 500 feet from the farthest family unit it is intended to serve.
- (e) Adequate access paths shall be provided from camp areas to toilet facilities and shall include an appropriate number of directional signs.

- (f) Where a site is developed to accommodate self-contained camping units, provisions shall be made to incorporate sewage disposal stations with the flush toilet system. Constructed in accordance with the state division of health, code of "waste disposal regulations."
- (g) All wastewater shall be disposed of into a public sewer system whenever available. Where connection to a public sewer system is not possible, wastewater shall be discharged into wastewater disposal system meeting requirements specified in "Code of Water Disposal Regulations", as adopted jointly by the state board of health and water pollution committee.

(Code 1985, § 13-5-7)

### **Sec 108-20-86 Solid Waste Disposal**

- (a) Solid wastes, including garbage, originating from any camp shall be stored in approved, conveniently located, leak-proof, non-absorbent water-tight containers provided with approved type lids, and shall be disposed of as often as necessary to prevent a nuisance.
- (b) There shall be one refuse container for each campsite.
- (c) There shall be provided at least one refuse container for every picnic area designed to accommodate up to 15 people. The containers shall be located in a rack or on a concrete base near a service road.

(Code 1985, § 13-5-8)

### **Sec 108-20-87 Fireplaces And Tables**

- (a) Fireplaces shall be located at least five feet from any table.
- (b) Table should be located in shaded areas.
- (c) A five-foot radius cleared of all flammable material shall be maintained around fireplaces and grills.

(Code 1985, § 13-5-9)

### **Sec 108-20-88 Group Picnic Sites**

- (a) Group picnic areas should be approximately 300 feet from camp units and other picnic areas.
- (b) There should be appropriate grading and graveling or paving of group picnic sites where tables and fireplaces are clustered for group use.

(Code 1985, § 13-5-10)

### **Sec 108-20-89 Individual Camp And Picnic Sites**

- (a) Individual camp and picnic sites shall be at least 75 feet apart. Minimum distance in aspen cover should be 150 feet apart.
- (b) Sites should be approximately 50 feet from the edge of interior roads, when served by spurs, and 30 feet when served by trailer loops. There should be at least 200 feet between camp and picnic sites and a main road.
- (c) Sites shall be at least 50 feet from fences and should be located far enough away from lakes and streams to permit public access.

- (d) Camps and picnic sites should be located within ten to 20 feet from trailer spurs or loops and 40 feet from car spurs wherever possible.

(Code 1985, § 13-5-11)

## **Article 108-20-VI Electrical Service, Wiring, Fuel And Fire Protection**

### **Sec 108-20-106 Electric Wiring And Service**

### **Sec 108-20-107 Fire Protection**

#### **Sec 108-20-106 Electric Wiring And Service**

All electric wiring shall be installed to conform with the requirement of all state and county electrical codes and ordinances. No person shall make any electrical connection without obtaining a permit and approval of the building inspector; except that a previously approved electrical connection system may be employed without obtaining such permit. No power line shall be permitted to lie on the ground, or to be suspended less than 18 feet above the surface of the ground.

(Code 1985, § 13-6-1)

#### **Sec 108-20-107 Fire Protection**

- (a) All forest campgrounds shall be subject to the rules and regulations of the Weber Fire District and be in accordance with the county fire prevention code and requirements as herein specified.
- (b) Flammable materials. Forest campgrounds shall be kept free of litter, rubbish and other flammable materials.

(Code 1985, § 13-6-2)

## **Article 108-20-VII Accessory Structures And Dwelling Units**

### **Sec 108-20-126 Accessory Structures**

### **Sec 108-20-127 Dwelling Units**

### **Sec 108-20-128 Other Land Uses**

#### **Sec 108-20-126 Accessory Structures**

Accessory structures built within the campground shall be used for the housing of sanitary facilities, equipment used for the upkeep of the campground and for the control of the campground facilities. All accessory structures shall be a permanent type and shall be used only as incidental uses to a forest campground. Any accessory structure as permitted herein shall be constructed of materials which blend well with and are complimentary to the natural setting of the area.

(Code 1985, § 13-7-1)

#### **Sec 108-20-127 Dwelling Units**

All dwelling units shall be considered a primary use of the land and shall meet all the requirements of the Land Use Code of Weber County and the standards contained therein for the particular zone in which the land use is proposed. None of the area nor any of the facilities in a forest campground may be used to satisfy any of the requirements for a dwelling, as such use related to any applicable ordinances of the county.

(Code 1985, § 13-7-2)

#### **Sec 108-20-128 Other Land Uses**

All other lands uses to be established in conjunction with a forest campground shall comply with all the requirements of the respective zones of the Land Use Code of Weber County.

(Code 1985, § 13-7-3)

## **Article 108-20-VIII Administration And Enforcement**

### **Sec 108-20-146 Enforcement**

#### **Sec 108-20-146 Enforcement**

It shall be the duty of the county building inspector, health officer, county fire chief, and such other officials as may be designated by the board of county commissions to enforce this title.

(Code 1985, § 13-8-1)

## **Chapter 108-21 Agri-Tourism**

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

### **Sec 108-21-2 Applicability**

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

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

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

### **Sec 108-21-6 Use/Activity Standards And Limitations**

### **Sec 108-21-7 Signs**

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

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

(Ord. No. 2012-19, pt. 1(§ 46-1), 12-18-2012)

#### **Sec 108-21-2 Applicability**

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

(Ord. No. 2012-19, pt. 1(§ 46-2), 12-18-2012)

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

The development standards imposed by this section do not alter, supersede or nullify any codes, ordinances, statutes, or other applicable standards which may also regulate these same uses/activities.

- (a) *Primary use.* Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism uses/activities shall be complementary and clearly accessory to the primary agricultural use. To guarantee legitimacy and viability, an agri-tourism operation shall demonstrate that the subject property has been qualified under the Farmland Assessment Act or that the subject property is currently, or will be within the next growing season, producing an agricultural product in an amount that meets or exceeds the production requirement as established by the Farmland Assessment Act. A farmer, whose primary agricultural use is that of an apiary, shall be required to maintain two hives per acre with a ten-hive minimum. No more than 20 hives shall be necessary when a farm exceeds ten acres.
- (b) *Lot of record (lawfully created lot).* Notwithstanding title 106, subdivisions, a landowner who meets the standards, as set forth by this chapter, may develop an agri-tourism operation and its associated uses (excluding a single-family dwelling, B&B farm dwelling, and B&B farm retreat) as a lot of record. The parcel(s) shall be subject to the following:
  - (1) The agri-tourism operation shall remain in compliance with approvals granted through further review and subsequent issuance of a conditional use permit.
  - (2) The parcel and/or combination of all individual parcels shall consist of an area that is not less than twice the minimum lot area that is required by the zone in which the agri-tourism operation is located. For example an agri-tourism operation that lies in a zone that requires three acres as a minimum lot area shall be required to have at least a six-acre farm size. Parcels that are unable to meet this area requirement may pursue a legal (lot of record) status by demonstrating that the subject parcel(s) qualifies as lot of record through any other available means provided by the definition of a lot of record or by meeting the requirements of the Weber County Subdivision Ordinance.
- (c) *Narrative.* In addition to the requirements listed in title 108, chapter 4 of this Land Use Code (conditional uses), all agri-tourism applications shall be accompanied by a concise narrative describing the farm and the overall vision for the proposed agri-tourism operation. The narrative shall include farm history, a description or plan for the general maintenance of its agricultural product(s), and proposals for the following:
  - (1) Offerings for agriculturally related and non-agriculturally related products and uses/activities.
  - (2) Agriculturally related and non-agriculturally related types of facilities and equipment.
  - (3) Time(s) of normal day-to-day operation as referenced in title 38, special events.
  - (4) Anticipated number of daily patrons and employees.
  - (5) Parking needs.
- (d) *Access.* Notwithstanding section 108-7-31 (access to a lot/parcel using a private right-of-way/easement), an agri-tourism operation is not required to have frontage or access directly off of a public or privately dedicated roadway.
- (e) *General site and building design/layout.* An agri-tourism operation shall have a general design and layout that concentrates all tourism uses and activities into a distinct activity center(s). The area within a developed activity center or combined area of multiple activity centers, excluding productive agri-tourism acreage, trail corridors, and/or a half-acre for a farmer's residence and any uses confined thereto (i.e., home office, B&B, etc.), may consist of a total area that does not exceed 20 percent of a farm's overall gross acreage. The remaining acreage, shown outside of all activity centers, shall be maintained in an agriculturally productive manner that is consistent

with the farm's main agricultural use(s). Acreage that is incapable of being agriculturally productive due to a topographic condition, physical constraint, and/or circumstance (i.e., wetlands, drainages, steep slopes, occupation by barn and/or farm equipment storage structure(s) etc.) that physically interferes with farm production may be kept in its natural, historic, or constructed state.

Newly constructed buildings and facilities intended for agri-tourism purposes and/or to serve agri-tourism needs shall reflect an architectural vernacular that is consistent with the area's rural character. Temporary sanitary facilities are discouraged; however, if found necessary, they shall be discretely incorporated into the agri-tourism operation and completely screened from street and adjacent property view.

- (f) *Ownership.* An agri-tourism operation may consist of multiple properties; however, all properties shall have identical and common ownership.
- (g) *Production.* An agri-tourism operation shall, with exception of the winter season, actively and continuously produce an agricultural product for sale and purchase. In the event that the agri-tourism operation's agricultural productivity ceases or becomes improperly maintained, as determined by the planning commission, the right to operate an agri-tourism business under a conditional use permit may be revoked.
- (h) *Agri-tourism uses/activities.* To ensure an appropriate balance and mixture of agriculturally related and non-agriculturally related uses/activities, it shall be required that a minimum of one-half of all uses/activities be agriculturally related as defined in section 101-1-7 of this Land Use Code. The method, by which measurements are made, shall be based on one agriculturally related use/activity being equal to one non-agriculturally related use/activity. Uses/activities involving the sale of any products or goods shall be prohibited from selling motorized vehicles and/or equipment. Exceptions to this standard are made for the occasional sale of farm equipment personally owned by the farm owner and/or other farm equipment sales events approved through title 38, special events.
- (i) *Hours of operation.* Agri-tourism uses/activities, not including residential overnight accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00 a.m. and 10:00 p.m. The planning commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
- (j) *Development agreement.* An agri-tourism operation shall, prior to the construction of any structure intended for the purpose of accommodating non-agricultural uses, record a farm stay and commercial development agreement, provided by Weber County, on all parcels utilized as part of an approved agri-tourism operation. One single-family dwelling or farm house (per parcel) and/or any number of structures that qualify for an agricultural exemption are excepted from this standard when developed in accordance with the requirements found in the Weber County Land Use Code.

(Ord. No. 2012-19, pt. 1(§ 46-3), 12-18-2012)

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

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

- (a) Market garden includes an agriculturally productive property consisting of three acres or more, but fewer than five acres.
- (b) Family farm includes an agriculturally productive property consisting of five acres or more, but fewer than ten acres.

- (c) Small farm includes an agriculturally productive property consisting of ten acres or more, but fewer than 20 acres.
- (d) Medium farm includes an agriculturally productive property consisting of 20 acres or more, but fewer than 40 acres.
- (e) Large farm includes an agriculturally productive property consisting of 40 acres or more, but fewer than 80 acres.
- (f) Ranch includes an agriculturally productive property consisting of 80 acres or more.

(Ord. No. 2012-19, pt. 1(§ 46-4), 12-18-2012)

**Sec 108-21-5 Permitted Uses/Activities Table**

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See section 108-21-7 for these specific design and/or limitation standards associated with each use/activity marked with an asterisk (\*).

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 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*			•	•	•	•
Single-family dwelling; a.k.a. Farm house*	•	•	•	•	•	•
Health farm*			•	•	•	•
Motor coach/caravan area, agri-tourism*	•	•	•	•	•	•
<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*	•	•	•	•	•	•
Multi-farmer open air (farmer's) market, agri-tourism*				•	•	•
Nursery (plant cultivation)	•	•	•	•	•	•
Petting farm/zoo	•	•	•	•	•	•
Sleigh/hay ride			•	•	•	•
Special event; as defined by title 38, special events	•	•	•	•	•	•
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*						•
On-farm store/retail market, agri-tourism*					•	•
Play area, agri-tourism		•	•	•	•	•
Restaurant featuring farm products*				•	•	•
Special event; as defined by title 38, special events	•	•	•	•	•	•
Health farm*				•	•	•

Motor coach/caravan area, agri-tourism*					.	.	.
Value added product processing*	.	.	.	.	.	.	.

(Ord. No. 2012-19, pt. 1(§ 46-5), 12-18-2012)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

**Sec 108-21-6 Use/Activity Standards And Limitations**

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

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

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

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

(2) *B&B farm dwelling (two guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.
- c. A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title 106, subdivision.

(3) *B&B farm retreat (seven guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.

- c. A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
- d. A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106, subdivision.

(4) *B&B farm inn (16 guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.
- c. The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(5) *Luxury camping (glamping).*

- a. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two tents or cabins per five gross acres.
- b. Occupancy shall not exceed six persons per tent or cabin.
- c. Meals shall only be served to overnight guests.
- d. Glamping area(s) shall be completely screened from street view.
- e. Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(6) *Accessory dwelling unit.*

- a. An agritourism operation may have one or more accessory dwelling units onsite. The number of accessory dwelling units shall not exceed the following calculation: net developable acreage of the parcel upon which an accessory dwelling unit is located, divided by the minimum lot area required by the zone in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot area) × 20 percent = Maximum number of accessory dwelling units at an approved agri-tourism operation.
- b. Meals shall only be served to overnight guests.
- c. An accessory dwelling unit shall not be located closer than 150 feet to the agri-tourism operation's exterior boundary, and in no case located closer than 300 feet from an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing

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

(7) *Conference/education center.*

- a. An agri-tourism operation shall be limited to one conference/education center.
- b. A conference/education center shall be limited to a maximum of 20 guest units/rooms.
- c. Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) *Health farm.*

- a. An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or hotel).
- b. A health farm shall be limited to a maximum of ten guest units/rooms.
- c. A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(9) *Motor coach/caravan area.*

- a. A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number of individual sites that does not exceed one site per five gross acres. In no case shall a motor coach/caravan area or combination of areas exceed 20 sites.
- b. A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(10) *Single-family dwelling; a.k.a. farm house.*

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

(b) *Agriculturally related uses/activities.*

(1) *Argo-ecology research and education center (AREC).*

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

(2) *Educational classes.*

- a. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.

(3) Harvest-market.

- a. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.

(4) Multi-farmer open air (farmer's) market.

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

(5) Petting farm/zoo.

- a. Limited to parcels with access provided by a collector or arterial road when located within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation information.

(c) *Non-Agriculturally Related Uses/Activities.*

(1) Bakery/cafe featuring farm product(s).

- a. Not less than one agricultural product, offered at a bakery/cafe featuring farm product(s), shall be raised/cultivated and/or produced by the farm on which the bakery/cafe featuring farm product(s) is operated.
- b. A bakery/cafe shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(2) Farm stay.

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

(3) Gift shop (retail).

- a. A gift shop and its outdoor display area or gift shop 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.

(4) Hunting preserve.

- 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.

(5) Motor coach/caravan area.

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

(6) On-farm store/retail market.

- a. Not less than one agricultural product, offered at an on-farm store/retail market, shall be raised/cultivated and/or produced by the farm on which the on-farm store/retail market is operated.
- b. An on-farm store/retail market and its outdoor display area or on-farm store/retail market area within a multi-use building shall be limited to the following size standards:

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

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

(7) Restaurant featuring farm product(s).

- a. Not less than one agricultural product, offered at a restaurant featuring farm product(s), shall be raised/cultivated and/or produced by the farm upon which the restaurant featuring farm product(s) is operated.
- b. A restaurant shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its

length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) Value added product processing and packaging (VAPPP).

- a. VAPPP shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm upon which the processing and packaging is taking place.
- b. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations and parcels consisting of five acres or more. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's property boundary.
- c. A VAPPP building and any outdoor work area 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.

- d. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
- e. The structure 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.

(Ord. No. 2012-19, pt. 1(§ 46-6), 12-18-2012; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2018-6, Exh. A, 5-8-2018)

HISTORY  
Amended by Ord. [2020-27](#) on 12/22/2020

**Sec 108-21-7 Signs**

Signs shall be regulated according to the requirements found in chapter 110 of this Land Use Code.

(Ord. No. 2012-19, pt. 1(§ 46-7), 12-18-2012)

**Chapter 108-22 Natural Hazard Areas**

[Sec 108-22-1 Purpose And Intent](#)

[Sec 108-22-2 Potential Hazards](#)

[Sec 108-22-3 Studies And Reports Required](#)

[Sec 108-22-4 Disclosure Required](#)

[Sec 108-22-5 Exemptions From Natural Hazard Study And Report](#)

[Sec 108-22-6 Costs To Be The Responsibility Of The Developer/Applicant](#)

[Sec 108-22-7 Change Of Use](#)[Sec 108-22-8 Conflict Between Boundaries Of Study Area Or Identified Hazard](#)[Sec 108-22-9 Appeals](#)**Sec 108-22-1 Purpose And Intent**

- (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines and standards, in order to protect the health, welfare and safety of the citizens of the county, and to minimize potential effects of natural and manmade hazards by identifying known hazardous areas. This portion of the chapter specifies the areas for which an environmental analysis shall be performed prior to development, the content of the analysis and the procedure by which development applications requiring the analysis are reviewed and processed.
- (b) The county recognizes individual property rights and shall make every effort to balance the right of the individual property owner with the health, welfare, safety and the common good of the general public.

(Ord. No. 2016-17, Exh. A, 11-8-2016)

**Sec 108-22-2 Potential Hazards**

The following potential hazards have been identified:

(a) *Surface-fault ruptures.*

- (1) Surface faulting has been identified as a potential hazard in the county. Maps have been produced delineating the known area where a hazard may exist from surface fault ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas several miles away from the fault. These effects are not considered here, but are covered in subsection (c) of this section.
- (2) Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle of repose (33—35 degrees) soon after formation. Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but sometimes as much as several feet. The zone between these two faults may be complexly faulted and tilted with offset along minor faults of several inches or more.
- (3) Based upon this data, it is difficult, both technically and economically, to design a structure to withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the fault is the principal risk reduction technique that can be reasonably taken.
- (4) No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structure designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study and report, as provided in section 108-22-3 of this Land Use Code, is required. In some areas adjacent to the main trace but still within the zone of deformation, avoidance may not be necessary. Less damaging (smaller) offsets of less than four inches and tilting may occur, and structural measures may be taken to reduce casualties and damage. However, structural damage may still be great, and buildings in the zone of deformation may not be safe for occupants following a large earthquake.



- (5) Due to the scale used to map these zones, there is not enough detail to delineate all fault traces and zones of deformation at a particular location; therefore, site-specific plans, studies, and reports shall be required, as provided in section 108-22-3 of this Land Use Code, for development in or adjacent to the delineated areas.
- (6) Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the setback may be considered if the report presents evidence to justify a reduction acceptable to the land use authority, after recommendation from the county engineer.

(b) *Landslide.*

- (1) Landslides, historically, have been one of the most damaging geologic processes occurring in Weber County. Most active landslides, and most older slides, have been mapped. The maps identify areas of landslides and slopes which are potentially unstable under static (non-earthquake) conditions, and are especially vulnerable under conditions of high to abnormally high precipitation, heavy snowmelt, or excessive water application due to landscape watering, irrigation, or septic system discharge. Landslides can damage structures, roads, railroads and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add water to the slide plane and promote further movement. Flooding may also be caused.
- (2) Many methods have been developed for reducing a landslide hazard. Proper planning and avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning and development process. Care in site grading with proper compaction of fills and engineering of cut slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various engineering techniques are available to stabilize slopes, including de-watering (draining), retaining structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage diversion. Since every landslide and unstable slope has differing characteristics, any development proposed within an identified landslide hazard area shall require the submittal and review of a study and report, as provided in section 108-22-3. The study and report shall address slope stability (including natural or proposed cut slopes), evaluate slope-failure potential, effects of development and recommendations for mitigative measures. Slope stability analysis shall include potential for movement under static, development-induced and earthquake-induced conditions as well as likely groundwater conditions.

(c) *Tectonic subsidence.*

- (1) Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and sewer lines, may be adversely affected.
- (2) Because subsidence may occur over large areas (tens of square miles), it is generally not practical to avoid the use of potentially affected land except in narrow areas of hazard due to lake shoreline flooding. For gravity-flow structures such as wastewater treatment facilities that are within areas of possible subsidence, it is advisable to consider the tolerance of such structures to slight changes in gradient. Some structures may have to be releveled after a large-magnitude earthquake. Critical facilities which contain dangerous substances should have safety features to protect the structure, its occupants and the environment from both tilting and flooding.