



# Staff Report to the Weber County Commission

Weber County Planning Division

## Synopsis

### APPLICATION INFORMATION

**Application Request:** A public hearing for consideration of a county initiated text amendment, amending the Ogden Valley Stream Corridor Setbacks for certain subdivided lots.  
**Agenda Date:** Tuesday, April 26, 2022  
**Applicant:** Weber County  
**File Number:** ZTA 2021-09

### STAFF INFORMATION

**Report Presenter:** Steve Burton  
sburton@webercountyutah.gov  
801-399-8766  
**Report Reviewer:** CE

## Applicable Ordinances

§ 104-28: Ogden Valley Sensitive Lands Overlay Zone

## Summary

The Weber County Stream Corridor ordinance was first approved and adopted as part of the Land Use Code on December 30, 2005. There are currently no exemptions to these regulations for lots that were legally platted prior to December 30, 2005. The proposed ordinance amendment will allow lots that were platted with building envelopes or buildable areas prior to January 1, 2006 to be exempt from the stream corridor setbacks listed in the ordinance.

## Legislative Decisions

This is a legislative matter. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

## Background

On November 30, 2021 the Ogden Valley Planning Commission made a positive recommendation, after holding a public hearing, to the County Commission for approval of this proposal. Their recommendation came with the following findings:

1. The proposal will protect rivers and streams within the Ogden Valley while also allowing lot owners, whose lots were restricted by previous county stream and river setback requirements, to be able to develop their lots within the bounds of their buildable area or building envelope.
2. The proposal preserves private property rights on lots recognized previous county stream and river corridor requirements.

## Policy Analysis

Over the past few years the County has received several applications for dwellings or accessory buildings on lots that have 'buildable areas' due to rivers or streams (seasonal and year-round) adjacent to the lot. The owners of such lots have submitted site plans that show the improvements within the lot's buildable area, but the stream corridor regulations adopted after the recording of the subdivision are more restrictive than the buildable area.

Under this proposed ordinance amendment, lots adjacent to streams or rivers that had designated buildable areas prior to the adoption of the stream corridor ordinance will be exempt from the stream and river corridor setback requirements. The following is the proposed language, to be added to the Ogden Valley Stream Corridor Ordinance.

(2) Exceptions.

...

e. Structures, accessory structures, roads, or parking areas proposed on a lot with a designated buildable area, building envelope, or river or stream corridor setback shown on the recorded subdivision plat, recorded prior to January 1, 2006.

## Staff Recommendation

Staff recommends that the County Commission accept the recommendation and findings from the Planning Commission.

## Exhibits

Exhibit A: Staff Report Presented to the Planning Commission

Exhibit B: Draft Ordinance



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## Synopsis

### APPLICATION INFORMATION

**Application Request:** A public hearing for consideration of a county initiated text amendment, amending the Ogden Valley Stream Corridor Setbacks for certain subdivided lots.

**Agenda Date:** Tuesday, November 30, 2021

**Applicant:** Weber County

**File Number:** ZTA 2021-09

### STAFF INFORMATION

**Report Presenter:** Steve Burton  
sburton@webercountyutah.gov  
801-399-8766

**Report Reviewer:** CE

## Applicable Ordinances

§ 104-28: Ogden Valley Sensitive Lands Overlay Zone

## Legislative Decisions

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

## Summary

The Weber County Stream Corridor ordinance was first approved and adopted as part of the Land Use Code on December 30, 2005. There are currently no exemptions to these regulations for lots that were legally platted prior to December 30, 2005. The proposed ordinance amendment will allow lots that were platted with building envelopes or buildable areas prior to January 1, 2006 to be exempt from the stream corridor setbacks listed in the ordinance.

## Policy Analysis

Over the past few years the County has received several applications for dwellings or accessory buildings on lots that have 'buildable areas' due to rivers or streams (seasonal and year-round) adjacent to the lot. The owners of such lots have submitted site plans that show the improvements within the lot's buildable area, but the stream corridor regulations adopted after the recording of the subdivision are more restrictive than the buildable area.

Under this proposed ordinance amendment, lots adjacent to streams or rivers that had designated buildable areas prior to the adoption of the stream corridor ordinance will be exempt from the stream and river corridor setback requirements.

*Lots platted prior to January 1, 2006 with designated buildable areas, building envelopes, or river or stream corridor setbacks shown on the subdivision plat, are exempt from the setback requirements of this chapter.*

## Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed text amendment.

This recommendation may come with the following findings:

1. The proposal will protect rivers and streams within the Ogden Valley while also allowing lot owners, whose lots were restricted by previous county stream and river setback requirements, to be able to develop their lots within the bounds of their buildable area or building envelope.
2. The proposal preserves private property rights on lots recognized previous county stream and river corridor requirements.

**WEBER COUNTY  
ORDINANCE NUMBER 2022-\_\_\_\_\_**

**AN AMENDMENT TO THE OGDEN VALLEY STREAM CORRIDORS, WETLANDS, AND SHORELINES ORDINANCE**

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

WHEREAS, these land use regulations include setback requirements for structures, accessory structures, roads, and parking areas within a certain distance of a high water mark of a river or stream; and

WHEREAS, the existing Ogden Valley Stream Corridor ordinance and land use code do not exempt lots in subdivisions, that were previously platted with designated buildable areas, building envelopes, or river or stream corridor setbacks shown on the subdivision plat ; and

WHEREAS, the Board of Weber County Commissioners wishes to exempt lots that were platted prior to the adoption of the Ogden Valley Stream Corridor ordinance, with designated buildable areas, building envelopes, or river or stream corridor setbacks shown on the plat; and

WHEREAS, the amendments proposed herein align with the 2016 Ogden Valley General Plan, which emphasizes the policy goal of preserving the Ogden Valley’s rivers and streams; and

WHEREAS, the Board of Weber County Commissioners has received a positive recommendation from the Ogden Valley Planning Commission, after holding a public hearing, in their November 30, 2021 regular meeting, for the amendments proposed herein;

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

**SECTION 1: AMENDMENT.** The Weber County Code is hereby *amended* as provided in **Exhibit A**.

**PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS  
ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

Gage Froerer:	AYE____	NAY____	ABSENT____	ABSTAIN____
Jim “H” Harvey:	AYE____	NAY____	ABSENT____	ABSTAIN____
Scott K. Jenkins:	AYE____	NAY____	ABSENT____	ABSTAIN____

Presiding Officer

Attest

\_\_\_\_\_  
Scott K. Jenkins, Chair

\_\_\_\_\_  
Ricky D. Hatch, Clerk

EXHIBIT A

Sec 104-28-2 Stream Corridors, Wetlands, and Shorelines

...

(2) Exceptions.

...

e. Structures, accessory structures, roads, or parking areas proposed on a lot with a designated buildable area, building envelope, or river or stream corridor setback shown on the recorded subdivision plat, recorded prior to January 1, 2006.