



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: ZTA2026-04, A staff-initiated proposal to amend the Weber County Code pertaining to minimum setbacks in the F-1 (formerly the FR-1) Zone, uses in the R3-A and R3-S (formerly FR-3) Zone.

Applicant: Weber County

Agenda Date: Tuesday, July 28, 2026

File Number: ZTA2026-04

Staff Information

Report Author: Tammy Aydelotte, Planner
taydelotte@webercountyutah.gov
(801) 399-8794

Report Reviewer/Presenter: Charlie Ewert

Applicable Ordinances

[See attached]

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Planning Commission Considerations

The planning commission considered the amendments in a public hearing on July 7, the planning forwarded the county commission a positive recommendation for the proposed changes. See the summary below.

The Planning Commission forwarded a positive recommendation to the County Commission for application ZTA2026-04, changes to the Weber County Land Use Code; amending setbacks and building height requirements in the F-1 Zone, added uses in the R3 (formerly the FR-3) Zone. With a request to table the text changes to fencing requirements until staff can work with Engineering regarding clear-view requirements where a fence on a corner lot is adjacent to a neighboring driveway.

County Commission Considerations

The County Commission discussed the proposal in a work session on July 27th and is now being asked to approve the amendments subject to the findings of the Planning Commission. Approval will be executed by means of an adoption ordinance, which is included as Attachment A.

Attachments

- A. Proposed Ordinance
- B. Staff Report to Weber County Planning Commission

WEBER COUNTY
ORDINANCE NUMBER 2026-

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO UPDATE LOT DEVELOPMENT STANDARDS IN THE F-1 ZONE AND USES IN THE R-3 ZONE.

WHEREAS, The Board of Weber County Commissioners has heretofore adopted land use regulations that govern the uses and development of land in unincorporated Weber County; and

WHEREAS, The Ogden Valley General Plan recommends development patterns and outcomes that the County's current land use regulations are not likely to optimally provide; and

WHEREAS, The Board of Weber County Commissioners desire to implement land use and development regulations and guidance that will help achieve the goals and objectives of the Ogden Valley General Plan; and

WHEREAS, on July 7, 2026, the Weber County Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code and offered a positive recommendation to the Board of Weber County Commissioners for the proposed amendments; and

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

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

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

The Weber County Board of Commissioners ordains amendments to Section 104-9-5 that Adjusts setback standards and height standards for accessory structures. Included in these changes are added uses in the R3 Zone, to correct previous omissions. These added uses only apply to the R3 Zone where located within 1,000 feet of the DRR-1 Zone. Only those modifications illustrated in Exhibit A are amended, leaving all other parts of the Weber County Land Use Ordinance unchanged.

This ordinance shall become effective upon its publication.

Passed, adopted, and ordered published this 28th day of July 2026, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____
Gage Froerer, Chair

Commissioner Froerer voted _____

Commissioner Harvey voted _____

Commissioner Bolos voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

Exhibit A

See following pages

SECTION 4 EXHIBIT A: AMENDMENT. The Weber County Code is hereby *amended* as follows:

Part II Land Use Code

...

TITLE 104 Zones

...

Chapter 104-9 Forest Zones

...

Sec 104-9-5.040 Front Setbacks

STANDARD	F-1	F-3	F-5	F-10	F-40	SPECIAL REGULATIONS
<i>Minimum for all buildings:</i>	30-15 feet ^{1,2}	<u>30 feet^{1,2}</u>		50 feet ^{1,2}	75 feet ^{1,2}	

¹See Section 108-7-10 if lot abuts an arterial street or collector street.

²If a lot approved under a repealed cluster subdivision code, the minimum front setback shall be 20 feet.

Sec 104-9-5.050 Side Setbacks

STANDARD	F-1	F-3	F-5	F-10	F-40	SPECIAL REGULATIONS
<i>Minimum for all buildings:</i>	20-10 feet ^{1,2}	<u>20 feet^{1,2}</u>			40 feet ^{1,2}	

¹See Section 108-7-10 if lot abuts an arterial street or collector street.

²If a lot approved under a repealed cluster subdivision code, the minimum side setback shall be 5 feet, except one foot for an accessory building that is at least 6 feet in the rear of the main building.

Sec 104-9-5.060 Rear Setbacks

STANDARD	F-1	F-3	F-5	F-10	F-40	SPECIAL REGULATIONS
<i>Minimum for all buildings:</i>	30-15 feet ^{1,2}	<u>30 feet^{1,2}</u>				
<i>Minimum for accessory building</i>	10 feet ^{1,2}					

¹See Section 108-7-10 if lot abuts an arterial street or collector street.

²If a lot approved under a repealed cluster subdivision code, the minimum rear setback shall be 20 feet, except one foot for an accessory building that is at least 6 feet in the rear of the main building.

Sec 104-9-5.070 Rear Setbacks

STANDARD	F-1	F-3	F-5	F-10	F-40	SPECIAL REGULATIONS
<i>Minimum main building height:</i>	1 story					
<i>Maximum main building height:</i>	35 feet					
<i>Maximum accessory building height:</i>	25-30 feet ¹					

¹Except when governed otherwise by Section 108-7-16 large accessory buildings.

...

Chapter 104-12 Residential Zones R1, R2, and R3

...

(a) *Residential uses.*

RESIDENTIAL USES	R1				R2	R3		SPECIAL REGULATIONS
	R1-15	R1-12	R1-10	R1-5		R3-A	R3-S	
<i>Dwelling, group.</i> A group dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	See Section 108-7-11. No more than 24 dwelling units allowed per lot.
<i>Dwelling, single-family.</i> A single-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	P	P	N	
<i>Dwelling, single-family attached.</i> A single-family attached dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	In the R2 zone, no more than two dwelling units allowed per lot.
<i>Dwelling, two-family.</i> A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	See Section 104-12-4

<i>Dwelling, three-family.</i> A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
<i>Dwelling, four-family.</i> A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
<i>Dwelling, multi-family.</i> A multi-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	N	P	P	See Section 104-12-4
<i>Residential facility for elderly persons.</i>	P	P	P	P	P	P	P	See Section 108-7-15.
<i>Residential facility for handicapped persons.</i>	P	P	P	P	P	P	P	See Section 108-7-13.
<i>Residential facility for troubled youth.</i>	P	P	P	P	P	P	P	See Section 108-7-14.
<i>Short-term rental. A short-term rental.</i>	N	N	N	N	N	NP	PN	<u>See Title 108 Chapter 11</u>
<i><u>Recreation Lodge. A recreation lodge as defined in Title 101, Chapter 2.</u></i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>Must be located no further than 1,000 feet from the DRR-1 Zone.</u>
<i><u>Transient Lodging. A hotel, motel, lodging house, condominium rental apartment (condotel), or timeshare condominium</u></i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>This may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.</u>



Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: ZTA2026-04, A public hearing and consideration regarding an application to amend the Weber County Code pertaining to minimum setbacks in the F-1 (formerly the FR-1) Zone, uses in the R3-A and R3-S (formerly FR-3) Zone, and proposed zoning text amendments relating to minimum fencing requirements.

Applicant: Weber County

Agenda Date: Tuesday, July 7, 2026

File Number: ZTA2026-04

Staff Information

Report Presenter: Tammy Aydelotte, Planner
taydelotte@webercountyutah.gov
(801) 399-8794

Report Reviewer: CE

Applicable Ordinances

[See attached]

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

In examining needed changes to ordinance, based upon existing and previous development applications, and addressing direction from the County Commission, it has been determined that some adjustments to Weber County Land Use Ordinance are needed.

With recent changes to the FR-3 Zone (now known as the R3-A Zone) as it pertains to areas around Powder Mountain, a few of the uses previously permitted in the FR-3 Zone were inadvertently omitted with the last batch of text changes. Staff is seeking to correct the omission and include these uses once again, making them specific to the resort area.

In looking at the many legal, non-conforming parcels/structures in Ogden Canyon, and to better allow development in Ogden Canyon, staff is seeking to adjust minimum setback requirements in the F-1 Zone, at specific direction from the County Commission. In making these adjustments, property owners can more easily adjust existing structures, and become less non-conforming, without having to go through the variance process.

Fencing requirements are being looked at as more developments are being built-out with smaller corner lots. Weber County will still require a clear site triangle with the proposed changes; corner lot owners will be able to maximize the side and rear yard area allowed to be behind a six-foot tall fence with the proposed changes, among other fencing provisions intended to support use of paralleling sidewalks and pathways. A developer has identified a challenge with compliance to the existing fencing requirements. Staff is proposing to clarify fencing standards to more easily enforce them.

The attached Exhibit A contains the amendments created through this effort.

Policy Analysis

Policy Considerations:

Ordinance Amendments (See Exhibit A):

General Revisions:

Adjustments to setbacks and height requirements for those parcels in the F-1 Zone, located in Ogden Canyon. Previously permitted residential uses are proposed to be added back into the FR-3 Zone (now the R-3A Zone). Fencing requirements proposed include allowance for 6' fencing anywhere on a corner lot, as long as a clear-view site triangle is preserved and to require a minimum 2' strip between proposed fencing and sidewalk, where fencing is proposed along a right-of-way.

This proposal is provided in Exhibit A.

Setbacks and height requirements in the F-1 (formerly FR-1) Zone.

There are several draws to living in the Ogden Canyon area. Some of these include the existing natural and recreational resources located in Ogden Canyon. Ogden Canyon Goal 1 addresses existing residential uses and protection of natural and recreational uses in the Canyon. As ownership has changed and these residences have become full-time homes, property owners are looking to renovate and expand the footprints of these small structures. There are several dwellings in the canyon that are 100+ years old, and in need of rehabilitation.

With expanding buildable areas on these non-conforming lots, it could be argued that open space through the Canyon will become less, development may become crowded, and the character and intent of the Ogden Canyon Scenic Byway may be compromised, as newer development occurs.

With these applications for new land use permits, the implied limits with setbacks for a one-acre minimum lot size, on a legal lot that does not conform to minimum lot area or width for the F-1 Zone (1 acre and 150 feet in width) can be prohibitive in some cases, where the request to build is on a lot as small as 0.10 acre. As such, Approximately 16% of land use permit applications are submitted after requesting a variance from the Board of Adjustment. Of the approximate 160 non-conforming parcels in Ogden Canyon owned by private property owners, 130 of these do not access directly off Highway 39 (Ogden Canyon Road), and the majority of these lots do not conform to minimum lot development standards for the F-1 Zone. To allow for continued revitalization of existing structures and encourage new development (not additional density in the Canyon), a reduction in setbacks could more easily allow for fewer delays of many of these applications to meet the setbacks, without the additional step of requesting a variance.

Ogden Canyon Goal 1: A goal of Weber County is to, in harmony with existing residential uses, protect the historical, natural, and recreational resources in Ogden Canyon.

Ogden Canyon Principle 1.1: in harmony with existing residential uses, support the development and improvement of recreational amenities in Ogden Canyon, such as trails, hiking and climbing routes, access to the Ogden River, and public facilities like restrooms and picnic areas.

Ogden Canyon Implementation 1.1.1: Support creation of the Ogden Canyon Trail.

Ogden Canyon Principle 1.2: Protect the unique historical, geological, and recreational features of Ogden Canyon. Protect the free flowing nature of the Ogden River and its channel and riparian areas.

Ogden Canyon Implementation 1.2.1: Work with UDOT and local landowners during the Ogden Canyon Transportation Use Study to protect the historical, geologic, natural and recreational resources of Ogden Canyon to the extent possible.

Ogden Canyon Implementation 1.2.2: Ensure that projects proposed for Ogden Canyon recognize its importance as a historical, recreational visitor destination, and Ogden River Scenic Byway, and protect the historic, cultural, recreational and natural resources of the Canyon.

Where Ogden Canyon is considered a gateway to the Ogden Valley, the need to update and allow for development that will only enhance this scenic byway is becoming increasingly significant as development continues in Ogden Valley, in preparation for the Winter Olympics in 2034.

A reduction in setbacks will maximize the buildable area for the property owners, allowing for more appealing opportunities for property owners in the renovation of existing structures. This revitalization will contribute to the visual enhancement of the Ogden River Scenic Byway. This proposal allows for reduced setbacks only for those lots whose direct access is not from Ogden Canyon Road. This proposal assists with Ogden Canyon Implementation 1.2.1 in keeping development from further encroaching within areas where UDOT may seek to expand Highway 39 in the future.

Gateways and Viewsheds Goal 2 states: "A goal of Weber County is to protect the Valley's sense of openness and rural character." The principles and implementation strategies of Goal 2 include protection of agricultural activities and lands as integral to the rural character of Ogden Valley.

Historically, the Ogden Canyon was developed as a summer home area, with smaller houses that were occupied only seasonally. Some of the residential structures are older than 100 years old. As ownership of these lots change, new owners are looking for more than a seasonal residence and are seeking to update, expand, and in some cases, rebuild homes to better suit their needs. While the historic character may be as maintained through not allowing for additional density, merely improving upon the current development rights already present, the current layout of the Ogden Canyon area would be minimally changed or disturbed. While the Ogden Valley General Plan seems to lean away from reduced setbacks in this area, because of the increased visual, spatial, and environmental impact in this narrow, scenic area, the existing residential uses and the allowance of limited development (setback) flexibility may be appropriate where it helps existing legal lots function reasonably without increasing density or compromising the Canyon's scenic, historic, natural, recreational, or transportation-related resources. The Planning Commission should use their own policy judgement to decide whether you think the plan supports or opposes the idea.

Uses in the R3 (formerly FR-3) Zone.

The R3 Zone allows for attached residential dwellings (specifically, R3-A). These dwelling types primarily consist of townhomes and can be a popular type of dwelling unit near resort development. . It would make sense to allow for these uses, when not more than 1,000 feet from the DRR-1 Zone, as this would provide additional commercial and recreating opportunities. The short-term rental uses (transient lodging, short-term rental, recreation lodge) that were previously in the FR-3 Zone made sense as this zone was located adjacent to the DRR-1 Zone at the Powder Mountain resort. With previous changes to ordinance, these uses were inadvertently left out as the FR-3 Zone became the R3 Zone. As growth of residential units is trending towards more second homes, and short-term rentals, the need to meet goals for recreational development opportunities includes allowance for short-term rentals in the areas that are located in and around the existing resorts. The R3 (formerly FR-3) Zones in Ogden Valley are located in two areas adjacent to the DRR-1 Zone that is the Powder Mountain resort. Resort development is supported by the addition of Short-Term Rental, Recreation Lodge, and Transient Lodging uses in this zone that is surrounded by the resort (DRR-1 Zone).

Parks and Recreation Goal 2: A goal of Weber County is to pursue Valley recreation expansion by working with resort developers.

Parks and Recreation Principle 2.1: Weber County will continue to pursue recreational development opportunities with existing and future recreation resorts in the Ogden Valley planning area, subject to the provision of Land Use Principle 1.1. Future resort development should broaden the array of outdoor recreation opportunities available to both residents and visitors.

Ensuring these uses are inserted back into the zone when in proximity to resort areas will allow continued support of the recreational opportunities that are vital to the character of the Ogden Valley.

Clarification and change to Fencing Ordinance.

With the number of zoning map amendments out in the Western Weber County area, come more specialized developments with smaller lots, more trails and sidewalks (pedestrian connectivity). The desire by homeowners for clearer fencing standards, and to allow for maximization of usable yard space has created a need to look at some small adjustments/clarifications to fencing standards. As Weber County continues to work towards meeting residential development goals as outlined in their General Plan, for a variety of housing types, there is a domino-effect related to how these smaller lots are developed for residential use. One of these elements affected is location and height of fencing permitted on residential lots. Proposed changes to these fencing standards are found in Exhibit A.

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and offer staff feedback for additional consideration, if any. Alternatively, when/if the Planning Commission is comfortable with the proposal, a positive recommendation should be passed to the County Commission.

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is:**

I move we forward a positive recommendation to the County Commission for File #ZTA2026-04, an application to amend the Weber County Code to _____, as provided in Exhibit A.

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health and welfare of Western Weber residents.*
4. *[_____ add any other desired findings here _____].*

Motion for positive recommendation **with changes:**

I move we forward a positive recommendation to the County Commission for File #ZTA2026-04, an application to amend the Weber County Code to _____, as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: In Section 104-12-3(f), remove short-term rentals as a permitted use.*
2. *Example: On line number [____], it should read: [_____ desired edits here _____].*
3. *Etc.*

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*

3. *The changes will enhance the general health, safety, and welfare of Western Weber residents.*
4. *[Example: allowing short-term rentals runs contrary to providing affordable long-term rental opportunities]*
5. *Etc.*

Motion to *table*:

I move we *table* action on File #ZTA2026-04, an application to amend the Weber County Code to _____,
as provided in Exhibit A, to [*provide a date certain*], so that:

Examples of reasons to table:

- *Example: We have more time to review the proposal.*
- *Example: Staff can get us more information on [_____ specify what is needed from staff _____].*
- *Example: The applicant can get us more information on [_____ specify what is needed from the applicant _____].*
- *Example: More public noticing or outreach has occurred.*
- *[_____ add any other desired reason here _____].*

Motion to recommend *denial*:

I move we forward a recommendation for *denial* to the County Commission for File #ZTA2026-04, an application to amend the Weber County Code to _____,
as provided in Exhibit A. I do so with the following findings:

Examples findings for denial:

- *Example: The proposal is not adequately supported by the General Plan.*
- *Example: The proposal is not supported by the general public.*
- *Example: The proposal runs contrary to the health, safety, and welfare of the general public.*
- *Example: The area is not yet ready for the proposed changes to be implemented.*
- *[_____ add any other desired findings here _____].*

Exhibits

A. Proposed Amendments to _____ (Redlined Copy).