

New World Distillery Inc. – P.O. Box 597, Eden, UT 84310.

New World Distillery Inc.

P.O. Box 597, Eden, UT 84310

Appeal Filing – CUP 2025-21 (LineCo Laydown Yard)

Filed: November 4, 2025

Submitted by:

Christopher Cross, Owner

New World Distillery Inc.

P.O. Box 597, Eden, UT 84310

(801) 920-1110 | Chris@NewWorldDistillery.com

NOTICE OF APPEAL

To: Weber County Planning Division (Appeal Authority Clerk)

Cc: Ogden Valley Planning Commission; Weber County Attorney – Civil Division

From: Christopher Cross, Owner – New World Distillery, Inc.

Address: P.O. Box 597, Eden, UT 84310

Phone: (801) 920-1110 | **Email:** Chris@NewWorldDistillery.com

Date: November 4, 2025

Re: Appeal of Conditional Use Permit Approval – CUP 2025-21 (1884 LineCo Laydown Yard)

Pursuant to the **Weber County Land Use Code** and Utah’s **Land Use, Development, and Management Act (LUDMA, Utah Code Title 17-27a)**, the undersigned hereby files this **Notice of Appeal** of the Ogden Valley Planning Commission’s decision on **October 28, 2025**, approving **Conditional Use Permit (CUP) 2025-21** for the **1884 LineCo Laydown Yard**.

Appellant: Christopher Cross (adjacent business owner – New World Distillery, Inc.)

Decision Appealed: Approval of CUP 2025-21 (Ogden Valley Planning Commission – 10/28/2025)

Appeal Authority: Board of Adjustment

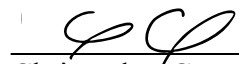
Relief Requested: See attached *Statement of Grounds for Appeal*.

Appellant requests that the Appeal Authority:

1. Accept this appeal as **timely**;
2. **Stay the effectiveness** of the CUP approval pending final resolution of this appeal;
3. Direct preparation and **certification of the complete administrative record** (including audio, minutes, staff report, exhibits, public comments, and conditions of approval); and
4. Set a **hearing schedule** for review.

By filing this Notice, Appellant preserves all rights and issues raised in the attached *Statement of Grounds for Appeal* and in the administrative record.

Respectfully submitted,



Christopher Cross

New World Distillery, Inc.

P.O. Box 597, Eden, UT 84310

Date: November 4, 2025

STATEMENT OF GROUNDS FOR APPEAL

Appellant: Christopher Cross, Owner – New World Distillery, Inc.

Mailing Address: P.O. Box 597, Eden, UT 84310

Adjacent to subject property: Cul-de-sac, MV-1 Zone

CUP: 2025-21 – 1884 LineCo Laydown Yard

Decision Date: October 28, 2025 (Ogden Valley Planning Commission)

Appeal Authority: Board of Adjustment

Filing Date: November 4, 2025

Requested Relief

Appellant respectfully requests that the Appeal Authority:

- **Vacate the approval** of CUP 2025-21; or in the alternative,
- **Remand the matter** to the Planning Commission for further proceedings with proper findings and complete evidence; and
- **Stay the effectiveness** of the CUP pending this appeal.

Appellant further requests issuance of an **immediate Stop-Use Order** until lawful approvals, if any, take effect.

Grounds for Appeal

1. **Exceeding the One-Year Limit Without Findings of “Good Cause.”**
The approval allows operation for approximately **17 months** beyond the code’s one-year limit without any factual findings of good cause or authority for such extension.
2. **Inaccurate and Incomplete Staff Report.**
The Staff Report omits the documented **17 months of unpermitted operation** and multiple enforcement complaints, instead presenting the operation as a new or compliant applicant.
3. **Unaddressed Negative Impacts.**
Documented conditions include **dust, air particulates, truck congestion, blocked access, light pollution, noise, and safety hazards** along the cul-de-sac. These are not speculative concerns — they are ongoing and verifiable.
4. **Lack of Measurable Mitigation Standards.**
The decision provides no specific metrics for **dust suppression, decibel limits, truck**

routing, hours of operation, or lighting compliance, rendering the permit **unenforceable**.

5. **Unequal Enforcement and Arbitrary Leniency.**

Allowing a violator to retroactively apply for a CUP after 17 months of illegal operation — when other businesses followed the code — represents **unequal treatment** under Weber County enforcement policy.

6. **Material Misstatements at Hearing.**

During the public meeting, the applicant’s representatives made **false statements** regarding site fencing, locked gates, and operational limitations. These were accepted without verification, compromising the integrity of the record.

7. **Procedural Errors in Findings and Duration.**

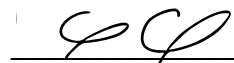
The Commission’s motion lacks specific findings supporting the 16-month duration or identifying measurable conditions to justify approval.

Conclusion

The approval of CUP 2025-21 is **arbitrary, unsupported by substantial evidence, and contrary to law**.

Appellant respectfully requests that the Appeal Authority **vacate or remand** the approval, direct the County to **resume enforcement and issue a Stop-Use Order**, and ensure that future approvals adhere to the **equal and lawful application of County Code**.

Respectfully submitted,



Christopher Cross
New World Distillery, Inc.
P.O. Box 597, Eden, UT 84310
Filed: November 4, 2025

Appendix Exhibit Index

Exhibit	Title / Description	Summary of Content	Purpose / Relevance
A	<i>Annotated Staff Report – CUP 2025-21 (LineCo Laydown Yard)</i>	Marked-up Weber County staff report highlighting omissions, inaccuracies, and contradictory findings.	Demonstrates reliance on incomplete and inaccurate information in approval recommendation.
B	<i>Neighbor Business Joint Letter</i>	Jointly signed letter by adjacent businesses detailing dust, noise, parking, and lighting impacts.	Shows collective, first-hand evidence of adverse operational impacts contradicting staff findings.
C	<i>Complaint Timeline Summary (June 2024 – Oct 2025)</i>	Chronological summary of complaints, follow-ups, and County responses.	Documents 17 months of unpermitted operation and lack of enforcement action.
D	<i>Photographic & Observational Evidence</i>	Photos showing dust emissions, light glare, and access obstructions from March 2024 – Oct 2025.	Provides direct visual corroboration of ongoing noncompliance.
E	<i>Public Comment Statement (Oct 28 2025)</i>	Transcript of appellant’s oral comments to the Ogden Valley Planning Commission.	Ensures appellant’s live testimony is part of the official record.
F	<i>Future Supplemental Materials (Pending GRAMA Response)</i>	Placeholder for official slides, transcripts, and correspondence once released.	Completes the administrative record for appeal review.

Appendix Exhibits

Exhibit A – Annotated Staff Report: CUP 2025-21 (LineCo Laydown Yard)

Exhibit B – Neighbor Business Joint Letter

Exhibit C – Complaint Timeline Summary (June 2024 – October 2025)

Exhibit D – Photographic and Observational Evidence

Exhibit E – Public Comment Statement (October 28 2025)

Exhibit F – Future Supplemental Materials (Upon Release)

End of Appeal Filing Packet
Filed November 2, 2025 | New World Distillery, Inc.

Exhibit A

Annotated Staff Report – CUP 2025-21 (LineCo Laydown Yard)

Prepared by: Christopher Cross – New World Distillery, October 2025

Key Annotations and Observations

L53: Incorrect statement describing the site as 'vacant.' The site has been in active use since 2024.

L59–L61: Mischaracterization of surrounding land uses as residential. The adjacent parcels include lawful MV-1 businesses such as a distillery, gym, childcare facility, excavation yard, and homebuilder office.

L117–L123: The report claims 'nominal impact' despite documented issues with dust, noise, traffic congestion, and runoff. These observations contradict the on-the-ground reality.

L122: Unsupported statement: 'No negative environmental impact expected.' No inspection or air/dust monitoring data is presented.

L195–L205: Omission of enforcement history: 17 months of operation without a CUP and paused enforcement by the County.

L297–L305: Community impact section includes no consultation with adjacent property owners, despite multiple formal complaints on file.

General: No acknowledgment of cumulative duration violations per §108-4-3, which limits temporary operations to 12 months.

Summary

This Staff Report omits critical context regarding violation history, operational impacts, and code consistency. It presents an incomplete record that could mislead Commissioners into approving a use that has already caused prolonged disruption. The absence of verified mitigation data, neighbor consultation, and accurate land-use representation requires that this CUP be denied or deferred pending correction.

Exhibit B

Ogden Valley Group Letter Opposing Retroactive CUP Approval

To: Weber County Planning Division

Ogden Valley Planning Commission

Subject: Opposition to Retroactive CUP 2025-21 – 1884 LineCo Laydown Yard

Date: [Insert Date]

Dear Members of the Ogden Valley Planning Commission,

We, the undersigned neighboring property and business owners, respectfully submit this letter regarding Conditional Use Permit (CUP) 2025-21 for the 1884 LineCo Laydown Yard in the MV-1 zone.

Our position is simple: this operation should not be granted a retroactive Conditional Use Permit after operating unlawfully for more than 16½ months without one.

1. A Matter of Fairness and Precedent

This business has been operating without the required permit for over sixteen and a half months. Granting a CUP after such a long period of unpermitted use creates the clear appearance that compliance with County Code is optional. Businesses that followed the law from the beginning bore the time, cost, and scrutiny of the proper approval process, while this operator has been allowed to profit and continue operations outside the law.

Approving this CUP now would set a troubling precedent—signaling to future operators that it is acceptable to begin operations first and seek approval later.

2. Land Use Context and Compatibility

The subject parcels are located at the end of a cul-de-sac that hosts a mix of small local businesses and community-serving uses. It is also bordered by properties used for residential care and agricultural purposes.

The laydown-yard activity introduces heavy truck traffic, early-morning staging, dust, and equipment noise into an area not designed for industrial intensity. Extending that activity retroactively for another year would amplify existing conflicts and degrade safety and quality of life for neighboring operators and patrons who rely on clean air, accessible roadways, and predictable business hours.

3. Code Integrity and Community Trust

Weber County's Land Use Code exists to ensure fair, consistent application of rules. When enforcement is deferred or ignored, confidence in that system erodes. Allowing continued operation during a retroactive permit process rewards noncompliance and undermines public trust in County enforcement.

4. Reasonable Expectation

If the operator had followed County procedures from the start, the project's one-year term would likely be completed by now. Extending that operation for yet another year effectively doubles the impact period on the surrounding community.

We urge the Commission to deny this CUP request and require cessation of the unpermitted use. We further ask the County to apply enforcement consistently to protect those who comply with the law.

Respectfully submitted,

Name	Business / Property	Signature	Date
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Ashley Cross	New World Distillery		28 October 2025
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Ashley Cross

Jori Torman	HEL Fitness		28 October 2025
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Jori Torman

Chandra Barrong	HAKids		28 October 25
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Chandra Barrong

Exhibit C

Timeline of Events – Unpermitted Operation Complaint (June–October 2025)

This timeline summarizes all major actions, communications, and County responses related to the ongoing complaint against the unpermitted construction yard adjacent to New World Distillery, from June 1, 2025 through October 26, 2025.

Date	Action	Description / Details	Status
June 2025	Initial Formal Complaint Filed	Formal letter submitted to Weber County Planning and Code Enforcement requesting a Stop-Use Order and denial of any retroactive CUP. One week later, the County confirmed receipt, stating they were 'working on the complaint' and coordinating with the criminal division. Tenant operations continued.	No enforcement action taken.
June 2025	GRAMA Request Filed	Request for enforcement and CUP records submitted. County denied under Utah Code §63G-2-305(10), citing investigative exemption.	Denied; no records released.
July–August 2025	No Enforcement Updates	No written updates received. Violations	Ongoing; unaddressed.

		continued including dust, noise, traffic, lighting, and access conflicts.	
Sept 10, 2025	County Response – Enforcement Paused	Email from Code Enforcement (Iris Hennon) stating enforcement paused while tenant applies for CUP; operator claimed ignorance of need for permit.	County paused enforcement.
Sept 11, 2025	Formal Response Sent to County and Commission	Letter demanding immediate Stop-Use Order, rejecting ignorance defense, and opposing retroactive CUP; cited fairness and precedent concerns.	No formal written reply received.
Mid-Sept 2025	Fairness and No-CUP Policy Memos Sent	Two memos — 'Fairness in Land Use Enforcement' and 'No Retroactive CUP Policy' — sent to Commission and Planning Division.	Delivered; no response.
Oct 11, 2025	Follow-Up Email Sent	Reminder email requesting written response after a month of silence.	No reply received.
Mid-Oct 2025	Formal Escalation Letter to Commission	Comprehensive escalation letter sent requesting resumption of enforcement, rejection of retroactive CUP, and code citation authorizing	Delivered; no written reply.

		enforcement pause.	
Oct 2025	County Staff Report Issued	Staff Report recommended approval of CUP 2025-21 despite acknowledging the use exceeded one-year limit; recommends continued operation through 2026.	Pending Planning Commission review.
Oct 2025	Call with Staff Report Preparer (Mr. Lleverino)	Phone conversation; invited to submit written comments for Commission review.	Invitation accepted.
Oct 2025	Written Comments Submitted	Detailed written comments pointing out omissions in Staff Report (no enforcement history, inaccurate land-use, fairness issues).	Submitted; acknowledgment pending.
Oct 2025	Joint Business Letter Submitted	Jointly signed by neighboring business and property owners documenting ongoing noncompliance and impacts; requested Staff Report revision.	Pending Commission review.
Oct 2025	Concise One-Page Business Letter Drafted	Shorter version circulated to maximize signatures; emphasizes fairness and enforcement	Signatures being collected.

		integrity.	
Oct 28, 2025	Planning Commission Hearing Scheduled	Planned to present comments, group letter, and fairness arguments; appeal ready if CUP approved.	Hearing pending; appeal contingency prepared.

Exhibit D





ENCOURAGE
LISTEN
EMPOWER

What's your vision?

ATOYOT
W.
EIA

Exhibit E

Public Comments – Ogden Valley Planning Commission

Prepared by: Christopher Cross
Owner, New World Distillery, Inc.
October 28, 2025

Full 3-Minute Version

Good evening Commissioners,

My name is Christopher Cross, and I own and operate New World Distillery, one of several small, lawful businesses at the end of the same cul-de-sac as the LineCo Laydown Yard.

For 17 months, this operator has conducted daily heavy construction-yard activity without a Conditional Use Permit, in direct violation of Weber County Code §108-4-3. During that entire period, enforcement has been paused, allowing the use to continue uninterrupted.

From a code-compliance standpoint:

- The applicant has operated unlawfully for 17 months—far beyond the one-year limit stated in the code.
- Allowing them to apply now creates a precedent where compliance is optional and delay is rewarded.
- Every additional day of operation is technically a separate violation under County Code.

From a real-world standpoint, the impacts are daily and ongoing:

- Dust pollution blanketing neighboring properties.
- Noise from heavy equipment early and late.
- Non-compliant lighting spilling onto adjacent lots.
- Truck congestion on a cul-de-sac never designed for industrial traffic.
- Runoff and erosion damaging adjacent properties.

These are not hypothetical impacts—they are documented, recurring conditions that have persisted for well over a year. Every neighboring business can confirm that the required standards for compatibility and mitigation have not been met.

I understand that this project may be considered large and important. But no project—large or small—should be above the law. Small businesses like mine go through every review, inspection, and permit requirement because that's what County code demands. When a larger operator is allowed to bypass the rules for more than a year, it sends a troubling message that enforcement is unequal—that the rules apply only to those without influence or size.

Over these 17 months, County responsiveness has been disappointing. Repeated complaints from nearby businesses have been met with silence or delay, showing little regard for those already complying with the law. This lack of accountability compounds the unfairness.

Commissioners, this isn't about opposing growth—it's about fair governance. If the County intends to maintain integrity in its code enforcement, the same standards must apply to everyone.

I urge you to deny this CUP, and direct staff to resume enforcement immediately and issue the long overdue Stop-Use Order. This action would restore fairness, accountability, and faith in Weber County's zoning process.

Thank you for your time and for the opportunity to speak.