



OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

December 28, 2021

4:30 p.m.

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

1. Minutes: October 26, 2021

2. Public Comment for Items not on the Agenda:

3. Remarks from Planning Commissioners:

4. Planning Director Report:

5. Remarks from Legal Counsel:

Adjourn to Work Session

WS1. ZMA 2021-09: Presentation and discussion regarding the proposed Skyline Mountain Base (Nordic Valley) village plan. Staff Presenters: Charlie Ewert & Scott Perkes

WS2. ZTA 2021-10: Public hearing and action regarding the county-led text amendment to add a definition and regulatory language to the Land Use Code regarding Large Concentrated Animal Feeding Operations. Staff Presenter: Scott Perkes

WS3. ZTA 2021-11: Public hearing and action regarding the county-led text amendment to the Accessory Dwelling Unit Ordinance to restrict the transfer of density rights from outside the Ogden Valley floor for the purposes of increasing a subject property's base density and the construction of detached accessory dwelling units. Staff Presenters: Scott Perkes

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

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/81591138982> Meeting ID: 815 9113 8982

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Work Session of the Ogden Valley Planning Commission for October 26, 2021. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/84258046344>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Chair John Lewis, Chair; Shanna Francis, Vice Chair; Commissioners Jeff Burton, John (Jack) Howell, Trevor Shuman, and Justin Torman.

Absent/Excused: Commissioner Ron Lackey

Staff Present: Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

1. Approval of Minutes for July 27, August 24, and October 20, 2021.

Commissioner Francis moved to approve the minutes of the July 27, August 24, and October 20, 2021 meetings as presented. Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Burton, Howell, Shuman, and Torman all voted aye. (Motion carried 6-0).

2. Petitions, Applications, and Public Hearings – Administrative items.

2.1 UVM07082021: Request for preliminary approval of Myers Subdivision, a five-lot subdivision in the AV-3 zone, including road dedication, located at approximately 5910 E 1900 N, Eden, UT, 84310. Staff Presenter: Tammy Aydelotte

This item was removed from the agenda at the request of the applicant.

3. Petitions, Applications, and Public Hearings – Legislative items.

3.1 ZDA 2021-02: Consideration and action on a proposed amendment to the Snowbasin Master Plan and Development Agreement Staff Presenter: Steve Burton

A staff memo from Planner Burton explained Snowbasin Resort received the Destination Recreation Resort-1 zoning designation in January of 2011. During that process, a master plan and development agreement were approved to outline density rights as well as the timing and location of future development at Snowbasin. Snowbasin submitted a request to amend certain sections of the development agreement and the master plan on October 4, 2021. No new density is being proposed as part of this amendment. Snowbasin is proposing an amendment to the development agreement and master plan for several reasons. The memo summarized the changes as follows:

Change #1: The first proposed change is to amend the language of section 3 of the development agreement which currently states the following:

“3. Concept Development Plan

Weber County shall retain the right to approve or deny more specific / detailed conceptual development plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plans subdivision approval within each development area.”

The proposed change to section 3 is as follows:

“3. Concept Development Plan

Weber County shall retain the right to approve or deny more specific / detailed conceptual development plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plans subdivision approval within each development area.

Notwithstanding the foregoing, the Developer and County acknowledge that the Land Use Plan as provided for in Exhibit B to the Agreement, (i) is conceptual in nature and may be further refined by the parties, and (ii) that specifics regarding locations of roads, building areas and product types (e.g. multi-family, mixed-use, single family) may be moved within the

areas generally depicted as A, B, F, and G. Unit density for each area (A, B, F, and G) is fixed and may not be transferred between Areas. Concept Development Plans for each area are expected to evolve and be presented in phases in the context of a more detailed master plan for each area. County approvals for these Concept Development Plans will typically be handled at the Staff or Planning Commission level and will not require amendment of the Development Agreement or Land Use Plan."

In this proposed language, the document referred to as *Exhibit B* is page 27 of the original master plan and the concept plan for Area A as shown in the original master plan. This proposed language, if adopted, would allow the county to approve revisions and refinements to the concept plan for each area (A, B, F, and G) as the development occurs, without requiring additional amendments to the master plan or development agreement.

In considering this proposal, staff understands the developer's need to allow changes in the location of roads, buildings, and development types after a concept plan is approved. More specifically, staff understands that each development area takes time to complete, and that the developer will be influenced differently by market forces throughout the time it takes to finalize a development area.

A concept plan for each area is important in a master plan. Concept plans are meant to clarify and provide visual depictions of the county's expectations and allowances of a developer. The proposed amendment to section 3 will still require a concept plan that depicts the future build-out, generally. The proposed changes to section 3 will allow the developer some flexibility regarding the location of roads, buildings, and development types in each area. As stated in the existing development agreement (1st paragraph of Section 3), the developer will still be required to submit specifics of each area to the County, and the County will have the right to approve or deny the more specific plans, based on the general concept plan. There are no proposed changes in the number of units in each area (A, B, F, and G).

Change #2

The second proposed change is to eliminate limitations on commercial density including hotels in the ski areas (Areas A and B) by amending section 5.3 of the current development agreement. Section 5.3 states the following:

Developer acknowledges that units (development rights) will diminish, as development occurs, at a rate of one (1) unit per one (1) residential lot/unit developed and/or at a rate of one (1) unit for every 5,000 square feet of commercial space developed. Commercial area(s) within hotel lobbies and/or conference rooms/facilities are excluded from this calculation. In no case shall commercial density exceed 213,750 square feet of hotel space and 75,000 square feet of retail commercial space in Area A and 80,000 square feet in Area G. Commercial square footage in Area F shall be limited to the area shown as "Mixed Use" on the Land Use Plan. See page 55 of Exhibit B.

The proposed amendment will change section 5 regarding density to the following:

5. Density.

Section 5.1 is amended to provide, in the first sentence, that the total residential and commercial density may be, but shall not exceed, 2,428 units. Further, Section 5.3 of the Development Agreement is amended in its entirety to read as follows:

5.3 As provided in Section 5.1, the Developer shall be entitled to develop the Property with 2,428 units which may include condominiums, townhomes, single-family dwelling units, multi-family dwelling units, hotel rooms, corporate retreats, and other improvement listed and allowed in the DRR-1 Zone. In calculating the number of units hotel rooms shall count as the equivalent of one-third (1/3) of a single-family dwelling unit. For example, a hotel containing 150 rooms and suites would utilize 50 units of density. Condominium units and other dwellings containing lock out rooms that can be separately rented shall be counted as one unit (including the lock out rooms). Lock out rooms shall not be considered to be a separate unit. Commercial development is allowed but does not utilize density units for Areas A and B, as referred to in the Development Agreement. Commercial development in Areas F and G, will utilize density at a rate of one (1) unit for every 5,000 square feet of commercial space developed. Workforce housing units do not count toward unit density. Skier services, equipment and storage buildings, offices, ticket facilities, ski school facilities, lodges and other skier facilities (including food and beverage outlets serving the needs of day skiers) do not count toward unit density. Parking areas, including underground parking within buildings, do not count toward unit density. In no case shall commercial density exceed 80,000 square feet in Area G. Commercial square footage in Area F shall be limited to the area shown as "Mixed Use" on the Land Use Plan.

The following Table 5.3 summarizes the manner of calculating the density utilized for each of the various components planned for development on the Property, and specifies the maximum number of density units allowed in each development area:

TABLE 5.3 DENSITY AND DESCRIPTION

Type of Use	Density Equivalent
Single-family dwelling	1 unit
Multi-family dwelling	1 unit per dwelling unit
Hotel Room	33 unit
Workforce Housing Units	N/A Does not count toward unit density
Skier Services, Lodges, and all Parking	N/A Does not count toward unit density
Commercial Square Footage Areas A and B	N/A Does not count toward unit density
Commercial Square Footage Areas F and G	1 unit per 500 square feet of improved commercial space

Total units per Development Area

Area A – Earl’s Village	1,579
Area B – The Forest	502
Area F – The Meadows	22
Area G – The Ranch	325
Total Project Density Permitted	2,428 Units

Note: Total Units allowed in each Area are based on tables in Development Agreement Exhibit B (pages 66 and 68 of the original Development Agreement), and may be amended from time to time with the approval of the County Planning Commission, so long as the total units developed on the Property do not exceed 2,428.

There are two key factors to consider in this proposed change. They are, first, the developer’s request to change how hotels are counted toward density, and, second, to no longer count commercial square footage as density units in areas A and B.

Currently, the development agreement assigns hotel units to Area A (the only area with hotels) based on the hotel’s commercial square footage. The current calculation is 1 hotel unit for every 5,000 square feet of commercial space developed. Under the current agreement, this gives Area A 43 units (213,750 square feet of commercial space / 5,000 = 43). The developer is proposing to change the calculation to count each hotel unit is 1/3 of a single-family dwelling unit. The developer is proposing this because it is how the hotel units are counted under the development agreement at Powder Mountain. The developer feels that this unit calculation is easier to understand and for all parties (County, Snowbasin, future unit owners) to track.

Existing:

The existing development agreement, Area A has a hotel room (unit) allowance of 43 units. The existing agreement allows a residential unit allowance of 1,529. The existing development agreement allows 15 commercial retail units. The Area A unit count under the current development agreement is 1,587.

Proposed

The developer’s proposal for Area A is to have a 150-room hotel, which would count toward 50 hotel units, while keeping the allowance of 1,529 residential units. If the commercial units are not counted, as proposed by the developer, the total Area A unit count (residential and hotel only) will be 1,579.

The proposed changes would allow for no cap on the commercial square footage in Areas A and B. The county planning staff and Planning Commission would review any commercial proposals for their compliance with the county Land Use Code as well as the development agreement and master plan. The types of applications that the Planning staff and Planning Commission would review are Commercial Design Review and Subdivisions. Given that the master plan requires the developer to submit concept plans for each area, the county will be able to restrict commercial development in Area A if it is found to be out of compliance with the Area concept plan.

Under the current development agreement Section 5.1, the permitted density to Snowbasin listed is 2,426 units. Under the new commercial density calculation, the proposed density will be 2,428. The new method of counting density clarifies the tables and

calculations on Page 68 of 158 of the original development agreement. The developer has stated that the original density should have been 2,428, but that there were errors in the tables on page 68. The developer is prepared to explain the discrepancy to the legislative body, in hopes of receiving the two additional units.

With this proposed amendment, the developer is also requesting approval of a more detailed concept plan for Area A. The existing concept plan for Area A is attached as Exhibit A. The proposed, more detailed concept plan, is included as Exhibit B.

The memo summarized the Planning Commission's considerations:

In reviewing a proposed development agreement, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

1. Public impacts and benefits.
2. Adequacy in the provision of all necessary public infrastructure and services.
3. Appropriateness and adequacy of environmental protection measures.
4. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZDA 2021-02. This recommendation is based on the following findings:

1. A request to amend the "Concept Development Plan" is allowed per the previously approved Zoning Development Agreement.
2. The amendment is not detrimental to the public health, safety, or welfare.
3. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
4. The agreement was considered by the Legislative Body, in conformance with Chapter 102-6 of the County Land Use Code.

Mr. Burton invited the applicant, Jim Hill, forward to present the changes. Mr. Hill presented area plan renderings to illustrate the proposals for each development area within the project.

Vice Chair Francis addressed the hotel density, noting the amendment would allow for the number of hotel rooms to triple. The same would be true for the number of walk-out units. The increase in employee traffic and commercial uses could generate much more traffic in the area and she asked if a new traffic study should be commissioned to evaluate the potential increase. Mr. Hill stated that the traffic study for the area has been addressed in the last few months, but he is not proposing tripling the amount of hotel units; rather, there will be one unit for every 5,000 square feet. Three hotel rooms are equivalent to a three bedroom home or condominium. The increase in hotel rooms will be counted as 50 units, which is an increase compared to past relied upon calculations. Vice Chair Francis asked Mr. Hill if that means he does not foresee the hotel units tripling. Mr. Hill answered yes. He understands the obligation – at each step in the process – to monitor the traffic impacts of the project and a traffic study consultant has been hired for the project. At full buildout, there will be several traffic improvements in the area, but that could be decades in the future. Vice Chair Francis then noted the development agreement speaks to the number of skiers that the various phases of development will generate; the total number of additional skiers could be 2,800 at full build out and she asked if the plans that have been proposed will change that number. Mr. Hill stated he does not recall seeing a skier number in the agreement. Vice Chair Francis stated it is contained in one of the exhibits to the agreement. Mr. Hill stated that number seems low considering the number of units and commercial improvements; he hopes there will be more than 2,800 additional skiers. Vice Chair Francis stated that she believes the original traffic study was based upon the 2,800 additional skier numbers.

Commissioner Burton stated it seems to him that the plan is aimed at enticing skiers to visit the area for prolonged stays. Mr. Hill stated that is correct; he wants to offer overnight lodging that skiers could use for one or multiple days. The ideal stay would be one week. Commissioner Burton asked how soon the employee housing will be constructed. Mr. Hill stated that some employee housing is included in the 'Club Med' hotel component of the project, which will be the earliest phase of employee housing. The development agreement includes an obligation for 29 employee housing units at a minimum, but he has not determined the phasing for that component of the project. Attracting employees is particularly challenging right now, but he is hopeful that providing housing will be attractive for potential employees.

High level discussion among the Commission and Mr. Hill centered on the desired commercial uses at the project site; there were several comparisons drawn between the proposed project and developments in Park City.

Commissioner Torman referenced Section 5.3 of the current development agreement; he asked how the restriction of one unit per every 5,000 square feet is problematic for the developer. Mr. Hill stated that restriction regulates the number of housing units compared to the amount of commercial development. Planning Director Grover stated it is not uncommon to include a limitation on residential units until a defined amount of commercial square footage is built. Mr. Hill stated that it can be difficult to encourage commercial development in this environment and he is hopeful that will be reduced higher up on the mountain near the actual ski resort, but it will be adhered to lower on the mountain near the more populated areas of the valley where commercial development may be more viable.

Discussion then shifted to conservation easements on the valley floor that will be funded with a portion of revenues generated in the project area. Mr. Hill stated he cannot think of any way that the proposed development agreement amendments will directly impact any major components of the development agreement; however, the project has been stagnant for 10 years and he is now resurrecting long range plans.

Vice Chair Francis moved to open the public hearing. Commissioner Torman seconded the motion; all voted in favor.

Chair Lewis invited public input and asked speakers to keep their comments to two minutes.

Ron Gleeson stated he lives in unincorporated Weber County; he was involved in original discussions of this project back in 2010-2011. Snow Basin was nice enough to have a small group of residents involved. There was a great deal of time spent determining the appropriate transfer of development units from the valley floor to the resort area, the bonus density, and the ratio of commercial to residential space in the project. There is a table in the packet materials that illustrates those items. He personally believes that the developer is seeking an increase in density; they may not be requesting additional residential density, but they are requesting an increase in commercial development density as well as employee housing. There is currently employee housing on the mountain and while it has been said that the existing housing is seasonal in nature, there are employees that live there all year. He believes employee housing should be counted towards the density of the project because the units will put a demand on resources. He has been a seasonal employee at Ski Basin for the past 12 years and he supports the resort, but he is simply representing his own thoughts. He feels employee housing is important and needed. He then noted that on September 27, 2021, Snow Basin submitted an application to locate five permeant yurts near the Olympic finish area of the resort; there would be parking and all utilities at the location and he asked if the yurts will be counted as employee housing or other types of residential units. He attended the work session and read the minutes of the on-site discussion of the project and there was a gentleman who spoke a lot about sustainability and heating/cooling of the buildings. One thing that Ogden Valley residents consider in terms of sustainability is dark skies and he hopes that the developers are aware of those issues and embrace that mindset. He asked if the County's lighting standards will only apply to new construction at the resort or if it will be applied retroactively to existing development. He referenced the proposed changes to Section 5.3 of the development agreement, noting there is a cap on density that the developer would like to remove in order to build whatever they want. He stated that this will increase traffic as well as the demand on infrastructure. In 2011 when the entire plan was first assembled, one of the objectives the developer expressed was to have a majority of the day users enter the resort on the strawberry side; he asked if that is still the objective and, if not, he wondered how the changes will impact traffic patterns on the roads leading to the resort.

Kurt Linford thanked the Snow Basin developers for their willingness to involve the community when they first developed the plan for continued development of the resort. He feels the original plan is very good and he echoed Mr. Gleeson's comments about the transfer of development rights from the valley floor to the mountain. There was a lot of discussion about 'lock-outs' and each lock out representing a portion of a transfer of development rights. He encouraged the Commission to preserve the commitments that have been made in the past, rather than approving amendments that would jeopardize the precious resource that is the Snow Basin mountain. He noted there was a 'handshake' agreement regarding a real estate transaction fee and that one percent of that fee would be used as a funding mechanism for open space preservation on the valley floor. This would help to differentiate Snow Basin from other ski resorts that are located very close to very dense residential areas. He encouraged the Commission to research the historical discussions about those issues and determine if the amendments that have been requested are truly appropriate and in keeping with the spirit of that original agreement.

Commissioner Burton moved to close the public hearing. Commissioner Torman seconded the motion; all voted in favor.

Mr. Burton stated he is not prepared to answer questions about the entirety of the development agreement, and he believes the same is true for Mr. Hill and his partners; rather, they are prepared to answer questions about the requested amendments that have been presented to the Commission tonight. He stated there are no proposed changes to the reinvestment fee referenced by Mr. Linford. He believes the input that has been provided is valid, but many of the points raised do not relate to any of the amendments that Mr. Hill has requested. He then presented an original exhibit from the original development agreement that is intended to illustrate how density is calculated; this formula is very complicated and confusing, and he is unsure why it was written in the manner it was. The original amount of commercial square feet initially envisioned was 213,750; when that number is divided by 5,000, the result is 42.75 and that number was rounded up to 43 units for Area A. One of the intentions of the development agreement amendments is to make sense of these past formulas.

Commissioner Shuman asked if the agreement includes a maximum number of units or square footage for the hotel space; in theory, there could be more hotel rooms because the density of hotel rooms is considered to be lower than traditional residential. Mr. Burton stated that for Area A, the maximum number of hotel rooms allowed is 150. He presented the Master Plan rendering to identify the location of hotel units and multi-family units; Area A appears to be the only area in which hotel units will be located. He also presented an exhibit provided by the applicant that illustrates their exact proposal; the exhibit included a table that indicates the total units in each development area. Per the development agreement, Weber County will retain the right to approve or deny more specific or detailed conceptual plans for areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plan/subdivision approval within each development area. The applicant has requested that language be amended to read as follows:

“Weber County shall retain the right to approve or deny more specific/detailed conceptual development plans for Areas A, B, F, and G. The concept development plans shall be approved prior to or in conjunction with the first application for site plans/subdivision approval within each development area.

Notwithstanding the foregoing, the Developer and County acknowledge that the Land Use Plan as provided for in Exhibit B to the Agreement, (i) is conceptual in nature and may be further refined by the parties, and (ii) that specifics regarding locations of roads, building areas and product types (e.g. multi-family, mixed-use, single family) may be moved within the areas generally depicted as A, B, F, and G. Unit density for each area (A, B, F, and G) is fixed and may not be transferred between Areas. Concept Development Plans for each area are expected to evolve and be presented in phases in the context of a more detailed master plan for each area. County approvals for these Concept Development Plans will typically be handled at the Staff or Planning Commission level and will not require amendment of the Development Agreement or Land Use Plan.”

The intent is for Snow Basin to avoid a legislative process for certain amendments and the Planning Commission should determine if they are comfortable with that change. This led to discussion and debate regarding the proposed amendments and if they are in keeping with the original spirit of the master plan and development agreement for the project. There was a focus on whether hotel units should be included in the calculation of residential or commercial units to determine overall density. Legal Counsel Erickson stated that while he was not part of the original negotiation of agreements for the project in 2011, he does believe that the current proposal conforms with the County’s Land Use Ordinance. When calculating the maximum number of permitted units for development in the subject zoning designation, commercial areas within hotel lobbies and conference rooms/facilities are excluded. There is flexibility in the code to approve alternative development standards, so it is legal for the developer to request a deviation from the ordinance and the original development agreement. Mr. Burton stated that while the ordinance does read as Mr. Erickson indicated, the developer is including hotel rooms in their density calculation. This led to debate among the Commission about whether hotel units should be counted towards the commercial or residential density in the project, with Commissioner Burton noting that hotel rooms should not be specified as a different use than commercial. Mr. Erickson stated that is correct unless the developer is specifically included as part of the commercial uses for the overall project in the development agreement. Mr. Grover added that he feels that the proposed changes to the development agreement may actually be a bit more restrictive regarding the hotel use in the project. Additionally, it is consistent with the development of the Powder Mountain area.

Chair Lewis asked Mr. Burton to restate staff’s recommendation regarding this application. Mr. Burton stated that as each area is developed, the County has the ability to approve or deny development plans. He feels this provides the County with an appropriate level of control over the project. He summarized the changes for the specific plan for Area A, Earl’s Village. It includes single family, multi family, condominiums, and mixed use. Staff recommends that a maximum hotel density be

specified for Area A, and that can be negotiated as the project moves forward to the County Commission. He concluded staff recommends the Planning Commission forward a positive recommendation to the County Commission.

Vice Chair Francis asked staff to respond to Mr. Gleeson's question about the yurts that are located on the Snow Basin property. Mr. Burton stated that there are seasonal yurts on the property, as well as a few temporary trailers for ski patrol use during the ski season. Mr. Hill added that there was formerly a large structure referred to the 'hill house' in Area A; this was used as seasonal housing for employees. A few years ago, it was replaced with a few manufactured homes and living facilities for the ski patrol. There are also apartments on the strawberry side that are used as seasonal living quarters for employees. Mr. Burton stated it is staff's position that these units are temporary in nature and the units will not count towards the workforce housing calculation. He added that a yurt is listed as a permitted land use for the Destination, Recreation, Resort (DRR-1) zone; however, he considers them to be temporary in nature and they also will not be counted towards the total number of residential units that will be allowed in the project.

Chair Lewis called for a motion.

Commissioner Burton moved to forward a positive recommendation to the County Commission for ZDA 2021-02, proposed amendment to the Snowbasin Master Plan and Development Agreement, based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion.

Commissioner Howell stated that he was a member of the Planning Commission when the development agreement was first approved by the County; he recalled studies performed by a consultant hired by the Holding Group in which they considered sensitive lands and the footprint of Snow Basin and building plans. The study report was accepted by the County at that time.

Chair Lewis called for a vote on the motion. Commissioners Lewis, Francis, Burton, Howell, Shuman, and Torman all voted aye. (Motion carried 6-0).

3.2 ZTA 2019-03: Consideration and action on a zoning text amendment to add the Eden Mixed-Use Village Zoning to the County Land Use Code. *Staff Presenters: Steve Burton*

A staff memo from Planner Burton explained this is a County initiated proposal to adopt an ordinance establishing the Eden Village Mixed-Use Zone. The 2016 Ogden Valley General Plan provides goals and policies that state the County should adopt specific area plans for the commercial villages including the Old Town Eden and New Town Eden area. This new zoning ordinance will ensure that development within the Eden Villages focuses on building architecture and street design to result in pedestrian friendly retail.

In November of 2018, planning staff met with stakeholders in the Eden commercial areas to discuss the idea of form-based zoning in Eden. The feedback from the stakeholders was that the Old and New Town Eden areas should have stricter development standards that require enhanced building "main street" architecture, similar to the Eden blacksmith shop. In addition to enhanced architecture, the stakeholders suggested a street design that focuses on pedestrians, cyclists, and retail customers.

The proposed Eden Village Mixed-Use zone requires street front buildings to have a façade that has specific architecture, materials, and colors. The Old Town Eden area will have street front façades with architecture, materials, and colors that resemble western main street buildings from the late 1890s to the early 1910s. Currently, the blacksmith shop and the general store meet these requirements with either brick or wood fronts that hide gable roofs and provide other important architectural detail. The New Town Eden area will have agrarian style buildings, resembling historic barns that will also have specific architectural detail.

The public streets in these areas will be wide enough to support spacious pedestrian sidewalks (approximately 14 feet), bike lanes (approximately five feet), and on street parking (either angled or parallel). Traffic calming measures including street trees and intersection bulb outs will be required. The width of drive lanes will be the county public works standard of 12 feet.

Staff recommends that the Planning Commission forward a positive recommendation of ZTA 2019-03 to the County Commission. This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.

Mr. Burton reviewed the staff memo and facilitated a review of the ordinance text and optional development concepts; cross sections for streets and alleyways; building elevations; and architectural standards and themes. There was high level discussion among the Commission regarding the relationship between existing development in the area and potential future commercial developments.

Chair Lewis indicated he feels staff has done a great job at carefully considering the present conditions in the area subject to the zoning ordinance and crafting a new zoning ordinance that takes those conditions into consideration. He stated he understands the concerns of property owners in the area, but noted that if there is no direction for future development, the end result could be a 'hodge podge' of development and uses that are not cohesive. The proposed zoning ordinance will help to facilitate cohesive development that is charming and has its own identity. He stated creating a direction may be difficult, but it is important for preserving the value of this area and facilitating quality development. He then excused himself from the meeting at 6:56 p.m.

The Commission engaged in discussion with staff regarding interest among property owners to pursue the types of village developments envisioned in the zoning ordinance. Mr. Burton stated he feels the ordinance provides property owners an additional tool to develop for developing their property in a fashion that is consistent with the General Plan for the area. There has been a great deal of public and property owner input in the development of the proposed ordinance and development concepts.

Vice Chair Francis called for a motion to open the public hearing.

Commissioner Torman moved to open the public hearing. Commissioner Howell seconded the motion; all voted in favor.

Kirk Langford stated he lives in Eden fairly close to the area in which the new proposed zoning designation would be placed; he has met with Planning staff and other stakeholders, and he has some reservation about the density that is allowed in the zone. Additionally, there are no clear guidelines or direction, which can be harmful to property rights in the area. He does not want to restrict property owners or developers interested in building in the village area, but he feels guidelines will provide a sense of visual direction for creating a community. Since the original plan was developed, there has been an update to the General Plan in 2016 and there was a huge turnout of residents interested in being part of that update process. The General Plan had general support from the community and he feels the County is moving in the right direction towards implementing the Plan by adopting the zoning ordinance; it is necessary to implement architectural guidelines, or the County will end up with an area that is developed with no guidelines. He stated there are some details to be worked out, such as overall density and how to use a transfer of development rights, but the worst-case scenario would be for developers to move into the area and start proposing projects that ruin private property rights and hinder buildout that is in line with the General Plan. For that reason, he feels it is appropriate to adopt the proposed zoning ordinance to help facilitate the type of development envisioned in the General Plan.

Commissioner Burton moved to close the public hearing. Commissioner Shuman seconded the motion; all voted in favor.

Commissioner Torman inquired as to the timeline of implementing the zoning ordinance if it is adopted. Mr. Burton stated that is dependent upon the actions of the County Commission; if they approve the zone, they can then initiate a legislative process to rezone properties in the area that has been identified as being suitable for the land use. There would be a public process associated with that type of action.

Commissioner Shuman moved to forward a positive recommendation to the County Commission for ZTA 2019-03, zoning text amendment to add the Eden Mixed-Use Village Zoning to the County Land Use Code, based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-1). Commissioner Burton stated his opposing vote is based upon his concerns about transportation layout within the village area and the zoning ordinance being too strict in mandating the esthetics of development in the village area. He stated the esthetics are not required for the health, safety, and welfare of the community.

Mr. Burton addressed Commissioner Burton's concerns; he understands his position, but noted that these are issues that were evaluated by the steering committee and for which they provided a favorable recommendation.

4. Public Comment for Items not on the Agenda

There were no public comments.

5. Remarks from Planning Commissioners

There were no additional remarks from Planning Commissioners.

6. Planning Director Report

Mr. Grover thanked the Commission for their service to the community. He then noted that according to State Law, each Commissioner is required to have four hours of land use training per year; this can be accomplished through several different training opportunities, but he needs to track the amount of training each Commissioner has engaged in. He stated staff will formulate a proposal regarding a training program for the Commission in the coming year, but invited feedback or suggestions from the body.

7. Remarks from Legal Counsel

Mr. Erickson added to Mr. Grover's report; he noted that the State Law referenced by Mr. Grover was enacted in the last Legislative Session and the County must comply in the coming year.

**Meeting Adjourned: The meeting adjourned at 7:31 p.m.
Respectfully Submitted,**

Weber County Planning Commission

Potential Existing Large CAFOs

West Weber Operations

- **Gibson Dairy Farm** (47 acres +) (449 S 4700 W) – Green Acres Website indicates they have 1500 milk cows
- **Wadeland Dairy Farm** (49.32 acres) (6061 W 900 S) – Deseret News Article (April, 2011) indicates 1600 milk cows
- **Hancock Farm** (4481 W 400)
- **DeGeorgio Farm** (5500 W 1600 S)
- **Randy Marriot Elk** (8000 W 700 N)

Ogden Valley Operations

- **Ward Buffalo** (3300 E 4100 N)
- **Broadmouth Canyon Elk** (Broadmouth Canyon – Summer, 3800 E 4100 N – Winter)

Current Zoning Allowances:

Agricultural:

LUC Sec. 104-2-2 Preferred Use: “Agriculture is the preferred use in all agricultural zones. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.”

AV-3 Zone: “Continue agricultural pursuits, including the keeping of farm animals”

A-1 Zone: “Continue agricultural pursuits, including the keeping of farm animals”

A-2 Zone: “Designate **moderate-intensity** farming areas”

A-3 Zone: “Designate farming areas where **high-intensity** agricultural pursuits can be permanently maintained”

LUC Sec. 104-2-3 (c): Agricultural Zoning Use Table, Animal-Related noncommercial uses:

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

	AV-3	A-1	A-2	A-3	Special Provisions
Apiary.	P	P	P	P	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	See Section 104-2-4 .
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	C	C	C	N	See Section 104-2-4 . 2-acre use.
Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.	P	P	P	P	5-acre use.
Farm for the raising and grazing of horses, cattle, sheep or goats.	P	P	P	P	See Section 104-2-4 . 5-acre use.
Fur farm.	N	N	N	P	5-acre use.
Hog farm, small.	P	P	P	P	See Section 104-2-4 . 5-acre use.
Hog farm, large.	N	N	N	C	See Section 104-2-4 . 5-acre use.
Livestock feed or sales yard.	N	N	N	C	
Stable, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	
Slaughterhouse.	N	N	N	C	
Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.	C	C	C	C	5-acre use.
Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	C	C	C	C	

*“Family Food Production” is a Permitted Accessory Use in all Agriculture Zones.

Special regulations associated with agricultural land uses:

Sec 104-2-4 Special Regulations

The uses listed below correspond with certain uses listed in the [Land Use Table in Section 104-2-3](#). Due to the nature of the use, each shall be further regulated as follows:

- (a) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (b) **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, completely enclosed within a building with no outdoor storage, and located on and with access directly from a collector or arterial street.
- (c) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (d) **Family food production.**
 - (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.
 - (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.
 - (3) No more than six combined Group A animals and sets of Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined Group A and sets of Group B animals or fowl may be kept per each additional acre greater than two.
- (e) **Hog farm.**
 - (1) **Hog farm, small.** This use is limited to not more than ten hogs, more than 16 weeks old. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises.
 - (2) **Hog farm, large.** It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises. All pens and housing for hogs shall be concrete and maintained in a sanitary manner. Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.
- (f) **Raising and grazing of horses, cattle, sheep or goats.** This use shall not include the supplementary or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or slaughterhouse except when in compliance with the following:
 - (1) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;
 - (2) It may only be carried on during the period of September 15 through April 15;
 - (3) It shall not closer than 300 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and
 - (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.

Manufacturing:

MV-1 Zone: “Light intensity type manufacturing... some of which may have an environmental impact requiring public review and regulation.”

M-1 Zone: “Light intensity type manufacturing... some of which may have an environmental impact requiring public review and regulation.”

M-2 Zone: “Heavy intensity manufacturing... environmental impact may be substantial and public regulation may be necessary to preserve the general welfare of the community.”

M-3 Zone: Industrial uses related to the manufacturing, test, and production of jet and missile engines, etc., heavy industry, extraction and processing of raw materials.”

Uses Related to a Large Concentrated Animal Feed Operation:

LUC Sec. 104-21-3: Manufacturing Land Use Table

USE	MV-1	M-1	M-2	M-3	SPECIAL PROVISIONS
Dairy.	N	P	P	P	
Disposal, reduction, or dumping of animal by-product, plat, garbage, offal, or dead animals.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Egg handling, processing and sales.	N	P	P	P	
Raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals.	N	C	C	C	
Stockyards, slaughterhouse.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.

Existing Land Use Code Definitions

Corral. The term "corral" means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.

Dairy. The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

Family food production. The term "family food production" means the keeping of animals or fowl for the purpose of producing food for the family living on the property.

Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

Stable. The term "stable" means an accessory or main building for the keeping of horses, cattle and other farm animals.

Stockyard. The term "stockyard" means a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens

State Definition

"**Animal feeding operation**" means a lot or facility where the following conditions are met:

- (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

"**Large concentrated animal feeding operation**" means an animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- (a) 700 mature dairy cows, whether milked or dry;
- (b) 1,000 veal calves;
- (c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including heifers, steers, bulls, and cow calf pairs;
- (d) 2,500 swine each weighing 55 pounds or more;
- (e) 10,000 swine each weighing less than 55 pounds;
- (f) 500 horses;
- (g) 10,000 sheep or lambs;
- (h) 55,000 turkeys;
- (i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system; Utah Code
- (j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- (k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
- (l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or
- (m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.

Large Concentrated Animal Feed Operation (LCAFO) Regulation

Scenario 1:

1. Do nothing.
2. Allow the state deadline to adopt an ordinance restricting LCAFOs to expire.
3. Current zoning allowances would govern going forward.
 - “Livestock Feed Yards” Conditionally Permitted in the A-3, M-1, M-2, & M-3 Zones.
 - Farms (dairy, poultry, cattle, sheep, goats, etc.) are Permitted Uses in all Agriculture Zones with some special provisions).
4. Legally-established conforming and non-conforming LCAFOs may continue to operate. Conforming operations in the A-3, M-1, M-2, & M-3 zones may expand. Non-conforming operations may not expand.
5. New LCAFOs may be approved as Conditional Use Permits in the A-3, M-1, M-2, & M-3 Zones.

Scenario 2:

1. Adopt a restrictive ordinance where no new LCAFOs are permitted anywhere in unincorporated Weber County.
2. Pre-existing legally-established LCAFOs may continue to operate as non-conforming uses. No expansion may be permitted.
3. Existing AFOs (Animal Feeding Operations), known as “Livestock Feed Yards” under the current land use code, may continue operating as conforming or non-conforming uses, and may expand if located in a permitted zone (conditionally permitted in the A-3, M-1, M-2, & M-3 Zones), but may not exceed the animal quantity limits under the state’s definition of a LCAFO.
4. Farms (dairy, poultry, cattle, sheep, goats, etc.) will continue to be Permitted Uses in all Agriculture zones with existing special provisions.

Scenario 3:

1. Only allow new LCAFOs to locate in the A-3, M-1, M-2 and M-3 zones as Conditionally Permitted Uses.
2. Existing LCAFOs not located in the A-3, M-1, M-2, and M-3 zones, may continue to operate as non-conforming uses. No expansion may be permitted.
3. Existing AFOs (Animal Feeding Operations), known as “Livestock Feed Yards” under the current land use code, may continue operating as conforming or non-conforming uses. Conforming uses may expand if located in a permitted zone (conditionally permitted in the A-3, M-2, and M-3 zones). Non-conforming uses may not expand.
4. Farms (dairy, poultry, cattle, sheep, goats, etc.) will continue to be Permitted Uses in all Agriculture zones with existing special provisions.

Scenario 4:

1. Any hybrid of the scenarios above or additional ideas not yet mentioned.

Initially Proposed Language:

SECTION 1: **AMENDMENT** “Sec 101-2-13 La Definitions” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 101-2-13 La Definitions

Large concentrated animal feeding operation. The term "large concentrated animal feeding operation" means the same as provided in the Large Concentrated Animal Feeding Operations Act of state code.

SECTION 2: **ADOPTION** “Sec 104-1-5 Large Concentrated Animal Feeding Operation” of the Weber County County Code is hereby *added* as follows:

A D O P T I O N

Sec 104-1-5 Large Concentrated Animal Feeding Operation (*Added*)

A large concentrated animal feeding operation, as defined by UCA Section 17-27a-1102, is a use not permitted in any zone in Unincorporated Weber County. Considering all criteria of UCA Section 17-27a-1104, it has been determined that the geography and geometry of the densely populated areas of the county, both existing and planned, renders virtually no suitable locations for the siting of a large concentrated animal feeding operation except for higher elevations that are generally inhospitable for year-round animal operations.

Sec 101-2-2 An-Definitions

Animal feeding operation. The term "animal feeding operation" means the raising and grazing of animals in a pasture which are at an animal density that does not exceed the land's ability to perpetually sustain vegetation for the feeding operation during normal growing seasons.

Animal feeding operation, concentrated. The term "concentrated animal feeding operation" means an animal feeding operation where the following conditions are met:

- (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
- (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility due to the animal feed operation.

Animal feeding operation, large concentrated. The term "large concentrated animal feeding operation" means the same as provided in the Large Concentrated Animal Feeding Operations Act of State Code.

Animal/veterinary hospital. The term "animal/veterinary hospital" means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.

Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, an

...

Sec 104-1-2 Boundaries Of Zones

- (a) The boundaries of each of the said zones are hereby established as described herein or as shown on the maps entitled "Zoning Map of Weber County", which map or maps are attached and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as if fully described and detailed herein.

(b) Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- (1) Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
- (2) Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
- (3) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
- (4) Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map.

Editors Note: Ord. No. 2021-XX consolidated the text that was in Section 104-1-3 Rules or Ordinance And Maps into this Section 104-1-2 Boundaries Of Zones, and changed Section 104-1-3 to Rules of Interpretation.

43 (Ord. of 1956, § 2-2 and § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

44 ...

45 **Sec 104-1-3 Rules Of Interpretation Ordinance and Maps**

46 ~~Where uncertainty exists as to the boundary of any zone, the following rules shall apply:~~

47 ~~1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street,~~
48 ~~alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the~~
49 ~~centerline of such street, alley or block or such property line, shall be construed to be the boundary~~
50 ~~of such zone.~~

51 ~~2. Whenever such boundary line of such zone is indicated as being approximately at the line of any~~
52 ~~river, irrigation canal or other waterway or railroad right of way, or public park or other public land~~
53 ~~or any section line, then in such case the center of such stream, canal or waterway, or of such~~
54 ~~railroad right of way or the boundary line of such public land or such section line shall be deemed~~
55 ~~to be the boundary of such zone.~~

56 ~~3. Where such zone boundary lines cannot be determined by the above rules, their location may be~~
57 ~~found by the use of the scale appearing upon the map.~~

58 ~~4. Where the application of the above rules does not clarify the zone boundary location, the board of~~
59 ~~adjustment shall interpret the map.~~

60 The Land Use Table or list of permitted uses and conditional uses of each zone are plenary. As such, the
61 following rules of interpretation apply:

62 (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an
63 allowed use in that zone.

64 (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional
65 uses shall not be construed in any manner as an allowed use in the zone.

66 (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or
67 conditional uses that is not specifically listed in another zone's Land Use Table or list of permitted
68 or conditional uses is not permitted in the other zone.

69 *Editors Note: Ord. No. 2021-XX consolidated the text that was in this section, which was named Section*
70 *104-1-3 Rules or Ordinance And Maps, into Section 104-1-2 Boundaries Of Zones, and changed this*
71 *Section 104-1-3 to Rules of Interpretation.*

72 (Ord. of 1956, § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

73 ...

74 *Animal-related agricultural-wholesale or noncommercial uses.* The following are animal-related uses
75 that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
<u>Animal feeding operation.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 104-2-4,</u> <u>5-acre use.</u>
<u>Animal feeding operation,</u> <u>concentrated</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>See Section 104-2-4,</u> <u>5-acre use.</u>

Commented [E1]: Link to definitions section

Animal feeding operation, large concentrated	N	N	N	C	See Section 104-2-4, 5-acre use.
Apiary.	P	P	P	P	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	See Section 104-2-4.
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	C	C	C	N	See Section 104-2-4, 2-acre use.
Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.	P	P	P	P	5-acre use.
Farm for the raising and grazing of horses, cattle, sheep or goats.	P	P	P	P	See Section 104-2-4, 5-acre use.
Fur farm.	N	N	N	P	5-acre use.
Hog farm, small.	P	P	P	P	See Section 104-2-4, 5-acre use.
Hog farm, large.	N	N	N	C	See Section 104-2-4, 5-acre use.
Livestock feed or sales yard.	N	N	N	C	
Stable for horses , noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	

Slaughterhouse.	N	N	N	C	
Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.	C	C	C	C	5-acre use.
Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	C	C	C	C	

...

Sec 104-2-4 Special Regulations

The uses listed below correspond with certain uses listed in the [Land Use Table in Section 104-2-3](#). Due to the nature of the use, each shall be further regulated as follows:

1. **Animal feeding operation.** This use shall not include the supplementary or full feeding of the animals except when in compliance with the following:

1. It may only be carried on during the period of September 15 through April 15;

2. It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;

3. It shall not closer than 300 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and

4. It shall not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation

2. **Animal feeding operation, concentrated.** This use may include supplemental or full feeding. However, is prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the premises. The following additional standards apply for hog feeding:

1. All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

2. Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.

3. **Animal feeding operation, large concentrated.** A large concentrated animal feeding operation shall not be located within a half-mile of a zone boundary, unless the boundary is shared with another zone in which this use is allowed.

~~4.~~ **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.

~~5.~~ **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, completely enclosed within a building with no outdoor storage, and located on and with access directly from a collector or arterial street.

Commented [E2]: Replaces "livestock feed or salesyard"

~~3.~~6. **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.

~~4.~~7. **Family food production.**

1. As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.
2. No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.
3. No more than six combined Group A animals and sets of Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined Group A and sets of Group B animals or fowl may be kept per each additional acre greater than two.

~~5.~~ **Hog farm.**

~~1. **Hog farm, small.** This use is limited to not more than ten hogs, more than 16 weeks old. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises.~~

~~2. **Hog farm, large.** It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises. All pens and housing for hogs shall be concrete and maintained in a sanitary manner. Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.~~

~~6. **Raising and grazing of horses, cattle, sheep or goats.** This use shall not include the supplementary or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or slaughterhouse except when in compliance with the following:~~

- ~~1. It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones; and 40 head per acre of used land in the A-2 and A-3 zones;~~
- ~~2. It may only be carried on during the period of September 15 through April 15;~~
- ~~3. It shall not closer than 300 feet to any dwelling, public or semi public building on an adjoining parcel of land; and~~
- ~~4. It shall not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.~~

~~7.~~8. **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the same lot or parcel on which it is parked, or the owner or operator's employee. This use shall:

1. Be accessory to an actively-operating agricultural use on the lot or parcel;
2. Be restricted to vehicles and related equipment that are used for the actively-operating agricultural use;
3. Include no more than one three-axle truck, and no pups.

~~8.~~9. **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt from these restrictions.

Commented [E3]: This language has been inserted into "concentrated feeding operation" regs above

Commented [E4]: This use is covered by "animal feeding operation" above

147 ~~9.~~10. *Temporary building or use.* The building or use shall be removed upon completion or
148 abandonment of the construction work.

149 HISTORY

150 *Adopted by Ord. [2021-6](#) on 3/23/2021*

151

Chapter 108-19 Accessory Dwelling Units

Sec 108-19-1 Purpose And Intent

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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. With exception to properties located within the Ogden Canyon, the reallocated dwelling unit right may only be transferred from a property located within the "Valley Floor Area" (Depicted as Map 3 on Page 11 of the 2016 Ogden Valley General Plan, or as otherwise reproduced digitally by the County) that has an available dwelling unit right. Available dwelling unit rights are as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction.
 - a.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

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.

- (a) *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.
- (b) *Location.* An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone.
- (c) *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.
- (d) *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.
- (e) *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

§c 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

§c 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