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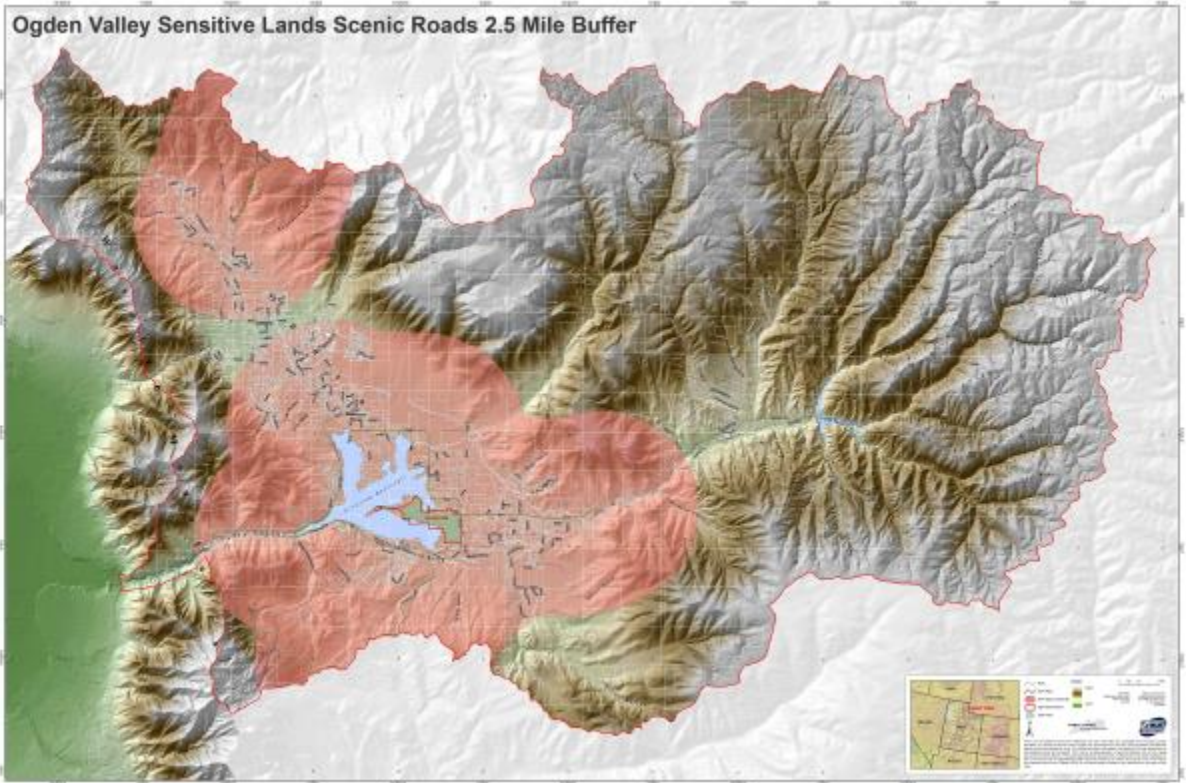
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Sec 104-28-1 Purpose And Intent

- a. As directed by the Ogden Valley general plan, the purpose and intent of this chapter is to identify and coordinate the application of natural and scenic resource protection guidelines and standards; protect the health, welfare, and safety of Ogden Valley City citizens; and minimize the potential degradation of natural and human-made resources by identifying the cumulative impact on known sensitive areas. This chapter is specifically applicable to new land uses, new structures, and new land development (including amendments to existing developments) in Ogden Valley. This chapter describes mitigation methods that may either be required or recommended. These mitigation methods apply specifically to new land uses, new structures, and new land development (including amendments to existing developments). This chapter will apply to all zoning designations in the Ogden Valley.
- b. It is intended that the proposed development can be accomplished without substantial interference with or significant adverse effects upon identified sensitive or unique natural or ecological features, important wildlife habitats, or cultural and historic resources.

c. The Ogden Valley Sensitive Lands Maps are available from the City Office.





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

a. *Reports.* At the request of the city, an approved jurisdictional wetland delineation report and concurrence report from the United States Army Corps of Engineers shall be required.

b. *Development standards.*

1. *Setbacks.* No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the City engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream.

a. Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on both sides of the North Fork, South Fork, and Middle Fork of the Ogden River, from the high water mark of the river.

b. Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the high water mark of the stream.

c. Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark of a natural ephemeral stream.

d. Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on all sides of Pineview Reservoir, as determined from the high water mark of Pineview Reservoir.

2. *Exceptions.*

a. Bridges or stream alterations approved by the Army Corps of Engineers and state department of natural resources, division of water rights.

b. Trails built in conformance to Chapter 40, Ogden Valley Pathways, of the Land Use Code.

c. All existing structures, accessory structures, roads, or parking areas prior to the adoption of Ordinance No. 2005-19 River and Stream Corridor Setbacks.

d. Structures, accessory structures, roads, or parking areas proposed on a lot with a designated buildable area, building envelope, or river or stream corridor setback shown on the recorded

subdivision plat, recorded prior to January 1, 2006.

3. *Stream flow.* No work of any kind shall be allowed in a stream corridor or any change that would alter the flow of a stream without a stream channel alteration permit and/or an approved water right from the state department of natural resources, division of water rights.

Sec 104-28-3 Important Wildlife Habitat Areas

- a. . Preserving important wildlife habitat and preventing its fragmentation are key priorities for Ogden Valley City. When new residential or commercial development is proposed within important wildlife habitat areas, mitigation methods shall be designed and implemented, such as those listed below:
 1. Development standards.
 - a. Limitations in areas of wildlife habitat as shown on the Ogden Valley Sensitive Lands Wildlife Map. All development subject to this subsection shall incorporate the following principles in establishing the limits of disturbance and siting of buildings, structures, roads, trails, and other similar facilities to protect important wildlife habitat areas and their functions: Wildlife movement is facilitated across areas dominated by human activities by:
 1. Maintaining connectivity between open space parcels on adjacent and near-by parcels and subdivisions such that the result will be a larger contiguous area of open space;
 2. Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;
 3. Minimizing fencing types that inhibit the movement of big game species. Use of fencing within subdivisions or boundaries of subdivisions, commercial, industrial or multifamily development shall be minimized;
 4. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and natural areas.
 2. Mimic features of the local natural landscape in developed areas by:

- a. Retaining as much pre-development, high quality habitat as possible, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
- b. Minimizing levels of disturbance to trees, the under-story vegetation, and other structural landscape features during construction;
- c. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation;
- d. Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.

b. When development occurs in mapped important wildlife habitat areas, the state division of wildlife resources (DWR) may provide written recommendations. These recommendations must be considered and the property owner is required to review and implement the recommendations.

Sec 104-28-4 Hillside Development

Sec 108-28-4-1 Purpose And Intent

- a. It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Land Use Code of Weber County require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive areas, such features as special soil conditions, steep terrain, highly combustible native vegetation, and other conditions may pose serious potential consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.
- b. In the administration of the provisions of this chapter, the County will strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging and requiring, where necessary, the following:
 1. A minimum amount of grading which preserves the natural contours of the land.
 2. Retention of trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.

3. Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
4. Placement of building sites in such a manner as to permit ample room for adequate defensible area as defined by the fire code, landscaping and drainage between and around the buildings.
5. Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
6. Lot and structure designs and location which will be appropriate in order to reduce grading and natural topographic disturbance.
7. Cluster type development or other new concepts and techniques, where appropriate, in order to eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
8. Early temporary or permanent planting, or other materials, wherever appropriate to maintain necessary cut and fill slopes in order to stabilize them with plant roots or other materials, thereby preventing erosion and to conceal the raw soil from view.

Sec 108-28-4-2 Applicability

- a. All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or exceeding 25 percent shall be reviewed as part of an application request for a land use permit and building permit. Hillside review is required as part of preliminary subdivision review.
- b. The Planning Division shall not issue any land use permits, and the Building Official shall not issue any building permits, until detailed plans and engineered drawings have been reviewed for compliance with this chapter. Any condition attached to an approval shall be a condition required with the issuance of land use permit. Other circumstances may warrant a review as found in Title 108, Chapter 22 Natural Hazard Areas.

Sec 108-28-4-3 Procedure

Where this chapter is applicable, plans of a proposed development, and any relevant information regarding building and excavation of the site, are to be submitted with a development application. Information shall include, but not be limited to the following:

- a. Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- b. Site plan with two-foot contours or less.
- c. Cross sections of improvements.
- d. Retaining wall designs with engineers stamp (if applicable).

- e. Geotechnical report (site-specific for structures) and, if applicable, verification of compliance with the requirements of title 108, chapter 22 Natural Hazard Areas.
- f. Other studies and/or information deemed necessary by the members of the board.
- g. Utah pollution discharge elimination system (UPDES) permit with stormwater pollution prevention plan (SWPPP) shall be required at the time of application. Erosion control landscaping on cuts, fills and other locations, considered necessary by the review board, shall be provided in order to prevent erosion.
- h. A landscape plan as per section 108-28-4-7.

Sec 108-28-4-4 Restricted Lot Requirements And Lots Requiring A Buildable Area

Each lot or parcel of land meeting the definition of a "restricted lot" or that requires a buildable area as defined by Section 101-2 shall have an increased lot area and lot width as the lot or parcel slope percentage increases, as determined from the tables in Section 108-14-12. Such lots shall also have sufficient area for the buildings, setbacks, yards, septic tank and drain fields, wells and any necessary cuts and fills, drainage facilities and stabilization areas.

Sec 108-28-4-5 Streets And Roads

The County Engineer shall review and approve detailed engineering plans for all streets and roads requiring cut and/or fill, on all lands with slopes of 25 percent or more, prior to preliminary approval of the subdivision.

Sec 108-28-4-6 Excavation, Grading And Filling

- a. All excavation shall conform to the county excavation ordinance (title 18 of this Code). No extensive grading shall occur that detracts from the aesthetics and is detrimental to the soils stability and erosion.
- b. No excavation shall be made with a cut face steeper in slope than 1½ horizontal to one vertical, except under the following conditions through a soils engineering report and grading plan, as approved by the County Engineer.
 - a. That the material making up the slope of the excavation and the underlying earth material being used is capable of standing on a steeper slope; or
 - b. An engineered retaining wall or other support is provided to support the face of the excavation.
- c. An excavation, with a cut face flatter in slope than 1½ horizontal to one vertical may be required if the material in which the excavation is made is such that the flatter cut slope is necessary for stability or safety. No excavation shall be made
- d. close to the property line which may endanger any adjoining public or private property or structures without supporting and protecting such property or structures from settling, cracking or other damage which might result.

- e. No cut slope shall exceed a height of 15 feet. The County Engineer may modify this requirement if it determines erosion and visual impacts are mitigated as identified in the landscaping plan, pursuant to Section 108-28-4-7.
- f. No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except where a retaining wall is provided for support or where the developer shows that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope and that the areas on which the fill is to be placed are suitable to support the fill.
- g. The County Engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical if such flatter surface is necessary for stability or safety.
- h. Fill slopes shall not exceed 20 feet in height, however this may be modified by the County Engineer with findings of extenuating circumstances.
- i. Toes of fill slopes shall not be made nearer to a lot boundary than one-half the height of the fill, but need not exceed 20 feet.
- j. The natural ground surface shall be prepared to receive fill by removing organic material noncomplying fill, and top soil, where natural slopes are five horizontal to one vertical or steeper, the natural ground surface shall be prepared to receive fill by benching into sound bedrock or other competent material.
- k. No organic material shall be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than eight inches shall be buried or placed in fills within two feet of the final grade.
- l. Building foundations shall be set back from the top of slopes a minimum distance of five feet for all cut slopes steeper than two horizontal to one vertical. No buildings shall be constructed on cut or fill slopes steeper than two horizontal to one vertical.

Sec 108-28-4-7 Landscaping

For parcels, subdivisions, lots, roads and accesses within the construction boundaries that have disturbed soil surfaces, a landscape plan shall be required. Such landscape plans shall be drawn in conformance with the requirements specified in this chapter. The planting design should coordinate with the existing vegetation and adapted fire resistant erosion control cover. A list of acceptable vegetation is available from the USU Extension Office. Landscaping shall be an integral part of the overall project design. All landscape plans submitted for approval shall contain the following information:

- a. The location, quantity, size and name (both botanical and common names) of all proposed plant material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent of mature size. Plants and materials may include lawn, ground cover, trees, shrubs, and other live plant materials. Landscaping may

also include accessory decorative outdoor landscaping components such as paved or decorated surfaces. Considerations should be given to appearance, height, spread, growth rate, slope function and decreased maintenance when the phases are complete.

- b. The location of existing buildings, structures, and trees on adjacent property within 20 feet of the site. Where the adjacent trees are growing in native or natural clumps or groves such that showing individual tree locations is impractical, canopy outlines are acceptable.
- c. Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals. Show any walls or retaining structures proposed, along with their respective elevations. Proposed earth berming shall be indicated using one-foot contour intervals.
- d. Water-efficient landscape watering system. This system shall indicate the locations and types of all equipment, including sprinkler heads, areas to be served by drip emitters, control valves, quick-coupling valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.
- e. Pathways, walkways, and common access shall be considered in the landscaping design plan, including plants and trees that should not interfere with the pedestrian's ability to view the pathways to ensure safety.
- f. Graded areas that are intended for development in a later phase shall be planted with annual grasses.
- g. A proposed schedule for implementing the landscape plan and for any replacement materials that may need time to take hold shall be included in the landscaping plan.
- h. Summary data table indicating the area of the site in the following classifications:
 1. Total area of the site.
 2. Total area and percentage of the site in landscape area.
 3. Total area and percentage of the site in turf grass.

Sec 108-28-4-8 Appeals

- a. Except as allowed in subsection (b) of this section, an appeal of any Final Written Decision in the application of this chapter shall be appealed in accordance with Title 2 Appeals Authority of the Municipal Code.
- b. Pursuant to Utah Code § 10-20-, when a written decision provided under this chapter contains technical aspects, an applicant may request the county to assemble a panel of qualified professionals to serve as the Appeal Authority for the sole purpose of determining those technical aspects.
- c. The technical aspects of the administration and interpretation of this chapter are decisions related to:

- a. The acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;
- b. The review and recommendation of an acceptable study or report for the land use authority's consideration; or
- c. The interpretation or application of any technical provisions of a study or report that is required by this chapter.
- d. Unless otherwise agreed by the applicant and county, if an applicant makes a request under this subsection, the county shall assemble the panel consisting of:
 - a. One qualified professional designated by the county;
 - b. One qualified professional designated by the applicant; and
 - c. One qualified professional chosen jointly by the county's designated qualified professional and the applicant's designated qualified professional.
- e. A member of the panel may not be associated with the application that is the subject of the appeal.
- f. The applicant shall pay for one half the cost of the panel in addition to the county's appeal fee.
- g. The panel shall be governed by the same appeal provisions of the Appeal Authority provided in Title 2 Appeal Authority, of the Municipal Code.

Sec 108-28-4-9 Lot; Size Requirements

Pursuant to section 108-28-4-4, the following tables shall be used to determine the area and width of a lot, parcel or tract of land that meets the definition of a "restricted lot," or is required to contain a buildable area as defined in Title 101, Chapter 2:

TABLE 1. "RESTRICTED LOT" SIZE REQUIREMENTS

5,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	5,000	50
25—30	6,500	65
31—35	8,150	80
36—40	10,000	90
41 and over	12,500	100

6,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	6,000	60
25—30	7,800	80
31—35	9,800	90
36—40	12,000	100
41 and over	15,000	105

8,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	8,000	65
25—30	10,200	95
31—35	12,500	100
36—40	15,200	110
41 and over	18,800	115

10,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	10,000	80
25—30	12,400	100
31—35	15,000	110
36—40	18,000	120

41 and over	22,000	125
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15,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	15,000	100
25—30	18,000	110
31—35	21,500	120
36—40	25,500	130
41 and over	30,750	140

20,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	20,000	110
25—30	23,500	115
31—35	27,500	130
36—40	32,000	145
41 and over	38,000	155

25,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	25,000	125
25—30	28,700	135

31—35	33,000	145
36—40	37,500	155
41 and over	43,750	165

40,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	40,000	150
25—30	46,000	165
31—35	52,500	180
36—40	60,000	195
41 and over	70,000	210

43,560 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	43,560	150
25—30	50,000	165
31—35	57,000	180
36—40	65,000	195
41 and over	75,500	210

TABLE 2. LOT SIZE REQUIREMENTS FOR LOTS WITH A REQUIRED "BUILDABLE AREA"
Non-Restricted Lots with Buildable Areas

15,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	15,000	100
25—30	15,750	100
31—35	17,250	110
36—40	19,500	115
41 and over	22,500	120

20,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	20,000	100
25—30	20,800	100
31—35	22,400	115
36—40	24,800	125
41 and over	28,000	135

25,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	25,000	125
25—30	25,750	125
31—35	27,250	135

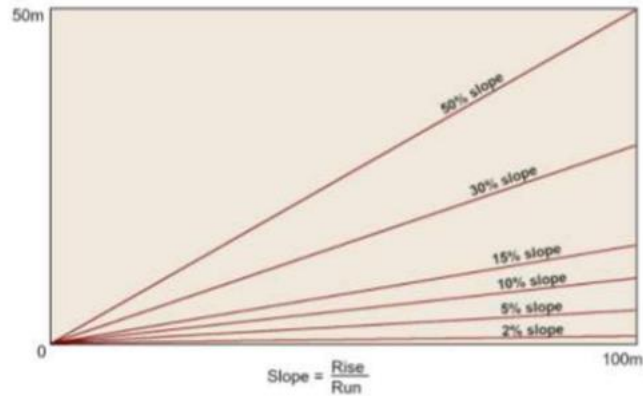
36—40	29,500	140
41 and over	32,500	145

40,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	40,000	150
25—30	41,200	150
31—35	43,600	150
36—40	47,200	160
41 and over	52,000	170

43,560 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	43,560	150
25—30	44,800	150
31—35	47,400	160
36—40	51,300	170
41 and over	56,500	180



Sec 104-28-5 Scenic Corridors, Ridgelines, And Historical/Cultural Resources

a. Scenic corridors.

1. *Applicability to property within corridor areas.* As directed by the general plan, the regulations contained in this subsection shall apply to all new commercial, industrial and residential structures on lots adjacent to or within 100 feet of the nearest right-of-way of scenic corridors in the Ogden Valley including:

- a. Highway 39. All of Highway 39 beginning at the Pineview Reservoir Spillway and ending at Weber County Road 10.
- b. Highway 166. All of Highway 166 except from the 1900 N. and 5500 E. intersection to the junction with Highway 162. Also the road from the "Y" east to the junction with 5500 E. is excluded.
- c. Highway 162. All of Highway 162 except from its intersection with Highway 158 north to the Wolf Mountain turnoff, and that portion abutting commercial lots in Liberty.
- d. Highway 158. All of Highway 158 from the Pineview Reservoir Spillway to 5100 E. .

2. *Development standards.*

- a. Access/traffic. Access points and driveways connecting directly to the scenic corridor roadways shall be minimized. Shared/common driveways between adjoining projects shall be encouraged.
- b. Fencing. Within the delineated boundaries of the scenic corridors, fences, except agricultural or stock fences, shall be of one of the following styles although commercial, manufacturing, and multifamily uses shall be compatible with requirements of chapter 108-2, Architectural, Landscaping and Screening Ordinance:

- 1. Wooden rail;

2. Architecturally compatible solid wood and natural or cultured stone; or
 3. Various forms of embossed steel or vinyl fencing that may be approved by the Ogden Valley planning commission upon submittal of sample material with the site plans. Chain link fencing shall not be permitted.
- a. *Ridge lines.* The intent of these provisions is to ensure that development near ridge lines blends with the natural contour of these land forms. Ridge line areas that skyline as viewed from any scenic corridor at a distance of less than 2.5 miles shall be retained in a predominantly natural state and shall incorporate the mitigation criteria listed below. Ridge line development should be sited in such a manner so as not to create a silhouette against the skyline.
- a. *Development standards.* All structures located within the ridge line area shall not exceed 30 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.
2. *Methods to reduce scenic quality impact.*
- a. Revegetation and reforestation to include the utilization of native or similar horticultural material and assurance that any such revegetation or reforestation will be completed during the first planting season after construction of required improvements, and maintained thereafter.
 - b. Removing and stockpiling topsoil prior to any construction grading or excavation and replacement for post-construction revegetation.
 - c. Location and installation of utilities in such a way that will cause the least damage to the natural environment.
 - d. Review of road system impact on scenic quality.
3. *Historic, prehistoric, and cultural resources.*
- a. All development proposals shall identify, preserve and promote any sites and structures determined to have historical or archaeological significance to the community, the region, or the

state. This includes properties eligible for the National Register of Historic Places. Specific locations identified in the general plan as historical/cultural sites include, but are not limited to the Blacksmith Shop, Charde Property, Rhodes Property, Brick Kilns, and the Monastery.