



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on a conditional use application for a surface boulder collection operation near Avon Divide  
**Agenda Date:** Tuesday, February 22, 2011  
**Applicant:** Reed C Jensen & Karl A Jensen Land Holding Company, Applicant; Dan Lockwood, Agent  
**File Number:** CUP 2011-02

#### Property Information

**Approximate Address:** Avon Divide area near Weber/Cache County line  
**Project Area:** 820 Acres  
**Zoning:** Forest 40 Zone (F-40)  
**Existing Land Use:** Agriculture  
**Proposed Land Use:** Surface boulder removal operation  
**Parcel ID:** 23-044-0007  
**Township, Range, Section:** T8N, R1E, Sections 32 & 33

#### Adjacent Land Use

<b>North:</b>	Cache County	<b>South:</b>	Forest/Recreation
<b>East:</b>	Agriculture	<b>West:</b>	Forest/Recreation

#### Staff Information

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

### Applicable Ordinances

- Weber County Zoning Ordinance Chapter 8 (F-40 Zone)
- Weber County Zoning Ordinance Chapter 22C (Conditional Uses)

### Background

The applicant is requesting approval of a conditional use permit to allow a surface boulder collection operation. The F-40 Zone allows a "mine, quarry, and gravel pit" as a conditional use. The purpose of the operation is to remove boulders from the applicant's property to make it more suitable for agricultural purposes. This proposal does not include a rock crusher or stockpiling of materials. The operation is conducted on private property near the Cache County line and the Avon Divide. The Avon Divide Road is used as the access to the property.

This operation began in 2010 as a temporary use gathering rocks for the Ogden River restoration project. The applicant now wants to make the use permanent. The applicant has met with the Weber County Planning and Engineering Divisions about requirements for allowing this use on the proposed site. The existing requirements include:

- The boulders may be removed from the property only on Monday through Friday between 7:00 AM and 6:00 PM. No work is to take place on weekends or outside of the prescribed hours.
- A Storm Water Pollution Prevention Plan (SWPPP) and an escrow for restoration of the site must be submitted.
- The current stockpile site at the base of Avon Divide must be cleared and restored by March 29, 2011. The restoration includes repair of the County road at the entrance to the site.

There are no structures, lighting, signage, parking, or landscaping associated with this use. The boulders are removed from the site in a dump truck and there is no rock crushing associated with this operation. The applicant is required to follow an approved storm water pollution prevention plan and obtain excavation permits if necessary. Excavation permits are not required for collecting surface boulders, but if rocks below the surface are being excavated, a permit is required. The

applicant has not proposed specific days and hours of operation. A restoration plan for the site has not been submitted, but should be required as a condition of approval.

The property owner has informed staff that the applicant does not have a current lease agreement for use of the land. However, the owner wants this application to move forward pending agreement on a new lease. The Planning Division will not issue the Conditional Use Permit until a new lease agreement is signed and a copy is provided to staff.

### Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that need be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under “Criteria for Issuance of Conditional Use Permit.” The Planning Commission needs to determine if the proposed surface boulder collection operation meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit A.

#### 22C-4. Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The site is remote so the boulder collection operation will have minimal negative impacts from noise, dust, vibration, etc. However, removing boulders from the site will cause noise and dust from the dump truck traveling up and down the unimproved road. This issue can be mitigated by limiting the days and hours of operation, limiting the number of trips that can be made in one day, or limiting the type and number of trucks that are used for the operation. The dump truck operation appears to be the only impact that may require mitigation.
2. The F-40 Zone allows a “mine, quarry, and gravel pit” as a conditional use. The conditions established by the Weber County Planning and Engineering Divisions must be complied with in order for this conditional use permit to be granted.

### Conformance to the General Plan

As a conditional use, this operation is allowed in the F-40 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

### Conditions of Approval

- Requirements of the Weber County Planning Division
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- A new lease agreement with the property owner must be signed and provided to staff

### Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- The proposed use is allowed in the F-40 Zone
- The applicant can meet the conditions of approval by the March 29<sup>th</sup> deadline
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished

## Exhibits

- A. Applicant's narrative and response to criteria
- B. Letter from Weber County Code Enforcement with requirements of Planning and Engineering Divisions

## Map 1

