

## 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:

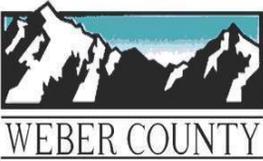
- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information 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 shall 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.



## WESTERN WEBER PLANNING COMMISSION

### MEETING AGENDA

**July 13, 2021**

**5:00 p.m**

Join Zoom Meeting

<https://us02web.zoom.us/j/81341555984>

Meeting ID: 813 4155 5984

One tap mobile

+13462487799,,81341555984# US (Houston)

+16699006833,,81341555984# US (San Jose)

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

#### **1. Petitions, Applications, and Public Hearings: Administrative items**

**1.1 LVS03252021:** Consideration and action on preliminary approval of Saddlewood Estates Subdivision, Consisting of 27 lots.  
**Staff Presenter: Tammy Aydelotte**

#### **2. Petitions, Applications, and Public Hearings: Legislative items**

**2.1 ZMA 2021-05:** a public hearing, and consider and take action on ZMA 2021-05 a request to amend the zone map to rezone approximately 87 acres from the A-2 (medium agriculture) zone to the C-2 (medium commercial) zone and varying residential zones at approximately 2650 West 1200 South, and a request to amend the general plan's future land use map to enable the rezone.

**Staff Presenter: Charlie Ewert; Applicant agent:** Lync Construction. Agent: Pat Burns and David Laloli

**2.2 ZMA 2021-04:** A public hearing to consider and take action on a proposed rezone of approximately 122 acres of property located at approximately 1290 S. 7500 W. from the agricultural (A-3) zone to the agricultural (A-2) zone.

**Staff presenter: Charlie Ewert. Applicant: Lync Construction/Flagship Homes. Applicant agent: Pat Burns/Nathan Meikle**

- 3. Public Comment for items not on the agenda:**
- 4. Remarks from Planning Commissioner:**
- 5. Planning Director Report:**
- 6. Remarks from Legal Counsel**
- Adjournment**

*The worksession will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor,  
2380 Washington Blvd., Ogden, Utah.*

***Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.***

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



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on preliminary approval of Saddlewood Estates Subdivision, consisting of 27 lots.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, July 13, 2021

**Applicant:** Jim Flint, Representative

**File Number:** LVS03252021

### Property Information

**Approximate Address:** 1900 S 5000 West, Ogden, UT, 84401

**Project Area:** 33.19 acres

**Zoning:** Agricultural (A-2 & A-1) Zones

**Existing Land Use:** Agricultural

**Proposed Land Use:** Residential

**Parcel ID:** 15-079-0051

**Township, Range, Section:** T6N, R2W, Section 29 NW

### Adjacent Land Use

<b>North:</b> 1900 South St.	<b>South:</b> Residential
<b>East:</b> Residential/Agricultural	<b>West:</b> 5100 West Street/Pinaea Greenhouse

### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@co.weber.ut.us

**Report Reviewer:** SB

## Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 & A-2 Zones)

## Background and Summary

The applicant is requesting preliminary approval of Saddlewood Estates Subdivision, consisting of 27 lots. This proposal includes connection to a county, dedicated road (5100 West St), and creation of four county-dedicated road (4950 West, St, 5000 West St, and 5050 West St) located at approximately 1900 S 5000 W in the A-2 and A-1 Zones. 5050 South Street will have a cul-de-sac at the north end, in lieu of connecting to 1900 South Street. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The lot widths and areas in this proposed subdivision exceed the minimum requirements for a lot-averaged subdivision in the A-1 and A-2 zones. The following is a brief synopsis of the review criteria and conformance with LUC.

This subdivision layout has gone through a couple of revisions since submittal of the application, due to discussions on how to connect 5100 West Street.

## Analysis

**General Plan:** The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

**Zoning:** The subject property is located in the A-1 and A-2 Zones, and is a lot averaged subdivision (LUC 106-2-4). Single-family dwellings are a permitted use in both zones.

**Lot area, frontage/width and yard regulations:** In the LUC § 104-7-6, the A-1 and A-2 zones require a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision, the minimum requirements are as follows: Lot area in the A-1 zone – 20,000 square feet. Lot width in the A-1

zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

1. *The averaged area and width of all lots to comply with zone standards.* The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones.
2. *Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with (5)(a) of this subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-1 zone standards in LUC § 104-5. The proposed subdivision will create four new public streets, as well as continue two previously dedicated public streets, from adjacent subdivisions (Favero Legacy Cluster Subdivision, and Cameron Cluster Subdivision).

Review Agencies: Weber Fire District has approved this proposed subdivision. Engineering has not yet approved this subdivision, however, they are fine with a preliminary approval from the Planning Commission. The County Surveyor’s Office will review this subdivision, once a proposed final plat has been submitted.

Culinary water and sanitary sewage disposal: Taylor West Weber Water has given preliminary approval for this 27-lot subdivision. Secondary water shares have been secured for Hooper Irrigation, and discussions are in process regarding location of improvements. Central Weber Sewer has issued a will-serve letter for this subdivision.

## Staff Recommendation

Staff recommends preliminary approval of Saddlewood Estates Subdivision, a lot-averaged subdivision, consisting of 27 lots, located at approximately 1900 S 5000 W, Ogden, UT. This recommendation is subject to all review agency requirements, and the following conditions:

1. Prior to scheduling for final approval with the Planning Commission, Taylor West Weber Water and Hooper Irrigation must issue unconditional approval for this project.
2. Proof of annexation into the Central Weber Sewer District, if it has not already been provided.
3. A table must be shown on the final plat, showing lot area and widths for all lots within this subdivision, along with the calculated average for each. It must be noted, under the name of the subdivision, that this is a lot-averaged subdivision on the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan
2. The proposed subdivision complies with applicable county ordinances

## Exhibits

- A. Preliminary plan
- B. Application
- C. Feasibility Letters

# Area Map





## Exhibit B – Application

Application

Documents 4

Comments 2

Reviews 4

Followers 11

Status

Notifications

### Application

+ Add Building + Add Parcel + Add a Contractor

#### Project Description

25-lot subdivision project on 33 acres in A-1 zone at approximately 1900 South / 5000 West

#### Property Address

1900 South 5000 West  
West Weber / Taylor area, UT, 84401

#### Property Owner

Ryan Stokes  
435-730-4334  
dscryanstokes@gmail.com

#### Representative

Jim Flint  
970-749-4314  
jimf@haies.net

#### Accessory Dwelling Unit

False

#### Current Zoning

A-1

#### Subdivision Name

Saddlewood Estates

#### Number of Lots

#### Lot Number

25

#### Lot Size

1-acre

#### Frontage

150'

#### Culinary Water Authority

Taylor-West Weber Water District

#### Secondary Water Provider

Hooper Irrigation Company

#### Sanitary Sewer Authority

Not Applicable

#### Nearest Hydrant Address

5100 West 2100 South

#### Signed By

Representative, Jim Flint

#### Parcel Number

[✕ Remove](#) 150790051 - [County Map](#)



2815 WEST 3300 SOUTH  
WEST HAVEN, UTAH 84401  
801-731-1668  
6/24/2021

Weber County Planning Commission  
2380 Washington Boulevard  
Ogden, Utah 84401  
To Whom It May Concern:

This is to inform you that **PRELIMINARY** approval has been given and the District has the capacity to provide only culinary water for Saddlewood Estates a 27-lot subdivision by the means of a 8" water main on 5100 W. and a 6" water line on 1900 S. Taylor West Weber Water specifications and details must be followed in all installation procedures.

Requirements:

- Plan review fee= \$100 per lot. \$2700.00
- Plans must be updated with Hooper Irrigation as the secondary provider.
- Water rights fee =Must be paid before final subdivision approval is given. \$4,363.00 per lot. (Total \$117,801.00) Based on current impact fee.
- Secondary Water = Must connect to Hooper Irrigation. The pressurized secondary water system must be operatable and functioning before Taylor West Weber Water will give final approval for a building permit. The developer is responsible for implementing the secondary water system. A **final approval** letter and receipt from the secondary water provider who owns the water, i.e. Hooper Irr., must be submitted to Taylor West Weber Water stating the proper amount of water has been affixed to this development for the residential landscaped area of this project and that the secondary will be supplied by Hooper Irrigation company.
- Waterline sizes and adjustments must be made and compliant with Taylor West Weber Waters engineers recommendations.
- Impact/ Hookup Fees = Paid by each lot owner or builder before a building permit is issued. Amounts are subject to change based on impact fees.
- Taylor West Weber Water District reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

**FINAL APPROVAL AND SUBDIVISION APPROVAL MUST NOT BE ISSUED UNTIL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.** Any escrow funds shall not be released relating to culinary or secondary water without approval from Taylor West Weber Water. Final Subdivision approval is subject to meeting all of the requirements of the District and all fees being paid and received. A **signature block** must be added to the recorded plat and signed by either a board member or the manager of Taylor West Weber Water. This letter expires six months from the date it is issued.

Expires 12/26/2021

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Rogers", is written over the word "Sincerely,".

Ryan Rogers – Manager

Taylor West Weber Water District



## Central Weber Sewer Improvement District

April 6, 2021

Tucker Weight  
Weber County Planning Commission  
2380 Washington Blvd #240, Ogden, UT 84401

SUBJECT: Saddlewood Estates  
Sanitary Sewer Service  
Will Serve Letter

Steve:

At the request of Ryan Stokes, we have reviewed a subdivision plan for Saddlewood Estates with 25 residential lots located at approximate address 1900 South 5100 West. We offer the following comments regarding Central Weber providing sanitary sewer service.

1. Central Weber has the capacity to treat the sanitary sewer flow from this subdivision. The development must be annexed into the District prior to connection to sewer.
2. If any connection is made directly into Central Weber's line the connection must be inspected by Central Weber while the work is being done. A minimum of 48-hour notice for inspection shall be given to Central Weber prior to any work associated with the connection.
3. Central Weber will not take ownership or responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

*Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.*

5. The entire parcel of property to be served will need to be annexed into the District prior to any connection to the District's line. This annexation must be complete before the sale of any lots in



## Central Weber Sewer Improvement District

the subdivision.

6. Impact fees will need to be paid to Central Weber Sewer Improvement District no later than the issuance of any building permits. Annexation Book 86 page 6.

If you have any further questions or need additional information, please let us know.

Sincerely,

Clay Marriott

Digitally signed by Clay Marriott  
DN: cn=US,  
e=Claym@centralweber.com,  
o="Central Weber Sewer",  
ou="Clay Marriott"  
Reason: I am the author of this  
document  
Date: 2021.07.08  
12:40:59-06'00'

Clay Marriott

Construction Manager

CC:

Kevin Hall, Central Weber Sewer  
Tucker Weight  
Chad Meyerhoffer

Attachments

20-162 PP V19 Overall Sewer

Annexation Petition checklist



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** To hold a public hearing, and consider and take action on ZMA 2021-05 a request to amend the zone map to rezone approximately 87 acres from the A-2 (medium agriculture) zone to the C-2 (medium commercial) zone and varying residential zones at approximately 2650 West 1200 South, and a request to amend the general plan's future land use map to enable the rezone.

**Agenda Date:** Tuesday, June 15, 2021

**Applicant:** Lync Construction. Agent: Pat Burns and David Laloli

**File Number:** ZMA 2021-05

### Property Information

**Approximate Address:** 2650 West 1200 South

**Zoning:** The area is currently Agricultural (A-2)

**Existing Land Use:** Agricultural

**Proposed Land Use:** Commercial and Residential

**Township, Range, Section:** T6N, R2W, Sections 14 and 23

### Adjacent Land Use

<b>North:</b> Agricultural	<b>South:</b> Railroad
<b>East:</b> Agricultural	<b>West:</b> Residential/Agricultural

### Staff Information

**Report Presenter:** Charles Ewert  
cewert@webercountyutah.gov  
801-399-8767

**Report Reviewer:** RG

## Applicable Ordinances

§102-5: Rezoning Procedures

## Legislative Decisions

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

## Summary

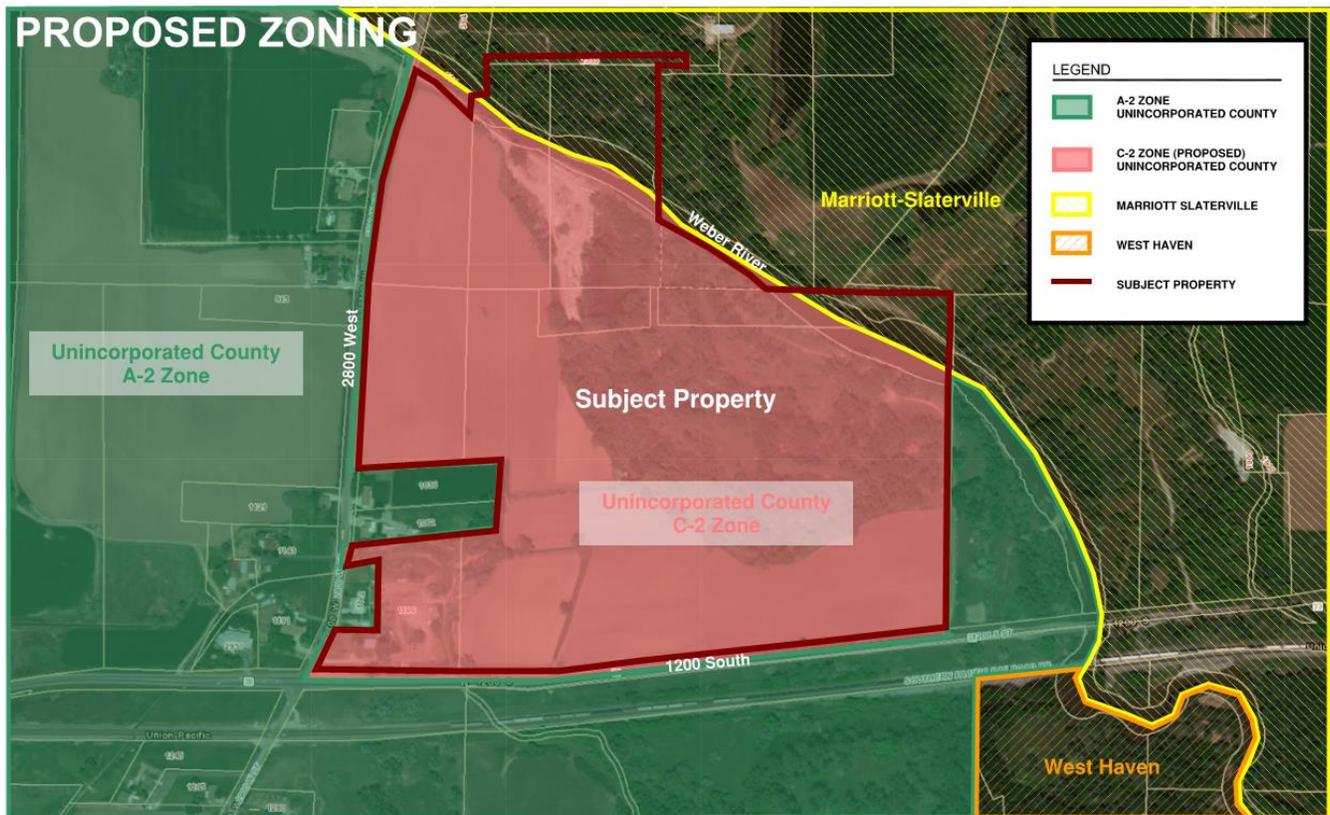
This application is for a rezone and associated general plan amendment to change approximately 87 acres from the A-2 zone to the C-2 zone with a master planned development overlay zone (MPDOZ). The purpose of the rezone is to develop the site for commercial uses along 12<sup>th</sup> street, and residential uses behind the commercial uses and along the Weber River.

Staff is suggesting instead of rezoning the entire property to C-2, to rezone the area proposed for commercial and mixed use residential, along 12<sup>th</sup> street, to the C-2 zone, then rezone the rest of the property to the Residential Estates zones (RE-15 and RE-20). Application of the MPDOZ could then be used to allow multifamily uses to be located in the C-2 zone area as part of the mixture of uses.



The requested zone for the subject parcel is the C-2 zone. As can be seen in **Figure 2**<sup>2</sup>, this will create new commercial property in an area without any current commercial zoning.

**Figure 2: Proposed Zoning Map and the Subject Parcel(s).**



Changing a zone from A-2 to C-2 comes with a few things to consider. The Planning Commission should review the uses that are different in each zone and the differences in lot development standards<sup>3</sup>. As can be expected, the differences between the zones are substantial.

*Changing zoning.* The Weber County Land Use Code has a chapter that governs application-driven rezones. The following are excerpts and/or staff's commentary on how it applies to this application.

§ 102-5-2: Specifies that rezoning should comply with the general plan. At current, the request does not. The current general plan does not anticipate commercial uses in this area. For that reason, the applicant is also requesting an amendment to the general plan to designate it for future commercial. If favorable, **Figures 4<sup>4</sup> and 5** show a proposed amendment to the West Central Weber County's "Future Land Use Map" that would enable this rezone. Specific plan amendment outcomes should be considered before offering the rezone, as detailed later in this report.

§ 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The*

<sup>2</sup> See also Exhibit E.

<sup>3</sup> See Attachment F and G.

<sup>4</sup> See also Attachment B and C.

*county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

*Concept development plan.* A concept development plan has been provided for the property<sup>5</sup>. The plan is a general bubble diagram for where uses may generally be located on the property.

A benefit of a bubble-diagram concept plan is that the developer is afforded flexibility in the implementation of the project, allowing general ebbs and flows of design based on unknown site characteristics, varying market trends, etc., without continually engaging the governmental process to amend the plan. A possible detriment of this method is that it, alone, might not create the anticipated outcomes that were the basis of the rezone decision. To combat this potential detriment, the applicant and staff have negotiated development standards and expectations for each "bubble," and will pursue memorializing these details in a development agreement. Using this method, the county can regulate and minimize the foreseeable detrimental effects regardless of the actual final site layout. This is not unlike regular zoning elsewhere, just on a smaller scale.

The applicant is prepared to commit to keeping all buildings 200 feet away from existing residences in the area. Commercial uses will be buffered from the road by berms, trees, and parking areas.

Buildings along 1200 South will be closer to the street. The applicant is prepared to commit to buildings no greater than 45 feet tall within 100 feet of 1200 South. By comparison, this is 10 feet taller than what is allowed in the adjacent A-2 zone. No buildings are expected across 1200 South, as the railroad track is immediately adjacent, and creates a buffer from land uses southward.

*Water, wastewater, fire, and other utilities.* The applicant has indicated it is currently in positive negotiations with Bona Vista Water and Central Weber Sewer for service. Despite any rezone approvals, no development can occur onsite without completed agreement with these entities. The applicant has proposed power to come from Rocky Mountain Power. There is currently power lines that run across the property. The applicant is currently in negotiation with Rocky Mountain Power to underground existing lines onsite.

*Access and traffic circulation.* The property will get access from 12<sup>th</sup> Street and 2800/2700 West Street. UDOT access permit is required for each access on 12<sup>th</sup> Street.

It is likely that traffic to and from the property will merit improvements to 2800 West for turning lanes. A formal traffic study has not been conducted to verify this. Based on nearby plats/ surveys, it appears that the right-of-way of 2800 West is 66 feet. If that is true for the entire street frontage, then no additional right-of-way width is expected to be necessary. It is expected that 2800 West will be improved on the development side for storm water runoff. Formal street design is premature at this time.

*Buffering adjacent uses.* As mentioned, the buildings will be located greater than 200 feet away from existing residences. Along 2800 West, a four-foot tall berm will be installed with trees lining the top and a pathway running atop or parallel. The trees will be of a species and separation such that the tree canopy will cover 75% of the linear frontage.

The four-foot berm, trees, and pathway will also line the three existing residences on the east side of 2800 West.

*Landscaping.* Other than lining the exterior boundary with shade trees, it is expected that internal landscaping will comply with the adopted architecture, landscape, and screening standards of existing ordinances.

*Trails and pathways.* The circumference of the property will be lined with a 10-foot wide pathway. This includes development of the Weber River Parkway trail along the river.

*Lighting.* The applicant is proposing that the permanent lighting fixtures across the project will be dark-sky compliant. This means lighting will be downward directed and fully shielded in a manner that there will be no direct light source visible from off-property. The surface parking lots will have an additional level of light reduction by limiting the light level to dark-sky standards.

*Phasing.* While the applicant is not anticipating the need for a specific phasing plan, it is likely the project will be built in phases.

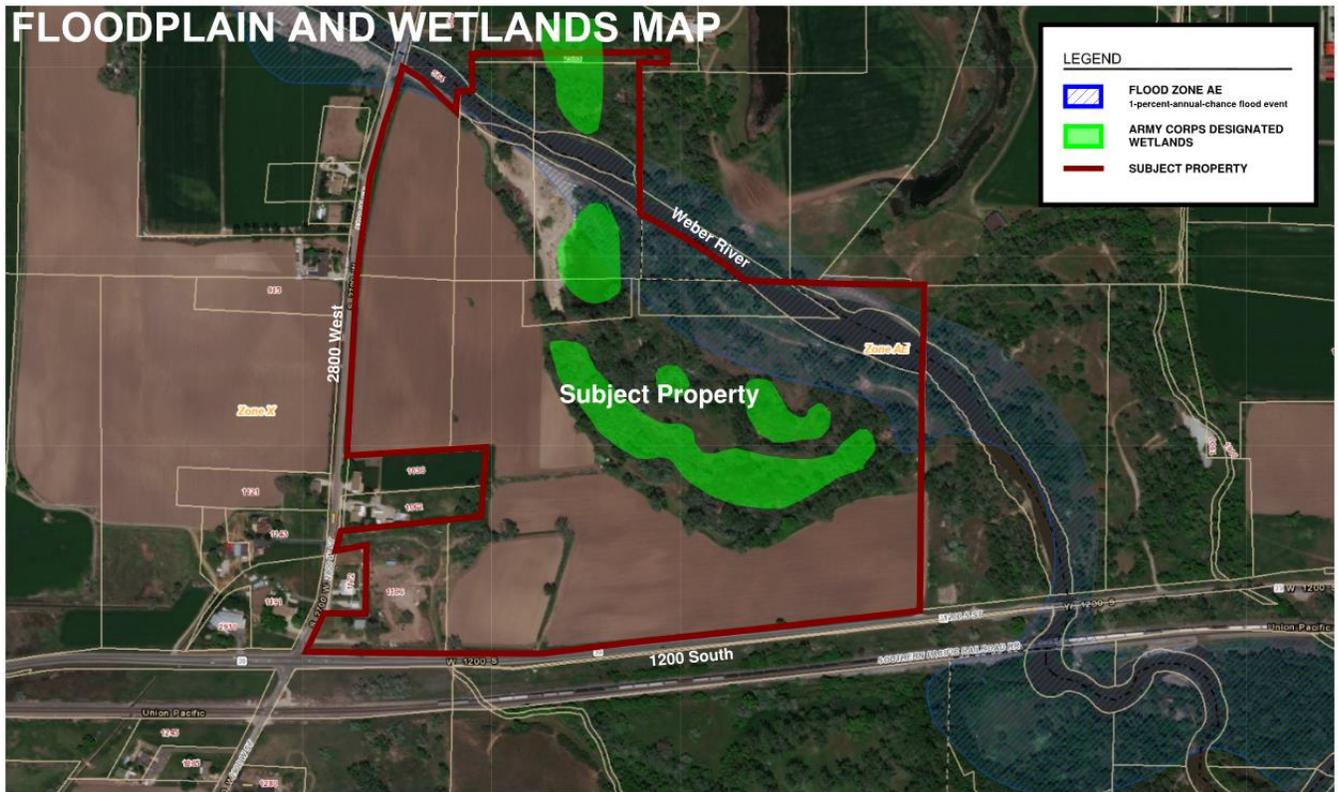
*Wetlands and floodplain.* There is known floodplain on the property. Currently, the flood zone is designated AE along the Weber River, which means that the base-flood-elevation is known for this area, and there is one percent per year chance of flooding. Also onsite are areas designated by the Army Corps of Engineers as wetlands. The applicant is proposing wetland mitigation when needed for acreage, and wetland preservation where possible.

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<sup>5</sup> See Exhibit H

Wetland mitigation typically means that wetlands will be built elsewhere in the area in exchange for eliminating wetlands onsite. **Figure 3<sup>6</sup>** displays the flood zones and wetland areas.

**Figure 3, Floodplain and Wetlands.**



*General plan.* In order to recommend approval of the rezone, the West Central Weber County General Plan should be amended to enable the new zone in the area. **Figures 4 and 5<sup>7</sup>** show the proposed amendment to the "Future Land Use Map" of that plan.

<sup>6</sup> See Exhibit J

<sup>7</sup> See Exhibit B

Figure 4: 2018 Future Land Use Map and the Subject Property.

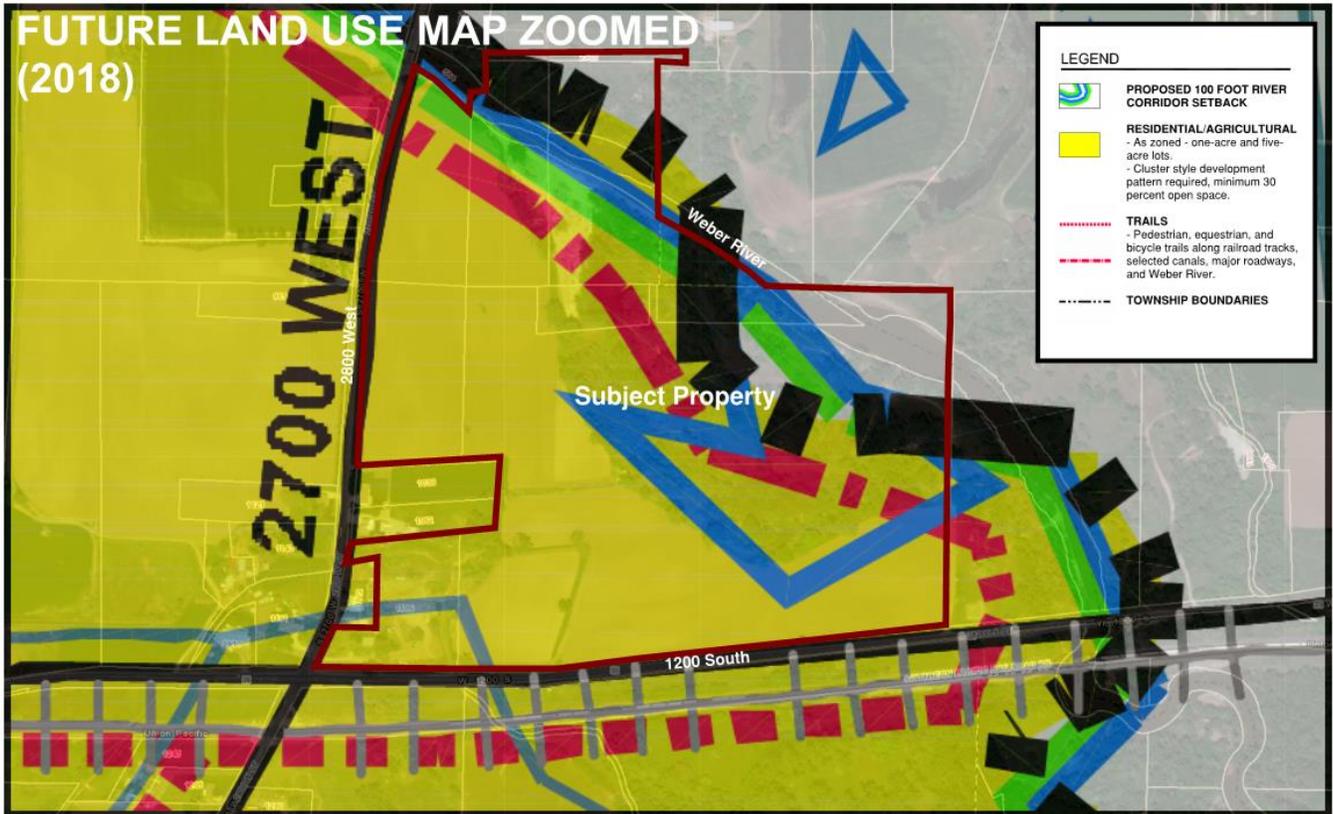
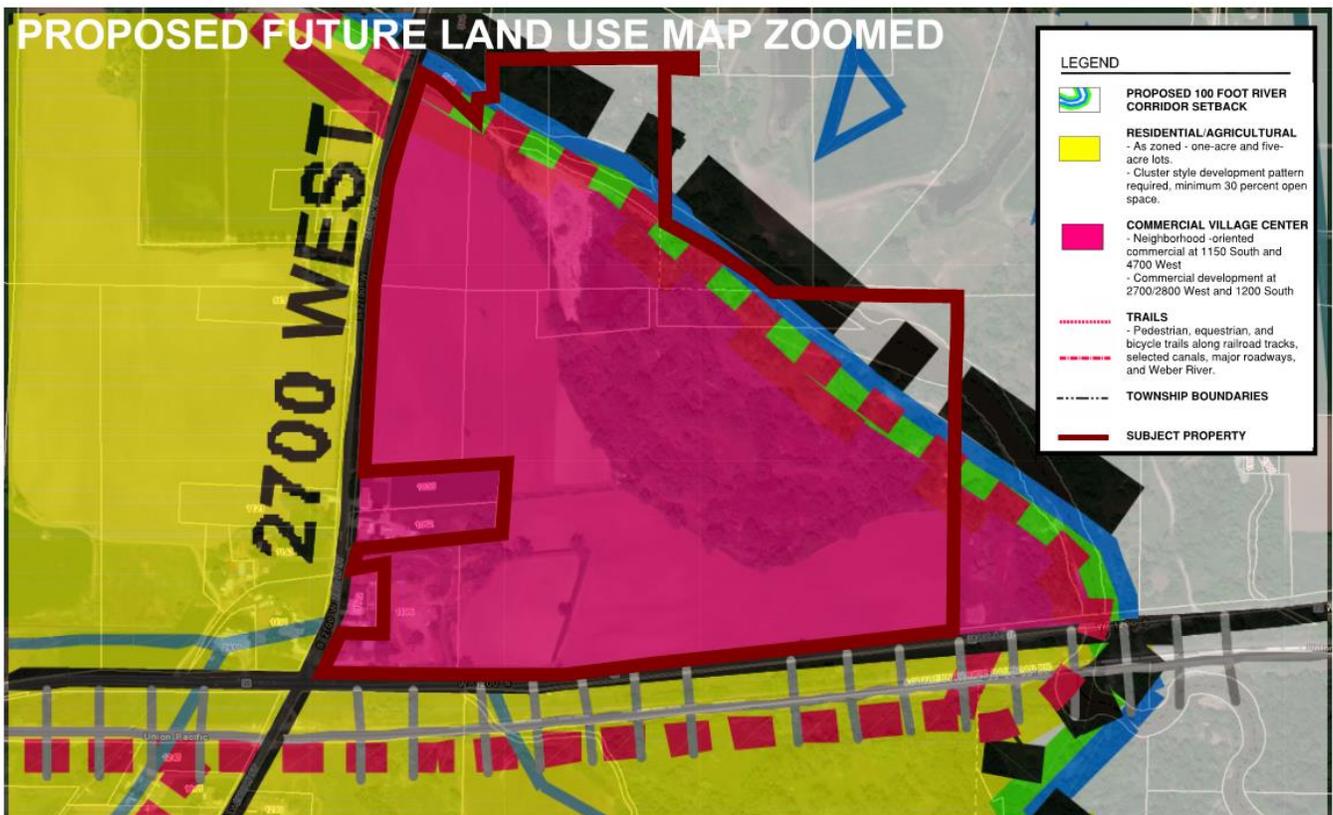


Figure 5: Proposed Future Land Use Map and the Subject Property.



A review of the existing general plan text offers the general dialogue and interests regarding a number of aspects of this proposal.

### **Commercial uses**

“Limited commercial uses currently exist, and many people are very comfortable with the status quo. Others would like to see more commercial, particularly if it is concentrated with other services such as fire stations and schools, and if it is well-located and well-planned. Major intersections and corridors might be appropriate locations. Commercial uses can have a positive effect on tax base and services provided.”<sup>8</sup>

“Develop commercial design standards to help commercial development better fit with the character of the area.”<sup>9</sup>

This master planned development will be located along the 1200 South transportation corridor, one of the major corridors in the area. It will create jobs, retail tax-base, and increase taxable value of the subject property, giving the area a positive tax effect.

### **Parks and trails**

“Many people expressed a desire for developed public parks (with playing fields, pavilions, playgrounds, tennis courts), a variety of trails including pedestrian, bicycle and equestrian trails, recreation facilities such as a recreation center and other developed facilities, and a library. Some suggested that utility easements are good locations for trails and bike paths; others felt that canals are too dangerous for use as trails. The concept of a “river walk” was mentioned, but those with property directly on the river were opposed to trails development along the river. It was suggested that the river flood plain should be purchased and held in public ownership.”<sup>10</sup>

The applicant has proposed a public multi-use asphalt trail along the Weber River, and a loop trail that encircles the development.

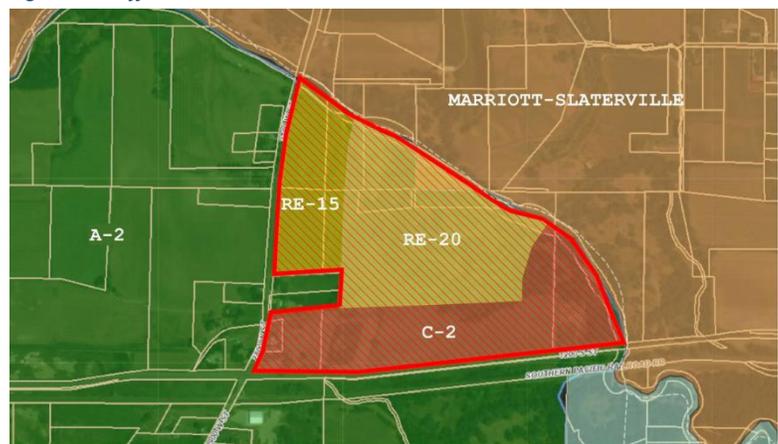
### **Night sky**

“Some felt that ... new ordinances need to be developed to protect the night sky...”<sup>11</sup>

The applicant has proposed that this development be night sky friendly. They have volunteered all permanent light fixtures to be downward directed and fully shielded so as not to create light trespass on adjacent landowners. It cannot be guaranteed that outdoor filming will always be able to follow this standard; however, the applicant has committed to providing vegetation and/or building buffers that will block this temporary lighting from existing adjacent properties. The applicant has also volunteered all surface parking areas to be low-light levels.

Instead of rezoning the entire property to C-2 with the MPD overlay, staff recommends the following zone map:

Figure 6: Staff Recommended Rezone Alternative



Master Planned Development Overlay Zone (MPDOZ)

<sup>8</sup> See Page 1-5 of the West Central Weber County General Plan.  
<sup>9</sup> See Page 2-15 of the West Central Weber County General Plan.  
<sup>10</sup> See Page 1-5 of the West Central Weber County General Plan.  
<sup>11</sup> See Page 1-6 of the West Central Weber County General Plan.

## Staff Recommendation

If the Planning Commission supports the proposed general plan amendment, then staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the general plan amendment and rezone with the following requirements to be executed by means of a development agreement:

1. The property should be rezoned to a mix of residential estate and commercial, with the C-2 zone located along 12<sup>th</sup> Street.
2. The commercial development should be setback from the public right-of-way no more than 20 feet to hold the street corridor visually. Likewise, the corner of 2800 and 12<sup>th</sup> Street should have a building that holds the corner visually. If that corner will be occupied by a gas station, then the gas pumps shall be located in the rear of the building away from the public right of way. To encourage buildings along the street-front, parking lots should be located no closer to 12<sup>th</sup> street or 2800 West than 100 feet.
3. Four foot berms should be created along 2800 West to shield the development/parking lots from view of adjacent residences.
4. Four foot berms should be created around the north and west sides of existing residential parcels on the east side of 2800 West. The same berms will be provided on the south side in the event of the parcels in the event non-agrarian uses are established in view of the residences.
5. A pathway should encircle the outer perimeter of the project, lined on the project's south and west boundaries with shade trees of a species and spacing that are expected to create 75 percent linear canopy coverage within 15 years of planting.
6. All onsite permanent lighting fixtures should be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety and should be downward directed and fully shielded to not cause glare or direct illumination onto adjacent properties or streets. Additionally, the lighting of surface parking lots should not exceed 0.4-foot-candles and have a light distribution uniformity ratio no greater than 4:1.
7. The height of buildings along 1200 South and, if applicable, 2800 West, should be no greater than 45 feet for a distance from the street right-of-way of 100 feet. Maximum building height otherwise should be 65 feet.
8. The buildings with fronts visible from 1200 South or 2800 West should be treated with agrarian architectural features. The development agreement should contain architectural standards for all buildings along 12<sup>th</sup> Street
9. That all berms, trees, pathways, and associated vegetation should be installed prior to certificate of occupancy for the first building.
10. That all other agency concerns should be accounted for as may be necessary in the development agreement.

This recommendation may come with the following findings:

1. With the proposed amendment to the West Central Weber County General Plan, the proposed rezone complies with the general plan.
2. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities.
3. The proposal offers public recreation, shopping, jobs, and will offer moderate-income housing, all cornerstones of sustainable community planning principles.
4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by use of natural and built buffers.
5. The development will enhance the overall health, safety, and welfare of the community.

## Exhibits

Exhibit A: Omitted

Exhibit B: Existing "Future Land Use Map" of West Central Weber County General Plan.

Exhibit C: Omitted

Exhibit D: Existing Zone Map

Exhibit E: Proposed Zone Map

Exhibit F: A review of uses allowed and site development standards in the A-2 zone.

Exhibit G: A review of uses allowed and proposed, and site development standards in the C-2 zone.

Exhibit H: Concept Development Plan.  
Exhibit I: Omitted  
Exhibit J: Floodplain and Wetlands.

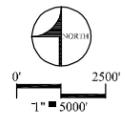
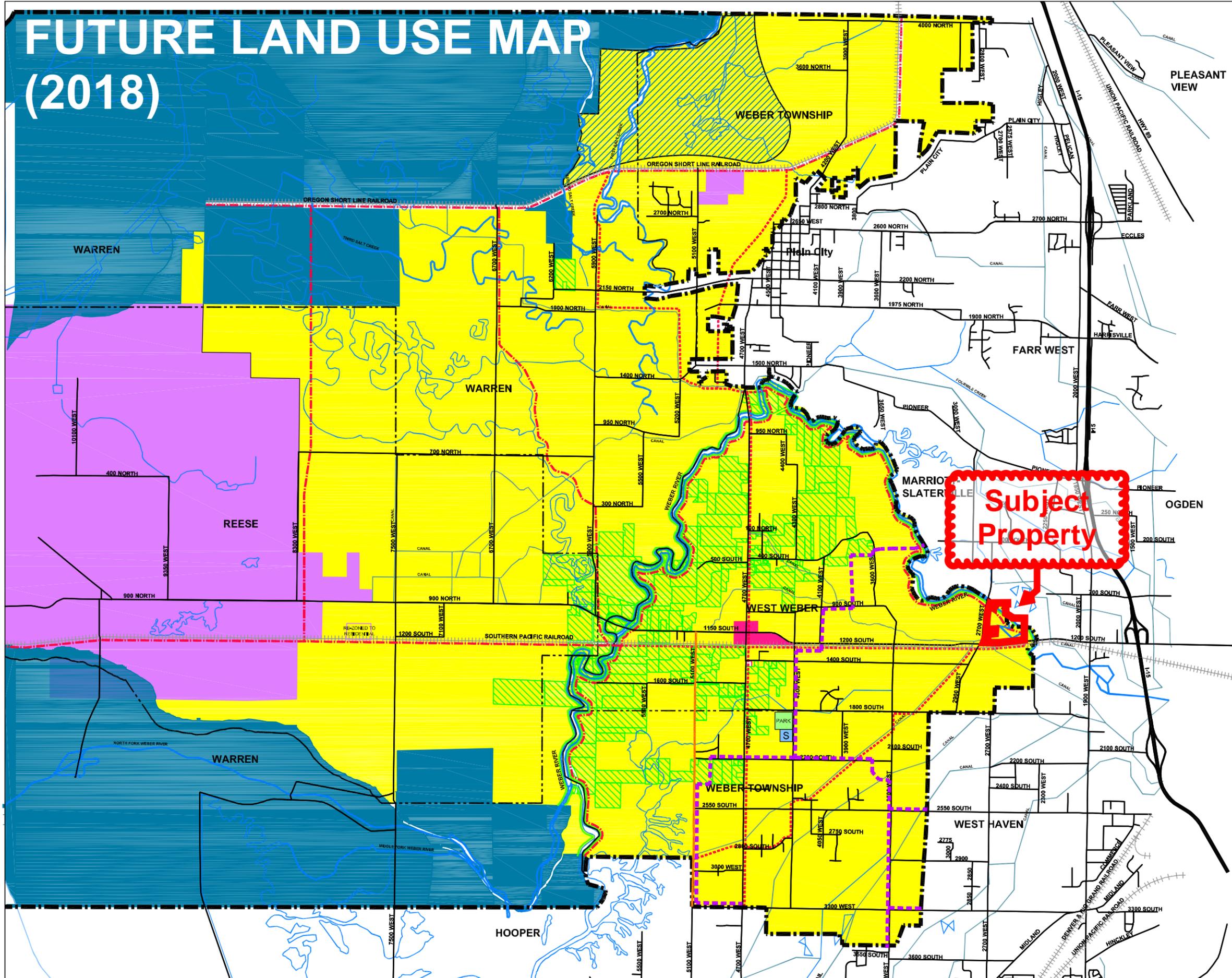
# FUTURE LAND USE MAP (2018)

## WEST CEI **Exhibit B** WEBER COUNTY GENERAL PLAN

### PROPOSED LAND USE MAP 2-4

#### LEGEND

-  **INDUSTRIAL PARK**
  - Rezone approximately 20-acre parcel to match adjacent zoning.
  - Eliminate residential as a conditional use in industrial zones.
-  **RESIDENTIAL/AGRICULTURAL**
  - As zoned - one-acre and five-acre lots.
  - Cluster style development pattern required, minimum 30 percent open space.
-  **EXISTING STATE / FEDERAL LAND WATERFOWL MANAGEMENT AREA**
-  **COMMUNITY VILLAGE CENTER**
  - Commercial node of 45 acres of supportable neighborhood services.
  - First response emergency services.
-  **EXISTING AGRICULTURE PROTECTION AREAS**
  - Unchanged
-  **EXISTING SEWER**
-  **PROPOSED 100' WIDE SETBACK ALONG RIVER**
-  **SCHOOLS AND PARKS**
  - New High School as planned by Weber School District.
  - Adjacent 20-acre park.
-  **TRAILS**
  - Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
  - Equestrian trails.
-  **TOWNSHIP BOUNDARY**



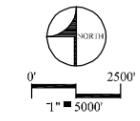
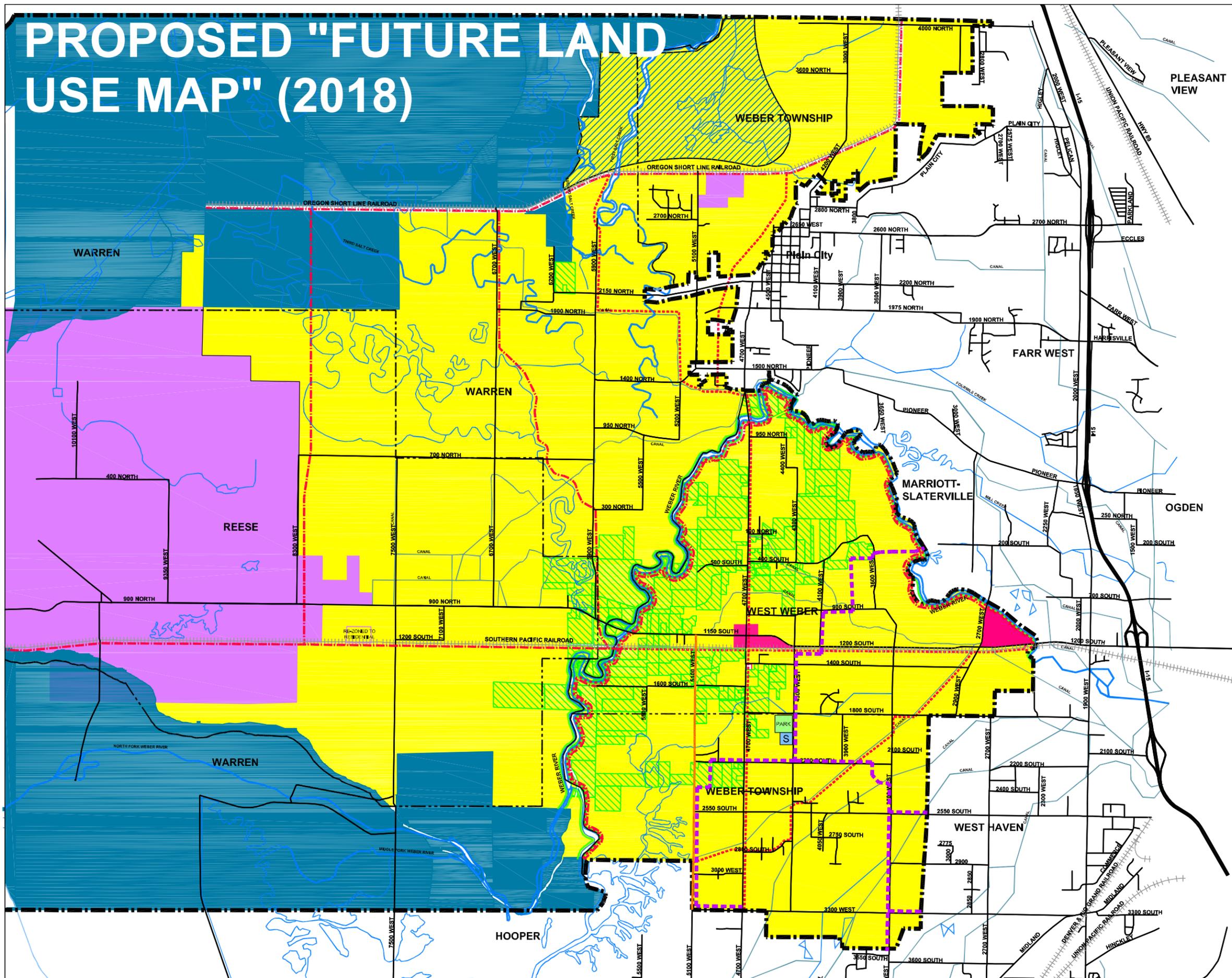
# PROPOSED "FUTURE LAND USE MAP" (2018)

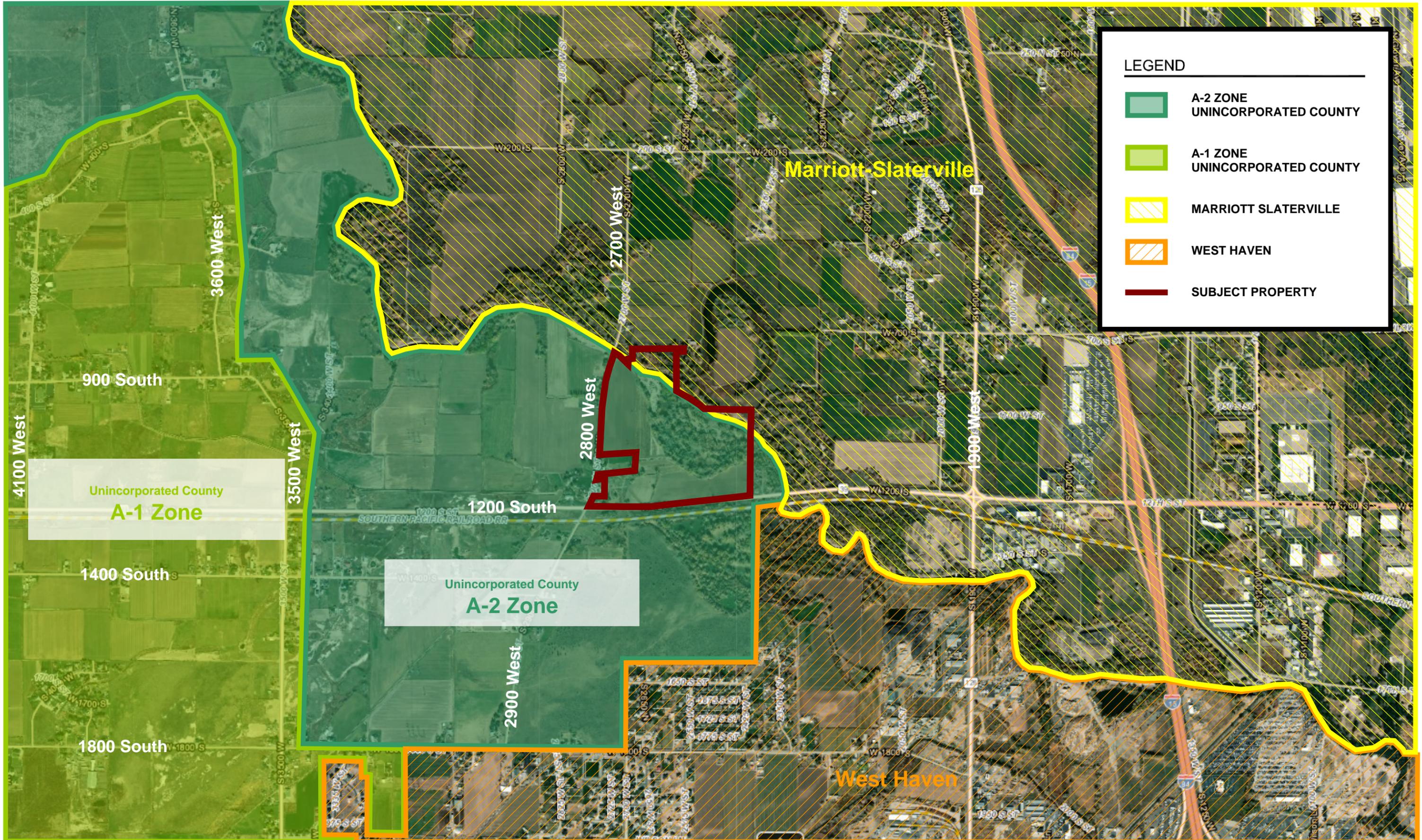
## WEST CEI **Exhibit C** WEBER COUNTY GENERAL PLAN

### PROPOSED LAND USE MAP 2-4

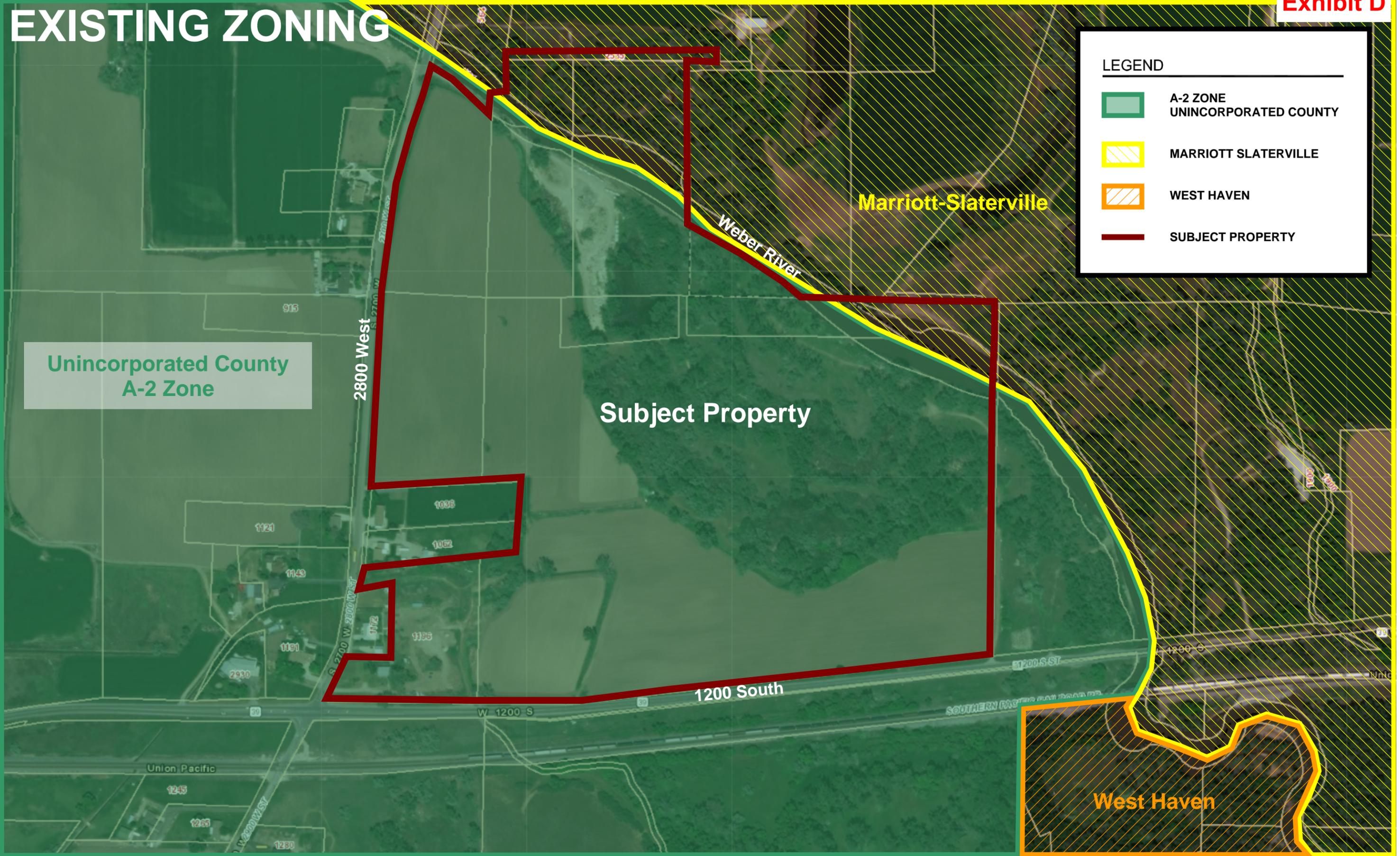
#### LEGEND

-  **INDUSTRIAL PARK**
  - Rezone approximately 20-acre parcel to match adjacent zoning.
  - Eliminate residential as a conditional use in industrial zones.
-  **RESIDENTIAL/AGRICULTURAL**
  - As zoned - one-acre and five-acre lots.
  - Cluster style development pattern required, minimum 30 percent open space.
-  **EXISTING STATE / FEDERAL LAND WATERFOWL MANAGEMENT AREA**
-  **COMMERCIAL VILLAGE CENTER**
  - Neighborhood - oriented commercial at 1150 South and 4700 West
  - Master planned development at 2700/2800 West and 1200 South
-  **EXISTING AGRICULTURE PROTECTION AREAS**
  - Unchanged
-  **EXISTING SEWER**
-  **PROPOSED 100' WIDE SETBACK ALONG RIVER**
-  **SCHOOLS AND PARKS**
  - New High School as planned by Weber School District.
  - Adjacent 20-acre park.
-  **TRAILS**
  - Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
  - Equestrian trails.
-  **TOWNSHIP BOUNDARY**





# EXISTING ZONING



**LEGEND**

-  A-2 ZONE UNINCORPORATED COUNTY
-  MARRIOTT SLATERVILLE
-  WEST HAVEN
-  SUBJECT PROPERTY

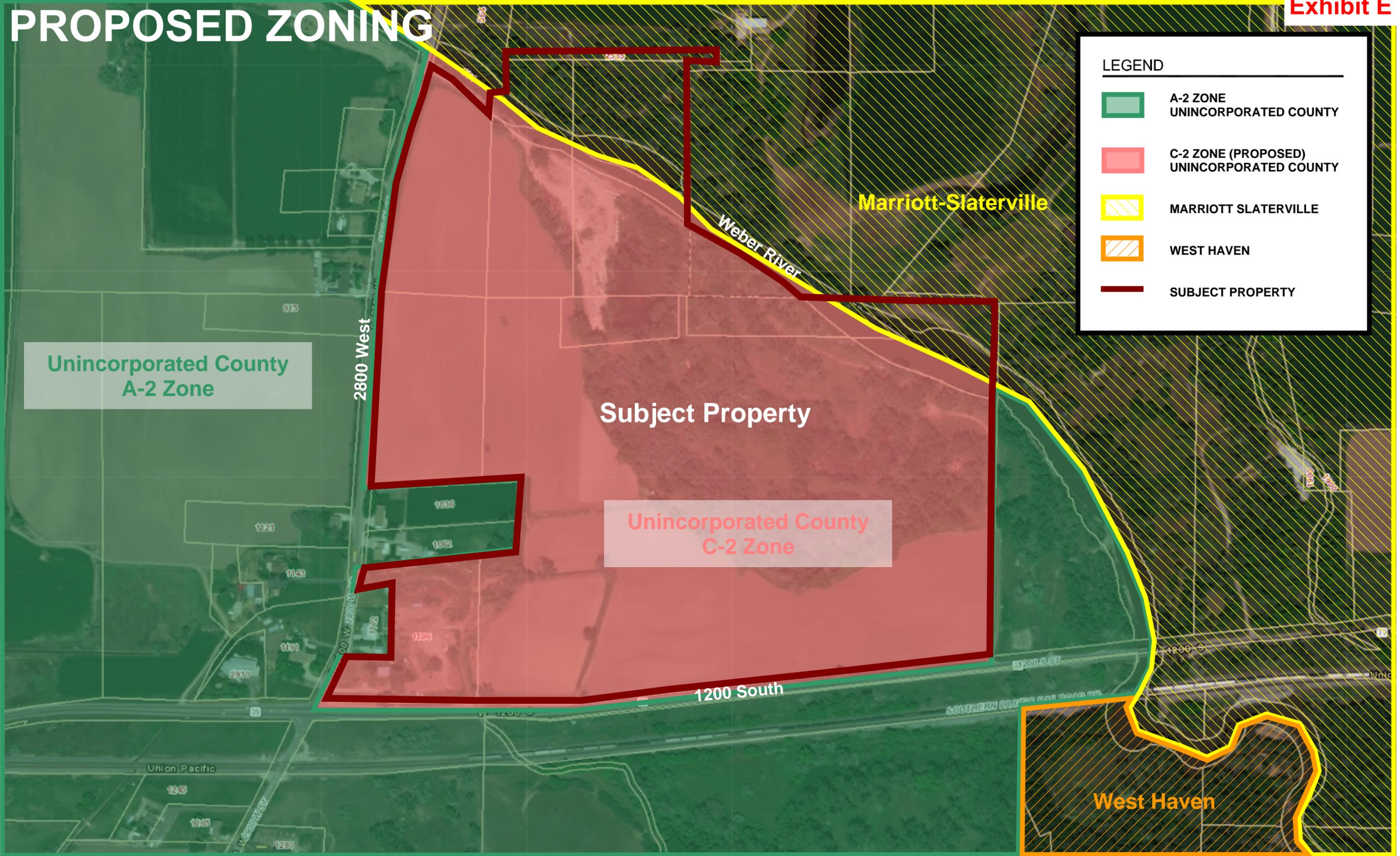
Unincorporated County  
A-2 Zone

Marriott-Slaterville

Subject Property

West Haven

# PROPOSED ZONING



**LEGEND**

-  A-2 ZONE UNINCORPORATED COUNTY
-  C-2 ZONE (PROPOSED) UNINCORPORATED COUNTY
-  MARRIOTT SLATERVILLE
-  WEST HAVEN
-  SUBJECT PROPERTY

Unincorporated County  
A-2 Zone

Subject Property

Unincorporated County  
C-2 Zone

Marriott-Slaterville

West Haven

2800 West

1200 South

5200 S ST

Union Pacific

## **Chapter 104-2 Agricultural Zones**

[Sec 104-2-1 Purpose And Intent](#)

[Sec 104-2-2 Preferred Use](#)

[Sec 104-2-3 Land Use Table](#)

[Sec 104-2-5 Site Development Standards](#)

[Sec 104-2-4 Special Regulations](#)

### HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

### **Sec 104-2-1 Purpose And Intent**

- (a) The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:
- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
  - (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
  - (3) Direct orderly low-density residential development in a continuing rural environment.
- (b) The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.
- (c) The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

### HISTORY

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

### **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.

### HISTORY

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

### **Sec 104-2-3 Land Use Table**

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

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

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Accessory building</b> , accessory and incidental to the use of a main building.	P	P	P	P	
<b>Accessory dwelling unit.</b>	P	P	P	P	See <a href="#">Chapter 108-19</a> .
<b>Accessory use</b> , accessory and incidental to the main use.	P	P	P	P	
<b>Custom exempt meat cutting</b> , accessory to a residential use.	C	N	N	N	See <a href="#">Section 104-2-4</a> . 5-acre use.
<b>Family food production</b> , accessory to a residential use.	P	P	P	P	See <a href="#">Section 104-2-4</a> .
<b>Home occupation</b> , accessory to a residential use.	P	P	P	P	See <a href="#">Chapter 108-13</a> .
<b>Household pets</b> , accessory to a residential use.	P	P	P	P	
<b>Main building</b> , designed or used to accommodate the main use.	P	P	P	P	
<b>Parking lot</b> , accessory to a main use allowed in the zone.	P	P	P	P	
<b>Parking of large vehicle</b> , accessory to residential use.	C	C	C	C	See <a href="#">Section 104-2-4</a> . 5-acre use.
<b>Parking of construction vehicle.</b>	C	C	C	C	See <a href="#">Section 104-2-4</a> . 5-acre use.
<b>Sugar beet loading or collection station.</b>	C	N	P	P	
<b>Sugar beet dump site.</b>	N	N	P	P	
<b>Temporary building or use</b> , accessory and incidental to onsite construction work.	P	P	P	P	

(b) *Agricultural uses, non-animal.*

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Agriculture.</b>	P	P	P	P	
<b>Agricultural experiment station.</b>	P	P	P	P	
<b>Aquaculture.</b>	P	P	P	P	
<b>Fruit or vegetable stand</b> , for produce grown on the premises only.	P	P	P	P	
<b>Fruit and vegetable storage and packing plant</b> , for produce grown on premises.	P	P	N	N	5-acre use.
<b>Grain storage elevator.</b>	N	N	N	P	5-acre use.
<b>Greenhouse and nursery.</b> Sales are limited to plants produced on the premises.	P	P	P	P	
<b>Laboratory facility</b> , for agricultural products and soils testing.	C	C	C	C	

<b>Manure spreading, drying and sales.</b>	N	N	N	C
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- (c) **Animal-related noncommercial uses.** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Apiary.</b>	P	P	P	P	
<b>Aviary.</b>	P	P	P	P	
<b>Chinchilla raising.</b>	P	P	P	P	
<b>Corral, stable or building for keeping animals or fowl.</b>	P	P	P	P	See <a href="#">Section 104-2-4.</a>
<b>Dairy farm</b> , including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
<b>Dairy or creamery.</b>	N	N	N	P	5-acre use.
<b>Dog breeding, dog kennels, or dog training school.</b>	C	C	C	N	See <a href="#">Section 104-2-4.</a> 2-acre use.
<b>Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.</b>	P	P	P	P	5-acre use.
<b>Farm for the raising and grazing of horses, cattle, sheep or goats.</b>	P	P	P	P	See <a href="#">Section 104-2-4.</a> 5-acre use.
<b>Fur farm.</b>	N	N	N	P	5-acre use.
<b>Hog farm, small.</b>	P	P	P	P	See <a href="#">Section 104-2-4.</a> 5-acre use.
<b>Hog farm, large.</b>	N	N	N	C	See <a href="#">Section 104-2-4.</a> 5-acre use.
<b>Livestock feed or sales yard.</b>	N	N	N	C	
<b>Stable, noncommercial.</b> 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	
<b>Slaughterhouse.</b>	N	N	N	C	
<b>Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs</b> , when the animals or fowl were raised on the lot or parcel.	C	C	C	C	5-acre use.
<b>Slaughtering of rabbits or beavers</b> raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	C	C	C	C	

- (d) **Commercial uses.** The following are uses that typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Agri-tourism.</b>	C	C	C	C	See <a href="#">Chapter 108-21</a> .
<b>Airport.</b>	N	N	C	C	
<b>Animal hospital or clinic.</b>	C	C	C	N	
<b>Campground and picnic area.</b>	N	N	C	C	See <a href="#">Chapter 108-20</a> .
<b>Cannabis production establishment, as defined by state code.</b>	N	N	P	C	See <a href="#">Section 108-7-34</a> .
<b>Child day care.</b>	C	C	C	C	
<b>Circus or transient amusement.</b>	C	C	C	C	
<b>Equestrian training and stable facilities.</b> No more than ten horses per acre of land used for horses.	C	C	C	P	5-acre use.
<b>Golf course, except miniature golf course.</b>	P	P	P	P	
<b>Golf driving range.</b>	N	N	N	P	5-acre use.
<b>Greenhouse and nursery.</b> Sales are limited to plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care, and the growing and sale of sod.	C	C	C	P	
<b>Gun club.</b>	N	N	C	C	5-acre use.
<b>Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.</b>	N	N	C	C	
<b>Outdoor recreation club activities, for horse riding, bow and arrow shooting, snowmobiling, etc.</b>	N	N	C	C	
<b>Stables.</b>	N	N	N	P	5-acre use.
<b>Skeet shooting range.</b>	N	N	C	C	5-acre use.
<b>Turf horse jumping course.</b>	N	N	N	C	

(e) *Institutional uses.*

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Dog pound.</b>	N	N	N	P	5-acre use.
<b>Cemetery.</b>	P	P	P	P	
<b>Convalescent or rest home.</b>	P	P	P	P	
<b>Correctional institution.</b>	N	N	C	C	
<b>Church, synagogue or similar building used for regular religious worship.</b>	P	P	P	P	
<b>Educational/institutional identification</b>	C	C	C	C	

<b>sign.</b>					
<b>Hospital.</b>	N	N	N	P	5-acre use.
<b>Public building.</b>	P	P	P	P	
<b>Public park, recreation grounds and associated buildings.</b>	P	P	P	P	
<b>Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.</b>	P	P	P	P	
<b>Public storage facilities developed by a public agency.</b>	C	C	C	C	See <a href="#">Chapter 108-10</a> .
<b>Sanitarium.</b>	N	N	C	P	
<b>School bus-parking, provided the vehicle is parked at least 30 feet from a public street.</b>	C	C	C	C	

(f) **Residential uses.**

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Residential facility for elderly persons.</b>	P	P	P	P	See <a href="#">Section 108-7-15</a> .
<b>Residential facility for handicapped persons.</b>	P	P	P	P	See <a href="#">Section 108-7-13</a> .
<b>Residential facility for troubled youth.</b>	C	C	C	C	See <a href="#">Section 108-7-14</a> .
<b>Single-family dwelling.</b>	P	P	P	P	
<b>Two-family dwelling.</b>	N	P	N	N	2-acre use.

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

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Campground and picnic area.</b>	N	N	C	C	See <a href="#">Chapter 108-20</a> .
<b>Equestrian training and stable facilities, noncommercial.</b> No more than five horses per acre.	C	C	N	N	5-acre use.
<b>Private park, playground or recreation area.</b> No privately owned commercial amusement business.	P	P	P	P	

(h) **Utility uses.**

	AV-3	A-1	A-2	A-3	Special Provisions
<b>Public utility substations.</b>	C	C	C	C	
<b>Radio or television station or tower.</b>	C	C	C	C	
<b>Wastewater treatment or disposal</b>	C	C	C	C	

<b>facilities.</b>					
<b>Small wind energy system.</b>	C	C	C	C	

(i) **Other uses.**

	<b>AV-3</b>	<b>A-1</b>	<b>A-2</b>	<b>A-3</b>	<b>Special Regulations</b>
<b>Mines, quarries, gravel pits,</b> when in compliance with the Weber County Excavation and Clean Fill Ordinance.	N	N	C	C	

(j) **Development types.**

	<b>AV-3</b>	<b>A-1</b>	<b>A-2</b>	<b>A-3</b>	<b>Special Regulations</b>
<b>Cluster subdivision.</b>	P	P	P	P	See <a href="#">Chapter 108-3</a> .

## HISTORY

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

**Sec 104-2-5 Site Development Standards**

The following site development standards apply to a lot or parcel in the agricultural zones, unless specified otherwise in this Land Use Code.

## (a) Lot area:

	<b>AV-3</b>	<b>A-1</b>	<b>A-2</b>	<b>A-3</b>
Minimum for single-family dwelling:	3 acres	40,000 square feet	40,000 square feet	2 acres
Minimum for other use:			2 acres	
Minimum for 2-acre use [ <a href="#">see Section 104-2-4</a> ]:				
Minimum for 5-acre use [ <a href="#">see Section 104-2-4</a> ]:	5 acres	5 acres	5 acres	5 acres

## (b) Lot width:

	<b>AV-3</b>	<b>A-1</b>	<b>A-2</b>	<b>A-3</b>
Minimum lot width:	150 feet	150 feet	150 feet	150 feet
Minimum for 2 and 5-acre use [ <a href="#">see Section 104-2-4</a> ]:	300 feet	300 feet	300 feet	300 feet

## (c) Yard setback:

## (1) Front yard setback:

	<b>AV-3</b>	<b>A-1</b>	<b>A-2</b>	<b>A-3</b>
Minimum front yard setback:	30 feet	30 feet	30 feet	30 feet

## (2) Side yard setback:

	AV-3	A-1	A-2	A-3
Minimum for dwelling:	10 feet with total width of 2 side yards not less than 24 feet			
Minimum for other main building:	20 feet			
Minimum for side facing street on corner lot:	20 feet			
Minimum for accessory building:	10 feet except 1 foot if located at least 6 feet in rear of main building			
Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials: See <a href="#">Section 108-7-16</a> .				

## (3) Rear yard setback:

	AV-3	A-1	A-2	A-3
Main building:	30 feet			
Accessory building:	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot			

## (d) Building height:

	AV-3	A-1	A-2	A-3
Minimum main building height:	1 story			
Maximum main building height:	35 feet			
Maximum accessory building height:	25 feet unless meeting requirements of <a href="#">Section 108-7-16</a> , Large accessory buildings			

## HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

**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 be 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.

(g) **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.

(h) **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.

(i) **Temporary building or use.** The building or use shall be removed upon completion or

abandonment of the construction work.

HISTORY

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

## **Chapter 104-20 Commercial Zones C-1, Cv-1, C-2, Cv-2, And C-3**

[Sec 104-20-1 Purpose And Intent](#)

[Sec 104-20-2 \(Reserved\)](#)

[Sec 104-20-3 Land Use Table](#)

[Sec 104-20-4 Special Regulations](#)

[Sec 104-20-5 Site Development Standards](#)

[Sec 104-20-6 Sign Regulations](#)

### HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

### **Sec 104-20-1 Purpose And Intent**

- (a) The purpose of the commercial zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of unincorporated Weber County. It is also to separate into three zones uses, based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.
- (b) The C-1 Zone (Western Weber Planning Area Neighborhood Commercial Zone) and the CV-1 Zone (Ogden Valley Planning Area Neighborhood Commercial Zone) is established for the purpose of providing shopping facilities and services within neighborhoods that are more likely to be primarily patronized by those in the surrounding neighborhood. Commercial uses that are primarily patronized by those outside the surrounding neighborhood are less suitable for this zone.
- (c) The C-2 Zone (Western Weber Planning Area Community Commercial Zone) and the CV-2 Zone (Ogden Valley Planning Area Community Commercial Zone) is established for the purpose of providing a broad range of commercial services and goods to serve a larger community area. These areas are intended to be clustered around traditional town or village centers and not strung out along the highways.
- (d) The C-3 Zone (Regional Commercial Zone) is established for the purpose of providing commercial goods and services that are more likely to be patronized by those in the surrounding region.

(Ord. of 1956, § 18-1)

### HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

### **Sec 104-20-2 (Reserved)**

### **Sec 104-20-3 Land Use Table**

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

	C-1	CV-1	C-2	CV-2	C-3
Academies/studios for dance, art, sports, etc.	C	C	P	P	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the	P	P	P	P	P

premises are devoted; and accessory uses customarily incidental to a main use					
Air conditioning, sales and service	N	N	N	C	P
Ambulance base stations	N	N	C	C	P
Amusement enterprises	N	N	N	N	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	N	N	C	C
Antique, import or souvenir shop	N	N	P	P	P
Archery shop and range, provided it is conducted within completely enclosed building	N	N	P	P	P
Art and artists supply store	N	P	P	P	P
Athletic, recreational equipment, and sporting goods sales or rentals, excluding sale or repair of motor vehicles, motor boats or motors	N	N	P	P	P
Athletic and sporting goods store including sale or repair of motor vehicles, motor boats or motors	N	N	N	N	P
Auction establishment	N	N	N	C	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building	N	N	N	C	P
Automobile, new or used sales and service	N	N	N	C	P
Awning sales and service	N	N	P	C	P
Baby formula service	P	N	P	N	P
Bakery, limited to goods retailed on premises	P	C	P	P	P
Bakery goods manufacturing	N	N	N	N	P
Bank or financial institution, not including payday loan services	P	P	P	P	P
Barbershop	P	P	P	P	P
Bath and massage establishment	N	N	P	N	P
Beauty culture school	N	N	N	N	P
Beauty parlor for cats and dogs	N	N	P	P	P
Beauty shop	P	P	P	P	P
Bed and breakfast dwelling	P	P	P	P	P
Bed and breakfast inn	N	N	P	P	P
Bed and breakfast hotel	N	N	C	C	P
Beer parlor, sale of draft beer	N	N	N	C	C
Bicycle sales and service	P	P	P	P	P
Billiard parlor	N	N	N	C	P
Boat sales and service, including water craft rentals as an accessory to boat sales and service	N	N	C	C	P
Bookbinding	N	N	N	N	P
Bookstore, retail	P	P	P	P	P
Bottling and distribution plant	N	N	N	N	P

Bowling alley	N	N	C	C	P
Boxing arena	N	N	N	N	P
Brewery, micro; in conjunction with a restaurant	N	N	P	P	P
Building materials sales or yard	N	N	N	N	P
Bus terminal	N	N	P	P	P
Butcher shop, excluding slaughtering	C	C	P	P	P
Cabaret	N	N	N	N	C
Cafe or cafeteria	P	P	P	P	P
Camera store	P	P	P	P	P
Candy manufacture	N	N	N	N	P
Candy store, confectionery	P	P	P	P	P
Carbonated water sales	N	N	P	P	P
Carpenter and cabinet shop	N	N	N	N	P
Carpet and rug cleaning	N	N	N	N	P
Carpet, rug and linoleum service	N	N	P	N	P
Car rental agency	N	N	P	P	P
Car wash, automatic	N	N	C	C	P
Car wash, manual spray	C	C	P	P	P
Cash register sales and service	N	N	P	N	P
Catering establishment	N	C	P	P	P
China, crystal and silver shop	C	C	P	P	P
Christmas tree sales	P	N	P	N	P
Church	P	P	P	P	P
Circus, carnival or other transient amusement	N	N	N	N	C
Cleaning and dyeing establishment	N	N	P	N	P
Clinics, medical or dental	P	P	P	P	P
Clothing and accessory store	N	N	P	P	P
Coal and fuel sales office	N	N	N	N	P
Communication equipment building	N	N	P	P	P
Contractor shop, provided work is conducted within a completely enclosed building	N	N	N	N	P
Convenience store	C	C	P	P	P
Costume rental	N	N	P	P	P
Dairy products store	P	P	P	P	P
Dance hall	N	N	N	N	C
Data processing service and supplies	N	N	P	P	P
Day care center	C	C	P	P	N
Delicatessen	P	P	P	P	P
Department store	N	N	P	P	P

Detective agency	P	N	P	N	P
Diaper service, including cleaning	N	N	P	P	P
Drapery and curtain store	N	N	P	P	P
Drive it yourself agency or business	N	N	P	N	P
Drug store	P	P	P	P	P
Dry cleaning	N	N	P	P	P
Dwelling unit in compliance with Section 104-20-4	N	N	N	P	N
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that 3,000 sq. ft. of green area is provided for the family	C	P	C	P	N
Educational institution	N	N	P	P	P
Educational/institutional identification sign	C	C	C	C	C
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	P	P	P	P
Electrical and heating appliances and fixtures sales and service	N	N	P	P	P
Electronic equipment sales and service	N	N	P	P	P
Employment agency	N	N	P	P	P
Express and transfer service	N	N	N	N	C
Fabric and textile store	P	C	P	P	P
Farm implement sales	N	N	N	C	P
Film exchange establishment	P	N	P	N	P
Fitness, athletic, health, or recreation center, or gymnasium	N	N	P	P	P
Flooring sales and service, carpet, rug, and linoleum	N	N	P	P	P
Florist shop	P	C	P	P	P
Frozen food lockers, incidental to a grocery store or food business	P	P	P	P	P
Fruit or vegetable store or stand	P	P	P	P	P
Furniture sales and repair	N	N	P	P	P
Fur apparel sales, storage or repair	N	N	P	P	P
Garden supplies and plant materials sales	P	C	P	P	P
Gift store	P	P	P	P	P
Glass sales and service	N	N	P	P	P
Government office buildings	C	N	P	P	P
Greenhouse and nursery	N	N	P	P	P
Grocery store	P	C	P	P	P
Gunsmith	N	P	P	P	P
Gymnasium	N	N	P	P	P
Hardware store	N	N	P	P	P
Health food store	P	P	P	P	P
Heliport	N	N	C	N	C

Hobby and crafts store	P	P	P	P	P
Hospital supplies	N	N	P	N	P
Hotel	N	N	C	C	P
House cleaning and repair	N	N	P	P	P
House equipment display	N	N	P	N	P
Household appliance sales and incidental service	N	N	C	C	P
Household pets, dwelling units only	P	P	P	P	P
Ice cream manufacture	N	N	N	N	P
Ice cream parlor	P	P	P	P	P
Ice manufacture and storage	N	N	N	N	P
Ice store or vending station	P	P	P	P	P
Insulation sales	N	N	P	P	P
Insurance agency	N	N	P	P	P
Interior decorator and designing establishment	N	P	P	P	P
Janitor service and supply	N	N	P	N	P
Jewelry store sales and service	P	P	P	P	P
Knitting mills	N	N	N	N	C
Laboratory, dental or medical	N	N	P	P	P
Laundromat	P	P	P	P	P
Lawn mower sales and service	N	N	P	P	P
Leather goods, sales and service	N	N	P	P	P
Legal office	N	N	P	P	P
Library	P	P	P	P	P
Linen store	N	N	P	P	P
Linen supply service	N	N	N	N	P
Liquor store	N	N	C	C	C
Locksmith	P	P	P	P	P
Lodge or social hall	N	N	P	P	P
Lodging house	N	N	C	C	P
Lounge	N	N	N	N	C
Luggage store	N	N	P	N	P
Lumber yard	N	N	N	N	C
Machine shop operations incidental to any use permitted in C-3 district	N	N	N	N	P
Manufacture of goods retailed on premises	N	N	C	N	C
Meat custom cutting and wrapping, excluding slaughtering	N	N	C	C	C
Meat, fish and seafood store	P	P	P	P	P
Medical office	P	P	P	P	P
Medical supplies	N	N	P	P	P
Millinery	N	N	P	N	P

Miniature golf	N	N	N	C	C
Mobile home sales	N	N	C	N	P
Mobile home service	N	N	N	N	P
Monument works and sales	N	N	P	P	P
Mortuary	N	N	C	C	P
Motel	N	N	C	C	P
Motorboat sales and service	N	N	C	N	P
Motorcycle and motor scooters sales and service	N	N	C	C	P
Museum	C	C	P	P	P
Music store	N	C	P	P	P
Needlework, embroidery or knitting store	P	N	P	N	P
Newsstand	P	P	P	P	P
Nightclub or social club	N	N	N	N	C
Notion store	P	N	P	N	P
Novelty store	N	N	P	N	P
Nursery school	C	N	P	N	P
Office in which goods or merchandise are not commercially created, exchanged or sold	N	N	P	N	P
Office supply	N	N	P	P	P
Office machines sales and service	N	N	P	N	P
Oil burner shop	N	N	N	N	C
Optometrist, optician or oculist	P	P	P	P	P
Ornamental iron sales or repair	N	N	C	C	P
Outdoor storage, except where expressly permitted otherwise in the zone	N	N	N	N	N
Paint or wallpaper store	N	N	P	P	P
Paperhanger shop	N	N	P	N	P
Park and playground	P	P	P	P	P
Parking lot or parking structure for passenger vehicles as a main use	C	N	C	C	C
Pawnshop	N	N	N	N	P
Penny arcade	N	N	N	N	C
Pest control and extermination	N	N	P	P	P
Pet and pet supply store	N	N	P	P	P
Pharmacy	P	P	P	P	P
Photographic supplies	P	P	P	P	P
Photo studio	P	P	P	P	P
Physician or surgeon	P	P	P	P	P
Pie manufacture	N	N	P	P	P
Plumbing shop	N	N	C	P	P
Pony ring, without stables	N	N	N	N	C

Pool hall	N	N	N	N	P
Popcorn or nut shop	P	P	P	P	P
Post office	C	C	P	P	P
Pottery, sales and manufacture of crafts and tile	N	N	P	P	P
Printing or copying sales and services	N	N	C	P	P
Private liquor club	N	N	N	C	C
Professional office	N	N	P	P	P
Public utilities substation	C	C	C	C	C
Public building	P	P	P	P	P
Radio and television sales and service	C	C	P	P	P
Radio or television broadcasting station	N	N	P	P	P
Real estate agency	N	C	P	P	P
Reception center or wedding chapel	N	N	C	C	P
Recreation center	N	N	C	N	P
Recreational vehicle and boat storage, indoor only	C	N	C	C	P
Rental agency for home and garden equipment	N	N	P	P	P
Restaurant	P	C	P	P	P
Restaurant, drive-in	N	N	P	C	P
Restaurant, drive-through	N	N	C	C	P
Roller skating rink	N	N	C	N	P
Roofing sales or shop	N	N	P	N	P
Secondhand store	N	N	P	P	P
Seed and feed store, retail	N	N	P	P	P
Self-storage: indoor units for personal and household items, in compliance with the requirements of Section 104-20-4.	N	N	C	C	C
Service station, automobile excluding painting, body and fender and upholstery work	P	P	P	P	P
Service station, automobile, with one-bay car wash as accessory use	P	C	P	P	P
Sewing machine sale and service	N	N	P	P	P
Sheet metal shop and retinning, provided all operations are conducted within completely enclosed bldg.	N	N	N	N	C
Shoe repair or shoe shine shop	P	P	P	P	P
Shoe store	N	N	P	P	P
Shooting gallery	N	N	N	N	P
Sign manufacture or sign painting	N	*	N	*	P
Sign, animated; only the time and temperature may be animated in the C-1 zone	P	*	P	*	P
Sign, business	P	*	P	*	P
Sign, flat	P	*	P	*	P
Sign, construction project	P	*	P	*	P

Sign, directional	P	*	P	*	P
Sign, freestanding	P	*	P	*	P
Sign, identification and information	P	*	P	*	P
Sign, marquee	P	*	P	*	P
Sign, nameplate	P	*	P	*	P
Sign, off premises	N	*	P	*	P
Sign, projecting	P	*	P	*	P
Sign, roof	N	*	P	*	P
Sign, temporary	P	*	P	*	P
Sign, wall	P	*	P	*	P
Snow plow and removal service	N	N	C	C	P
Snowmobile and ATV sales and repair	N	N	C	C	C
Soil and lawn service	N	N	P	P	P
Spa	N	N	P	P	P
Supermarket	P	N	P	N	P
Tailor shop	P	P	P	P	P
Tavern, beer pub	N	N	N	C	C
Taxicab stand	P	N	P	N	P
Taxidermist	N	N	P	P	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	P	P	P	P
Theater, indoor	N	N	P	P	P
Theater, outdoor	N	N	N	N	C
Tire recapping or retreading sales and service	N	N	N	N	C
Tobacco shop	P	N	P	P	P
Tool design (precision) repair and manufacture	N	N	N	N	C
Toy store, retail	P	N	P	P	P
Trade or industrial school	N	N	C	C	P
Trailer sales and service	N	N	N	N	P
Travel agency	P	C	P	P	P
Truck terminal	N	N	N	N	P
Upholstery shop	C	C	P	P	P
Used car lot	N	N	N	N	C
Variety store	P	N	P	N	P
Vendor, short term, in compliance with the requirements of Section 108-13-3	P	P	P	P	P
Ventilating equipment sales and service	N	N	C	C	P
Video sales and rental	P	P	P	P	P
Warehouse storage	N	N	N	N	P

Weather stripping shop	N	N	P	N	P
Welding shop	N	N	N	N	C
Wholesale business	N	N	N	N	P
Window washing establishment	N	N	P	P	P

\* See Section 110-2 for sign types allowed in the CV-1 and CV-2 zones.

(Ord. of 1956, § 18-5; Ord. No. 10-83; Ord. No. 2-85; Ord. No. 16-89; Ord. No. 95-19; Ord. No. 96-42; Ord. No. 97-20; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 2015-7, Exh. A, 5-5-2015)

#### HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

### **Sec 104-20-4 Special Regulations**

- (a) **Manufacturing uses.** All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.
- (b) **Car wash.** A car wash shall be permitted subject to the following restrictions:
- (1) In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m.
  - (2) In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash.
  - (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.
  - (4) The off-street vehicle spaces or queues required shall be as follows:
    - a. One bay car wash, four spaces in the approach lane;
    - b. Two bay car wash, three spaces in the approach lane for each wash bay;
    - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- (c) **Complete street.**
- (1) A complete street, as defined in Chapter 101-2, shall be installed to span the street-frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the lot's entire street-frontage in the commercial zone.
    - a. Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements.
    - b. For portions of a lot's frontage in the commercial zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer.
  - (2) A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The

complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer.

- (d) ***Dwelling unit.*** A dwelling unit is allowed, as part of a mixed use building, only if allowed in Section 104-20-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:
- (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
  - (2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street; and
  - (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2.
- (e) ***Perpetual building maintenance agreement.*** When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall:
- (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;
  - (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;
  - (3) require allowances of access to the property for repairs and maintenance purposes;
  - (4) be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and  
be recorded on the title of both properties.
- (f) ***Cross-access and cross-access easement.*** Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable.
- (1) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.
  - (2) The Planning Director may require the cross-access to be located in a manner that optimizes traffic circulation on the properties or in the area.
  - (3) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.
  - (4) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.

- (5) If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

(g) **Storage Unit.** When allowed by Section 104-20-5, and unless exempted herein, storage units are allowed if located on the same lot or parcel with street-facing commercial space. The use shall comply with the following:

- (1) Storage units shall be located behind or above building area that provides or reserves first-story street-facing commercial space. The building providing street-facing commercial space shall be designed by an architect and shall:
  - a. Provide street-facing commercial space that is at the street level and extends the entire length of the building's street-facing facade;
  - b. Be setback from the front property line, or side-facing street property line if on a corner lot, no greater than 20 feet;
  - c. Have one or more main entrance(s) accessible from the street right-of-way on the building's street-facing facade;
  - d. Have at least 50 percent fenestration for the part of a building's facade(s) that provide(s) first-story street-facing commercial space;
  - e. Have at least 30 percent fenestration for the part of a building's facade(s) that do(es) not provide first-story street-facing commercial space;
  - f. Appear from the exterior as if office or residential space is offered in the area housing the storage units; and
  - g. Comply with the architectural design theme specified in the respective general plan.
- (2) If located in a separate onsite building than the building providing first-story street-facing commercial space specified in Subsection (g)(1) herein, the separate building shall be located behind the building with first-story street-level commercial space, and shall be no wider than the building providing first-story street-level commercial space. The building shall be designed by a licensed architect to have similar architectural features as the building providing first-story street-level commercial space.
- (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property line, and shall be completely obscured from view from any public right-of-way; except a bay or garage door may face a public right-of-way if the door is constructed of 80 percent window area and designed to appear as fenestration for first-story street-facing commercial space.
- (4) The lot's street frontage shall be developed as a complete street, as specified in Section 104-21-4(c).
- (5) Exemption: The requirements of this Subsection (g) shall be waived if:
  - a. The lot or parcel has no street frontage;
  - b. No street is planned that would give the lot or parcel frontage, as shown on any street plan or similar document adopted by the County; and
  - c. The parcel is surrounded on all sides by a zone that allows first-story street-facing commercial space, or is shown on a general plan, area plan, or other similar document adopted by the County to become surrounded on all sides by a zone that allows first-story street-facing commercial space.

(Ord. of 1956, § 18-4)

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

**Sec 104-20-5 Site Development Standards**

The following site development standards shall apply to the Commercial Zones:

(a) Lot area:

	C-1	CV-1	C-2	CV-2	C-3
M i n i m u m  l o t a r e a :	None	None	None	None	None

(b) Lot width:

	C-1	CV-1	C-2	CV-2	C-3
M i n i m u m  l o t w i d t h :	None	None	None	None	None

(c) Yard Setbacks:

(1) Front yard setbacks:

	C-1	CV-1	C-2	CV-2	C-3
Minimum front yard setback:	None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street.				

(2) Side yard setback:

	C-1	CV-1	C-2	CV-2	C-3
Minimum side yard setback:	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-20-4(e); or the building will abut a building on the adjoining lot or parcel.				

c k :  M i n i m u m  s i d e y a r d f a c i n g s t r e e t o n c o r n e r l o t:	<p>None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street. Clear view of intersecting streets shall be maintained, as provided in Section 108-7-7 or as otherwise prescribed by the County Engineer.</p>
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(3) Rear yard setback:

	C-1	CV-1	C-2	CV-2	C-3
M i n i m u m	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(e); or the building will abut a building on the adjoining lot or parcel.				



(d) Building height:

	C-1	CV-1	C-2	CV-2	C-3
Minimum building height:	1 story				
Maximum	35 feet	35 feet	None	35 feet	None

b u i l d i n g  h e i g h t :					
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(e) Lot coverage:

	C-1	CV-1	C-2	CV-2	C-3
M a x i m u m  l o t c o v e r a g e  b y b u i l d i n g s :		60 percent			None

(Ord. of 1956, § 18-2; Ord. No. 2-89)

HISTORY

*Amended by Ord. [2020-24](#) on 12/15/2020*

**Sec 104-20-6 Sign Regulations**

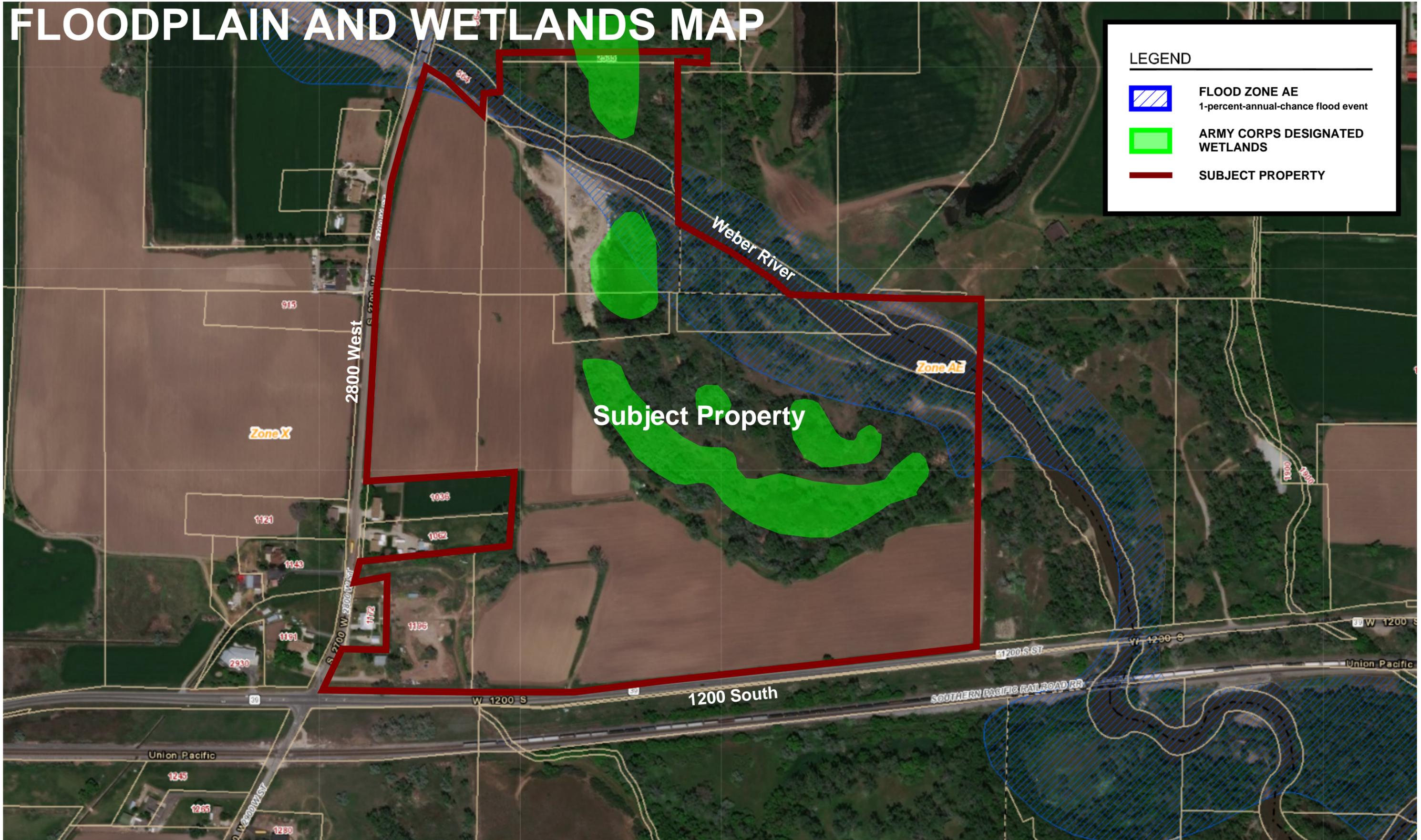
The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in Title 110 of this Land Use Code.

(Ord. of 1956, § 18-3)

HISTORY

*Amended by Ord. [2020-24](#) on 12/15/2020*

# FLOODPLAIN AND WETLANDS MAP





# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** To consider and take action on a proposed rezone of approximately 122 acres of property located at approximately 1290 S. 7500 W. from the agricultural (A-3) zone to the agricultural (A-2) zone.

**Agenda Date:** Tuesday, July 13, 2021

**Applicant:** Flagship Homes and Lync Construction Agent: Nathan Meikle and Pat Burns

**File Number:** ZMA 2021-04

### Property Information

**Approximate Address:** 1290 S. 7500 W., Reese Area, Unincorporated Weber County

**Zoning:** The area is currently zoned A-3

**Existing Land Use:** Vacant/Rangeland

**Proposed Land Use:** Residential

### Adjacent Land Use

<b>North:</b> Railway	<b>South:</b> Vacant
<b>East:</b> Vacant	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@webercountyutah.gov  
801-399-8763

**Report Reviewer:** RG

## Applicable Ordinances

§102-5: Rezoning Procedures  
§104-2: Agricultural Zones

## Legislative Decisions

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

## Summary

This report is a review of a request to rezone approximately 122 acres from the A-3 zone to the A-2 zone. The purpose for the rezone is to allow the 40,000 square-foot lot size minimum of the A-2 zone, instead of the 2-acre lot size minimum of the A-3 zone. The applicant desires to develop the land.

The rezone is keeping with the West Central Weber County General Plan, which suggests that lots anywhere from one to five acres should be allowed in the area. Properties on the west side of 7500 West are already zoned A-2.

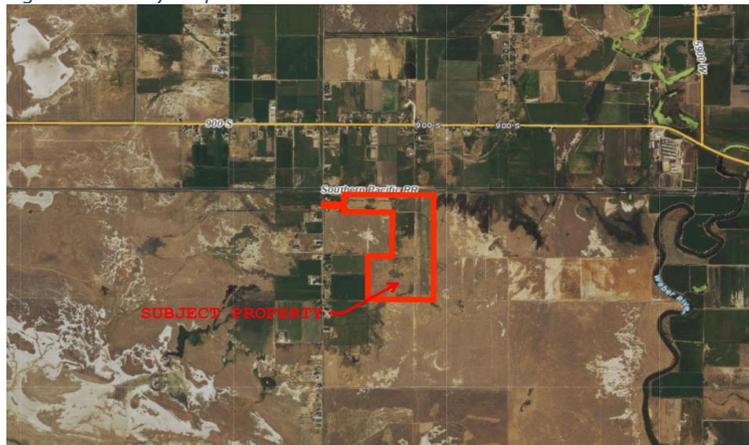
The biggest consideration for this application is street connectivity and emergency egress. 7500 West is currently a dead-end road that crosses the railroad. Occasionally, trains that use this section of rail are reportedly in excess of two miles long. In the event of an emergency, if 7500 West is blocked, there is currently no method of egress from the area south of the rail line. Emergency egress/access roads should be required before anymore development occurs south of the railroad on 7500 West. The applicant is amenable to finding a solution to this challenge by working with other landowners to either the east or the west to create a fire access road to the only other two railroad crossings that exist west of the Weber River.

Staff are recommending approval of the rezone, provided the applicant is willing to enter into a development agreement

### Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices. **Figure 1<sup>1</sup>** displays the vicinity map for the property.

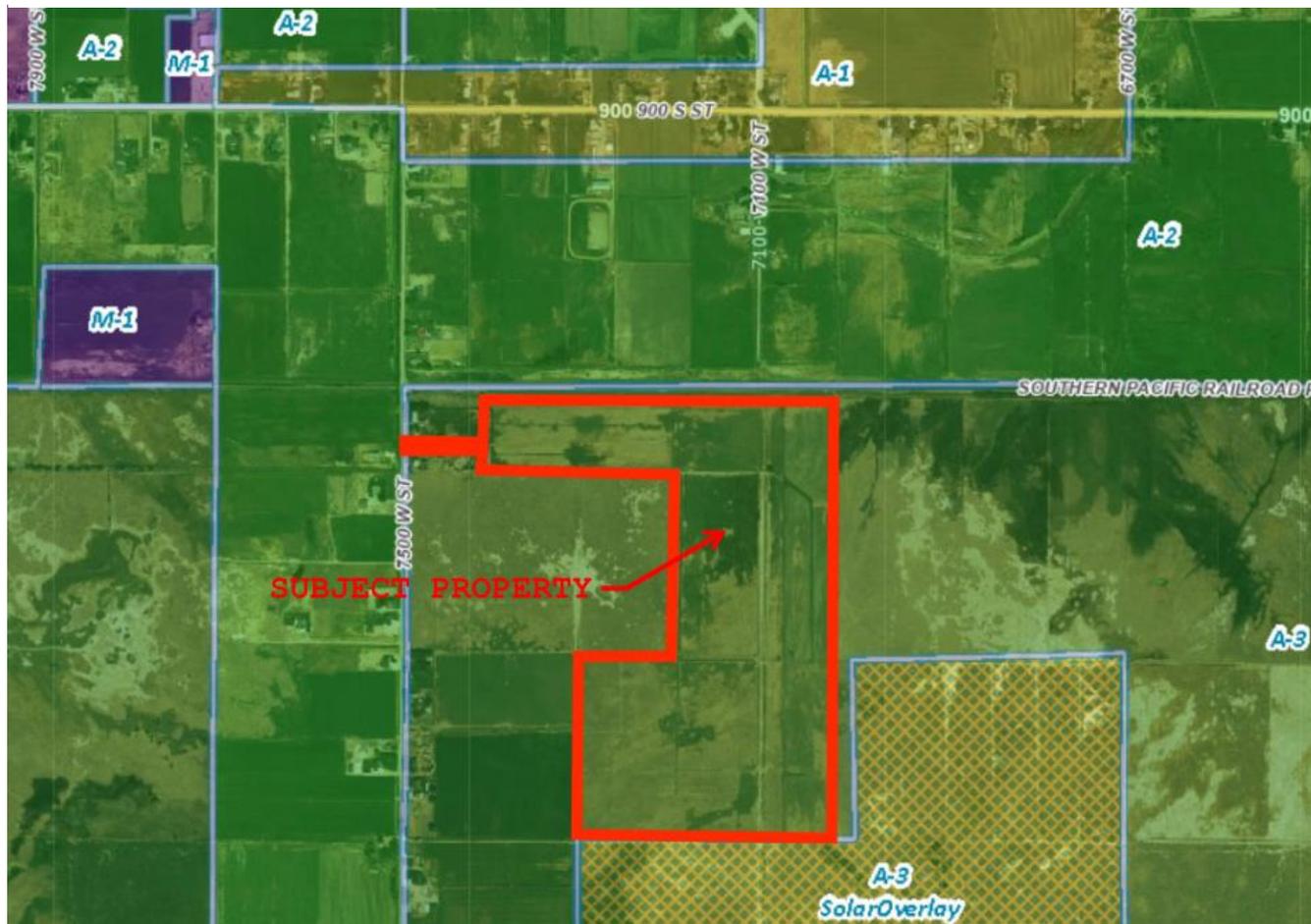
Figure 1: Vicinity Map



**Zoning.** The current zone of the subject parcel is A-3. The A-3 zone allows residential lots at a minimum 2 acres per lot. **Figure 2<sup>2</sup>** displays current zoning of the area and the subject parcel. Weber County Code Section 104-2-1 says the purpose of the A-3 zone is as follows:

*“The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.”*

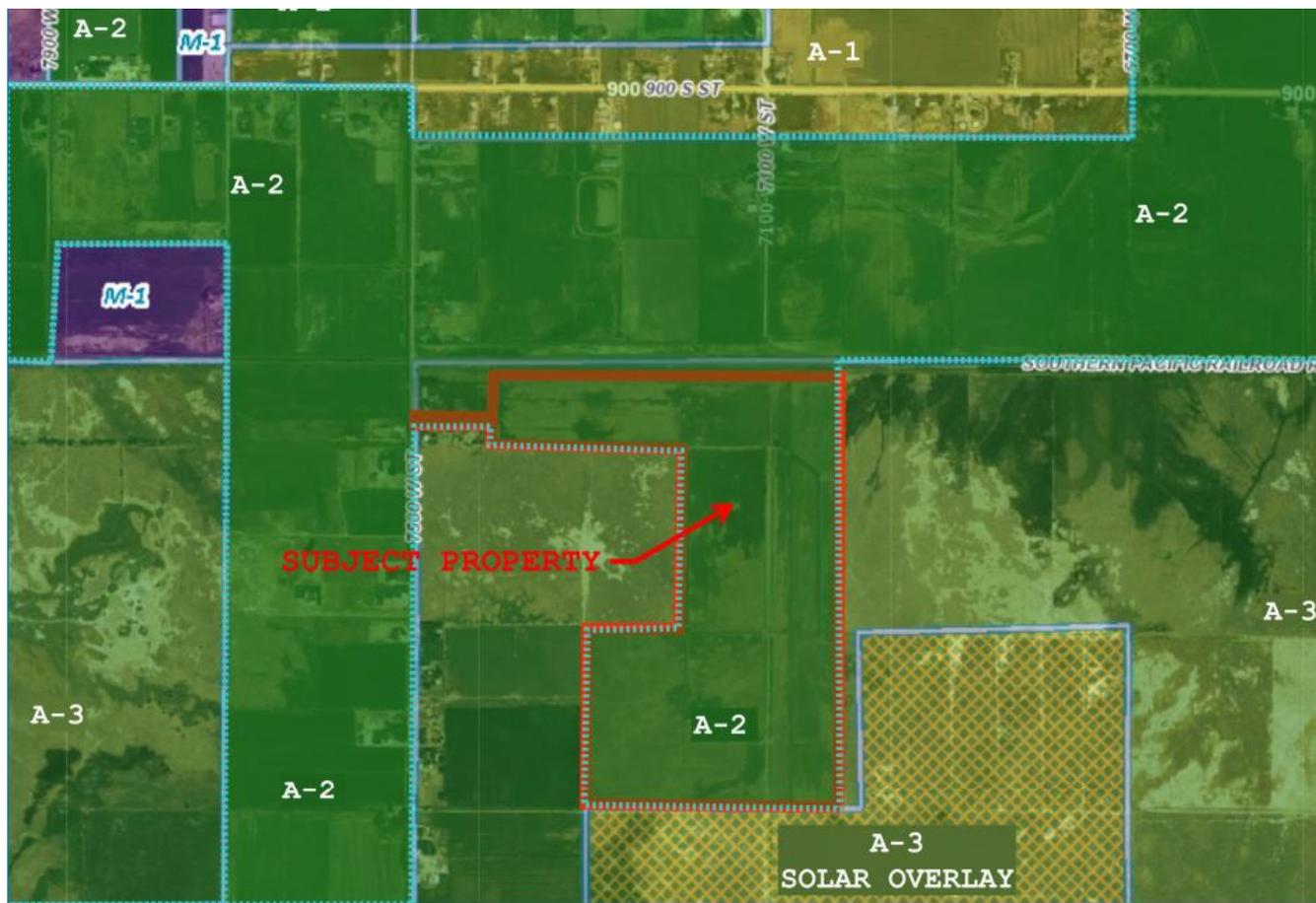
Figure 2: Existing Zoning Map



<sup>1</sup> See also Exhibit B.

<sup>2</sup> See also Exhibit C.

Figure 3: Proposed Zoning Map



The proposed zone is the A-2 zone. The A-2 zone allows residential lots at a minimum lot size of 40,000 square feet. **Figure 3<sup>3</sup>** displays desired zoning of the area and the subject parcel. Weber County Code Section 104-2-1 says the purpose of the A-2 zone is as follows:

*“The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.”*

**General plan.** Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but suggests pursuing opportunities to implement the plan.

The applicable general plan for this area is the West Central Weber County General Plan.<sup>4</sup> The general plan calls for one acre and five acre lots throughout most of the area. Rezoning the property to the A-2 zone generally complies, as the 40,000 square foot lot size is what is referred as the one-acre zone. **Figure 4<sup>5</sup>** shows the general plan’s Future Land Use Map. The red star indicates the area of the subject property.

**General Considerations.** When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important.

<sup>3</sup> See also Exhibit D.

<sup>4</sup> The plan can be found here:

<https://www.webercountyutah.gov/planning/documents/2003%20West%20Central%20Weber%20County%20General%20Plan%2011-19-19.pdf>.

<sup>5</sup> See also Exhibit E

Figure 4: Future Land Use Map

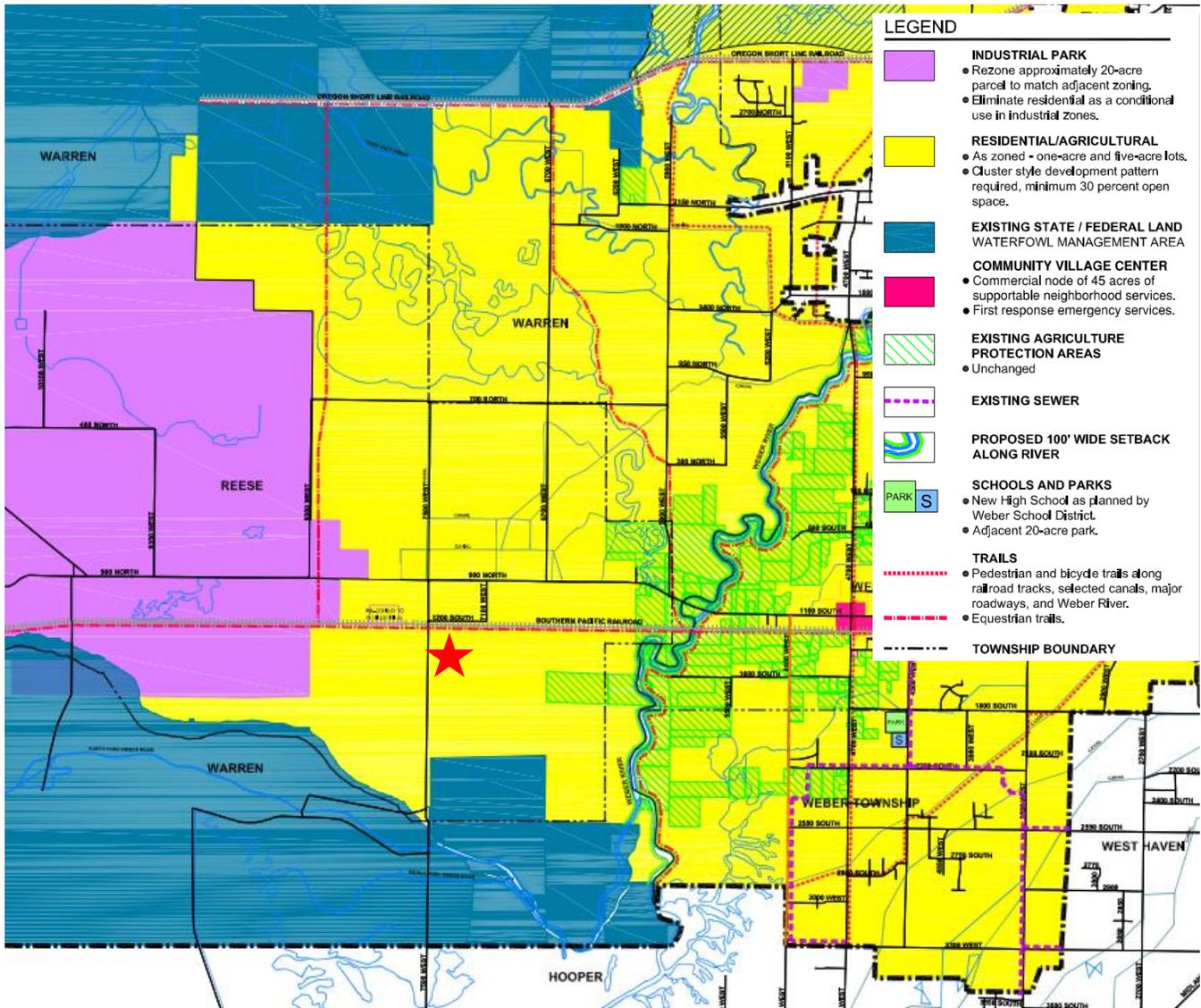


Figure 5: Lot Development Standards

Lot area:

	AV-3	A-1	A-2	A-3
Minimum for single-family dwelling:	3 acres	40,000 square feet	40,000 square feet	2 acres
Minimum for other use:		2 acres	2 acres	
Minimum for 2-acre use <a href="#">[see Section 104-2-4]</a> :		5 acres	5 acres	5 acres

Lot width:

	AV-3	A-1	A-2	A-3
Minimum lot width:	150 feet	150 feet	150 feet	150 feet
Minimum for 2 and 5-acre use <a href="#">[see Section 104-2-4]</a> :	300 feet	300 feet	300 feet	300 feet

A review of the uses and existing development along 7500 West suggests that one acre lots may be acceptable for the area. Several lots exist on the west side of 7500 West that are approximately one acre. The generally vacant area of most parcels surrounding the subject property also lends to a general compatibility of one-acre lot sizes.

**Concept development plan.** A concept development plan has been provided for the property<sup>6</sup>. This displays the development potential of the land if rezoned to the A-2 zone. This concept was developed utilizing lot averaging, in which the applicant may be flexible with the lot sizes as long as the average of all equals the minimum lot development standards. Staff suggests reviewing the concept plan for illustrative purposes only. Staff's recommendations will require the plan be revised.

**Water.** It is anticipated that, when developed, the land will be served by the Warren West Warren Water Improvement District for culinary water. No formal commitment for water is required at this time, but will be part of the subdivision process. Development on the land will also require the creation of a secondary water system to serve the lots.

**Sanitary Sewer.** It is anticipated that, when developed, the land will be served by the Little Mountain Sewer Improvement District. The applicant is working with the district to prepare to extend lines to the subject property.

**Access and traffic circulation.** Access and traffic circulation will likely be the biggest challenge of developing the subject property. **Figure 6**<sup>7</sup> shows these challenges. It is proposed to access the public street network by accessing 7500 West. 7500 West is a deadend road that extends southward from 900 South. It crosses the Union Pacific Rail Line just before accessing the subject property. There are no other public streets south of the Union Pacific Rail Line to which a development on the subject property can connect, except 10000 West, which is approximately three miles to the west of 7500 West. Among other logistical concerns, in the event of an emergency, the existing single access poses a safety risk for existing development on 7500 West. Adding to it exacerbates the concern.

To overcome this challenge, the applicant has volunteered to do two things. First, the applicant is willing to commit to providing an emergency access road to either 10000 West, or to a private railroad crossing at 5900 West. The applicant will be required to meet any of the local fire authority's requirements for the emergency access road.

Figure 6: Transportation and Egress Challenges



<sup>6</sup> See also Exhibit F.

<sup>7</sup> See also Exhibit G.

Second, the applicant will construct public street infrastructure to a new potential crossing at 7100 West. 7100 West is the former location of the Reese train station. The applicant will diligently work with the railroad to secure a crossing at 7100 West. 7100 West is a section line road and should be used for future north/south connections to other streets.

A traffic study will be required when the applicant submits a subdivision application.

### Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-04, a proposal to rezone approximately 122 acres from the A-3 zone to the A-2 zone. This recommendation comes with the following conditions and findings:

Conditions:

1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property that provides for the conditions below.
2. That 1400 South is constructed from 7500 West to the eastern boundary of the subject property, for the future extension eastward.
3. That at least a half-width street is dedicated and, in part, constructed, along the southern boundary of the subject property for the future creation and extension of 1800 South eastward and westward back to 7500 West.
4. That 7100 West is constructed from the northern boundary of the subject property to the southern boundary, stubbing into the railroad right-of-way to the north, and stubbing to the property to the south.
5. That an all-weather, 20-foot-wide fire access road is extended from another railroad crossing to the subject property prior to the issuance of the first building permit.
6. That the applicant diligently work with Union Pacific Railroad to construct a crossing at 7100 West, and connect to other improvements on 7100 West north of the railroad.
7. That in the event a railroad crossing cannot be secured at 7100 West before the 30<sup>th</sup> building permit is issued, the applicant builds a pedestrian bridge over the railroad to connect the north and south extensions of 7100 West.
8. That a 10-foot wide asphalt pathway is constructed on one side of all public streets, with a five-foot wide sidewalk on the other.

Findings:

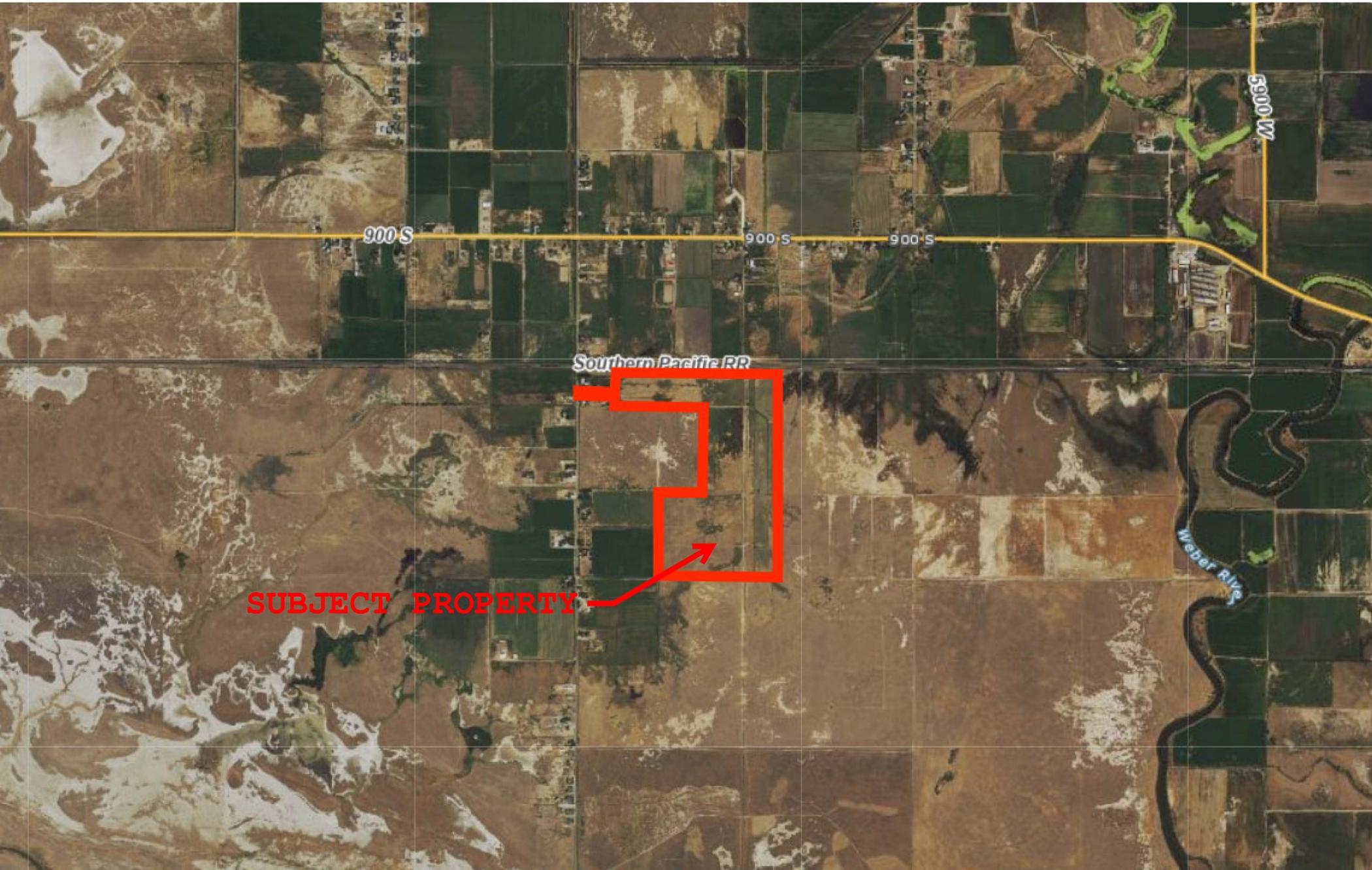
9. The proposal complies with the general plan for the area.
10. The surrounding land uses do not pose a conflict with the proposed rezone, and the new uses of the proposed rezone are anticipated to fit into the area harmoniously.
11. Ensuring adequate street connectivity and emergency egress as the area grows is in the interest of the community's health, safety, and welfare.

### Exhibits

- Exhibit A: Application.
- Exhibit B: Vicinity Map
- Exhibit C: Current Zone Map.
- Exhibit D: Proposed Zone Map.
- Exhibit E: Future Land Use Map.
- Exhibit F: Concept Development Plan.
- Exhibit G: Transportation Challenges

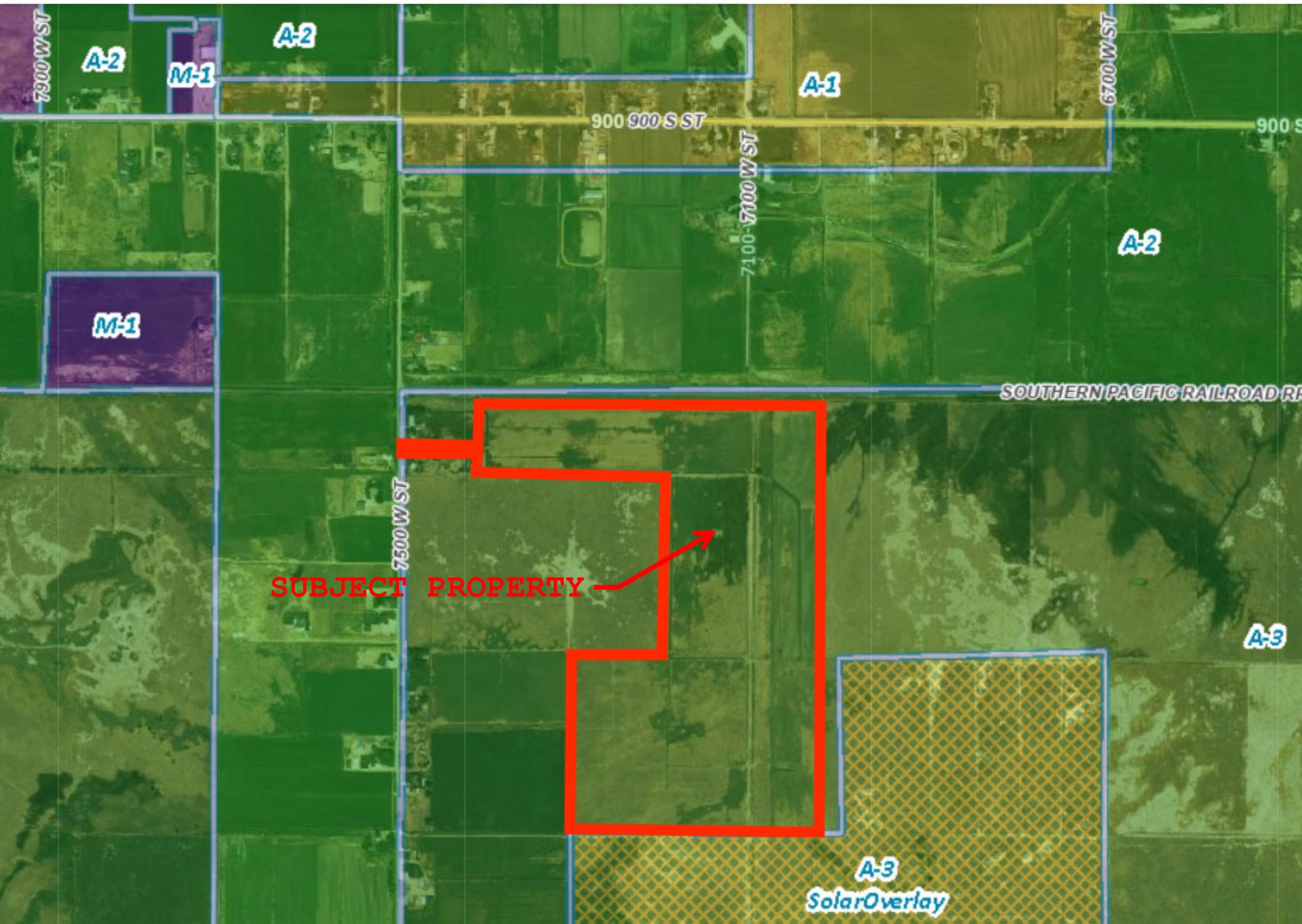
1. How is this change in compliance with the General Plan?
  - a. The General Plan contemplates 5 acre lots (on average) on our proposed site. However, given the rapid, unprecedented growth of the Wasatch Front generally, and Weber County specifically, and ongoing deliberations regarding the development of a new General Plan, we propose to change the zoning to one acre lots to allow for the additional growth that is coming to Weber County while still maintaining the rural aspects that make it such a desirable location. As a result, we are seeking a change from A3 to A2 zoning. Furthermore, adjacent land to the west is currently zoned A2, so we will not be creating an island.
2. Why should the present zoning be changed to allow this proposal?
  - a. We understand that the General Plan is in the process of being updated to reflect the rapid growth that is taking place all across the Wasatch Front. We believe our amendment addresses the realities of the market, while still balancing the desire of the residents in West Warren to be a wonderful, rural community. Furthermore, the proposed site has access to S 7500 West, which allows for efficient ingress and egress to our development, making the site a desirable location for single family homes. Furthermore, 12<sup>th</sup> South was recently improved, enhancing traffic flow to and from the development.
3. How is the change in the public interest?
  - a. There is significant demand for one acre lots in this area (as evidenced by the recent sales of 1 acre lots in this area over the last several years). By amending the plan to allow for one acre lots, we will be able to provide lots for the significant number of people who want to build homes in West Warren. Furthermore, this development would increase the tax base in Weber County.
4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
  - a. The rapid growth in Utah, the increasing costs of land, and the improved roads in West Warren are the primary drivers of this amendment request.
5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?
  - a. Longtime residents of Weber are being priced out of the market due to insufficient supply of lots. By amending the zone, we will allow approximately 100 households to enjoy the wonderful life afforded them in Weber County, while still maintaining the rural elements of Weber that make it so desirable.
6. A narrative describing the project vision.
  - a. We plan to develop the land into one acre lots that will allow for the construction of single family homes. By building infrastructure (e.g., road and power) we will increase the value of the land. And by adding homes, we will increase the taxes that Weber County will collect. Furthermore, we will provide opportunities for residents to enjoy the rural aspects of West Warren that make it such a desirable place to live.

# VICINITY MAP

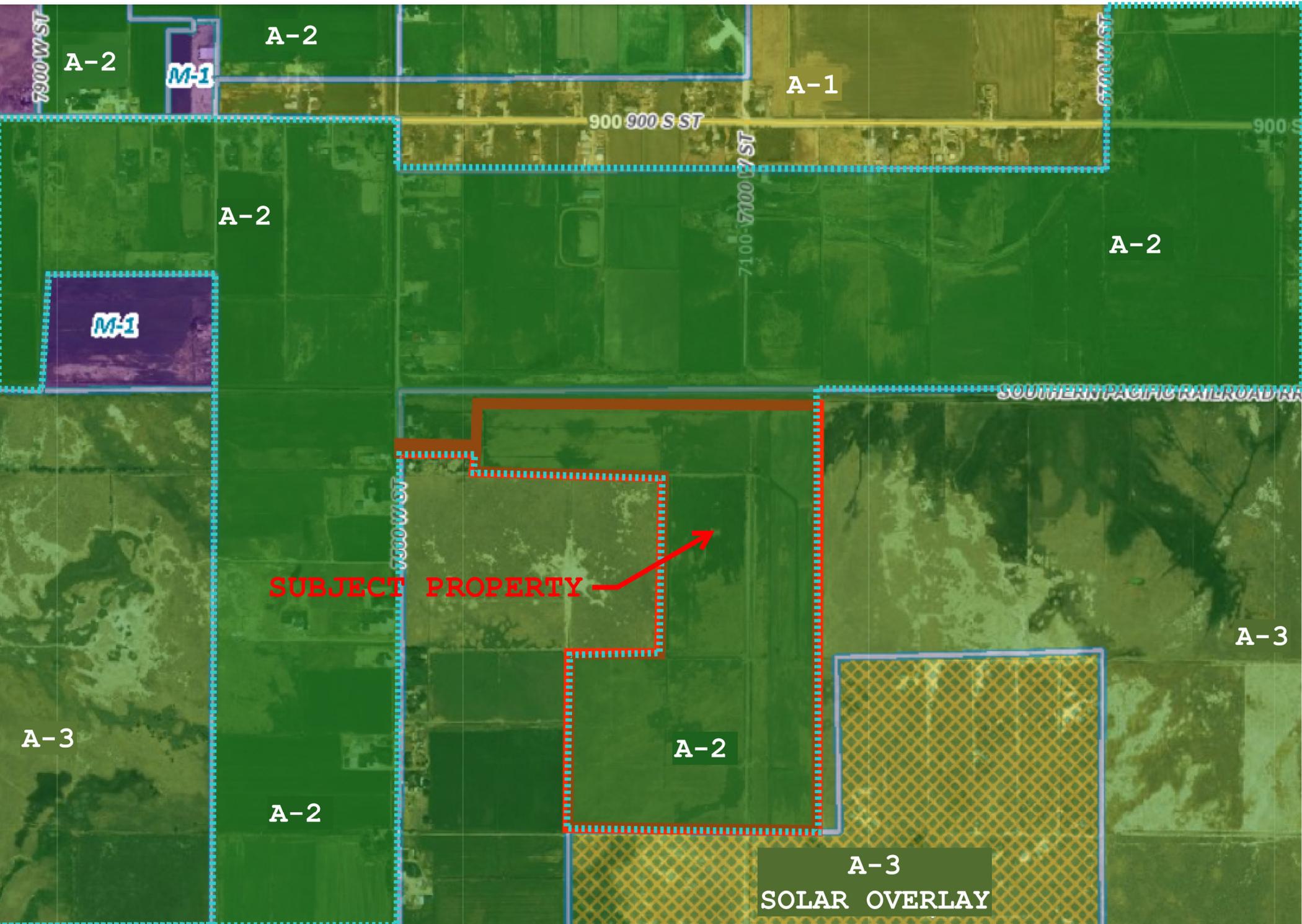


**SUBJECT PROPERTY**

# EXISTING ZONING MAP

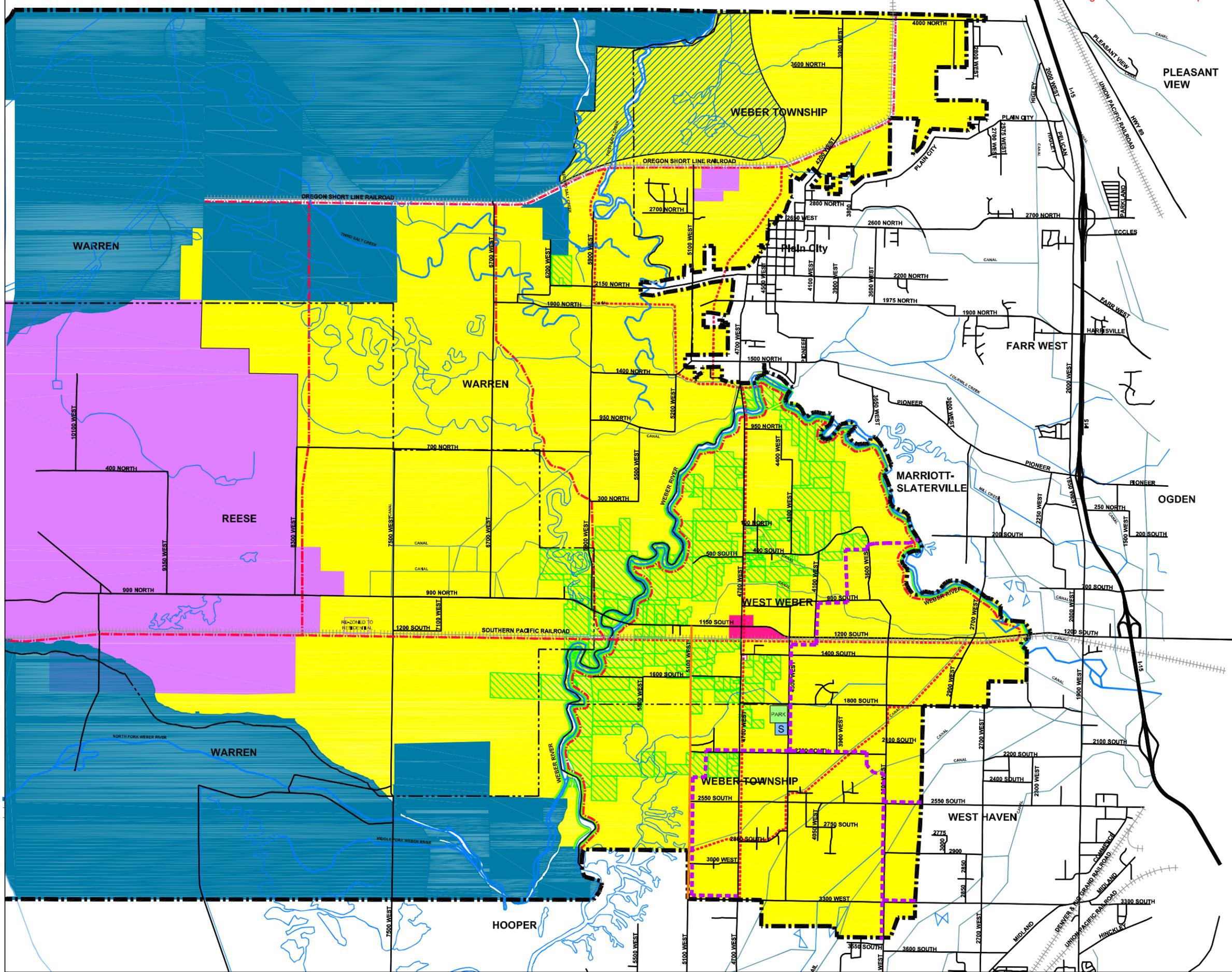


# PROPOSED ZONING MAP



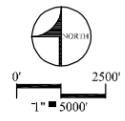
# WEST CENTRAL WEBER COUNTY GENERAL PLAN

## PROPOSED LAND USE MAP 2-4



### LEGEND

-  **INDUSTRIAL PARK**
  - Rezone approximately 20-acre parcel to match adjacent zoning.
  - Eliminate residential as a conditional use in industrial zones.
-  **RESIDENTIAL/AGRICULTURAL**
  - As zoned - one-acre and five-acre lots.
  - Cluster style development pattern required, minimum 30 percent open space.
-  **EXISTING STATE / FEDERAL LAND WATERFOWL MANAGEMENT AREA**
-  **COMMUNITY VILLAGE CENTER**
  - Commercial node of 45 acres of supportable neighborhood services.
  - First response emergency services.
-  **EXISTING AGRICULTURE PROTECTION AREAS**
  - Unchanged
-  **EXISTING SEWER**
-  **PROPOSED 100' WIDE SETBACK ALONG RIVER**
-  **SCHOOLS AND PARKS**
  - New High School as planned by Weber School District.
  - Adjacent 20-acre park.
-  **TRAILS**
  - Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
  - Equestrian trails.
-  **TOWNSHIP BOUNDARY**



Adopted September 23, 2003  
Page Amended September 11, 2018  
Page Amended October 2, 2018  
Page Amended December 4, 2018  
Page Amended June 11, 2019

**REESE MEADOWS**

A11 Date prepared: 11-06-2020  
 Job Number: 201758

**SKETCH PLAN COMPILED USING LOT AVERAGING**

total sq.ft. = 5297094 sqft 121.60 acres  
 Road sq.ft. = 779411 sqft 17.89 acres  
 Remainder Acreage = 4517683 sqft  
 Number of lots available = 112.94  
 lots provided = 108  
 Avg. Lot = 45474.5 sqft 1.04 acres



Scale 1" = 100'



- lot 1 33245
- lot 2 44245
- lot 3 36765
- lot 4 33745
- lot 5 33744
- lot 6 33744
- lot 7 33744
- lot 8 33744
- lot 9 33744
- lot 10 33744
- lot 11 33744
- lot 12 33744
- lot 13 33744
- lot 14 34803
- lot 15 34266
- lot 16 66828
- lot 17 66143
- lot 18 27227
- lot 19 37376
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- lot 39 34113
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- lot 45 66827
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- lot 47 62404
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