

Chapter 104-9 Forest Zones

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Sec 104-9-1 Purpose

- a. The intent of the forest zones is to protect and preserve the natural environment of those areas of the City that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.
- b. The objectives in establishing the forest zones are:
 - a. To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the natural resources, vegetation and attractions;
 - b. To reduce the hazards of flood and fire;
 - c. To prevent sanitation and pollution problems and protect the watershed;
 - d. To provide areas for private and public recreation ; and
 - e. To provide areas for homes, summer homes, and summer camp sites.
- c. Conservation subdivisions that preserve open space and reduce environmental disturbance are encouraged and may be approved through subdivision review.

The Forest Zones are intended primarily to support resource-based uses such as forestry, watershed protection, habitat preservation, and low-impact recreation. Residential development is allowed at low densities where it can occur without compromising these primary resource values.

Sec 104-9-2 (Reserved)

Sec 104-9-3 Land Use Table

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

- a. **Accessory uses.** Unless otherwise specified in the Land Use Code, an accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

	F-5	F-40	Special Provisions
Accessory building , accessory and incidental to the use of a main building.	P	P	
Accessory dwelling unit.	P	P	See Chapter 108-19 .
Accessory use , accessory and incidental to the main use.	P	P	
Family food production , accessory to a residential use.	P	P	See Section 104-2-4.
Home occupation , accessory to a residential use.	P	P	See Chapter 108-13 .
Household pets , accessory to a residential use.	P	P	
Main building , designed or used to accommodate the main use.	P	P	

Skeet or trap shooting , when accessory to a public or private camp.	P	P	
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b. **Agricultural uses, non-animal.**

	F-5	F-40	Special Provisions
Agriculture.	P	P	See Chapter 104-2-4
Aquaculture.	P	P	

c. **Animal-related noncommercial uses.** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	F-5	F-40	Special Provisions
Animal grazing. Animal grazing, as defined in Title 101, Chapter 2.	P	P	See Section 104-2-4
Apiary.	P	P	
Aquaculture, animal related.	P	P	
Aviary.	P	P	
Barn, stable or building for keeping animals or fowl.	P	P	See Section 104-2-4.

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

	F-5	F-40	Special Provisions
Agritourism.	C	C	See <u>Title 108, Chapter 21.</u>
Campground and picnic area.	C	C	See <u>Title 108, Chapter 20.</u>
Conference/education center.	N	N	
Forest industries. Production of forest products.	C	C	
Dude Ranch.	C	C	
Golf course, except miniature golf course.	N	N	
Skeet or trap shooting range.	N	<u>C</u>	
Ski resort.	N	N	

e. ***Institutional uses.***

	F-5	F-40	Special Provisions
Cemetery.	C	C	
Church, synagogue, or similar building used for regular religious worship.	C	C	

f. ***Residential uses.***

	F-5	F-40	Special Provisions
Recreation lodge.	C	C	
Single-family dwelling.	P	P	

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

	F-5	F-40	Special Provisions
Private park, playground or recreation area. No privately owned commercial amusement business.	P	P	
Public campground and picnic area.	P	P	See Title 108, Chapter 20.
Public park, recreation grounds, and associated buildings.	P	P	
Recreational vehicle parking	P	P	See Section 104-9-4 and Section 108-7-20.

h. **Utility uses.**

	F-5	F-40	Special Provisions
Hydro-electric dam.	N	N	
Public utility substation.	C	C	Must be enclosed or shielded from view

			and blend with the natural landscape of the surroundings as to not stand out from the area or buildings around it. stand out from the area or buildings around it.
Radio or television station or tower.	C	C	Must be enclosed or shielded from view and blend with the natural landscape of the surroundings as to not stand out from the area or buildings around it. stand out from the area or buildings around it.
Wastewater treatment or disposal facilities.	C	C	Must be enclosed or shielded from view and blend with the natural landscape of the surroundings as to not stand out from the area

			or buildings around it. buildings around it.
Water storage reservoir , when developed by a utility service provider.	C	C	See Title 108, Chapter 10.

i. **Other uses.**

	F-5	F-40	Special Regulations
	N	N	See Section 104-9-4
Mines, quarries, gravel pits.	N	N	Compliance with the Weber County Excavation and Clean Fill Ordinance required.

Sec 104-9-4 Special Regulations

The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-9-3. Due to the nature of the use, each shall be further regulated as follows:

General Operational Standards.

All permitted and conditional uses within the Forest Zones shall:

- (1) Provide sufficient on-site parking and circulation to prevent obstruction of public roads or unsafe traffic conditions;
- (2) Comply with applicable state and local health department requirements for sanitation, wastewater disposal, and food handling where applicable; and
- (3) Be operated in a manner that does not create recurring and demonstrable traffic hazards, road obstruction, or public safety risks on adjacent public roads.

Where a use results in recurring and documented public safety hazards, the city may require reasonable mitigation measures necessary to address the identified hazard, consistent with applicable law.

All agricultural uses shall comply with Chapter 104-2-4.

Additional findings required for Conditional Use Permit approval in Forest Zones:

The Land Use Authority shall find:

Development minimizes and mitigates disturbance of steep slopes

Development does not create unreasonable wildfire risk

Access is adequate for emergency response

Visual impacts are minimized and mitigated from valley viewpoints and protects viewsheds

Development protects watershed functions

Forest Parcel Access Standards

Because development in Forest Zones occurs in mountainous terrain, new lots and development sites must demonstrate reasonable access for construction, emergency response, and long-term use.

(1) Buildable Access Required

Lots created through subdivision shall demonstrate practical access for construction and emergency services.

(2) Driveway Feasibility

Where driveways exceed a reasonable length or traverse steep terrain, the City shall require demonstration that:

- Construction is feasible
- Emergency access is possible
- Excessive grading is not required

(3) Turnaround Requirements

Where driveways exceed a reasonable length, a turnaround adequate for emergency vehicles shall be required.

(4) Private Road Disclosure

Where lots rely on private roads:

- Maintenance responsibility shall be disclosed
- Access easements shall be recorded

(5) Limitation of City Responsibility

Approval of lots in Forest Zones shall not obligate the City to improve, maintain, or provide services to private roads.

Forest Site Design and Visual Resource Protection Standards

Because development in Forest Zones occurs in highly visible mountain landscapes that contribute to the character of Ogden Valley, structures shall be sited to reduce visibility from the valley floor and disturbed areas will be promptly revegetated with native species to reduce erosion and visual impact

(3) Clustering Encouraged

Where multiple structures are permitted:

- Development should be grouped to minimize the disturbed footprint.

(5) Applicability

These standards apply primarily to:

- Conditional uses
- Subdivisions
- Commercial uses

Single-family homes should comply based on site constraints.

Forest Buildable Area Standards

Because Forest Zone parcels may contain steep terrain, each newly created lot shall contain a reasonably buildable area suitable for safe construction.

(1) Buildable Area Required

Lots created through subdivision shall contain a buildable area capable of accommodating: shall contain a buildable area capable of accommodating:

- A primary structure

- Reasonable access
- Septic where applicable
- Utility connections where applicable

(2) Unsuitable Areas

Areas excluded from buildable area calculations include:

- Slopes exceeding twenty five (25%)
- Cliffs or rock outcrops
- Drainageways
- Wetlands
- Hazard areas
- Ridgelines

Where applicable.

(3) Demonstration of Buildability

The City shall require demonstration of buildable area through:

- Concept building envelope
- Topographic information
- Access concept
- Other reasonable documentation

(4) Purpose

The purpose of this section is not to reduce density but to ensure lots created are reasonably usable and safe for development.

Sec 104-9-5 Site Development Standards

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

.(1) Secondary emergency access may be required.

(2) Road grades shall be designed to allow safe emergency response.

(3) Address Identification

All structures shall be clearly addressed in accordance with County addressing standards to allow rapid emergency response.

(4) Water Supply for Fire Protection

Commercial uses and subdivisions creating multiple lots shall be required to demonstrate adequate water availability for fire suppression as determined by the Fire Authority Having Jurisdiction.

This may include:

- Water storage tanks
- Dry hydrants
- Access to approved water sources
- Other reasonable mitigation measures

(5) Site Disturbance Minimization

Development shall minimize disturbance of natural vegetation and terrain to reduce erosion and wildfire exposure.

(a) Structures shall be clustered to minimize disturbance area.

(b) Development shall avoid prominent ridgelines and hazardous slopes where practicable.

(c) Existing natural vegetation buffers shall be retained where they reduce hazard exposure.

(6) Applicability to Conditional Uses

Conditional uses in the Forest Zones shall demonstrate compliance with this section as part of approval review.

Reasonable conditions may be imposed to ensure compliance with these standards.

(7) Alternative Compliance

Alternative wildfire mitigation approaches may be approved where the applicant demonstrates equal or greater protection through site design, vegetation management, or construction methods.

a. **Lot area:**

LOT AREA	F-5	F-40
Minimum for all uses:	5 acres	40 acres

b. **Lot width:**

LOT WIDTH	F-5	F-40
Minimum for all uses:	300 feet ¹	660 feet ¹

¹ The width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the required minimum lot width is provided when measured at a distance of 100 feet back from the front lot line in the F-5 Zone; 140 feet in the F-10 Zone.

c. **Yard setback:**

1. Front yard setback:

FRONT YARD SETBACK	F-5	F-40
Minimum for all buildings:	30 feet ¹	75 feet ¹

¹ See Section 108-7-10 if Lot abuts an Arterial Street or Collector Street.

2. Side yard setback:

SIDE YARD SETBACK	F-5	F-40
Minimum for all buildings:	20 feet	40 feet

3. Rear yard setback:

REAR YARD SETBACK	F-5	F-40
Minimum for main building:	30 feet	
Minimum for accessory building:	10 feet	

d. Building height:

	F-5	F-40
Minimum main building height:	1 story	
Maximum main building height:	35 <u>2</u> 5 feet	
Maximum accessory building height:	20 feet ¹	

¹ Except when governed otherwise by Section 108-7-16 Large Accessory Buildings.

Section 104-9-6 Existing Agricultural Uses, Operations, and Structures

A. Purpose.

The purpose of this section is to recognize and protect lawful agricultural uses, agricultural operations, and agricultural structures that existed prior to the effective date of incorporation of Ogden Valley City or prior to the effective date of any subsequently adopted land use regulation that would otherwise render such use or structure nonconforming or noncomplying, while preserving the City’s authority to regulate future expansion, enlargement, reconstruction, and changes in use in the interest of public health, safety, and welfare.

B. Applicability.

This section applies to agricultural uses, agricultural operations, agricultural structures, and agricultural improvements located within Ogden Valley City that were lawfully existing on January 1, 2026, or on the effective date of incorporation of Ogden Valley City, whichever is earlier.

C. Existing Agricultural Uses.

1. Any lawful agricultural use or agricultural operation existing on the date identified in Subsection B, and continuously maintained thereafter, shall be deemed a lawful existing **nonconforming use** and may continue, notwithstanding the adoption or amendment of any provision of this title that would otherwise prohibit, restrict, or limit that use.
2. Protected agricultural uses may include, as applicable and as actually existing on the applicable benchmark date:
 - a. cultivation and crop production;
 - b. grazing and pasturing;
 - c. livestock keeping and husbandry;
 - d. accessory agricultural activities customarily incidental to the operation; and
 - e. similar bona fide agricultural activities lawfully conducted on the property.

D. Existing Agricultural Structures and Improvements.

1. Any lawful agricultural structure or agricultural improvement existing on the date identified in Subsection B shall be deemed a lawful existing **noncomplying structure** or improvement and may remain, notwithstanding the adoption or amendment of any setback, yard, height, location, area, or similar dimensional requirement of this title. Utah law defines a noncomplying structure as one that legally existed before the current land use designation and later became out of compliance because of changed setback, height, or similar dimensional regulations.
2. Protected structures and improvements may include, as applicable and as actually existing on the applicable benchmark date:
 - a. barns;
 - b. sheds;
 - c. corrals;
 - d. pens;
 - e. stables;
 - f. loafing sheds;
 - g. riding arenas;
 - h. feed storage areas;
 - i. fencing;
 - j. irrigation-related agricultural improvements; and

k. other agricultural outbuildings or improvements customarily associated with a lawful agricultural operation.

E. Continuation; Maintenance; Repair; Replacement in Kind.

1. A protected agricultural use, operation, structure, or improvement may be continued, maintained, repaired, and replaced in kind in the same general location and to substantially the same extent as existed on the applicable benchmark date.
2. Ordinary maintenance, repair, and replacement in kind shall not be considered an unlawful expansion or enlargement under this section, provided the work does not:
 - a. materially increase the degree of noncompliance;
 - b. materially enlarge the footprint of a noncomplying structure;
 - c. materially intensify the use beyond the historical scope of the operation; or
 - d. create a new or additional violation of this title.

F. No Automatic Right to Expand or Intensify.

1. This section protects the continuation of an existing lawful agricultural use, operation, structure, or improvement, but does not create a right to:
 - a. expand the use onto additional land area not devoted to that use on the applicable benchmark date;
 - b. construct a new agricultural structure that did not exist on the applicable benchmark date;
 - c. enlarge an existing agricultural structure in a manner that increases or creates noncompliance;
 - d. change to a more intensive agricultural or nonagricultural use; or
 - e. increase livestock numbers beyond the historical scale of the operation existing on the applicable benchmark date, except as may be approved under this title.
2. For purposes of this section, “historical scale of the operation” may account for normal and customary seasonal variation, ordinary fluctuations in herd size, crop rotation, and similar operational characteristics, so long as the operation remains substantially consistent with the nature and intensity of the agricultural use lawfully existing on the applicable benchmark date.

G. Evidence of Protected Status.

1. A property owner asserting protection under this section shall have the burden of demonstrating that the agricultural use, operation, structure, or improvement:
 - a. lawfully existed on the applicable benchmark date; and

b. has been continuously maintained, except for ordinary seasonal or temporary interruptions customary in agriculture.

2. Evidence may include, without limitation:

a. aerial photographs;

b. tax or assessor records;

c. permits or approvals;

d. water records;

e. agricultural records;

f. business records;

g. affidavits or declarations;

h. historical photographs; and

i. other substantial evidence reasonably relied upon by the Zoning Administrator.

H. Administrative Determination.

1. Upon request of a property owner or upon initiation by the City in connection with enforcement or land use review, the Zoning Administrator may issue a written determination regarding whether a claimed agricultural use, operation, structure, or improvement qualifies for protection under this section.

2. The written determination shall identify, to the extent reasonably ascertainable:

a. the nature of the protected use, operation, structure, or improvement;

b. the basis for the determination; and

c. any reasonable conditions necessary to distinguish permitted continuation from unlawful expansion or intensification.

3. A determination under this section may be appealed to the City's appeal authority in the manner provided elsewhere in this code and by Utah law.

I. Abandonment or Discontinuance.

1. A protected agricultural use shall lose its protected status if abandoned or discontinued in accordance with applicable Utah law or other applicable provisions of this code governing nonconforming uses.

2. A protected agricultural structure or improvement shall lose its protected status if voluntarily removed, intentionally demolished, or abandoned and not thereafter maintained as a usable agricultural structure or improvement, subject to applicable Utah law.

J. Health and Safety Regulations.

Nothing in this section shall prevent the City from enforcing generally applicable building, fire, floodplain, drainage, sanitation, nuisance, or other health and safety regulations, provided the City shall not use such regulations to terminate a protected agricultural use, operation, structure, or improvement except as authorized by Utah law. Utah law allows municipalities to regulate these preexisting rights but not simply extinguish them because a new zoning rule was later adopted.

K. Relationship to Other Provisions.

In the event of a conflict between this section and another provision of this title, this section shall control with respect to the continued lawful existence of an agricultural use, agricultural operation, agricultural structure, or agricultural improvement qualifying for protection under this section.