



## OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

### REGULAR PLANNING BOARD MEETING AGENDA

July 27, 2010

5:00 p.m.

*Pledge of Allegiance  
Roll Call*

- 1. Minutes:** Approval of the June 09, 2010, June 22, 2010 and the July 06, 2010 meeting minutes

#### **Regular Agenda Items:**

##### **2. Old Business**

- 2-1. ZO 03-2010** Consideration and action on Zoning Ordinance Text Amendment #2010-03, an amendment to the Weber County Zoning Ordinance FV-3 Zone (Chapter 12B) by adding "Residential Treatment Academy" as a Conditional Use. The amendment is also to include adding a definition for a Residential Treatment Academy to Chapter 1 General Provisions Section 6 Definitions and to add qualifying requirements to Chapter 23 Supplementary and Qualifying Regulations for a Residential Treatment Academy. (Green Valley Academy, Applicant; Jared Balmer, Agent)

##### **3. New Business**

- 3-1. ZO 2009-11** Consideration and action on Zoning Ordinance Text Amendment 2009-11, an amendment to the Weber County Zoning Ordinance Chapter 31 Land Use Permit, Building Permit, and Certificate of Occupancy to clarify how applications are processed and to identify the decision-making processes for both legislative and administrative decisions
- 3-2. ZO 2010-06** Consideration and action on Zoning Ordinance Text Amendment 2010-6, an amendment to the Weber County Zoning Ordinance Chapter 28 (Nonconforming Buildings, Uses, and Parcels) clarifying the definitions of "nonconforming uses/parcels" and "non-complying structures, eliminating language redundancies, and adding a new section addressing parcels that lie within roadways.
- 3-3. ZO 2010-7** Consideration and action on Zoning Ordinance Text Amendment 2010-7, an amendment to the Weber County Zoning Ordinance Chapter 1 Section 6 Definitions to clarify text regarding township boundaries for consistency with Chapter 45 and to include the township boundary map.

##### **4. Public Comments:**

##### **5. Planning Commissioner's Remarks:**

##### **6. Staff Communications:**

- 6-1.** Planning Director's Report
- 6-2.** Legal Counsel's Remarks

##### **7. Adjournment**

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

*A pre-meeting will be held in Room 108. No decisions are made in this meeting.*



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

Minutes of the Ogden Valley Township Planning Commission Field Trip held June 09, 2010, to the Oakley Academy commencing at 4:00 p.m.

Members Present: Greg Graves, Chair, Gary Allen, Jim Banks, Kevin Parson, Kevin Rounkles  
Member Excused: William Siegel

Staff Members Present: Rob Scott Planning Director, Ben Hatfield, Planner, Sean Wilkinson

Ben Hatfield handed the members a list of questions, the Planning Commissioners could consider while touring the Oakley Academy as follows:

Would the Planning Commission like an analysis of proposed text vs. Troubled Youth text (Chapter 23)? Then modify existing text to allow 36 clients to Troubled Youth text (Chapter 23)?

Look at other Zones? Does this mean permitting the academies in AV-3 and F-5 zones? Or how about other zones, like Commercial vs. Residential vs. Forest vs. Agricultural zones?

Verify lighting ordinance? The Ogden Valley Lighting ordinance states:

“Chapter 39-2 Applicability

This ordinance applies to commercial, industrial, multi-family, public and quasi-public uses.”

“39-8 Permanent Exemptions, Residential and Agriculture, Single-family dwellings, two-family dwellings and agricultural uses shall be exempt from requirements of this Ordinance.”

Separate ordinance? Although this maybe a relevant question for the Planning Commission to consider, this is not what is being requested by the application.

What definition best describes the Use (activity) taking place at the Oakley School? Does that relate to the application?

What type of treatment being offered at the school? What problems have they had or could be expected? How does this limit what can be done in the FV-3 zone?

What do they do for offsite recreational activities? How would that impact neighborhoods?

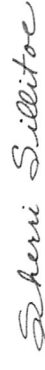
How do parents and other visitors travel to the school? Do they helicopter in?

What are the pro and cons of the campus layout? What about the scale and quantity of buildings?

The questions listed in the May 25, 2010 should be addressed.

There Being No Further Business, the meeting was adjourned.

Respectfully Submitted,



Sherri Sillitoe, Secretary  
Weber County Planning Commission

Minutes of the Ogden Valley Township Planning Commission meeting held June 22, 2010, in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Roll Call.**

**Present:** Greg Graves, Chair, Gary Allen, Jim Banks, Kevin Parson, William Siegel

**Staff Present:** Rob Scott, Director, Ben Hatfield, Planner, Chris Allred, Legal Counsel, Sherri Sillitoe, Secretary

*Pledge of Allegiance*

Roll Call

**Minutes**

- 1. Minutes:** Approval of the April 27, 2010, May 04, 2010 and the May 25, 2010 meeting minutes

Chair Graves declared the meeting minutes approved as presented.

**2. Consent Calendar:**

- 2-1. UVC042810** Action on a request for final approval of Country Gardens Subdivision, located at approximately 5700 E 2300 N, 4 Lots (J. Scott Lewis, Applicant; Shane Phelps, Agent)
- 2-2. UVC102709** Action on a request for final approval of Cottonwood Creek Subdivision, located at approximately 4550 North Powder Mountain Road, 1 lot (Savannah USA Investments LLC Applicant)
- 2-3. UVW102709** Action on a request for final approval for the Wade Pilcher Subdivision, located at approximately 3132 N 3825 E, 2 Lots (Carol Pilcher, Applicant; Wade Pilcher, Agent)
- 3-3.** Consideration and action to approve the Planning Commission Expectations

**MOTION:** Commissioner Parson moved to approve Consent Agenda Items 2-1, 2-2, and 2-3 and 3-3 as well as recognizing there is a revised staff report for Consent Agenda Item 2-1. The motion was subject to all agency and staff recommendations. Commissioner Allen seconded the motion. Motion Carried.

**3. Regular Agenda Items:**

**Old Business**

- 3-1. ZO 04-2010** Consideration and action to amend the Weber County Zoning Ordinance by adding “Day Care” to the list of Conditional Uses found in Chapter 21B; Ogden Valley Manufacturing (MV-1) Zone (Chandra Barrong, Applicant)

No Exparte communication was declared. Chair Graves indicated that the Planning Commissioners made a field trip with some staff to visit the MV-1 zoned area in the Ogden Valley to see what the conditions were.

Robert Scott reviewed the staff report and indicated that prior to this application there was an extensive review process of Chapter 21B where a similar petition requesting that Weber County add day care to the MV-1 zone was introduced along with 73 other commercial uses. Because of this earlier petition, a list of 28 new uses was added to the MV-1 Zone. This list of new uses was significantly shorter (28 uses vs. 74 uses) than that which was provided by a previous petitioner and did not include day care due mostly to concerns of its compatibility with manufacturing or industrial type uses already allowed in the zone. Other concerns expressed by the Planning Staff, Ogden Valley Planning Commission and the Weber County Commission were those related to occupying a manufacturing/industrial zone (that has a limited number of developable acres) with commercial uses that should be located in a vibrant and active commercial core. There was some discussion that day care could be allowed as an accessory use.

According to the applicant, the rationale behind the request is that; there is no commercial space available that meets the square footage and ceiling height needs for a day care with unconventional programs. The applicant also feels that the existing MV-1 Zone offers safe buildings, for day care clients, in terms of parking, traffic patterns and location. In making the requested policy decision, the Ogden Valley Planning Commission should consider that eliminating the existing Ogden Valley Manufacturing Zone would displace existing industrial related uses such as the existing contractor equipment storage. Commercial property is valued higher than manufacturing property; lower values associated with manufacturing property can help to encourage industrial development/activity. How would the introduction of

approximately seven more commercial lots impact the existing commercial zone property owners. The Ogden Valley General Plan does not recommend or direct the County to eliminate the Ogden Valley Manufacturing Zone; therefore, would the Ogden Valley Planning Commission want to consider opening the General Plan in order to attempt to amend it?

Because of the need and challenges that the Ogden Valley has had with locating and designating additional areas as light industrial, should the Planning Commission consider an amendment that could potentially add a commercial and/or residential use to the limited area within the manufacturing zone? In the letter to the Planning Commission, prepared by the petitioner it is stated, "The MV Zoning in the Valley currently offers one of the safest buildings for my clientele in terms of parking and traffic patterns and location." The existing Ogden Valley Manufacturing Zone does offer a location on a cul-de-sac; however, the Planning Commission must consider whether they can agree with the petitioner when thinking in more broad terms such as the overall compatibility and safety of a day care in a manufacturing/industrial zone. If the manufacturing zone was eliminated, the existing uses would be non-conforming and not be allowed to expand. When they start introducing additional uses to the manufacturing zone, it becomes a pseudo commercial zone and it defeats the purpose of attracting commercial uses to the area.

Staff does not believe it would be appropriate to approve the request, but if the Planning Commissioners recommended approval of the request, an amendment to the General Plan would be in order. Based on the information submitted and the guidance found in the Ogden Valley General Plan, the Planning Division Staff is recommending that the Planning Commission deny the request to add day care to the uses listed in Chapter 21B (MV-1 Zone). The Planning Staff is also recommending that the Planning Commission take no action to eliminate the existing MV-1 Zone.

Commissioner Siegel asked how they arrived at this point. Rob Scott said a business license was applied for and the Planning staff determined that a day care was not allowed in the MV-1 Zone. Day care was listed in the submitted 74 uses but not in the final 28. Commissioner Siegel indicated that this is a policy issue.

Commissioner Parson moved to reopen the application up to public comment. Commissioner Allen seconded the motion. Motion carried.

Chandra Barrong said it has been said that a day care is one of her main uses; she does not currently carry a day care license with the State of Utah. She has operated in the Ogden Valley for four years and day care has been an accessory use to her tumbling businesses. She read the ordinance and felt her business applied as she is in an unusually large building. There are over 12 existing businesses with accessory uses within a short distance. The State of Utah changed some of the childcare rules to say that if she wanted to continue any tumbling facility, a childcare license is required and an outdoor playground is required whether it is used or not. She felt a conditional use permit would be appropriate so the Planning Commission could have some control. The use of that location needs to be necessary to the community and she felt her business is complimentary to the two other Ogden Valley businesses on that street such as High Altitude Fitness. The State of Utah has licensed three tumbling facilities in large buildings in Weber County. At the last meeting, several business owners indicated that her business would not be a conflict to the area. If a cement batch plant were approved in the MV-1 zoned area, she would be conflicting, however she believes conditions could be placed on the batch plant use to make it non-conflicting. The General Plan states, "That in development and zoning conflicts, there needs to be creativity and flexibility in reaching solutions." Ms. Barrong said she believes this sentence was added because there is so little land in the Ogden Valley that could be developed. As a point of interest there are two other buildings she could go into in commercial zones, and both of them will not lease her space. She believes the Ogden Valley citizens need her services.

Jason Peterson, Peterson Builders, indicated he is a neighbor to this business. He believes there is a real discrepancy with the MV-1 Zone and allowed uses. The MV-1 Zone is more liberal to allowing uses that are not conducive to the commercial zone. He believes a day care is not a conflict to following the General Plan and the area.

Thom Summers, representing S&S Excavating and Valley Storage, read a letter from the owners of Valley Storage that indicated they are not proposing a cement batch plant on their lot. Mr. Summers indicated that he also does not plan to propose a cement batch plant at this time. S&S Excavating has moved the majority of his business equipment to the Ogden area, although they still do a lot of business in the Ogden Valley. He believes the proposed location is a great spot for a day care.

Mike Greenwood, 3202 N 5100 E, said he owns the building where High Altitude business is located. He believes Chandra has been an asset to the area and other businesses. He believes a zoning restriction of this type is unwarranted.

The comment period was closed. Rob Scott reviewed the options the Planning Commission has regarding this request.

Commissioner Siegel indicated that the State of Utah requires the tumbling business to have a childcare license. Chair Graves indicated that Ms. Barrong's business has a playground area that is larger than the required 1,600 sq. ft. area.

Commissioner Parson asked if they could entertain the notion that a daycare facility would be incidental to the existing tumbling business. Chris Allred said a separate preschool would not be an incidental use to a gym; however, a daycare used only for children to be supervised while their parents are using the gym facilities would be an incidental use.

**MOTION:** Commissioner Parson moved to recommend approval of ZP 04-2010 to amend the Weber County Zoning Ordinance by adding "Day Care" to the list of Conditional Uses found in Chapter 21V; Ogden Valley Manufacturing (MV-1) Zone. Commissioner Allen seconded the motion

**Discussion:** Commissioner Parson clarified the prior process of amending the permitted and conditional uses in the MV-1 Zone. As a recreation center, he views the daycare as an incidental use. Rob Scott indicated that a day care is an allowed use in other zones. It could be an accessory use, it has to be accessory to the main use but if they are accepting children to come and spend the day, it is another matter. In their conversation with the applicant, they discovered there is a list of activities that occur at the site and one of those was a full daycare.

Commissioner Banks indicated that they fought so hard to get the MV-1 Zone designation in the Ogden Valley. He is opposed to a day care in that zone. If the economy ever comes around, they will be back to having industrial uses in the area and then complaints will be made.

Commissioner Siegel indicated he agrees with Commissioner Banks in that there is no other MV-1 Zone in the Valley. On the other side, this petitioner is limited because there are no other buildings large enough for her business in a commercial zone.

Commissioner Allen indicated that he believes the business is now working and is a valid use. If in the future the economy turns around, the applicant may have to adjust. He believes the application should be approved.

Chair Graves said he believes it is a difficult decision in that they want to help the applicant, but in so doing they may get unintended consequences in the future as the economy builds back up. The whole idea for the amendment to the listed uses in the MV-1 Zone was to allow a gym, but now it will not be a compatible use. They have to work with the General Plan and the Weber County Zoning Ordinance. If approved, you create a conflict and it will stay a conflict unless this use is removed from the ordinance as the area builds up.

**AMENDED MOTION:** Commissioner Parson moved to recommend approval with the stipulation that it is to be a daycare associated with a recreation center. The intent is that there will not be a stand-alone day care. Commissioner Allen seconded the amendment. **VOTE:**Motion carried (3-2).

Chris Allred clarified the amendments request as a conditional use a day care in the same facility with her other permitted use.

**3-2. ZO 03-2010** Consideration and action on Zoning Ordinance Text Amendment #2010-03, an amendment to the Weber County Zoning Ordinance FV-3 Zone (Chapter 12B) by adding "Residential Treatment Academy" as a Conditional Use. The amendment is also to include adding a definition for a Residential Treatment Academy to Chapter 1 General Provisions Section 6 Definitions and to add qualifying requirements to Chapter 23 Supplementary and Qualifying Regulations for a Residential Treatment Academy. (Green Valley Academy, Applicant; Jared Balmer, Agent)

A public hearing was held at the last meeting and the application was tabled in order to obtain additional information. The Planning Commission held a field trip to a Residential Treatment Academy to a facility in Oakley, UT where they spoke with a few residents as well as others. A couple of citizens attended. The only thing being considered at this point is whether this use should be allowed in the FV-3 Zone, and if so, then under what conditions. They are not discussing any particular location at this point. If the use is approved, it could go anywhere in the FV-3 Zone.

Ben Hatfield presented a staff report and reported that since the May 25, 2010 meeting staff received many comments and emails regarding this application. Since then he received numerous comments and emails and tried to forward them to the members throughout the week as well as provided a copy of all comments to the Planning Commission tonight.

Commissioner Siegel referred to "State Code 17-27-85-19(3d) refers to Residential Facilities with Persons with a Disability that likely would fundamentally change the character of a residential neighborhood may be excluded from a zone. Chris Allred indicated if you read that section in its entirety, he believes it states that Residential Facilities for Persons with a Disability are in fact permitted uses in any zone that permits residential facilities in the first place; However, if someone proposes something, that would be a likely create a fundamental change in a residential neighborhood, then they do not need to approve that. The policy decision is ultimately going to be made by the Weber County Commission. He believes that they recognize that they exceed the scope hence this application.

Commissioner Siegel said it seems that they are trying to fit a square peg in a round hole with the FV-3 Zone. He believes they could work on another ordinance outside of the FV-3 Zone. The petitioner has worked with staff for a few months, and it was staff's recommendation that their facility would be the most compatible with the FV-3 Zone.

Ben reported that the Oakley facility was an open facility where they have adequate staff to monitor access. The Island View facility was a lockdown facility. Commissioner Parson asked staff if they noticed if the Oakley facility conditional use had any architectural aspects. Staff indicated that it did not.

Chair Graves reported that the issue is, "Do we allow this particular use in the zone?" There is no location being proposed at this point.

**MOTION:** Commissioner Siegel moved to open the hearing to receiving additional comment. Commissioner Banks seconded the motion

Jared Balmer, agent, thanked Mr. Hatfield for his extensive research and help during this application process. They proposed the use as a Residential Treatment Academy to make a distinction from a Residential Treatment Center. They will not admit any student with the following histories: criminal and assaultive behavior, conduct disorder, alcohol or drug dependency as a primary diagnosis, sexual perpetuation, adjudicated youth or youth who might pose as a known risk to the community. They made this distinction very clear in their application. The conditional use permit for the Oakley facility is similar in the type and nature of kids they will treat in the proposed use. There are two letters from neighbors to the Oakley facility and a letter from the Mayor, he received a letter today from the Syracuse Police Chief, who indicated they have not had any trouble at the Island View facility, which has been in existence in 16 years, and they have treated over 1,800 youth at that facility.

In reading some of the comments posted on the Ogden Valley Blog website, one comment stated, "Shoot them all and let God sort em out." It seems one valley resident was more dangerous than the youth that would be treated at their facility. Another comment made listed falsehoods regarding their business and another comment posted made the accusation that a child was raped at the Island View facility. These comments were half-truths and falsehoods.

They are proposing to treat a small segment of youth that are experiencing emotional and academic difficulties. They are proposing a facility that is highly regulated by the State of Utah. There are stringent regulating disaster plans, staff criminal background checks, etc. There are stringent requirements regarding specific licensure and licensure updates. Federal and State law allows these types of facilities to be located in any community including residential neighborhoods. They propose 36 students in two structures on a large acreage parcel which would be more reasonable than having 5-6 homes with 8 youth. Clients in a group home typically attend local schools; however, their academy will be an accredited high school onsite.

Are the impacts of a Residential Academy compatible with other compatible uses in the FV-3 Zone? They consider themselves a hybrid of three current FV-3 allowed uses; 1) a treatment facility currently permitted in any zone by Federal and State Law, 2) they are an educational institution fully accredited by the State of Utah, 3) they are providing daily recreational facilities lead by recreational specialists. He believes their proposed language provides the County with far more control as to the nature of a clientele as opposed to a recreational lodge with 16 rooms where nobody knows who is coming and going. Their clientele are supervised 24 hours per day and their proposal will meet code. He can show that no property values have been decreased due to the location of their other two facilities. Commissioner Parson asked Mr. Balmer to expound on pervasive developmental disorder. Mr. Balmer explained that these are kids that have a non-verbal learning disability such as Asperger Syndrome.

Danna Gregory, a Huntsville resident, asked whether the Planning Commission received her letter and Chair Graves indicated they did. She asked whether the Weber County ordinance regulations required that there must be five miles between such uses. Why does Weber County see the need to support out-of-state youth when there are so many local community programs that already support our youth? Why does Utah have so many of these programs and we are always being told that we need to oblige the Federal Fair Housing Act?

Chuck Eagleston indicated that he also submitted an email of concerns. He recognizes that most of them are passionate about these types of uses. Mr. Balmer commented on a specific location and his great business model. Mr. Eagleston asked the Planning Commission members to recognize that it is a commercial enterprise. He suggested that if such use is approved, that specific requirements are made requiring that utilities are to be readily available and that access be on a thoroughfare. If not, then they should be required to maintain the road.

A resident reported that he made his own field trip to Oakley and noticed there is a lot of development within a mile away from the Oakley school. The road in front of the Oakley school was 25 ft. wide. The road in front of his home is approximately 18 ft. wide with nearby utilities. He urged the Planning Commission to carefully consider the location of such a facility in the Ogden Valley.

Laura Kirkham indicated that she has respect for Dr. Balmer and welcomes him to Weber County. She works with such youth, but she opposes this facility in her neighborhood. There is not as much buffer as the Oakley School has. This is a 24-hour facility and would it be a locked down facility with direct supervision. It would not affect her property value but would affect the marketability of her home.

Chris Greenwood, a Huntsville resident, reported procedural problems he sees with how staff is applying the existing ordinance to this application. The ordinance states that such a proposal must be consistent with existing zoning standards. The only use that is closely related is an Educational Institution and he believes this proposal is not solely an educational institution. For the basis for issuance of a conditional use permit, the ordinance indicates that such uses shall not be adverse to the public interest and he believes this proposal is not in the public's interest. The proposal will be detrimental to the community at large. He cannot see how Mr. Balmer can get over our own procedure hurdles. There are problems with many other state and federal regulations. He believes they have numerous meritorial problems as well as procedural problems with this application.

Tryge Simpson asked the Planning Commissioners to approve this amendment to the zoning because it is a hybrid use. They already allow facilities for disabled youth and this is not an application to do something not already allowed within the zone. It is a combination of what has already been allowed in the area. The current county definition of a Residential Treatment Facility method in which the county allows only eight children with a married couple is not adequate. The capacity to take your children to areas close by to be treated is a benefit and a comfort.

Thayne Fisher, Mr. Simpson's neighbor, indicated that he believes there is a need for such a facility; however, he believes there is a better area for it. He cannot believe that it was said earlier that such a facility would not decrease their property values. He believes there will be many vehicles using a small county road. At what point can you trust the existing zoning. The existing zoning should protect those who purchased with that in mind. He believes this application is economic based.

Charlayne Tuttle, North Realty, indicated that the Island View facility opened in the Fall of 1997. The information they received from the Multiple Listing Service shows that from 1996 through this year, they do not see any significant decrease in property value in Oakley because of the Oakley school. As a grandmother, she has been a NIMBY before, but she ended up needing such a facility with a family member.

Doug Gregory has no doubt that Dr. Balmer can build and create a successful facility. His question is who will be the owner of such facility once approvals have been received. He gave an example of the Aspen Education facility that did not survive as well as other such facilities. He urges the Planning Commission to work within the parameters of the existing zone.

Casey Gauchat indicated that he does not agree with the General Plan. He heard one of the staff members say it is not compatible in a commercial zone. He is confused that they would entertain such a facility in a residential zone. Right now, there is still available property in a commercial zone.

Craig Kominski indicated that previously he submitted an email and indicated there is a petition with over 300 signatures that has been submitted against this proposal. He did a commercial overlay map of all the owners, existing acreage and commercial areas in the Ogden Valley. He suggested that whatever zones the proposed use would be allowed in that the county look at all the property owners and the existing uses.

Pete Defin said he would discount the testimony of the real estate information from the 90's when the Country had its biggest economic increase during that decade. He wonders about the need for such a facility in a residential zone.

Victoria Malmborg stated that the rude comments that were included on the petition were in no way supported by the petition's creator. Over 300 people do not support the proposal and believe the use does not support the zone.

Steve Clarke, an Eden resident, encouraged allowing this type of use in the Ogden Valley and he believes it should be allowed in the zones that the Planning Commission and residents believe it would best fit. In any zone where it is allowed conditions could be placed on the use such as adequate setbacks, buffering, etc., so that people do not feel imposed upon. He recommended a specific ordinance be adopted specifically directed to these type of facilities with modifications to the existing ordinance to make it consistent and that the type of facilities that would be permitted include disabled persons, assisted living and nursing centers, skilled nursing/rehabilitation facilities, and Alzheimer facilities, etc. Since they are businesses, they should be encouraged to use commercially zoned property but if they want to locate in a residential zone, then the site requirements would be more costly for an applicant. He would encourage the use of a spacing requirement of 2,500 ft. between facilities.

Mike Malmborg, a Huntsville resident, indicated that the FV-3 Zone is a low density residential zone. He believes the restrictions should be placed on the groups of children that would be allowed in such a facility. Such restrictions are not currently proposed with the present zoning application.

Celeste McKinney urged the Planning Commissioners to list their pro's and con's regarding this proposal and make it available to the community so they could see their decision making process. She would like to know that once this facility is built, who would guarantee her family's safety. She visited the Oakley facility and wondered what that facility had to do with the proposed Ogden Valley facility. Mr. Balmer will not be tied to the facility once it is built and in operation. She urged the Planning Commission members to follow the masterplan.

Cindy Hillstrom indicated that state code does not encourage changes to a neighborhood's character. She strongly encouraged the Planning Commissioners not to change the present zone and character of her tight-knit community. She believes such a facility would alter the character of the neighborhood.

Rebecca Warrens a resident in the area read an email of concerns from Leann Bowes where she indicated that emergency response times have been slow in their area. She asked a social worker what they would do if a youth had a complaint of a sexual nature, and the social worker said that the staff would contact the parents of an offending youth and they would remove the youth from the facility. The social worker did not mention that they would contact the authorities.

Mike Bulloch, a Patio Springs resident, indicated a couple of comments were made regarding the stigma such facilities would leave on their community. At their last meeting comments were made as to would they be opening Pandora's Box. He suggested that such facilities do not open the floodgates to additional facilities coming into an area. The ordinance does not state that this could not be a year-round facility or stay for certain periods of time. He is biased as he is part of this project, but he believes there is benefit to the community e.g., less traffic commuting on the road through Ogden Canyon.

Darrell LaRoche would ask that a vote be taken regarding this zoning petition. The public comment period was closed.

Jared Balmer indicated he believes that money should not be a consideration on whether they should receive approval or not. Commissioner Banks asked Mr. Balmer if he would receive any tax dollars from Weber County for the students. Mr. Balmer indicated that they have to sign a document indicating they will not receive any tax dollars for education. Did he approach someone to purchase a piece of property? Yes, they have looked at approximately 20 sites in the Ogden Valley and they did believe one property would be the best for their facility.

Chair Graves asked why Mr. Balmer's organization did not allow local youth in their proposed facility, and Mr. Balmer indicated that Utah is a haven for these types of programs because there is a highly trained workforce and the cost of treating the children relative to the highly trained workforce is relatively low. It is economically beneficial for out of state parents to send their youth for treatment in Utah.

Commissioner Banks asked what would happen to this zone if Huntsville decided to annex some of the FV-3 zoned areas, would it stay FV-3 zoning. Mr. Hatfield indicated that it would be zoned whatever Huntsville decided it would be zoned.

To recap and answer questions answered during the public comment session, Ben Hatfield reviewed the difference of a permitted use versus a conditional use. There is no procedural error as to how staff is applying the present ordinance to this proposal. There is no proposed spacing requirement for such uses in the Weber County Zoning Ordinance. They will address other questions asked regarding utility placement, road width, etc. during a future process. He reported that many other facilities operate year-round. Staff recommends that if the Planning Commission is comfortable with the draft amendment, then the Planning Commission should recommend that the County Commission to add Residential Treatment Academy to the FV-3 Zone as a conditional use with the following inclusions:

1. Area required should be 10 to 15 acres
2. Additional text from Chapter 23-13-7 prohibiting the academy to function as a drug and substance abuse recovery/treatment center.

Staff also recommends that they hold future work sessions regarding care/treatment facility regulations and zones that would allow the use. Additionally text amendments may need to be made to bring the regulations more into line with Utah State Code. Staff suggests that the ordinance be predictable and consistent in regards to uses. If there are other aspects of neighborhood compatibility, e.g. requirements for area, maximum occupancy, setbacks, and campus layout and design, that the petitioner should further address, then the Planning Commission should identify those specific items for the petitioner to further address and continue this item.

**MOTION:** Commissioner Siegel moved to recommend denial of ZO Zoning Ordinance Text Amendment #03-2010, an amendment to the Weber County Zoning Ordinance FV-3 Zone (Chapter 12B) by adding "Residential Treatment Academy" as a Conditional Use. Commissioner Banks seconded the motion

**Discussion:** Commissioner Siegel indicated that he is not comfortable with the text amendment to allow the use in the FV-3 Zone in the proposed format. He believes the use is a good use and could be allowed somewhere in the valley. Commissioner Siegel indicated his intent of the motion is that he believes they need to do further work on an ordinance.

Commissioner Banks believed such facility should be allowed in the Ogden Valley somewhere. Commissioner Parson believes it should be allowed on at least 20 acres with a 50 ft. setback with a heavy landscape buffer. Chair Graves said he believes this is a good use, but feels it should be in the right place. He feels that the FV-3 Zone is not the right place for such use.

**AMENDED MOTION:** Commissioner Siegel moved to table ZO 03-2010 to a time when they have time to work on an ordinance that would facilitate such use and not just approving an addition to the FV-3 Zone. He believes the draft amendment needs some additional work. Commissioner Banks seconded the motion. Vote: Motion Carried (5-0).

**3-4. CUP 2010-10** Consideration and action on a request for approval of Conditional Use Permit CUP 2010-10 for a personal dog kennel in the AV-3 Zone, located at 3450 E 5150 N (Anne & Ron Talmage, Applicant; Paul Judd, Agent)

Michael Formica, also speaking on behalf of some of his neighbors, indicated his concern of receiving late notice of this proposal. Their concerns are that they moved to Ogden Valley for the peace and quiet and beauty of the valley. When the Planning Commission allows additional opportunities or uses like this particular use they should look at what the majority of the community desires. Will it be for breeding, a kennel, noise? These things affect your neighbors. There are 28 homes in the subdivision that are close and not all of them received notice of this proposal. Control and enforcement: Are they talking about breeding? Who will control the barking and the noise that occurs for hours? His property is not fenced and he is concerned with biting and violent dogs.

Iris Hennon indicated that the proposal is located on Lot 2 of Willowcreek Subdivision Phase 3. The applicants do not intend any commercial venture. They would like to keep their faithful companions. Their two older dogs live in the family portion of the home. The younger two live in a built kennel that is part of the applicant's workout basement. She spoke to three separate neighbors and everyone agree that there are some dogs in the area and there have been some other complaints about barking dogs. Animal Control suggested that if there is a problem, some bark collars should be purchased and some training done. As the older dogs expire, they will not replace them. The waste is double-bagged and disposed of properly.

Cliff Critchlow, a property owner to the north, indicated that this is a second home where the owners do not live there full time. When the dogs bark, they bark all the time. They have someone who comes in and takes care of the dogs once a day when they are not there.

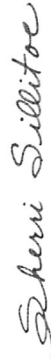
**MOTION:** Commissioner Allen move to approve CUP 2010-10 subject to all staff and other agency comments. Commissioner Banks seconded the motion. Vote: Motion Carried (5-0).

The remaining agenda items will be placed on the next agenda.

The appointments for the Ogden Valley Planning Commission will be made at next week's County Commission meeting.

There being no further business, the meeting was adjourned at 8:41 p.m.

Respectfully Submitted,



Sherri Sillitoe, Secretary  
Weber County Planning Commission

Minutes of the Ogden Valley Township Planning Commission Work Session held July 06, 2010, in the County Commission Breakout Room, in the Weber Center, commencing at 5:00 p.m.

Members Present: Greg Graves, Chair, Jim Banks, Kevin Parson, John Howell  
Member Excused: William Siegel

Staff Members Present: Rob Scott Planning Director, Scott Mendoza, Planner, Sean Wilkinson, Planner,  
Ben Hatfield, Planner, Sherri Sillitoe, Secretary

Chair Graves welcomed the newly appointed Planning Commission member, John Howell.

Rob Scott reported that Snow Basin has submitted their application for rezoning. The Planning Commission will meet on July 14, 2010 at 3:00 p.m. for a one-hour briefing and then a site field trip. Robert Scott indicated that Wednesday, August 4, 2010 is the date proposed to have a special meeting to hear Snow Basin's rezoning proposal. The question is whether to have the August 3, 2010 Work Session on August 4, 2010; a work session can be scheduled from 5:00-6:00 p.m. and then a public hearing at 6:00 p.m. for a regular meeting.

1. Huntsville /South Fork Sewer Study  
Curtis Christensen, Weber County Engineer, reported that a consultant, Sunrise Engineering, has been asked to study the south end of the Valley including Huntsville and the monastery. A public meeting will be held on the first and second week of August as a kick off meeting. This study is being done in conjunction with the Town of Huntsville. Ron Gleason indicated that he is on the Board of Directors of the Green Hills Water and Sewer District, indicated that they have not been contacted. According to the map, it looks like it overlaps into their system.
2. Amendment to Weber County Zoning Ordinance Chapter 45  
A conditional use proposal from Verizon for a cell tower was heard and the issue was approved without the proposed chain link fence. That item went to the Weber County Board of Adjustment. It was determined the majority of the property was in the FR-40 zone and therefore should be heard by the Western Weber County Township. An ordinance amendment will be presented to the Planning Commissions in the near future clarifying the township boundaries.

3. Residential Treatment Facilities Discussion  
As recommended on June 22, 2010 Zoning Ordinance Text Amendment ZO 2010-03 was continued to a work session for additional work. It was left unclear as to what portion of the draft amendment was not comfortable and needed to be worked on. Ben Hatfield reported that his staff report presented a discussion outline for this work session.

Commissioner Banks asked if the State would monitor the facility. Ben Hatfield indicated that the State Office of Human Services would monitor the facility.

Commissioner Howell asked how the facility would get the juvenile records of their clients. He believes they are only open to law enforcement. Mr. Hatfield indicated that he believes the records can also be open to the State Office of Human Services.

Items to be worked out at this meeting: "Should the Residential Treatment Facility be located on a main road?"

Commissioner Howell asked how many permanent staff would be on the premises to handle 36 clients 24 hours per day. Mr. Hatfield said he was told it was a 1:1 basis and the staff does not dwell on the property. Rob Scott indicated that those determinations are also made by the State as well.

“Does the Planning Commission consider a “Residential Treatment Facility” to be a needed use in the Ogden Valley?”

Commissioner Parson believes it is needed as long as the standards are included in the ordinance. Commissioner Graves said he believes the use could be located somewhere in the valley. Conditions could be added to the zoning ordinance not listing a particular zone so any proposal could be reviewed on a case-by-case basis. Acreage and setbacks are a concern. He believes setbacks should be 200 ft. on the sides and rear and 300 ft. front setbacks. For the 1-36 clients 20 acres should be required and for over 36 clients, 40 acres should be required. He realizes that the client’s application requested 36 clients on a 7-acre parcel. Rob Scott believes that it is under the Planning Commission’s purview to look at the entire Ogden Valley rather than one particular zone.

Commissioner Banks said he would like it to be centered on a public water system rather than their own water system.

Rob Scott believes they should define the Planning Commission concerns and not specific solutions:

The Fire Marshal has indicated that any home over 5,000 sq. ft. is required to be sprinklered with residential sprinklers. This building would be required to have a commercial sprinkler system.

If the use is allowed in multiple zones, should it be a permitted or conditional use?

Chair Graves indicated that he would prefer that it should be a conditional use so they can review the application specifics.

Does the proposed definition adequately define and describe the proposed use? Yes  
Where in the ordinance should it be allowed?

Chair Graves said in any zone, the conditions for the use would be the same.

Chair Graves said his preference would be that it should be on a main road. Depending on how it is built someone may not recognize what it is.

Discussed concerns: (determinations in bulleted points)

- Meeting any and all fire requirements
- Setbacks
- Acreage
- Access – Should it be on a main road or a back street
- Traffic impact study

The point has been raised that Weber County does not require traffic impact studies

- It was determined that this study should be required.

Would the Planning Commission entertain “Use traffic generation studies?”

- Yes

What locations or zones are appropriate for the proposed use?

- It was agreed that the AV-3, FV-3, F-5, F-10 and F-40 Zone would be appropriate if there are no glaring compatibility issues.
- Not FR-1 Zone and they would not allow it in a master-planned community in an RE-15 and RE-20 Zone

- Not in an S-1 Zone.
- No Commercial Zones

## Chapter 23:

Chair Graves indicated that he believes Section 1-6 is okay. He believes as far as acreage requirements, he believes that for 50 or less clients it should require 20 acres, and for greater than 50 clients– it should require 40 acres. He doesn't believe they should place a maximum cap on the number allowed. Rob Scott said they could still have control over the number if it was within a specific range

- 7b. Setbacks would be front 300 ft., side and rear setbacks 200 ft.
- 7c. Minimum width (frontage): (Ben: The ordinance defines the width as front setback of the zone) 200 ft. frontage

Spacing requirement from each use? If so, what is the reason for the spacing requirement? 5-10 miles – 1 mile? Commissioner Parson said he believes ultimately this use will be a quiet out of the way and will add to the architecture of the valley.

- 7d. 1 Mile minimum spacing

Chair Graves: They need more than two additional parking spaces.

Commissioner Parson: He believes they need at least 10 extra parking spaces

- Parking: 1 per staff plus 20 extra stalls for visitor parking minimum
- Add “a recreational facility under allowed accessory building.”
- Add “23-13 to add “language that no recovering substance abuse clients shall be allowed.”
- Take the associated definitions out of Chapter 1 and include in Chapter 23.

Building Height: (Same as the corresponding zone: 35 ft.)

If the proposed ordinance is ready, they would like to have the proposed ordinance changes heard at their July meeting.

4. Amendment to Weber County Zoning Ordinance Chapter 28 (Nonconforming Buildings, Uses, and Parcels) clarifying the definitions of “nonconforming uses/parcels” and “non-complying structures, eliminating language redundancies, and adding a new section addressing parcels that lie within roadways.

Chair Graves indicated that under 28-3, the entire 2<sup>nd</sup> sentence should be deleted. After a brief review of the proposed changes, no additional comments were made. This proposed ordinance will be placed on the next regular agenda.

## 7. Adjourn

There being no further business, the meeting was adjourned at 7:27 p.m.  
Respectfully Submitted,

Sherri Sillitoe, Secretary - Weber County Planning Commission



# Staff Report to the Ogdenville Planning Commission

*Weber County Planning Division*

## Synopsis

### Application Information

#### Application Request:

Consideration and or action on Zoning Ordinance Text Amendment #03-2010, an amendment to the Weber County Zoning Ordinance (Chapters 1, 5B, 8, 12B, and 23) by adding a “Residential Treatment Academy” as a Conditional Use to the AV-3, FV-3, F-5, F-10, and F-40 Zones. This amendment is also to include adding a definition for a Residential Treatment Academy to Chapter 1 General Provisions Section 6 Definitions and to add qualifying requirements to Chapter 23 Supplementary and Qualifying Regulations for a Residential Treatment Academy.

#### Agenda Date:

Tuesday, July 27, 2010

#### Applicant:

Green Valley Academy (Jared Balmer, agent)

#### File Number:

ZO 03-2010

### Property Information

#### Approximate Address:

NA

#### Project Area:

NA

#### Zoning:

AV-3, FV-3, F-5, F-10, and F-40 zones

#### Existing Land Use:

NA

#### Proposed Land Use:

Residential Treatment Academy

#### Parcel ID:

NA

#### Township, Range, Section:

NA

### Staff Information

#### Report Presenter:

Ben Hatfield

bhatfield@co.weber.ut.us

801-399-8766

#### Report Reviewer:

RS

## Applicable Ordinances

- Zoning Ordinance Chapter 1 General Provisions
- Zoning Ordinance Chapter 5B Agricultural Valley Zone AV-3
- Zoning Ordinance Chapter 8 Forest Zone F-5, F-10 and F-40
- Zoning Ordinance Chapter 12B Forest Valley Zone FV-3
- Zoning Ordinance Chapter 23 Supplementary and Qualifying Regulations

## Background

The petitioner’s request is to amend the Weber County Zoning Ordinance (Chapters 1, 12B, and 23) by adding a “Residential Treatment Academy” as a Conditional Use to the FV-3 Zone. The Ogdenville Township Planning Commission in their latest work session recommended that the use also be included in the AV-3, F-5, F-10, and F-40 Zones (Chapters 5B and 8). This amendment also includes adding a definition for a Residential Treatment Academy to Chapter 1 (General Provisions Section 6 Definitions) and adding qualifying requirements to Chapter 23 (Supplementary and Qualifying Regulations) for a Residential Treatment Academy. The purpose of the Residential Treatment Academy is to promote an individual’s emotional, social, and academic development, while providing a nurturing and therapeutic environment in a natural and rural residential setting.

This request was first reviewed by the Ogdenville Township Planning Commission on May 25, 2010 and it was continued so that the commission could gather more information about the proposal. The Planning Commission, on June 9, 2010, conducted a field trip to the Oakley School in Oakley, Utah in order to better understand and see an example of the type of use and facility being proposed.

The Planning Commission again reviewed this petition on June 22, 2010, and after receiving a substantial amount of public comment, once again continued the request due to being uncomfortable about the text proposed. During the Planning Commission’s July 6, 2010 work session staff and the Planning Commission reviewed the text and determined that:

- The use of a Residential Treatment Academy was desirable for the Ogden Valley as a Conditional Use and not a permitted use in the Forest Valley, Forest and Agricultural Zones.
- The definition proposed for a Residential Treatment Academy did adequately define and describe the proposed use.
- The proposed use was appropriate as a Conditional Use in the AV-3, FV-3, F-5, F-10, and F-40 Zones. Due to the nature of this use it would not be permitted in any other zones, e.g., Residential Estates, Forest Residential, Commercial, and Shoreline Zones.
- Additional site design characteristics were also suggested including:  
Site development standards of main structures for a Residential Treatment Academy:
 

A.	Minimum lot area	Twenty (20) acres for up to 50 Students; Forty (40) acres for more than 50 Students
B.	Minimum lot width	200 feet
C.	Minimum yard setbacks	
	1. Front	300 feet
	2. Side	200 feet
	3. Rear	200 feet
D.	Spacing	one mile of another Residential Treatment Academy
E.	Building height maximum	35 feet
- A minimum of twenty off street parking spaces plus one off street parking space for each staff member on shift at peak hours shall be provided.
- The Planning Commission also directed staff to address the supplementary regulations found in Chapter 23 as best staff found would apply. Staff has, therefore, made changes to what was proposed. Staff arranged the regulations in a rational order by group like requirements. Staff had concerns with the language describing a home with house parents, which was changed to academy staff. Changes regarding violent individuals and their offenses were clarified with reference to State Code definitions for habitual violent offenders. Staff also included academy architectural and landscaping standards regarding neighborhood compatibility for a distance of 1,320 feet from the academy.

A copy of these changes was posted to the Weber County Planning Division website on July 13, 2010 and has been attached to the staff report as exhibit A. Additionally, comments from the public have been received and included as exhibit C.

### **Summary of Planning Commission Considerations**

There are some additional items that the Planning Commission may consider for this petition;

- ❖ The applicant understands the purpose and intent of the Planning Commission's direction, and has made the following request. Setbacks could follow standards already in the ordinance (FV-3) governing Bed and Breakfast Inns. "The Inn shall be at least 300 ft. from the nearest existing dwelling. 12B-3-2.E". The applicant understands the concern for having this use near other dwellings and requests that academy's have a 150 foot setback from the lot line and 300 foot setback from the nearest existing dwelling.
- ❖ Staff also has concerns with the setbacks determined in the work session. Staff suggests that setbacks or buffers in the ordinance have been determined in either way, as measured to the lot line or as measured from use to adjacent dwellings. Staff suggests that 200 feet to the lot line is excessive and that 100 feet would allow sufficient distance between uses without restricting the potential site's buildable area. Staff has outlined in exhibit B an example of a 20 acre parcel with the setbacks which have been proposed.

### **Conformance to the General Plan**

Although the General Plan makes specific recommendations towards Commercial Developments and Uses, it typically leaves residential development of single family dwellings up to the individual land owner in regards to layout design and style of structures.

One Goal is to "Require that development be compatible with the Valley's Rural Character and natural setting." The Plan then states that ordinances are to "Determine the types of residential and commercial building materials and design that are compatible with the Valley's rural character." The Plan also states that there should be "sufficient flexibility in zoning ordinances for creative solutions to development conflicts."

The Zoning Ordinance does address the purpose of zoning and reasons for separating uses, "The Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare."

With the other similar uses permitted in this zone and the surrounding area the proposed use does conform to the Goals and Policies set forth in the Ogden Valley General Plan.

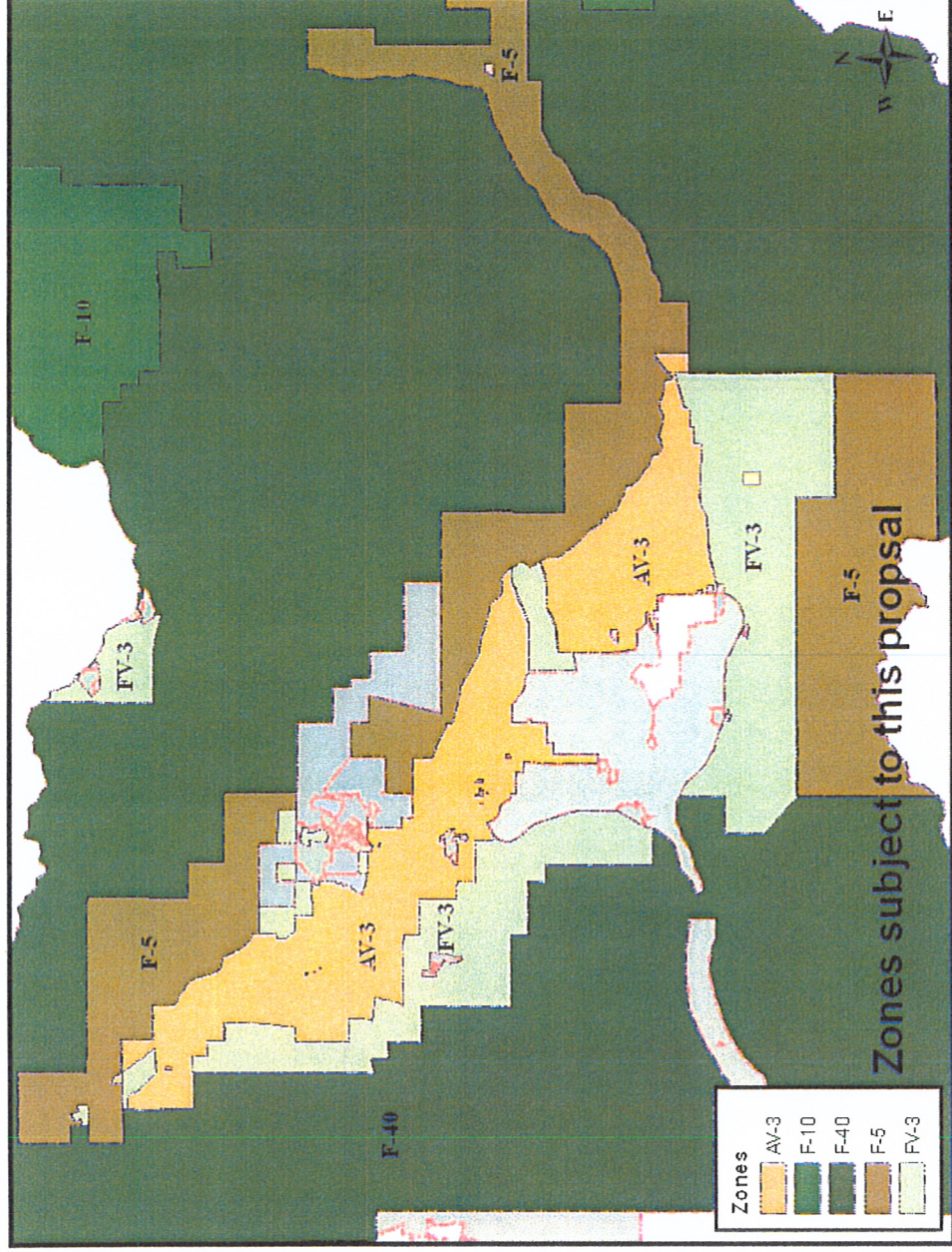
**Staff Recommendation**

Staff recommends that the Planning Commission consider the draft amendment, make any refinements, and make a recommendation to the County Commission. Staff advises that the Planning Commission have specified reasons for what is determined particularly regarding setbacks area requirements.

**Exhibits**

- A. The proposed amended text with staff changes since the July 6, 2010 work session
- B. Diagram of potential setbacks on a 20 acre parcel
- C. Citizen comments about the proposal

Map 1



## CHAPTER 23

### SUPPLEMENTARY AND QUALIFYING REGULATIONS

#### 23-28. Residential Treatment Academy – Facility Requirements

1. A Residential Treatment Academy shall:
  - A. Be operated by qualified licensed professionals certified by the Utah Department of Human Services, Office of Licensing;
  - B. Be occupied on a 24 hour basis by no more than thirty-six (36) qualified youth in a family structure type arrangement, which does not imply qualifications for single family dwellings.
  - C. Not be used as a drug or alcohol treatment rehabilitation facility.
2. The structures at the academy shall not be used as a lock-down facility for the incarceration of the youth it houses.
3. The academy shall be permanently staffed by qualified licensed staff who will serve the youth who reside therein. Their duties will be as follows:
  - A. To supervise the orderly function of the academy;
  - B. To assist in meal preparation for the youth who occupy the academy;
  - C. To assign the duties, chores, and other tasks to each of the youth;
  - D. Supervise the preparation of homework and studies each of the youth is required to complete for their education in the accredited, on-site school;
  - E. To immediately report to local authorities and the appropriate State Agencies as required by the State of Utah licensing standards any difficulties, problems, breaches of the peace, or violations of law engaged in by any staff or the youth under their care;
  - F. To also report the same conduct to the organization who employs them directly.
4. The academy and staff must meet the standards of the Department of Human Services and obtain all licenses, permits, or clearance required by the State of Utah before undertaking their duties and/or operation.
5. In the event that staff of the academy terminate their employment without first training suitable replacements, the academy must replace them with trained staff or the academy must cease operating.
6. In all instances, the program must adhere to State of Utah licensing standards related to staff to student ratios.
7. Emotionally Disabled youth who qualify for placement in the academy shall:
  - A. All be of the same gender within sleeping/living areas of the academy;
  - B. Be no less than 13 years of age and no more than 17.9 years of age;
  - C. House adolescents whose respective ages span more than five years. For instance, if the academy houses adolescents 13 years of age, the oldest adolescent in the academy can be no more than 17.9 years of age;
  - D. Attend on-site accredited schooling;
  - E. Meet the requirements of emotionally disabled as diagnosed by a licensed professional;
  - F. Be placed at the academy only on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
  - G. Not be individuals who are considered violent; nor with such severe psychiatric problems that they present a danger to themselves or others. Or individuals whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others;
  - H. Not be any individual being treated for alcoholism or drug dependency;
  - I. Not be charged or convicted of any violent felony offense as defined by Utah State Code 76-3-203.5 e.g., sexual offense, arson, or aggravated assault.
8. The academy's architectural style and landscaping improvements, as required in Chapter 18C, shall be compatible with the surrounding neighborhood, e.g., main structures within a 1,320 foot radius.
9. Site development standards of main structures for a Residential Treatment Academy:
  - A. Minimum lot area  
Twenty (20) acres
  - B. Minimum lot width  
200 feet
  - C. Minimum yard setbacks

1. Front 300 feet
  2. Side 200 feet
  3. Rear 200 feet
- D. Spacing one mile of another Residential Treatment Academy
- E. Building height maximum 35 feet
10. A minimum of twenty off street parking spaces plus one off street parking space for each staff member on shift at peak hours shall be provided.
11. A Residential Treatment Academy may have additional structures, which shall comply with all zoning requirements, for the instruction, housing, maintenance, and storage needs associated with this use. Such structures may include classrooms, administrative offices, recreational facilities, dormitory/ congregate housing facilities, garages or barns as accessory in conjunction to this use.
12. The academy shall meet all applicable building, safety, zoning, and health codes and ordinances applicable to similar uses and structures.
13. The land use permit, and any other license granted in accordance with the provisions of this ordinance, is non transferable and terminates if the structure or parcel is devoted to a use other than as a Residential Treatment Academy or if the structure or parcel fails to comply with the County's building, safety, and health codes or the requirements of this ordinance.
14. The academy must be licensed by the County's Business Licensing Division with the original license and any renewals thereof are subject to the inspection of Weber County.
- 

## CHAPTER 1

### GENERAL PROVISIONS

#### 1-6. Definitions Residential Treatment Academy:

A residential facility, not to be considered as single family dwelling, wherein a 24-hour congregate or group living environment providing support for up to 36 individuals unrelated to the owners or providers. A residential treatment academy facility provides continuous supervision and support to youth/students by a trained faculty. Students admitted to this type of environment have a treatable diagnosis. The special treatable needs of these students include physical and psychological disabilities, depression, anxiety, poor social skills, autistic symptoms, relationship problems, learning challenges, and family dysfunction.

Within the residential treatment Academy, persons with a history of criminal or assaultive behaviors will not be accepted. Additionally, students who have been diagnosed with conduct disorders, alcohol or drug dependency, sexual perpetrators, or students who might pose a known risk to the community will not be accepted for enrollment. The purpose of the program is to provide a nurturing and therapeutic environment that will promote emotional, social, and academic development.

The Residential Treatment Academy and faculty must be approved by the Utah State Department of Social Services Office of Licensing which provides, at a minimum, annual site reviews following initial approval and be:

- A. Licensed or certified by the department of human services under title 62A, chapter 2, of the Utah code, licensure of programs and facilities; or
- B. Licensed or certified by the department of health under title 26, chapter 21, of the Utah code health care facility licensing and inspection act.

**AGRICULTURAL VALLEY AV-3 ZONE**

**5B-4 Conditional Uses**

27. Residential Treatment Academy meeting the requirements of Chapter 23-28 of this Ordinance.
- 

**CHAPTER 8**

**FOREST ZONES F-5, F-10, AND F-40**

**8-3 Conditional Uses**

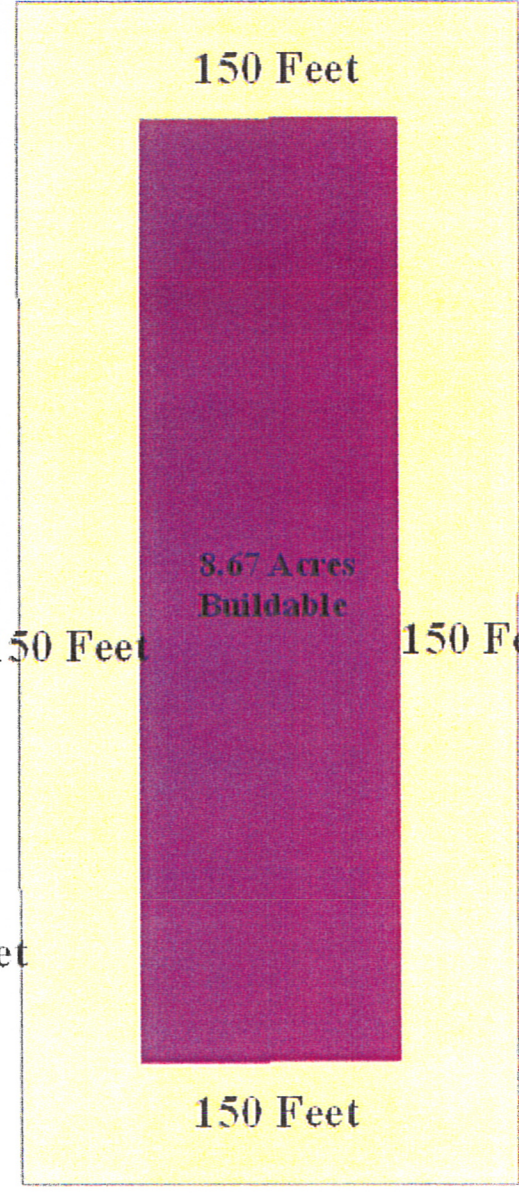
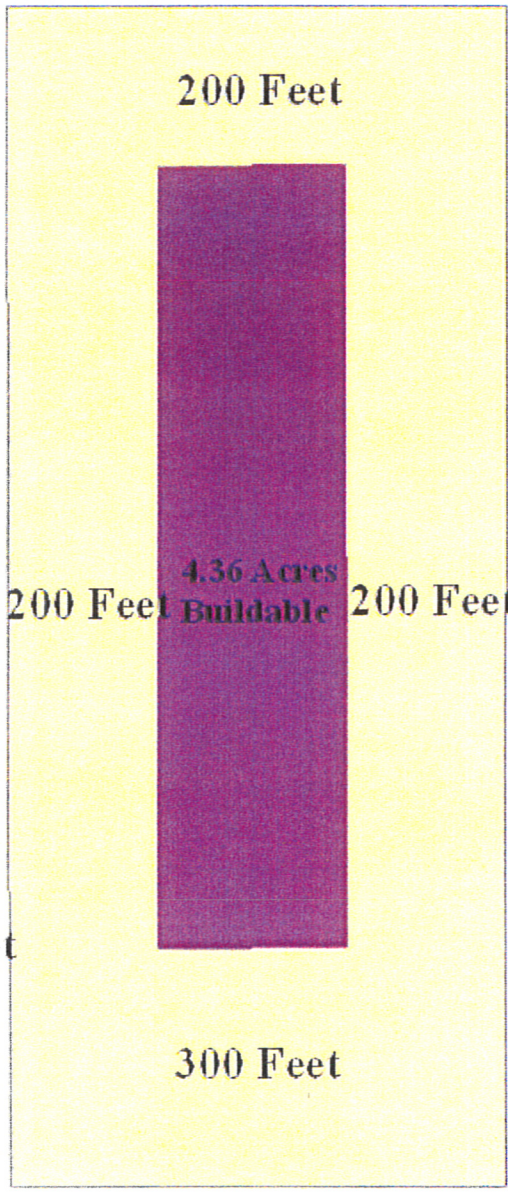
20. Residential Treatment Academy meeting the requirements of Chapter 23-28 of this Ordinance and located only in the Ogden Valley.
- 

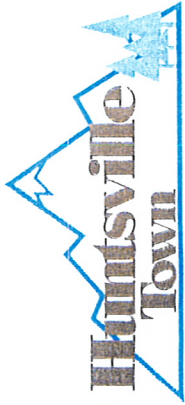
**CHAPTER 12-B**

**FOREST VALLEY ZONE FV-3**

**12B-3. Conditional Uses**

20. Residential Treatment Academy meeting the requirements of Chapter 23-28 of this Ordinance.
-





**Phone** 801.745.3420

**Fax** 801.745.1792

**Web** [HuntsvilleTown.com](http://HuntsvilleTown.com)

P.O. Box 267  
Huntsville, UT 84317

**Mayor**

Jim A. Truett

**Town Council**

Richard L. Sorensen

Steve Johnson

Max Ferre'

Alan Clapperton

**Town Clerk/Recorder**

Gail Ahlstrom

**Treasurer**

Ramona Clapperton

Ogden Valley Planning  
Commissioner



## Resolution 2010-7-15

Phone 801.745.3420  
Fax 801.745.1792

Web [HuntsvilleTown.com](http://HuntsvilleTown.com)

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Huntsville, UT 84317

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Alan Clapperton

### Town Clerk/Recorder

Gail Ahlstrom

### Treasurer

Ramona Clapperton

*A resolution to the Ogden Valley Planning Commission opposing the requested zoning ordinance text amendment to the FV-3 zone.*

### To: All Ogden Valley Planning Commission Members

- Whereas:** The Ogden Valley Planning Commission is considering a substantial ordinance text amendment request that will impact many areas of the Ogden Valley;
- Whereas:** The Green Valley Academy is petitioning Weber County to change the zoning text of the FV-3 zone to allow a large commercial business to operate in a predominantly residential and agricultural zone;
- Whereas:** The definition of the FV-3 zone is: To provide for a residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development;
- Whereas:** The FV-3 zone covers a large portion of the valley floor;
- Whereas:** The Green Valley Academy has a property under contract that is within the boundaries listed in the Huntsville General plan as potential property for future annexation;
- Whereas:** The town of Huntsville is currently considering the annexation of property outside of its current boundaries;
- Whereas:** The Huntsville Water treatment plant and a back up water source are located within ½ mile of the property proposed for the academy and a water protection zone has not been addressed;
- Whereas:** The requested rezone would likely allow several similar commercial businesses to dot the landscape of Ogden Valley in areas Master planned for residential and agricultural use;
- Whereas:** The OVPC decision is supposed to be site neutral even though a site has already been negotiated and a financial transaction has occurred;
- And Whereas:** Weber County standards currently allow residential treatment facilities for up to 8 clients in a residential neighborhood in accordance with Federal and State laws;

**Now Therefore Be It Resolved:** The Huntsville Town Council hereby opposes the requested zoning ordinance text amendment to the FV-3, F-5, F-10, F-40 and AV-3 Zones and urges the Ogden Valley Planning Commission to disapprove of the requested amendment to the text of these zones.

**Be It Further Resolved:** The Huntsville Town Council recommends that, if allowed at all as a conditional use, a Commercial Zone would be a better location for a Residential Treatment Academy.

**Resolution 2010-7-15**

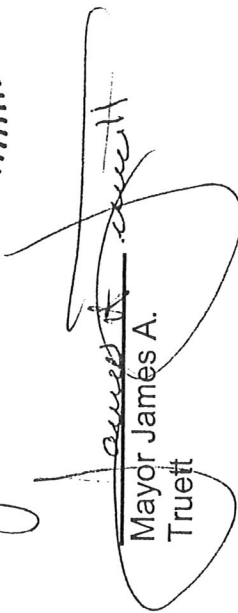
<u>Roll Call:</u>	<u>Yea</u>	<u>Nay</u>
Mayor Truett	✓	
CM Clapperton	✓	
CM Ferre	✓	
CM Johnson	✓	
CM Sorensen	Excused	

Dated this 15<sup>th</sup> day  
of July, 2010.

Attest:

  
Gail Ahlstrom



  
Mayor James A.  
Truett

## Hatfield, Ben

---

**From:** Sillitoe, Sherri L.  
**Sent:** Monday, July 19, 2010 10:26 AM  
**To:** 'Banksbackhoe@msn.com'; Gary Allen; 'Greg Graves'; John Howell; 'kparson@digis.net'; Laura Warburton (Freedom@ourbigworld.us); 'William.Siegel2@Hill.AF.Mil'  
**Subject:** FW: Proposed Ordinance Change for Residential Facilities.

---

**From:** Sharon Holmstrom [mailto:s.holmstrom@ovalley.net]  
**Sent:** Monday, July 19, 2010 9:29 AM  
**To:** Sillitoe, Sherri L.  
**Subject:** Proposed Ordinance Change for Residential Facilities.

Hi Sherrie,

I just realized that I let the July 16 deadline for comments to the PC pass me by. I have only a few comments to make about the proposed zoning change to allow for facilities in residential zones.

1. Ogden Valley is not a city, upon which this ordinance may have been patterned.
2. Even in cities (Ogden is a perfect example) all of the uses contained within the ordinance can be found in Commercial zones, not residential.
3. The proposed use is a commercial one, as large as any hotel, hospital, etc. and belongs in the commercial zone.
4. Homeowners must have the guarantee of the zone that they buy into that commercial uses will not be allowed. A home is a lifetime investment that should not be devalued by changes of use within the zone.
5. Please consider taking this ordinance and instead of the FV3, AV3 zones change it to the commercial zones instead.

We have plenty of attractive commercial areas where large institutional facilities could be located.

Sharon Holmstrom  
3128 North River Drive  
[s.holmstrom@ovalley.net](mailto:s.holmstrom@ovalley.net)

I don't know if you can get this to the commissioners but I would most appreciate it. Thanks, Sherrie.

Dear Commissioner,

We are writing regarding the amazing recommendation that you are about to give the Weber County Commissioners, to change the entire Ogden Valley zoning, all for the benefit of one business that wants to establish in a residential area. Why do we say amazing? Because it is amazing that such a thing would even be considered! Why should you the entire rural Ogden Valley be opened up to possible commercial development in any 20 acre parcel that is available, anywhere in the valley, except commercial (which is the one place it should be allowed)???. This is terribly irresponsible development, and goes expressly against the Ogden Valley Master plan. What will be gained? The possible ramifications from this are so outrageous that it is almost laughable that it is really even being considered. Really???. Opening up the entire valley to commercial business of this type in any zone is a blunder so big that maybe, the Weber County Commissioners might even see it for the major mistake that it is and save the valley from being plundered into commercial oblivion. We can only hope someone will take a stand and do the right thing. Please, consider the consequences.

Respectfully,

Doug and Laurel Kirkham  
Huntsville

**Hatfield, Ben**

---

**From:** Sillitoe, Sherri L.  
**Sent:** Monday, July 19, 2010 10:18 AM  
**To:** 'Banksbackhoe@msn.com'; Gary Allen; 'Greg Graves'; John Howell; 'kparson@digis.net'; Laura Warburton (Freedom@ourbigworld.us); 'William.Siegel2@Hill.AF.Mil'  
**Subject:** FW: Residential Treatment Academy Proposed Amendments

For your information

**From:** DRK801@aol.com [mailto:DRK801@aol.com]  
**Sent:** Saturday, July 17, 2010 10:21 AM  
**To:** Sillitoe, Sherri L.  
**Subject:** Residential Treatment Academy Proposed Amendments

Ms Sherry Sillitoe  
Planning Dept  
Ogden Valley Township Planning Commission

Dear Ms. Sillitoe:

I am strongly opposed to these changes. They are not in usage with the original Ogden Valley master plan and would open up what is residential areas to a big business concern. There is nothing in these regulations that would prevent an academy from growing from 36 to large number of residents. The existing infrastructure is inadequate to support this type of facility.

I would strong urge the commission not to accept these changes. Please distribute this letter to all the members of the planning commission.

Thank you for your assistance.

David King  
1769 south 8900 East  
Huntsville, UT 84317

July 16, 2010

Ogden Valley Planning Commission Members

Dear Planning Commission Members:

Respectfully, here is a submission of comments from me for the record regarding the recommendations to include provisions that will accept a Residential Treatment Academy as a Conditional Use in the Agricultural Valley Zone AV-3.

This issue is not about the clients that would be housed within the building seeking the services of the facility. It is about the physical presence of the facility and the negative and non-compatible conflicting impacts its presence would bring to neighbors currently living and financially invested in the residential AV-3 zone.

In order to more clearly illustrate how my comments show non-conformance to both the macro and micro specifics of the Ogden Valley General Plan and the will of the Ogden Valley citizens that overwhelming participated in, developed, and supported this plan, I have copied several sections of the plan and enclosed them the end of this letter for your easy perusal.

The uses, size and impacts of the Residential Treatment Academy do not conform to any existing criteria outlined in the residential Agricultural Valley Zone AV-3. (It is a stretch that it conforms to a liberal interpretation existing multi-use FV-3 zone, which is the zone that the petitioner originally asked for consideration). Now the recommendation is to expand this conditional use to AV-3. That is not a recommendation that should be approved.

Residential Treatment Facility Comments – (continued)

If I understand correctly a component of the recommendation the planning commission is being asked to accept, de facto, is that large commercial, hotel like buildings, that could be upward of 100,000 square feet or more, plus parking, etc., that are not currently permitted in an AV-3 zone, should be permitted in AV-3, with some supposedly mitigating conditions.

One of the proposals to mitigate this giant commercial building, that would ruin a neighborhood, is to have buffers of 200' to 300' and to place it on 20 acres. That is not sufficient. In fact, there is no way to adequately buffer a physical and visual building of this size and the impacts it causes from traffic, staff, food service, sewage, etc. on the existing and surrounding neighborhood and the lives of the families living their lives in compliance with the permitted uses in AV-3.

When preceding property owners in this zone purchased their property and signed long term mortgages on it, they would have never expected that a hotel like, hospital like, complex could be build next door. Acceptance by the planning commission of this recommendation would devalue and infringe on next-door neighbors private property rights and the expectations that they reasonably had when they bought into their AV-3 neighborhood. Expectations based on clearly spelled out uses for that zone. Buildings like these will undoubtedly devalue neighboring property values if allowed. It will certainly devalue the expected quality of life existing residents have now, and planned for then, when they made their significant financial investment in their neighborhoods originally.

Acceptance of the recommendation is contrary not only to the specifics stated in the AV-3 5B-1 Purpose and Intent, 5B-1A Agricultural Preferred use (enclosed), but the recommendation is also not in compliance with Ogden Valley General Plan and the will of it citizens. Without listing every example in the general plan that a hotel like building in AV-3 conflicts with, I have provided the 3 Ogden Valley Vision Statements this recommendation is in conflict with (see below).

Page 3

Residential Treatment Facility Comments – (continued)

It seems to me that during the first meeting that this was proposed the issue seemed to focus on who are the clients inside the building. That isn't the issue in my view. Whether the clients inside have natural disabilities or are seeking treatment and rehabilitation from drugs or alcohol, or whatever else, it is the outside of the physical, visual building, and the impacts from the uses that creates the non-conforming conflicts. These structures do not belong in AV-3. Locate them in the commercial zones. Deny this conditional use in AV-3.

During that first meeting it also seemed to me that instinctively you each new that these types of buildings were not compatible with the will of the citizens, the general plan, and were certainly not compatible with AV-3 zoning. Please deny locating these types of facilities, uses and buildings in AV-3. They are inappropriate. Protect the property rights of the current residents within AV-3.

Once again, this is not about who is resides inside these types of facilities. It is about denying commercial buildings of this size and the negatives impacts associated with them from being located within the AV-3 zone.

Vote negative on the recommendation to place buildings like these within the AV-3 zone. Support and uphold our general plan. Support the will of the citizens and neighbors in the community that you represent! You have that option before you.

Respectfully,

Kirk Langford

Box 600

Eden, Utah 84310

Cc: Weber County Commissioners

Enclosures:

2 Ogden Valley Vision Statements

Ogden Valley is a place which:

- Values and protects its natural beauty and natural resources
- Cherishes and maintains its rural atmosphere and rural lifestyle
- Empowers its citizenry to take part in decisions affecting the Valley

## Agricultural Valley Zone AV-3

From Weber County Wiki

(Redirected from [AV-3](#))

### 5B-1 Purpose and Intent

The purpose of the AV-3 Zone is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low density residential development in a continuing rural environment.

#### Contents [hide]

- 5B-1 Purpose and Intent
- 5B-1A Agriculture Preferred Use
- 5B-2 Permitted Uses
- 5B-3 Permitted Uses Requiring Five (5) Ares  
Minimum Lot Area
- 5B-4 Conditional Uses
- 5B-5 Site Development Standards
- 5B-6 Permitted Signs

### 5B-1A Agriculture Preferred Use

Agriculture is the preferred use in Agricultural Valley, AV-3. 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.

## 5B-2 Permitted Uses

1. Accessory building or use customarily incidental to any permitted or conditional use
2. Agriculture, agricultural experiment station; apiary; aviary; aquarium
3. Animals or fowl kept for family food production as an accessory use
4. Cemetery; chinchilla raising, convalescent or rest home.
5. Church, synagogue or similar building used for regular religious worship
6. Cluster subdivision in accordance with Chapter 22B of this Zoning Ordinance
7. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than one hundred (100) feet from a public street and not less than twenty-five (25) feet from any rear or side lot line
8. Fruit or vegetable stand for produce grown on the premises only
9. Golf course, except miniature golf course
10. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation
11. Home occupations - with no visiting clientele
12. Household pets which do not constitute a kennel
13. Parking lot accessory to uses allowed in this zone
14. Private park, playground or recreation area, but not including privately owned commercial amusement business
15. Private stables, horses for private use only and provided that not more than two (2) horses may be kept for each twenty thousand (20,000) square feet of area devoted exclusively to the keeping of the horses.
16. Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools
17. Residential Facility for Handicapped Persons meeting the

requirements of Chapter 23-26 of this Ordinance Weber County  
Zoning Ordinance Page 5B-2

18. Residential Facility for Elderly Persons meeting the requirements of Chapter 23-28 of this Ordinance 19
19. Single Family Dwelling
20. Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work

### **5B-3 Permitted Uses Requiring Five (5) Ares Minimum Lot Area**

1. Dairy farm and milk processing and sale provided at least fifty (50) percent of milk processed and sold is produced on the premises
2. Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver
3. Fruit and vegetable storage and packing plant for produce grown on premises.
4. The keeping and raising of not more than ten (10) hogs more than sixteen (16) weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises
5. The raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughter house shall:
  1. not exceed a density of twenty-five (25) head per acre of used and;
  2. be carried on during the period of September 15 through April 15 only;
  3. be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,

4. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation
6. The use of farm equipment by a farm operator for off-farm contracting work to supplement farm income

## 5B-4 Conditional Uses

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance.

1. Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.
2. Animal hospital or clinic, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line
3. Dog breeding and dog kennels on a minimum of two (2) acres, on a legal non-conforming lot, as an accessory use to a single family dwelling, limited to 10 dogs of more than 10 weeks old. Any building or enclosure for the dogs shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence
4. Child day care
5. Circus or transient amusement
6. Educational/Institutional identification sign
7. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for

garden and lawn care and the growing and sale of sod

8. Home occupations - with visiting clientele
9. Laboratory facility for agricultural products and soils testing 99-9
10. Petting Zoo where accessed by a collector road as shown on the County road plan 2007-2
11. Planned Residential Unit Development in accordance with Chapter 22C of this Zoning Ordinance
12. Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business
13. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses Weber County Zoning Ordinance Page 5B-4
14. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 5 horses per acre
15. Public storage facilities developed by a public agency and meeting requirements of Chapter 26 of this Zoning Ordinance
16. Public Utility Substations
17. Radio or television station or tower
18. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time.
19. Residential facility for troubled youth subject to the requirements listed in Chapter 23-27
20. School bus parking, provided the vehicle is parked at least 30 feet from a public street
21. Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres
22. Sugar beet loading or collection station
23. The overnight parking of not more than one vehicle other than an

automobile, light truck or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street

24. The storage and use of light construction equipment such as a backhoe, front end loader or up to a ten wheel truck for off-premise contract work by the owner resident of property of not less than five acres in area
25. Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations  
Small Wind Energy System

## Forest Valley Zone FV-3

From Weber County Wiki

(Redirected from [FV-3](#))

### 12B-1 Zone Character and Objectives

The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

#### Contents [hide]

[12B-1 Zone Character and Objectives](#)

[12B-2 Permitted Uses](#)

[12B-3 Conditional Uses](#)

[12B-4 Permitted Signs and Regulations](#)

[12B-5 Site Development Standards](#)

## 12B-2 Permitted Uses

21. Accessory building or accessory use customarily incidental to a permitted use
22. Agriculture
23. Animals and fowl kept for family food production
24. Cluster subdivision, in accordance with Chapter 22B
25. Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than one hundred (100) feet from a public street, and not less than twenty-five (25) feet from any side or rear lot line
26. Greenhouse, non-commercial only
27. Home occupations - with no visiting clientele
28. Horses for private use only, and provided that not more than two (2) horses may be kept for each one (1) acre of land exclusively devoted to the keeping of horses.
29. Household pets which do not constitute a kennel.
30. Single family dwelling
31. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work
32. Residential Facilities for Handicapped Persons meeting the requirements of Chapter 23-26 of this Ordinance

## 12B-3 Conditional Uses

The following uses shall be permitted only when authorized by a Conditional Use permit obtained as provided in Chapter 22C:

7. Bed and Breakfast dwelling subject to the following standards:
  1. Two parking spaces shall be provided for the host family plus one space for each guest room;
  2. Proprietor or owner shall occupy the property;
  3. Meals shall only be served to overnight guests;
  4. Signs are limited to a name plate identification sign not exceeding

- 2 sq. ft. in area per dwelling;
5. Not more than 2 guests sleeping rooms per dwelling;
6. Allowed only in existing dwellings with no exterior additions nor change in residential character; and
7. Business license shall be obtained
8. Bed and Breakfast Inn subject to the following standards and criteria:
  1. Proprietor or owner shall occupy the premises;
  2. Not more than seven (7) sleeping rooms per inn; 2003-2
  3. The lot shall be at least three ( 3) acres in area with frontage on a public street of at least two hundred (250) feet in width;
  4. The lot shall have frontage on a major street as shown on the County Master Plan (State Highway or County Major Street);
  5. The Inn shall be at least 300 ft. from the nearest existing dwelling;
  6. Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
  7. The guest parking shall be in the rear of the Inn;
  8. Meals shall be served to registered overnight guests only;
  9. Signs are limited to one name plate or one identification sign of not more than 8 sq. ft. in area;
  10. The site shall be landscaped to provide a visual and noise buffer to adjoining property; A Landscape Plan shall be submitted with Site Plan.
  11. The Inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
  12. A business license shall be obtained;
  13. All units to be in one building together with owner's residence.
9. Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75 participants and not more than 4 events held per calendar month, and only when conducted as an accessory use to an approved bed and breakfast inn 2007-7
10. Church, synagogue or similar permanent building used for regular religious worship

11. Conference/Education Center
12. Educational Institution
13. Educational/Institutional Identification Sign
14. Golf course, except miniature golf
15. Home occupations - with visiting clientele
16. Parking lot accessory to uses permitted in this zone
17. Planned Residential Unit Development in accordance with Chapter 22D of this Zoning Ordinance
18. Private park, playground or recreation area, but not including privately owned commercial amusement business
19. Public building, public park, recreation grounds and associated buildings
20. Public Utility Substations
21. Recreation Lodge
22. Ski resorts, including summer skate board activities as an accessory use
23. Water pumping plants and reservoirs
24. Recreation Lodge
25. Wastewater treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.

## 12B-4 Permitted Signs and Regulations

### **Name Plate**

One (1) name plate for each dwelling unit, not exceeding two (2) square feet in area, indicating the name of the occupant and/or permitted home occupation

### **Identification Signs**

One (1) sign, not exceeding eight (8) square feet in area

### **Property Signs**

One or more signs not exceeding eight (8) square feet in combined total area for each street frontage of the lot, appertaining to lease or sale of the property. In addition, one or more signs of a temporary nature for each

approved subdivision under development, or main building or uses under development other than dwellings, provided such signs shall not exceed in combined total area two hundred (200) square feet and that no one sign shall exceed one hundred (100) square feet in area.

#### **Location of Signs**

Identification signs shall not be in any required front or side yard except that signs attached to a building may project not more than six (6) feet into a required yard and must be not less than ten (10) feet above the ground. Property signs shall be located not closer than ten (10) feet to any property line. Name plates may be located on the main structure.

#### **Lighting of signs**

Signs may be illuminated or floodlighted by indirect lighting only and the source of light shall not be visible beyond the property upon which located nor constitute a nuisance. Visible luminous tubes shall be considered as direct lighting. Animated signs are prohibited

**Signs shall meet requirements of Chapter 32-B, Valley Commercial Signs if located within the Ogden Valley area.**



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Zoning Petition to amend the Weber County Zoning Ordinance Chapter 31 Administration

**Agenda Date:** Tuesday, July 27, 2010

**Applicant:** Planning Staff

**File Number:** Zoning Petition 11-09

### Staff Information

**Report** Jim Gentry

**Presenter:** jgentry@co.weber.ut.us  
801-399-8767

**Report** RS

**Reviewer:**

## Background

In 2009 the Planning Commissions and Planning Staff worked on making zoning ordinance revisions to Chapter 31 Land Use Permit, Building Permit, and Certificate of Occupancy. During that review the role and authority of the Planning Director and Chief Building Official was brought up to date, e.g., the Planning Director is responsible for enforcement of the zoning ordinance. The role and authority of the Planning Commissions was established in a new Chapter 45 Planning Commission that was adopted on March 9, 2010.

It is now time to complete the update to Chapter 31 Administration. This chapter is being revised to clarify how applications are processed. Chapter 31 Administration Chapter identifies the decision-making processes as currently established for both legislative and administrative decisions. Currently administrative decisions made by Staff include minor site plan amendments, approval of small site plans, minor subdivisions, building permits, etc.

If some administrative decisions were delegated this would allow greater flexibility in how the Planning Commissions may spend their time, e.g., if the Planning Commissions are involved in fewer administrative decisions this will allow for additional time to spend on long range planning / legislative decision processes, e.g., general plans and ordinance work. Section 31-2 lists what applications can be approved administratively. The Planning Commission determine during the work sessions to consider subdivisions and Home Occupation with visiting clientele as an administrative approval item. Administrative approval of subdivisions will be discussed as part of the amendment to Chapter One of the Subdivision Ordinance. Staff is asking the Planning Commission to consider adding home occupations with visiting clientele as an item to be approved administratively. Staff is requesting this addition since conditional uses can't be denied if the issues can be mitigated. The Home Occupation Chapter has strong standards for such items as day care and beauty salons, which are the two most common home occupations with visiting clientele. Any applications that are approved administratively will be reported to the Planning Commission as part of the Director's report.

### Deleted Sections:

Section 31-4 Amendments This section is deleted as part of this amendment. Provisions for making zoning amendments have been shifted to Chapter 35 Petitioners Requirements – Rezone Procedure – Development Agreement).

Section 31-9 Emergency Clause This section is deleted as part of this amendment. This section used an emergency clause to adopt the existing ordinance. It is not necessary in this case.

**New or revised Sections:**

Section 31-1 Purpose and Intent This section defines what the purpose and intent of the chapter, which is to provide direction on the administration and management of the Weber County Zoning Ordinance.

Section 31-2 Administrative Authority This section explains the administrative authority of the Planning Director. The Planning Commission needs to specify which applications the Planning Director will have administrative authority to approve. Currently, the subdivision ordinance allows the Planning Director to administratively approve subdivisions consisting of three (3) or fewer lots for which no streets will be created or realigned, or an amended subdivision consisting of five (5) or fewer lots and for which no new streets will be created or realigned; or a subdivision phase consisting of five (5) or fewer lots which has a valid preliminary approval and meets all conditions of preliminary approval, including proposed street layouts; or combining of lots within an approved subdivision which meet ordinance requirements. The Planning Director can also approve site plans with buildings less than 10,000 square feet located on a parcel less than one acre in size, and home occupations without visiting clientele.

Section 31-3 Fees for Processing Applications The Planning Division fees are adopted by ordinance. Applications except subdivisions that have been deemed complete and have not been acted on by the appropriate board shall expire after six-months. The applicant will have to submit a new application and fees to restart the process.

Section 31-4 Notice of Decision After an approving authority makes a decision; a written notice of decision based on the findings is sent to the applicant. The notice of decision can be either a written copy or a copy of the approved minutes.

Section 31-5 Hearing and Publication Notice-for County Commission This section contains a minor change in the notice requirement for County Commission public hearings.

Section 31-6 Permits and Licensing This section explains that permits or licenses that are issued need to conform to the provisions of this Ordinance. This section also explains that if there are violations on the property, permits and licenses can be withheld until the violations are resolved.

Section 31-7 Appeals This section explains who the appeal authority is for the different applications and indicates that those appeals need to be filed within 15 days from the date of the written decision.

Section 31-8 Temporary Exceptions There were minor changes made to this section.

Section 31-9 Penalties The violation of the provisions of this ordinance is a misdemeanor offense and is punishable as provided by law. Minor clarifications were made to this section.

Section 31-10 Validity Minor clarifications were made to this section.

## Staff Recommendations

Staff recommends the Planning Commission recommend to the County Commission approval of the proposed amendments to Chapter 31 of the Weber County Zoning Ordinance. The motion needs to include a recommendation to make home occupations with visiting clientele an administrative approval.

**Attached:**  
Proposed Ordinance

## CHAPTER 31

# ADMINISTRATION

June 1, 2010

- 31-1. Purpose and Intent
- ~~31-2.~~ Amendments
- ~~31-3.~~ Powers and Duties
- 31-2 Administrative Authority
- 31-3 Notice of Decision
- 31-74. Fees for Processing Zoning Petitions and Planned Residential Unit Developments Application
- 31-95. Hearing and Publication Notice for County Commission
- 31-106. Permits and Licensing
- 31-117. Appeals
- 31-128. Temporary Exceptions
- 31-139. Penalties
- 31-1410. Validity

### ~~31-4.~~ Amendments

### ~~31-4.~~ Amendments

The Board of County Commissioners may from time to time amend the number, shape, boundaries or area of any district or districts of any zone, or any regulations of or within such district or districts or zones, or any other provisions of the Zoning Ordinance, but any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval, or suggestion of the District Planning Commission, if the area for which the change is proposed is located within a planning district, or of the County Planning Commission if the area is not located within a planning district, and if disapproved by such commission within thirty (30) days after such submission, such amendment, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the Board of County Commissioners. Where the area for which the change is proposed is located within a planning district the Zoning Ordinance shall be submitted by the District Planning Commission to the County Planning Commission for its approval, disapproval or suggestions, and both recommendations shall be made to the Board of County Commissioners.

### 31-1 Purpose and Intent

The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by the Weber County Zoning Ordinance.

### 31-2 Administrative Authority

The Planning Director, or designee, is authorized to deny, approve, or approve with conditions an application for an administrative approval. Administrative approval can be given for the following applications: site plans with buildings under 10,000 square feet located on a parcel less than one acre in size, home occupations with or without visiting clientele, combining of lots within an approved

subdivision which meet ordinance requirements, and minor subdivisions as defined by the subdivision definition. The Planning Director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in this ordinance or if any of the required findings are not supported by evidence in the record as determined by the Director. At the discretion of the Planning Director, the Planning Commission can hear the request for an administrative approval.

The administrative approval process includes public notice and comment from adjacent property owners, as required by state code.

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**31-73 Fees for Processing Zoning Petitions and Planned Residential Unit Developments- Applications**

Fees for processing applications-zoning petitions, conditional-use applications, Board of Adjustment applications, excavation applications and Planned Residential Unit Developments shall be recommended by the Planning Commission Division for adoption by resolution by the County Commission. The applications fees shall be reviewed and approved yearly for possible fee changes. Collection of fees shall be the responsibility of the Planning Commission Division.

Fees for processing applications shall be established by ordinance.

Applications except subdivisions that have been deemed complete and have not been acted on by the appropriate board, shall expire after six-months. The applicant will have to submit a new application and fees to restart the process.

---

**31-4 Notice of Decision**

After hearing the evidence and considering the application, the approving authority (Planning Commission, Board of Adjustment and County Commission on land use applications) shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A Notice of Decision can either be a written notice or a copy of the approved minutes. A decision by the approving authority is not final until the time for appeal expires. If a notice of decision is not sent, the decision shall be effective on the date the minutes from the meeting are approved by the approving authority. The Planning Division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

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**31-95 Hearing and Publication Notice for County Commission**

Before finally adopting any such legislative amendment, the Board of County Commissioners shall hold a public hearing thereon, at least fourteen (14) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the County as per state code and by posting in three public places. The unanimous vote of the full body of the County Commission is required to overturn the recommendation of the Planning Commission, if there was a unanimous vote of the Planning Commission in favor or denial of the petition.

---

### **31-106 Permits and Licensing**

All departments, officials, and public employees of Weber County, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance. ~~and Any such~~ permit or license, ~~if~~ issued in conflict with the provisions of the Ordinance, shall be null and void.

---

### **31-7 Appeals**

All appeals shall be filed within 15 days from the date of the written decision.

---

### **31-128 Temporary Exceptions**

The Weber County Commission has the authority to grant, by motion, temporary exceptions from any term or condition of the ~~unincorporated~~ Weber County Zoning Ordinance for a period ~~of~~ not to exceed three (3) months in duration, ~~which time~~ Time may be extended for an additional three (3) months by the County Commission, for a total duration for any one tract of land not to exceed six (6) months. The granting of a temporary exception may be made by the County Commission with or without a ~~the prior~~ recommendation ~~concerning the same~~ from the Weber County Planning Commission. Such temporary exceptions may be granted upon the County Commission determining that such a temporary exception is justified because of some ~~unusual~~ extraordinary, or emergency situation, or act of God situation, and that the health, safety, convenience, order, and welfare of the inhabitants of Weber County will not be ~~materially~~ substantially affected, if such temporary exception is granted.

---

### **31-139 Penalties**

~~Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a misdemeanor and punishable as provided by law. Such Any person, firm or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided. Any person, firm or corporation that violates the provisions of this ordinance shall be guilty of a misdemeanor and punishable as provided by law.~~

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### **31-140 Validity**

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

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### **31-9. Emergency Clause**

~~In the opinion of the Board of County Commissioners of Weber County, Utah, a public emergency exists in connection with the matters in this Ordinance contained, and it is necessary to the peace, safety and general welfare of the inhabitants of Weber County that this Ordinance becomes effective immediately.~~

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# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Action on the staff recommendation regarding amendments to the Weber County Zoning Ordinance Chapter 28 (Nonconforming Buildings, Uses, and Parcels).  
**Agenda Date:** Tuesday, July 27, 2010  
**Applicant:** Weber County Planning Division Staff  
**File Number:** ZO 2010-06

### Property Information

**Approximate Address:** N/A  
**Project Area:** N/A  
**Zoning:** N/A  
**Existing Land Use:** N/A  
**Proposed Land Use:** N/A  
**Parcel ID:** N/A  
**Township, Range, Section:** N/A

### Adjacent Land Use

**North:** N/A  
**East:** N/A  
**South:** N/A  
**West:** N/A

### Staff Information

**Report Presenter:** Sean Wilkinson  
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801-399-8765  
**Report Reviewer:** JG

## Applicable Ordinances

- Weber County Zoning Ordinance Chapter 1 (General Provisions) Section 6 Definitions)
- Weber County Zoning Ordinance Chapter 28 (Nonconforming Buildings, Uses, and Parcels)

## Background

The Planning Division Staff is proposing several amendments to the Weber County Zoning Ordinance Chapter 28 (Nonconforming Buildings, Uses, and Parcels). This chapter deals with buildings, parcels, and uses which are considered legal, but which do not meet the requirements of the zone in which they are located. The majority of the amendments consist of minor language changes, specifically concerning the definitions of “nonconforming uses/parcels and “nonconforming structures.” These terms will be added to the definition section in Chapter 1 of the Zoning Ordinance, and they are shown in Exhibit B.

The substantive changes to Chapter 28 are as follows:

28-1: The original language in this section was deleted and replaced by a new purpose and intent section. The new language describes the purpose of the chapter and distinguishes between the terms “nonconforming uses/parcels and “nonconforming structures.”

28-2: One paragraph from section 28-3 was moved to this location because it fit better with maintenance/repairs than additions/enlargements.

28-3: Two paragraphs from what was section 28-15 were moved to this location. Previously, section 28-15 allowed additions to noncomplying structures on small parcels and in river/stream corridor setbacks, if the addition did not encroach further into the yard setbacks or river/stream corridor setbacks. Moving the language to this new section allows this same opportunity for all legal structures on legal parcels, regardless of size. The actual language has not changed.

28-8 and 28-9: The original sections have been deleted because staff determined that they were redundant, and similar provisions were already in place.

28-14 (Now 28-11): The new section 4 was the main reason behind the amendments to this Chapter. In the Ogden Valley and throughout the County, there are many parcels that were created without going through the appropriate subdivision process, but which could be made legal by going through the subdivision process as described in paragraphs 2 and 3 of this section. However, as part of the subdivision process these parcels are required to dedicate area for the road right of way, and this dedication brings the lot area below what the Zoning Ordinance requires. This amendment would allow these parcels to continue through the subdivision process, despite not meeting the area requirement.

**Summary of Planning Commission Considerations**

- Are the reasons for amending the ordinance clearly stated?
- Are there additional amendments that should be addressed at this time?
- Are there any of the proposed amendments that should not be made at this time?

**Conformance to the General Plan**

N/A

**Conditions of Approval**

N/A

**Staff Recommendation**

Staff recommends approval of the proposed amendments to Chapter 28. If the Planning Commission agrees with the staff recommendation, approval of the amendments should be recommended to the County Commission.

**Exhibits**

- A. Proposed Chapter 28 amendments
- B. Proposed additions to Chapter 1 Section 6 (Definitions)

**NONCONFORMING BUILDINGS, USES, AND PARCELS**  
**NONCOMPLYING STRUCTURES AND NONCONFORMING USES/PARCELS**

- ~~28-1. Maintenance-Permitted Purpose and Intent~~
- ~~28-2. Maintenance, Repairs, and Alterations~~
- ~~28-3. Additions and Enlargements~~
- ~~28-4. Alteration Where Parking Insufficient~~
- ~~28-5. Moving Nonconforming complying Buildings Structures~~
- ~~28-6. Restoration of Damaged Buildings~~
- ~~28-7. One Year Vacancy or Abandonment~~
- ~~28-8. Continuation of Use~~
- ~~28-9. Occupation within One Year~~
- ~~28-8. Change of Use~~
- ~~28-9. Expansion of Nonconforming Use~~
- ~~28-10. Nonconforming Legal Use of Parcels~~
- ~~28-11. Nonconforming Parcels in Areas Subjected to Change in Zoning~~
- ~~28-12. Combining Nonconforming Parcels~~
- ~~28-13. Small Lot Parcels Created Prior to Zoning~~

~~28-1. — Maintenance-Permitted Purpose and Intent~~

~~A nonconforming building or structure may be maintained. The purpose and intent of this chapter is to provide standards for the development and use of noncomplying structures and nonconforming uses/parcels. These structures, uses, and parcels are considered legal, despite not meeting the current requirements of the zone in which they are located.~~

~~28-2. Maintenance, Repairs, and Alterations~~ 2009-2

~~1. Maintenance, repairs, and structural alterations may be made to nonconforming noncomplying structures buildings on parcels lots of record. created prior to the adoption of zoning regulations; but, which are not in conformance with zoning regulations. Any nonconforming building or portion thereof declared unsafe by the Building Inspector may be strengthened or restored to a safe condition including homes or structures built on parcels created after the adoption of zoning regulations without meeting zoning regulations.~~

~~2. Dwellings or other structures built on parcels which were once legal, but have since been made illegal, shall not be issued land use or building permits, unless the structure is being strengthened or restored to a safe condition, or the parcel is made to conform to current zoning regulations. In restoring the structure to a safe condition, no expansion of the structure is allowed.~~

~~28-3. Additions and Enlargements~~ 2008-7, 2009-2

~~1. A building or structure which is nonconforming as to use regulations occupied by a nonconforming use shall not be added to or expanded in any manner, unless such expansion is made to conform to all yard and use regulations of the zone in which the structure is located.~~

~~2. A building of noncomplying structure (main or accessory) nonconforming as to height, area or~~

yard regulations shall not be added to or enlarged in any manner, unless such addition ~~and~~ or enlargement conforms to all the regulations of the zone in which it is located, or conforms to the reduced yard setbacks as allowed in Section 28-13. ~~Section 28-15 shall also apply to accessory structures.~~

~~3. Parcels which were created after the adoption of zoning regulations and which are not considered legal non-conforming because they do not meet area or frontage requirements, but which contain a single family dwelling shall not be issued land use and building permits unless the structure is being strengthened or restored to a safe condition, or the parcel is made to conform to current zoning regulations.~~

3. A legally constructed dwelling or other structure on a lot of record, which has yard setback(s) that are less than the required yard setback(s) for the zone in which it is located, shall be allowed to have an addition(s), provided that:

- A. The addition(s) does not encroach into the required yard setback(s) further than the existing dwelling or other structure; and
- B. The addition is located completely on the same property as the existing structure and does not encroach into a road right-of-way or on to adjacent property.
- 4. A legally constructed dwelling or other structure on a lot of record, which is located within a Stream Corridor Setback (as defined by the Weber County Zoning Ordinance 23-23 and/or 43-2), shall be allowed to have an addition(s), provided that:
  - A. The addition(s) does not encroach into the Stream Corridor Setback further than the existing dwelling or other structure; and
  - B. The addition(s) meets the yard setback requirements of the zone in which it is located or conforms to the reduced yard setbacks as allowed in Section 28-13; or
  - C. The addition(s) does not encroach into the required yard setback(s) further than the existing dwelling or other structure.

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#### **28-4. Alteration Where Parking Insufficient**

A building or structure lacking sufficient automobile parking space as required by this Ordinance may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of ~~this~~ the Weber County Zoning Ordinance for such alteration or enlargement.

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#### **28-5. Moving Nonconforming ~~complying~~ Buildings Structures** 2008-7, 2009-2

~~No A nonconforming noncomplying building or structure shall not be moved in whole or in part to any other location on the a lot/parcel except by approval of the Board of Adjustment as herein provided, unless every portion of such building or structure is made to conform to all regulations of the zone in which it is located, or made to conform to the reduced yard setbacks as allowed in Section 28-13.~~

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#### **28-6. Restoration of Damaged Buildings**

A nonconforming ~~building or~~ noncomplying building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity, or Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such partial destruction may be continued or resumed, provided that such restoration is started within a period of one (1) year, by obtaining a land use permit, and is diligently prosecuted pursued to completion.

## 28-7. One Year Vacancy or Abandonment

2008-7

1. A legal building, or structure, or portion thereof, which is occupied by a nonconforming use, and which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year, except for dwellings and structures to house animals and fowl, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. Wherever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformance with the current provisions of this the Weber County Zoning Ordinance.
2. Any building or structure or use for which a valid building permit has been issued and actual construction was lawfully begun prior to the effective date when the structure became noncomplying of this Ordinance, may be completed and used in accordance with the plans, specifications and permit on which said building permit was granted. Actual construction is hereby defined to be: The actual placing of construction materials in their permanent position, fastened in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

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## ~~28-8. Continuation of Use~~

~~2008-7, 2009-2~~

~~The nonconforming use of a building or structure, existing prior to the adoption of zoning regulations in Weber County, may be continued.~~

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## ~~28-9. Occupation within One Year~~

~~A vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the building or structure became nonconforming.~~

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## ~~28-108. Change of Use~~

~~2008-7~~

~~Except by approval of the Board of Adjustment as provided in Chapter 29, The nonconforming use of a legal structure may not be changed except to a conforming use; but Where such a change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use.~~

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## ~~28-119. Expansion of Nonconforming Use~~

~~2009-2~~

~~A nonconforming use may be extended to include the entire floor area of the existing legal building structure in which it was conducted at the time the use became nonconforming, provided, however, that a certificate of occupancy be is first obtained for such extension of use.~~

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## ~~28-1210. Nonconforming Legal Use of Parcels~~

~~2001-9, 2008-7~~

1. Any legally created lot and/or parcel of land, existing which existed at the time prior to the adoption of the Weber County Zoning Ordinance Zoning Map or an amendment to the Weber County Zoning Ordinance or Zoning Map, which may now require a different lot area, or frontage/width, may apply to develop any of the permitted uses or conditional uses as allowed for which the lot and/or parcel qualifies, in the zone where the lot and/or parcel of land is located. by Ordinance. In the Western part of Weber County the 1962 ownership plats are used as a the legal reference point, and in the Ogden Valley, the 1966 ownership plats are used as the legal reference point.

2. Any legally created lot and/or parcel of land which existed prior to the adoption of the Weber County Zoning Ordinance or an amendment to the Zoning Ordinance, but which may now require a different lot area or lot width/frontage, may apply to develop any of the permitted or conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or parcel of land is located.

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**28-14.11. Nonconforming Parcels in Areas Subjected to Change in Zoning**      2003-17, 2008-7, 2008-19

Where lot area and/or frontage/width requirements have increased as a result of ~~an update to the general plan,~~ ~~resulting in a change in zoning,~~ the following shall apply:

1. Parcels ~~nonconforming~~ not meeting current zoning as to area and/or frontage/width requirements, but containing a single family residence dwelling which:
  - A. Were built on and created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law and met area and frontage/width requirements for the zone in which they were created at the time they were created shall be presumed to be legal nonconforming parcels; or
  - B. Were created and recorded with an existing single family residence dwelling after July 1992 changes to the Utah Code, Subdivision Law but prior to the change in zoning, and met area and frontage/width requirements for the zone in which they were created at the time they were created shall submit an application for subdivision approval.
  - C. ~~Which~~ Were part of a legal subdivision, but were further divided, and met the requirements of (A) or (B) ~~of~~ above shall meet be subject to the note below.

**Note:**

No lot within a subdivision approved by the Planning Commission and County Commission and recorded in the County Recorder's Office in accordance with the provisions of the Subdivision Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded ~~or any non-conforming lot~~ without first obtaining the approval of the Land Use Authority. Therefore, an amended plat shall be required.

2. Parcels ~~nonconforming~~ not meeting current zoning as to area and/or frontage/width requirements, containing a single family residence dwelling which:
  - A. Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and
  - B. Are able to obtain the additional area and frontage/width which would bring the lot into compliance with the area and frontage/width requirements ~~in place~~ for the zone in which they were created at the time they were created; and
  - C. Complied with all other County Ordinances when built;

May submit an application for subdivision approval provided they meet all other requirements of the Subdivision and Zoning Ordinances.

3. Parcels ~~nonconforming~~ not meeting current zoning as to area and/or frontage/width requirements which:
  - A. Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and
  - B. Met area and frontage/width requirements for the zone in which they were created at the time they were created;

May submit an application for subdivision approval provided they meet all other requirements of the Subdivision and Zoning Ordinances.

4. ~~Lots/parcels which are subject to sections 1, 2, or 3 above, and have boundary descriptions that fall within a roadway, shall be allowed to develop with the lot/parcel area that remains after dedicating land for the roadway, as required by the Weber County Zoning and Subdivision Ordinance.~~

5. Parcels that have been combined by the Weber County Recorder's Office for tax purposes shall be allowed to separate one or more of the combined parcels on an approved and recorded form provided:

- A. The parcels that are being separated were originally created prior to July 1992 changes to the Utah Code, and Subdivision Law; and
- B. The properties as configured prior to the combination met area and frontage/width requirements for the zone in which they were created, ~~or were considered nonconforming parcels.~~ **either**
  - ~~1. at the time the combination form was recorded or~~
  - ~~2. complied with subsection 4-A. above or~~
  - ~~3. were considered legal nonconforming; and~~
- C. The combination was done by the current owner or same owner acting as trustee, and was done by a quit claim, combination form, or other instrument, which states the consolidation of parcels is for tax purposes; and
- D. No new lots are being created; and
- E. The separation of parcels results in a configuration consistent with the original parcels and conforms to the ordinance that was in place prior to the recording of the combination form; ~~or.~~
- F. The separation of combined parcels authorized under this subsection does not authorize a change in the configuration of an approved and recorded subdivision or lots within such subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is prepared and recorded in accordance with Utah Code and Weber County Subdivision Ordinance.

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**28-1512. Combining Nonconforming Parcels**

2007-4, 2008-7, 2009-2

1. ~~Parcels nonconforming not meeting current zoning~~ as to area and frontage/width requirements that were legally created or made legal through the provisions of this Chapter, may be enlarged by combining adjoining legal, ~~legal nonconforming and/or nonconforming~~ parcels provided that:

- A.** The combination is achieved by submitting a subdivision if any of the parcels were part of a recorded subdivision or by combining parcels if they have metes and bounds **descriptions**, and
- B.** All adjoining legal, ~~legal nonconforming and/or nonconforming~~ parcels under common ownership, or brought under common ownership after the date of the adoption of this section are merged to create the largest lot possible, and
- C.** The combination does not result in any illegal divisions of land.

D. Structures built on the newly created lot shall resemble the architectural style, height, size and mass of existing non-commercial structures on parcels within five hundred (500) feet of the newly created lot, and meet all current setback and height requirements of the zone in which the combination is made.

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**28-13. Small Lots/Parcels Created Prior to Zoning**

2009-2

1. A legal non-conforming lot/parcel that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the following allowed reduction in side-yard setbacks:

A. A legal non-conforming lot's/parcel's actual width (v) may be divided by the current required frontage/width (w) in order to formulate a ratio or proportional relation (x). The ratio may then be multiplied by the current zone's side-yard setback requirement (y) in order to establish a reduced setback(z). The reduced side-yard setback is subject to the conditions listed below. Formula  $v \div w = x$ .  $xy = z$

1. Under no circumstances shall an interior lot/parcel be allowed to reduce the side-yard setback requirement below five (5) feet on one side and eight (8) feet on the other.
2. Under no circumstances shall a corner lot/parcel be allowed to reduce the side-yard requirement below ten (10) feet when the side-yard fronts on a street.

~~2. A parcel with an existing home with or without detached structure(s), where the yard setback(s) of the home or structure are less than the required setback(s) for the zone in which it is located, shall be allowed to construct an addition provided that the addition does not encroach into existing setback(s) further than the existing home.~~

~~3. A parcel with an existing home with or without detached structure(s), where the home or structure is located within a Stream Corridor Setback (as defined by Weber County Ordinance 23-27 and/or 43-2), shall be allowed to construct an addition provided that the addition is constructed in a location that does not encroach into the Stream Corridor Setback further than the existing home or structure. Yard setbacks for legal non-conforming parcels/lots shall conform to the requirements listed above.~~

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## Exhibit B

### Definitions to be added to Chapter 1 Section 6:

**Noncomplying structure:** A structure that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

**Nonconforming use:** A use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance regulation governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Discussion and action on Zoning Petition 2010-7 to amend the Weber County Zoning Ordinance Chapter 1 Section 6 Definition

**Agenda Date:** Tuesday, July 27, 2010

**Applicant:** Planning Staff

**File Number:** Zoning Petition 2010-7

### Staff Information

**Report** Jim Gentry

**Presenter:** jgentry@co.weber.ut.us  
801-399-8767

**Report** RS

**Reviewer:**

## Background

The proposed change to Chapter 1 of the Weber County Zoning Ordinance is as a housekeeping item. Recently it was discovered that the township boundary description in Chapter 45 is inconsistent with the township boundary description in Chapter 1, Section 6. In order to rectify this inconsistency it is recommended that the conflicting language in Chapter 1 be deleted.

### 1-6. Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: words used in the present tense include the future; words in the singular number include the plural and the plural for singular; words not included herein but defined in the Building Code or other County codes shall be construed as defined therein. References to the Ogden Valley area also include the Ogden Canyon area. See the map included as an exhibit. ~~which includes all of unincorporated Weber County east of the Ogden City Limits on State Highway 39, as adopted on maps attached to the Ogden Valley General Plan.~~

A map was prepared for Chapter 45 (Planning Commission) and was included as an exhibit of the ordinance, but was not adopted. This map is proposed to be adopted as part of the ordinance changes to Chapter 1.

## Staff Recommendations

Staff recommends the Planning Commission recommend to the County Commission approval of the proposed change.

### Attached:

Township boundary map

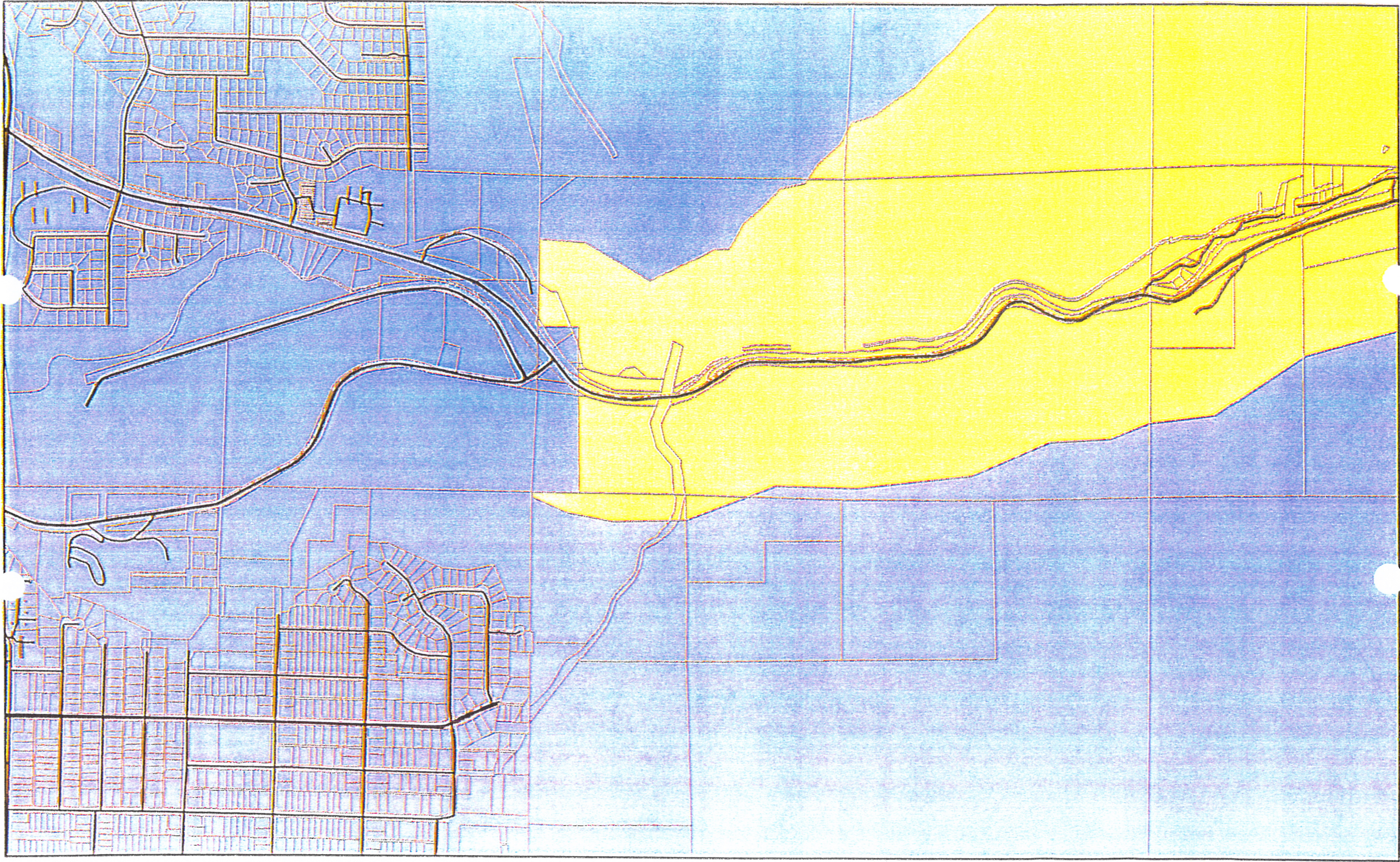


Exhibit A