



Staff Report to the Weber County Board of Adjustment

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on an appeal of an administrative decision, by the Weber County Planning Division, to issue a Land Use Permit for parcel #22-010-0001, (located at 3788 E 4100 N, Liberty) owned by Richard Ralph & Rulon Kent Jones. The allegation is that the Planning Division erred in its decision to issue this Land Use Permit.

Agenda Date: Thursday, August 25, 2011

Applicant: Bret Barry

File Number: BOA 2011-04

Property Information

Approximate Address: 3788 East 4100 North, Liberty

Project Area: 6.15 Acres

Zoning: Agricultural Valley-3 Zone (AV-3)

Existing Land Use: Residential and Agriculture

Proposed Land Use: Expand Agricultural Use

Parcel ID: 22-010-0001

Township, Range, Section: T7N, R1E, Section 20

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Scott Mendoza
smendoza@co.weber.ut.us
801-399-8769

Report Reviewer: RS

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 29 (Board of Adjustment)
- Weber County Zoning Ordinance Chapter 1 (General Provisions/Definitions)
- Weber County Zoning Ordinance Chapter 5B (Agricultural Valley – 3)
- Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)

Background

Description and Appellant Request

On June 27, 2011 the Weber County Planning Division reviewed a Land Use Permit Application and subsequently issued a permit for, what has been interpreted by the Planning Staff to be, an agricultural use on a parcel located at 3788 E 4100 N in Liberty, Utah. See Map #1, on page 6 of 7, for approximate location. The Planning Division's decision to issue this Land Use Permit was based on information presented, and its compliance with the development standards found in the Zoning Ordinance, e.g., use type, structure setbacks, and structure height; however, it is being appealed to the Board of Adjustment for several stated reasons ranging from the Planning Staff's misapplication of the Zoning Ordinance to incomplete and inaccurate information being provided by the Land Use Permit applicant.

Chapter 29 (Board of Adjustment) of the Weber County Zoning Ordinance states that one of the duties and powers of the Board is "To hear and decide appeals where, it is alleged by the appellant that, there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance." The appellant, Mr. Bret Barry in this case, is requesting that the Board of Adjustment consider his appeal and cause the rescission of the Land Use Permit in question. See Exhibit A for appellant's letter to the Board of Adjustment. See Exhibit B for the Land Use Permit.

Parcel Information and Proposed Use

The agricultural parcel (Tax ID# 22-010-0001) for which the Land Use Permit was issued, is owned by Richard Ralph and Rulon Kent Jones. It consists of approximately 6.15 acres and lies within the Agricultural Valley – 3 (AV-3) Zone which lists “agriculture” as a permitted use.

During the third week of June (2011) an authorized representative, of the landowners, submitted a Land Use Permit Application, a site plan, and a written narrative that describes the subject property and the proposed land use. See Exhibits C, D, and E respectively.

As described in the narrative, attached as Exhibit E, the Jones’ have proposed to expand their current agricultural activities by utilizing an existing (1200 sq.ft.) agricultural building for meat cutting/preparation. It has been represented that the building will only be used for cutting/preparing meat (elk) that is a product of this farm operation and not for slaughtering, butchering, or custom cutting other animals that have been raised and/or harvested from other sources, e.g., other livestock operations or a hunter’s wild game. It has also been represented that there would be a limited number of animals (approximately 100) cut and prepared during the fall months only.

Land Use Permit Issuance

In issuing the Land Use Permit, the Planning Division relied on information provided by the Jones, the Weber County Zoning Ordinance, and Utah State Code. The specific zoning ordinances that apply to the Jones’ application are Chapter 1 (General Provisions/Definitions); Chapter 5B (Agricultural Valley – 3), due to the fact that the Jones’ property lies within the Agricultural Valley – 3 Zone; and Chapter 23 (Supplementary and Qualifying Regulations), due to the structure’s size.

Chapter 5B states that “*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.*” It lists “agriculture” as a permitted use and Chapter 1 defines “agriculture” and an “agricultural parcel” in the following ways:

AGRICULTURE: *Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.*

AGRICULTURAL PARCEL: *A single parcel of land, at least 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in order to qualify for the agricultural building exemption.*

The parcel owned by the Jones’ meets the definition of an “agricultural parcel” and it is the Planning Division’s interpretation that the proposed use is “agriculture” (“primarily farming” and a “related purpose”); therefore, it is permitted.

The following describes the rationale behind the Planning Staff’s decision to issue the Land Use Permit:

1. A complete Land Use Permit Application Packet, certified to be true and correct, was submitted.
2. The Jones property site plan, submitted as a part of their packet, represented that the subject building is in compliance with the development standards found in the Zoning Ordinance, e.g., use type, structure setbacks, and structure height.
3. After consideration was given to the Weber County Zoning Ordinance, the proposed use was interpreted to be “agriculture” which is a permitted use in the AV-3 Zone.

Due to the County’s definition of “agriculture” being quite broad, i.e., agriculture is “primarily farming and related purposes”, the Planning Staff referred to Utah State Code for more specific information. The following is the Utah State Code definition of “agriculture”:

“Agriculture” means the science and art of the production of plants and animals useful to man including the preparation of plants and animals for human use and disposal by marketing or otherwise.

4. The Planning Staff considered the proposed “meat cutting” activity to be a part of the “preparation” as included in the above Utah State Code definition of “agriculture”. Due to the inclusion of the word “preparation”, the

Planning Staff referred to Utah State Code for more specific information. The following is the Utah State Code definition of "prepared" and "process":

"Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

"Process" means to cut, grind, manufacture, compound, smoke, intermix, or prepare meat or poultry products.

Even though the Utah State Code includes "slaughter" in its definition of "prepared", the Planning Staff determined that the proposed use was not a "slaughterhouse" due to the lack of activities customarily involved with "slaughtering". The proposed use (meat cutting building) will not include customary activities such as stunning or causing the animals to become unconscious/insensible, exsanguination (the killing of the animal) skinning, removal of internal organs, or rendering waste materials. See Exhibit H for examples of the slaughtering process. The following is the Utah State Code definition of "slaughter":

"Slaughter" means:

(a) the killing of an animal in a humane manner including skinning or dressing; or

(b) the process of performing any of the specified acts in preparing an animal for human consumption.

5. Livestock (animals) is undoubtedly a product of agriculture; therefore, the Planning Staff, prior to issuing the Land Use Permit, was able to verify that "domesticated elk" are specifically listed and considered to be "livestock" according to the State of Utah. The following is the Utah State Code definition of "livestock" and "domesticated elk" as referenced:

"Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.

*"Domesticated elk" means elk of the genus and species *cervus elaphus*, held in captivity and domestically raised for commercial purposes.*

Appeal

On July 13th, 2011, Mr. Bret Barry, the owner of a home and property neighboring the proposed use, submitted an application to the Board of Adjustment requesting the above described appeal. See Exhibit A for Mr. Barry's letter to the Board of Adjustment.

Below is a summarized list of issues/concerns that Mr. Barry is bringing to the attention of the Board of Adjustment, followed by a Planning Staff response:

1. The proposed use is non-compliant with **Section 5B-3(5) of the Zoning Ordinance** because its distance to dwellings on adjacent properties is not at least two hundred (200) feet and the site includes permanent fences, corrals, chutes, structures, and other buildings associated with a feeding operation.

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:**
 - A. not exceed a density of twenty-five (25) head per acre of used and;
 - B. be carried on during the period of September 15 through April 15 only;
 - C. be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
 - D. not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation

PLANNING STAFF RESPONSE:

Section 5B-3(5) specifically and unambiguously states "the raising and grazing of horses, cattle, sheep or goats", and then assigns additional requirements to operations that raise and graze "horses, cattle, sheep, or goats." This list does not serve as a list of examples due to the fact that words like "such as", "for example", or "not limited to" are not used. Due to this the Planning Staff concluded that the list was created decidedly and intentionally; therefore, the standards listed in A through D above only apply to farm operations that involve those specifically listed animals.

Neither the existing and/or proposed use involves the raising and grazing of "horses, cattle, sheep or goats"; therefore, Section 5B-3(5) does not apply and should not be considered by the Board of Adjustment.

In the event it were interpreted that Section 5B-3(5) did apply, the requirements listed in A through D above would only apply to the "raising and grazing" area/operation and not to accessory buildings or those uses completely contained within them. This becomes evident after reading the requirements listed in A through D. For example, requirement A refers to the number of animals allowed on a per acre basis. One can see how this requirement (and others) applies to the "raising and grazing" and could not apply to an accessory building.

- 2. Nothing within the Land Use Permit Packet provided guidelines, plans, or definition of environmental impact, waste handling or disposal, waste water (septic), harmony with surrounding neighbors and harmony with the purpose of the residential area.**

PLANNING STAFF RESPONSE:

The Weber County Zoning Ordinance does not require guidelines, plans, or definitions of environmental impact, waste handling or disposal, waste water (septic), or applicant descriptions of how a proposed use is in harmony with surrounding neighbors or in harmony with the purpose of a residential area. Documentation or proof of culinary and waste water (septic) approval is required prior to the issuance of a Weber County Building Permit. The required documentation has been provided by the Weber/Morgan Health Department and has been received by the Weber County Building Inspections Office.

- 3. The proposed use is contrary to the public interest and will result in unnecessary hardship to both adjoining properties and other residents in the area.**

PLANNING STAFF RESPONSE:

Mr. Barry would like the Board of Adjustment to find that the proposed use is "contrary to the public interest"; therefore, rescind or overturn the issuance of the Land Use Permit. He, in his letter to the Board of Adjustment, has quoted the following language from Chapter 29 (Board of Adjustment) of the Weber County Zoning Ordinance:

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.

This language resides in Section 29-3 (Duties and Powers of the Board) and explains one of approximately thirteen other duties of the Board of Adjustment; none of which authorize the Board of Adjustment to rescind Land Use Permits based on whether or not a proposed use is thought to be contrary to public interest. The above language simply authorizes the Board of Adjustment to hear and grant variances when certain criteria are met. Mr. Barry's appeal is not a variance request; therefore, this language does not apply to the appeal and should not be considered by the Board of Adjustment.

- 4. There is evidence of a lack of stewardship, care for animals and care for facilities on the property for which the Land Use Permit was issued.**

PLANNING STAFF RESPONSE:

The general condition of property or the lack of stewardship may, in some cases, be addressed through the County's Zoning Enforcement; however, a lack of stewardship, in this case, does not apply to the appeal and should not be considered by the Board of Adjustment.

5. The proposed use is not agriculture but is in fact commercial.

PLANNING STAFF RESPONSE:

The Planning Division Staff relied on information provided by the Jones, the Weber County Zoning Ordinance, and Utah State Code. After considering these sources, the proposed use was determined to be "agriculture". Refer to the "Land Use Permit Issuance" section above.

6. The proposed use is not within the essence of the agriculture ordinance's (Chapter 5B or AV-3 Zone) sub-sections listed below nor in compliance (specifically) with the 5B-2-3:

5B-2-3. Animals or fowl kept for family food production as an accessory use

5B-2-8. Fruit or vegetable stand for produce grown on the premises only

5B-2-10. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation

5B-2-14. Private park, playground or recreation area, but not including privately owned commercial amusement business

PLANNING STAFF RESPONSE:

The proposed use has been interpreted to be "agriculture" which is listed as a permitted and entirely separate use allowed in the AV-3 Zone. Sub-section 5B-2-3 (*Animals or fowl for family food production as an accessory use*) is intended to allow animals to be kept on the same property as a single family dwelling which is the main use.

The above listed sub-sections do not regulate agricultural activities; therefore, they do not apply to the appeal and should not be considered by the Board of Adjustment.

7. The operation does not comply with Weber County Ordinance 5B-5-4 and 5B-5-5.

PLANNING STAFF RESPONSE:

Sub-sections 5B-5-4 and 5B-5-5 regulate main building height and accessory building height respectively. The buildings located, on the parcel for which the Land Use Permit has been issued, meet the building height requirements for the Agricultural Valley – 3 Zone; therefore, these sub-sections do not apply to the appeal and should not be considered by the Board of Adjustment.

8. The proposed use is subject to Chapter 22C (Conditional Uses) of the Weber County Zoning Ordinance.

PLANNING STAFF RESPONSE:

The proposed use is not listed as a Conditional Use; therefore, the proposed use is not subject to the Conditional Use Permit review process. This allegation does not apply to the appeal and should not be considered by the Board of Adjustment.

9. The proposed use is subject to Chapter 36 (Design Review) of the Weber County Zoning Ordinance.

PLANNING STAFF RESPONSE:

Chapter 36 provides standards for traffic safety, advertising, landscaping, site layout, and utilities only when associated with the development of multi-family dwellings, recreation resort uses, public and quasi-public uses, business, commercial, and manufacturing sites. The proposed use has been interpreted to be an agricultural use; therefore, Chapter 36 does not apply and should not be considered by the Board of Adjustment.

10. The proposed use is subject to Chapter 41 (Drinking Water Source Protection) of the Weber County Zoning Ordinance.

PLANNING STAFF RESPONSE:

Chapter 41 provides standards for certain types of activities (including agriculture) when located within Drinking Water Protection Zones. The parcel and proposed use, for which the Land Use Permit has been issued, is not located within a

Drinking Water Protection Zone; therefore, Chapter 41 does not apply to the proposed use and should not be considered by the Board of Adjustment. See Map #2, on page 7 of 7, for Drinking Water Protection Zones and subject parcel location.

11. The Jones' are in violation of Chapter 30 (Land Use Permit, Building Permit and Certificate of Occupancy) of the Weber County Zoning Ordinance. Construction activities commenced prior to the issuance of a Building Permit.

PLANNING STAFF RESPONSE:

The Jones' did begin construction prior to the issuance a Building Permit; however, all required information was received and a Building Permit was issued on (or about) July 26th, 2011.

Summary of Board of Adjustment Considerations

- Is the proposed use agriculture?
- Does Section 5B-3(5) of Chapter 5B (Agricultural Valley-3 Zone) apply to the proposed use?
- Do Mr. Barry's other listed concerns (2 through 11) apply to the appeal?

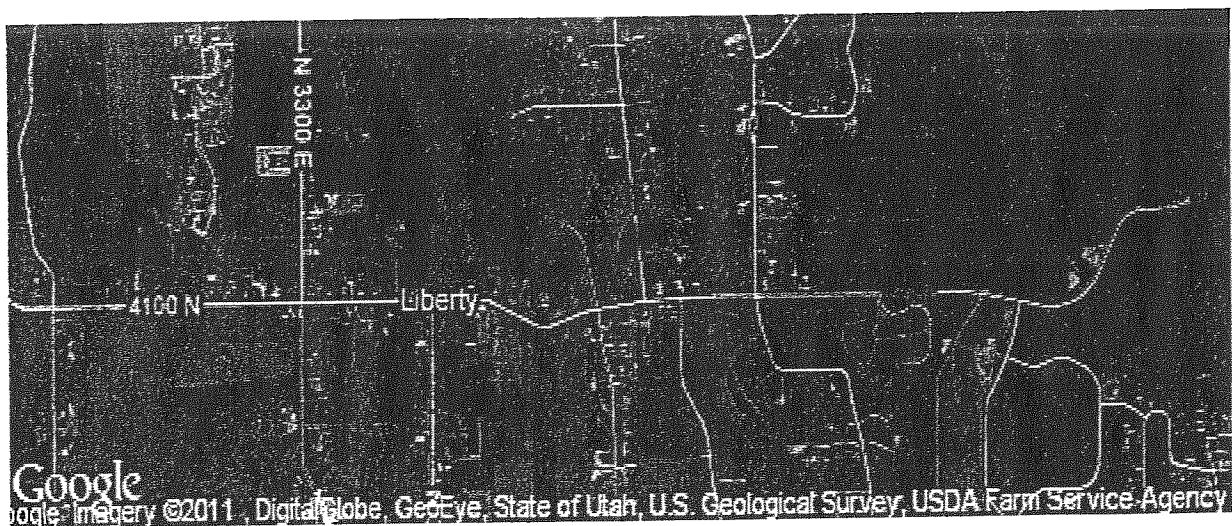
Staff Recommendation

The Planning Division Staff recommends that the administrative decision, to issue the subject Land Use Permit, be upheld based on the information presented in this staff report.

Exhibits

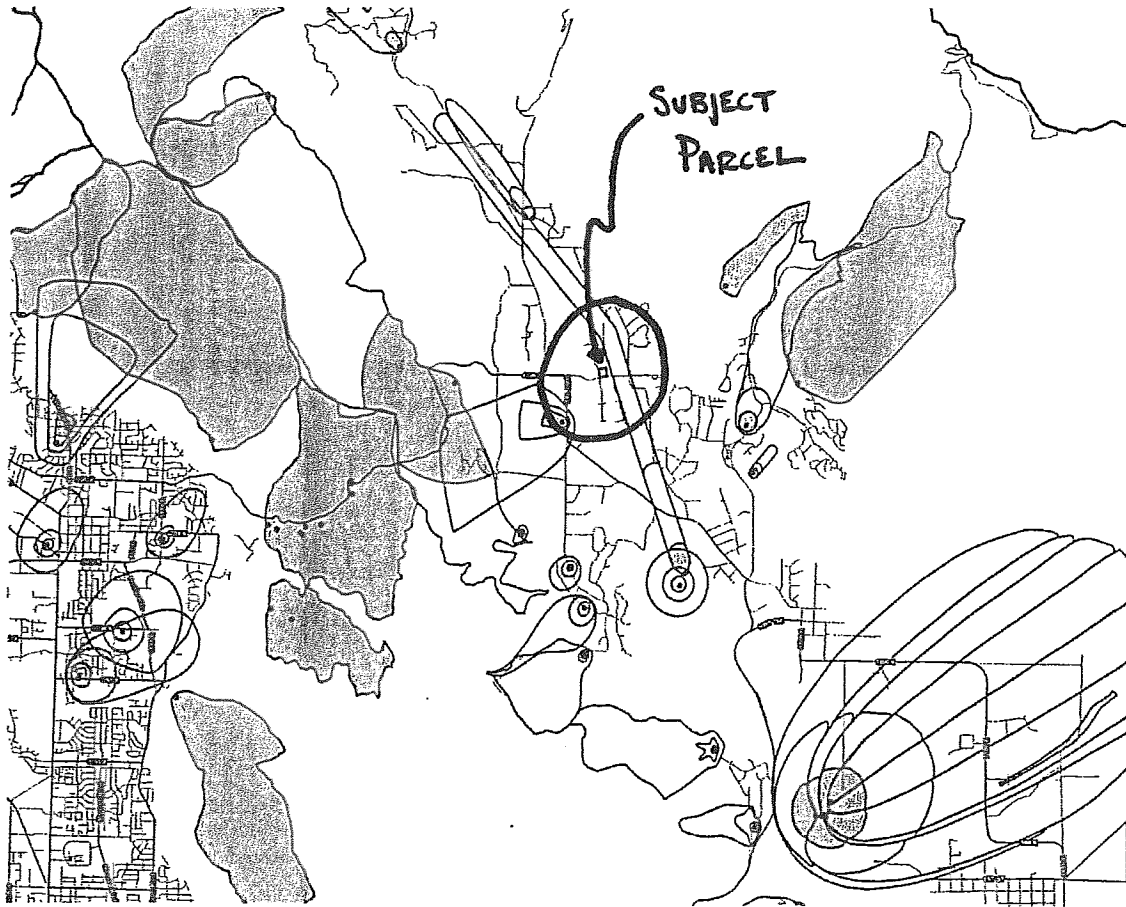
- A. Appellant's letter to the Board of Adjustment.
- B. Land Use Permit.
- C. Weber County Land Use Permit Application.
- D. Proposed Site Plan.
- E. Jones Narrative Describing Proposed Use.
- F. Planning Division Staff Review Notes of Proposed Site Plan.
- G. Weber County and Utah State Code Definitions.
- H. Examples of Typical Slaughterhouse Procedures.

Map #1 - Jones Property (Parcel 22-010-0001)



Map #2 - Drinking Water Protection Zones and Subject Parcel Location

DRINKING WATER SOURCE PROTECTION MAP



Dear Weber County Board of Adjustment,

This appeal has been prepared to request a Board of Adjustment hearing and public comment on the Land Use Permit (LUP64-2011) issued by Weber County for parcel number 220100001 located at 3788 E 4100 N in Liberty, Utah. The parcel is listed under "Jones, Richard Ralph &" on the Land Use Permit.

I, and various neighbors adjoining and in close proximity to the property, believe there are requirements which may have been overlooked in the approval process which may be due to incomplete and inaccurate information provided by by Rulon Kent and Garet Kent Jones in their narrative and drawings submitted with the Weber County Land Use Permit Application. The drawing provided by the Jones' did not show the adjacent properties or dwellings.

- I bring your attention to 5B-3 of the Weber County zoning ordinances Agriculture Valley Zone AV-3 titled "5B-3 Permitted Uses Requiring Five (5) Ares Minimum Lot Area specifically points 5 and 6. Please see the permit language below.

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*

Point 5B-3-5-3 specifically states "be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land". The proximity of the home/dwelling on the adjoining property of Bret Barry at 4221 N 3800 E, Liberty, UT 84310 is less than two hundred (200) feet from the proposed building. The proximity of this adjoining dwelling creates non-compliance with the ordinance.

A 2/18

- Additionally, the proximity of the home/dwelling of Clay Poulter, 4170 N 3800 E, Liberty, UT 84310 is also less than two hundred (200) feet from the proposed building.
- Point 5B-3-5-4 specifically states “not to include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation”. There are permanent fences, structures and buildings on this site. This is also stated in the “Agricultural Description of Property”. “The handling facility and agricultural storage area is used to store hay, grain and other farm supplies. It is also used to bring the elk into a smaller area in the winter to be worked”. It seems that these buildings create violations of the ordinance.
- The meat packing slaughter house is contrary to the neighborhood interest. While it may be in an agricultural zone AV-3, this area has been, for over four decades, a subdivision where agriculture is practiced for family use. There are certainly no other commercial facilities. The waste products of blood and offal are a strong attractant to predators. There have been multiple incidents with animal killings by predators in the area since the elk have been on the property. We expect the processing of meat would increase predators in the area.
- This facility is not in harmony with the area which is principally family housing on large parcels and animals are kept as “pets”. Concern for odors from the facility, other pollutants and disposal of waste products is of great concern. Additionally this will bring more traffic to a very quiet street with children. Additional traffic and the need for more parking to provide for the delivery and pickup of elk can also be expected to create undue hardship on neighbors and local residents.

In summary, we believe the Land Use Permit (LUP64-2011) is not in compliance with Weber County Ordinances for Agriculture Property Zone AV-3 and may have been issued because of incomplete and inaccurate information supplied by the Jones' on their Weber County Land Use Permit Application.

- Distance to dwellings on adjoining properties is not two hundred (200) feet thus not in compliance with Ordinance 5B-3.
- The site includes permanent fences, corrals, chutes, structures and other buildings normally associated with a feeding operation thus not in compliance with Ordinance 5B-3.
- Nothing within the narrative nor drawings provides guidelines, plans or definition of Environmental Impact, waste handling and disposal plan, waste water plan, harmony with surrounding neighbors and harmony with purpose of the residential area.
- Quoting Weber County Board of Adjustment Application Review Document (current as of 05/01/10) page 2 of 5 point 3 “To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the Ordinance will result in

A 3/18

unnecessary hardship; provided, that the spirit of the Ordinance shall be preserved and substantial justice done" We submit that the proposed facility is "contrary to the public interest" and "will result in unnecessary hardship" to both adjoining properties and other residents in the area.

Thus we request according to point 4 ("to interpret the zoning map and zoning ordinance") that the Board of Adjustment hear this appeal which is brought forth by Bret Barry and other local residents.

Sincerely,

Bret Barry
Property Owner
4221 N 3800 E
Liberty, Utah 84310

Attached please find multiple photos of the Jones property where the proposed slaughterhouse meat processing facility is intended to be located.

I bring your attention to such inaccurate statements documented by photos:

"Weeds are controlled and the land is replanted when needed."

Additionally, the Board of Adjustment will see the proximity of the facility to the Barry, Poulter, McFarland, Tuck and Rohde dwellings.

Finally, the Board of Adjustment will see the general condition of the property including multiple human and animal hazards in the "working facilities" thus providing evidence of the lack of stewardship and care for animals, facilities and land at the Jones property.

A 4/18

Dear Board of Adjustment,

I respectfully submit additional information to my request for Appeal of the Land Use Permit LUP64-2011.

In review of the Weber County Ordinances the intended use of the slaughterhouse and/or meat cutting processing operation which will prepare and provide for the sale of processed meat proposed by Rulon Kent Jones, Garet Kent Jones and Broadmouth Ranch (www.utahelkhunt.com) is not agricultural but is in fact a commercial business operation.

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.

Though agricultural in nature, the proposed operation does not fit within the parameters of 5B-1A because it is clearly commercial. The generally stated purpose of the operation is to process the meat from the livestock sold as part of a private hunting business. This proposed extension of the Broadmouth Ranch (www.utahelkhunt.com) operation will combine a slaughterhouse and/or meat cutting, packaging, processing operation which will prepare and provide for the sale of processed livestock within and across state lines and is definitely a commercial to supplement the business of Rulon Kent Jones and Broadmouth ranch which should be aptly designated as commercial.

Commercial Valley Zones CV-1, CV-2

18-B1 Purpose and Intent

The purpose of the Commercial Valley. CV-1 (Neighborhood), and Commercial Valley. CV-2 (General) Zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Ogden Valley in unincorporated Weber County. It is also to separate into two zones uses based upon the type of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.

18-B4 Special Regulations

A 5/18

1. Hereinafter specified Permitted and Conditional uses shall be allowed only when the following conditions are complied with:
 1. All uses shall be free from excessive odor, dust, smoke, or noise.
 2. In the CV-1 (neighborhood) Commercial Zone no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants

1. A car wash shall be permitted subject to the following restrictions:
 1. Operation or use shall limited to the hours between 6:00 a.m. and 10:00 p.m. in CV-1 Zones only.
 2. There shall not be more than four washing bays for a manual spray car wash in CV-1 Zones only.
 3. Off-street vehicle storage required as follows:
 1. One bay car wash, four spaces in the approach lane
 2. Two bay car wash, three spaces in the approach lane for each wash bay
 3. Three or more bay car wash, two spaces in the approach lane for each wash bay

M

	CV-1	CV-2
Manufacture of goods retailed on premises	N	C
Meat Custom cutting and wrapping excluding slaughtering;	N	C
Meat, fish and seafood store	P	P

As Weber County has specifically designated Weber County Ordinance Commercial Valley Zones CV-1, CV-2, for the inclusion of businesses relating to meat custom cutting and wrapping in section 18-B5 Uses. This commercial operation is directly suited for location in the CV-1 and CV-2 zones.

The Jones have verbally advised me, as well as others, that the meat which is produced from this commercial operation will be provided, sold and/or delivered to clients which have procured the meat through sales of livestock and products from Broadmouth Ranch (www.utahelkhunt.com). Thus this

A 6/18

operation is to be used as an accessory to the commercial hunting enterprise of Rulon Kent Jones and/or Broadmouth Ranch and other entities associated with the afore mentioned.

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*

As we understand a conditional Land Use permit has been granted due to Weber County Ordinance 5B-2-2 and in following the essence (is that the correct word) of the law that 5B-2-3 clearly states "Animals or fowl kept for family food production as an accessory use"

The commercial preparation, cutting, boxing and shipping of processed livestock within and across state lines is not within the essence of the ordinance nor in compliance with Ordinance 5B-2-3 specifically "Animals or fowl kept for family production.....". The intended commercial preparation, cutting, boxing and shipping of processed livestock can in no way be considered an "accessory use".

Ordinance 5B-2-8 clearly states "for produce grown on the premises only" Thus the Jones submission should be considered under the essence of this ordinance.

Ordinance 5B-2-10 clearly states "limited to sale of materials produced on premises and with no retail shop operation" Thus the Jones submission should be considered under the essence of this ordinance.

Ordinance 5B-2-14 clearly states "but not including privately owned commercial.....business" Thus the Jones submission should be considered under the essence of this ordinance.


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.

A 7/18

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, crates, structures or other buildings normally associated with a feeding operation

The purpose of the proposed commercial operation does not comply Weber County Ordinance 5B-5-4 and 5B-5-5. The raised and grazed livestock providing for this business are in fact sold to individuals as per the terms and conditions on the Broadmouth Ranch website <http://utahelkhunt.com/content/hunts.html> in which hunters are "Featuring 100% Guaranteed Elk Hunts!" at prices listed on the site.

TYPE	PRICE	DESCRIPTION	
		\$5,900 plus \$488 license	With our trophy hunt, we guarantee an opportunity up to a 340 class bull.
		\$3,900 plus license	5X6 Bull and 5X5 Bull
	Cow	\$1,900 plus license	
		\$4,900 plus license	
		Please	We also have elk hunts that we guarantee specific size bulls. For the hunter that would like to choose a particular class of bull, we have bulls up to 600 points. We do not over hunt our ranches and we are at 100% success for elk.

The proposed commercial operation of Jones and Broadmouth Ranch may also be considered an agricultural feed yard operation as defined in Rulon Kent and Garet Kent Jones "Agricultural Description of Property". "Elk are bred, grazed, handled (vaccinated and ear tagged) and raised on the property. The handling facility and agricultural storage area is used to store hay, grain and other farm supplies. It is also used to bring elk into smaller area in the winter and be worked".

Conditional Uses

22C-1 Purpose and Intent

The purpose of this chapter is to establish standards for land uses listed in each zone as a conditional use, and to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional."

Conditional uses are intended to allow greater flexibility by providing a wider variety of uses in a zone, while at the same time allowing conditions to be applied, due to their unique characteristics or potential impacts on surrounding uses. These may be appropriate only in certain locations and/or under specific conditions that mitigate potential impacts. If impacts cannot be mitigated, the conditional use may be deemed incompatible in some areas.

22C-3 Review Procedure

Applications for a conditional use permit shall be submitted to the Planning Division.

1. An application shall include:

- 1. A completed application form signed by the property owner or certified agent.*
- 2. An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.*
- 3. A narrative addressing the Criteria of Issuance 22C-5.*
- 4. Detailed location map.*
- 5. Detailed building plans and site plans specifications shall be drawn to scale including electronic copies showing details and other applicable zoning requirements as which are outlined in Chapter 36 "Design Review" and Chapter 18C "Ogden Valley Architectural, Landscape and Screening Standards".*
- 6. Accompanying documents including water and waste water feasibility letters*

A 9/18

- 7. Any additional pertinent information needed to adequately describe the proposal.
- 8. A requirement that the applicant submit applicable impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.
- 9. For those applications where no changes are proposed to an existing structure, the application requirements may be modified by the Planning Director.

In granting a Conditional Use Permit" applications are subject to Weber County Ordinance 22C. Quoting 22C-3 of the ordinance "Applications for a conditional use permit shall be submitted to the Planning Division.

1. An application shall include:". The submission by the Rulon Kent and Garet Kent Jones does not include all the required items, specifically:

22C-3-1-5 – Detailed building plans and site plan specifications.....and other applicable zoning requirements as which are outlined in Chapter 36 "Design Review"

Citing Chapter 36 "Design Review":

36-1 Purpose

The purpose and intent of design review by the Planning Commission is to secure the general purposes of this Ordinance and the master plan and to insure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

It shall not be the intent of this Chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by Chapter 18C, Ogden Valley Architectural and Landscape Ordinance.

Weber County Ordinance 36-1 Purpose "The purpose and intent of design review by the Planning commission...." is "to insure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood."

We the adjoining property owners and neighbor property owners in close proximity submit that the "appearance of buildings and structures and the development of the property" do impair the orderly

and harmonious development of the neighborhood and impair investment in and occupation of the neighborhood”.

22C-3-1-6 – “Accompanying documents including water and waste water feasibility letters”

22C-3-1-8 – “A requirement that the applicant submit applicable impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.

36-2 Application and Review

All applications for occupancy permits or building permits for all multi-family (over 8) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the Planning Commission with the exception that small buildings with a total footprint of less than 10,000 sq ft and a project area of less than one acre shall be reviewed and approved by the Planning Director after meeting the requirements of all applicable ordinances. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.

All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF, DWF and JPEG files of the respective plans.

According to Weber County Ordinance 36-2 Application and Review:

All applications for....business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the Planning Commission with the exception that small buildings with a total footprint of less than 10,000 sq ft and a project area of less

A 11/18

than one acre shall be reviewed and approved by the Planning Director after meeting the requirements of all applicable ordinances.

Additionally:

All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF, DWF and JPEG files of the respective plans

Consideration prior to Conditional Land Use Permit is to be given to Weber County Ordinance 36-4 Considerations in Review of Applications, please see below:

36-4 Considerations in Review of Applications

The Planning Commission and/or the Planning Director shall consider the following matters, and others when applicable, in their review of applications and where the plan is found deficient the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

1. *Considerations relating to traffic safety and traffic congestion:*
 1. *The effect of the development on traffic conditions on abutting streets*
 2. *The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways*
 3. *The arrangement and adequacy of off-street parking facilities to prevent traffic congestion*
 4. *The location, arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.*
 5. *The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.*
 6. *The surfacing and lighting of off-street parking facilities*
2. *Considerations relating to outdoor advertising.*
 1. *The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of*

A 12/18

adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.

3. *Considerations relating to landscaping:*

1. *The location, height and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development*
2. *The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in item G, to prevent dust and erosion and provide a visual break for the monotony of building materials, concrete and asphalt*
3. *A minimum landscape space of 10% of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required by Chapter 18-C, Ogden Valley Architectural and Landscape Ordinance*
4. *The number and type of mature and planted size of all landscape plantings*
5. *The method of irrigation and approximate location of the water meter, point of connection, sprinkler and/or drip irrigation heads, and any blow-out or winterizing system. Water conserving methods, such as bubblers and drip systems and electronic timer devices are encouraged*
6. *The location, type, and size of any existing trees over 4" caliper that are to be removed*
7. *Landscape Standards. Plant sizes at the time of installations shall be as follows:*
 1. *Deciduous trees shall have a minimum trunk size of two (2) inches caliper.*
 2. *Evergreen trees shall have a minimum height of six (6) feet as measured from top of root ball.*
 3. *All woody shrubs shall have a minimum height or spread of eighteen (18) inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five (5) gallon containers will generally comply with this standard.*
 4. *Vines shall be five (5) gallon minimum size.*
 5. *Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one (1) growing season. Turf areas, where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30% shall be planted with sod or other deep-rooting, water conserving plants for erosion control and soil conservation.*
 6. *Turf grass, if used, shall be limited to no more than 50% of the landscaping requirement.*

A 13/18

7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark or similar types of landscaping materials.
 8. Water conserving landscaping methods and materials are recommended and encouraged.
 8. Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three (3) inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.
 9. The owner of the premises shall be responsible for the maintenance, repair and replacement, within thirty (30) days of removal, of all landscaping materials on the site. In cases where the thirty (30) day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.
4. Considerations relating to buildings and site layout:
1. Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.
 2. Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements of structures on the parcel.
5. Considerations relating to utility easements, drainage, and other engineering questions:
1. The provision within the development for adequacy of storm and surface water drainage and retention facilities and for utilities to and through the property
6. Considerations relating to prior development concept plan approval associated with any Rezoning Agreement, Planned Commercial or Manufacturing Rezoning or Planned Residential Unit Development Approval:
1. Does any proposed phase or phasing sequence of an approved Concept or Preliminary Development Plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?
 2. Is this plan or phase thereof a more detailed refinement of the approved concept plan?
 3. Are any modifications of a major nature that first need to follow the procedure for amending the approved concept plan?

A 14/18

36-5 Conditions

Design approval may include such other conditions consistent with the considerations of this, and/or any other Chapter of the Weber County Zoning Ordinance, as the Commission or Planning Director deem reasonable and necessary under the circumstances to carry out the intent of the Zoning Ordinance.

Consideration should be given to the following per Weber County Ordinance 36-5 Conditions:

Weber County Ordinance – Drinking Water Ordinance 41-1 Purpose and Intent, 41-2 Definitions, 41-3 Establishment of Drinking Water Source Protection Zones, 41-4 Identification of Public Water Systems and their Drinking Water Source Protection Zones, 41-5 Allowed Uses, 41-6 Prohibited Uses, 41-7 Sewers within Drinking Water Source Protection Zones and Management Areas, 41-8 Drinking Water Source Protection Requirements, 41-9 Transition, 41-10 Administration

41-1 Purpose and Intent

The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply to the residents of Weber County who receive water for culinary and domestic use from public water systems in the County by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs used by public water systems in the County and by the designation and regulation of property uses and conditions that may be maintained within such zones.

41-2 Definitions

When used in this ordinance, the following words and phrases shall have the meanings given in this Section:

Best Management Practices

A practice or combination of practices determined to be the most effective practicable means of conducting a land use activity to minimize the potential for becoming a pollution source (including technological, economic, and institutional considerations).

Design Standard

Established State or National Standards for the design, construction, placement, or maintenance of a potential contamination source to prevent discharges to the ground water. (See also "Secondary Containment"). A control that is implemented by a potential contamination source to prevent discharges to the groundwater. Soil protection is an example of a design standard.

Drinking Water Source Protection (DWSP) Zone

A 15/18

The surface and subsurface area surrounding a groundwater source of drinking water supplying a public water system through which contaminants are reasonably likely to move toward and reach such groundwater source.

Groundwater Source

Any well, spring, tunnel, adit, or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.

Pollution Source

Point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

The following definitions clarify the meaning of "pollution source:"

Animal Feeding Operation

A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

Animal Unit

A unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0

Extremely Hazardous Substances

Those substances which are identified in the Sec. 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III." (EPA 560.4-91-011); A copy of this document may be obtained from: Section 313 Document Distribution Center, P.O. Box 12505, Cincinnati, OH 45212.

Hazardous Waste

A 16/18

A waste with properties that make it dangerous or potential harmful to human health or to the environment

Potential Contamination Source

Any facility or site, which employs an activity or procedure, which may potentially contaminate ground water. A pollution source is also a potential contamination source. Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.

Sanitary Landfill

A disposal site where solid wastes, including put resocible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

Sanitary Sewer Line

A pipeline that connects a residence or other building with a sanitary sewer.

Septic Tank/Drain-field System

A system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.

Spring

The ground surface outlet of a natural underground spring including Spring collection and control boxes, valves, piping and other attachments.

Storm Water Infiltration Structure

A structure that is intended to discharge storm water so that it infiltrates groundwater.

Underground Storage Tanks

Underground tanks used for the storage of gas, oil, or other hazardous substances.

Wellhead

The physical structure, facility, or device at the land surface from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

SARA Title III

The Superfund Amendment and Reauthorization Act section found in 40 CFR 300-302, pertaining to emergency response and right-to-know.

Source Protection Zone

Means the specified surface and subsurface area surrounding a ground-water source of drinking water supplying a Public Water Supply, through which contaminants are reasonably likely to move toward and reach such ground-water source. These zones shall have the approval of the

A 17/18

State of Utah, Division of Drinking Water as described in R309-600 Source Protection: Drinking Water Source Protection for Ground-Water Sources and as stated in Section 41-3.

Time of Travel Distance

The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer. Time of Travel is determined from hydrological studies and is approved by the State Department of Environmental Quality, Division of Drinking Water.

Public Water System

A system, either publicly or privately owned, providing water for human consumption and other domestic uses, which:

- *Has at least 15 service connections, or*
- *Serves an average of at least 25 individuals daily at least 60 days out of the year.*

Secondary Containment

A type of system that is used to provide release detection prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances. Examples include a double-walled tank, a double-walled integral piping system, or a single-walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

A 18/18

I submit that the Jones are in violation of Weber County Ordinances 30-2 as they have commenced and continued construction prior to issuance of a written permit by the County Building Official.

Land Use Permit, Building Permit and Certificate of Occupancy

30-2 Building Permit Required

Building Permits as specified by Weber County are required for any construction, alteration, repair, removal, or occupancy of any structure. Construction shall not be commenced, except after the issuance of a written permit by the County Building Official.

30-4 Land Use Permit Required

In order to verify zoning requirements and setbacks for permitted or conditional uses, no structure, including agricultural structures, shall be constructed, changed in use, or altered, as provided or as restricted in the Weber County Zoning Ordinance, until and unless a Land Use Permit is approved and issued by the Planning Director or designee.

30-6 Permits to Comply with Ordinance

The Building Official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration is in violation of any provision of this Ordinance; nor shall any County Official grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.

30-7 Powers and Duties of Building Official

It shall be the duty of the Building Official to inspect or cause to be inspected all setbacks of buildings in the course of construction or repair. The Building Official shall assist in the enforcement of all provisions of this Ordinance. The Building Official shall not issue any permit unless the plans of and for the proposed erection construction, reconstruction, alteration and use fully conform to all zoning regulations.

Date:



Planning Commission

Page 1 of 2

Land Use Permit

Printed: 6/27/2011

Permit Number: LUP64-2011

Applicant

Name: JONES, RICHARD RALPH &
Address: 3788 E 4100 N

Owner

Name: JONES, RICHARD RALPH &
Address: 3788 E 4100 N

WORKING WITH GARET JONES

Phone: 814-6261

Phone:

Parcel

Parcel Number: 220100001

Zoning:

Total Parcel Area:

(*If Zoned S-1, See Specific Height Requirements)

Address: 3788 E 4100 N

**See Diagram on Back Side for Setbacks

Section:

Township:

Range:

Subdivision:

Lot(s):

Proposed Structure: Repair/Remodel Outbuilding

Structure Area Used: 1200

Is Structure > 1,000 Sq. Ft.?

*If True, Need Certif. Statement

of Dwelling Units: 1

of Accessory Bldgs: 5

Off-Street Parking Req'd:



Permit Checklist:

Public by/Right of Use Road?

> 200 ft. from Paved Road?

No

< 4218 ft. above Sea Level?

No

Wetlands/Flood Zone?

No

Culvert Required?

No

If Yes, Culvert Size:

*Any Work in the Right of Way requires an Excavation Permit

Additional Frontage Req'd.?

no

OR Special Exception?

Case #

Meet Zone Area & Frontage?

True

Hillside Review Req'd.?

No

Case #

Culinary Water District:

Private Well

Waste Water System:

Individual

Comments: Issued based on being an agricultural use as discussed with the Staff. Discussion focused on WC definition of agriculture and State Code. Issuance is also based on representations made on the attached siteplan and narrative.

Weber County Land Use Permit Application

Application submittals are recommended to be submitted with an appointment.
 (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)
----------------------------	-------------------	-----------------------------

Property Owner Contact Information

Name Rulon Kent Jones		Mailing Address 3985W 3775E Liberty, UT. 84310
Phone 208 346 6631	Fax	
Email Address rujon@utahelkhunt.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Garet Kent Jones		Mailing Address of Authorized Person 2775W 4904E Eden UT 84310
Phone (801) 814-6261	Fax	
Email Address garet-jones@yahoo.com	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Address 3788 E 4100W Eden 84310		Land Serial Number(s) 220100001	
Subdivision Name	Lot Number 3788	Current Zoning	Acreage 6.15
Culinary Water Provider	Secondary Water Provider Liberty Irrigation	Waste Water Provider	Frontage

Detailed Description of Proposed Use/Structure

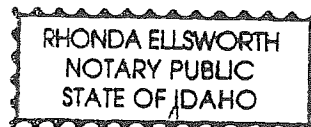
Property Owner Affidavit

I (We), Rulon K. Jones, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Rulon K. Jones
 (Property Owner)

 (Property Owner)

Subscribed and sworn to me this 24 day of February, 2011



Rhonda Ellsworth
 (Notary)

Jones Site Plan

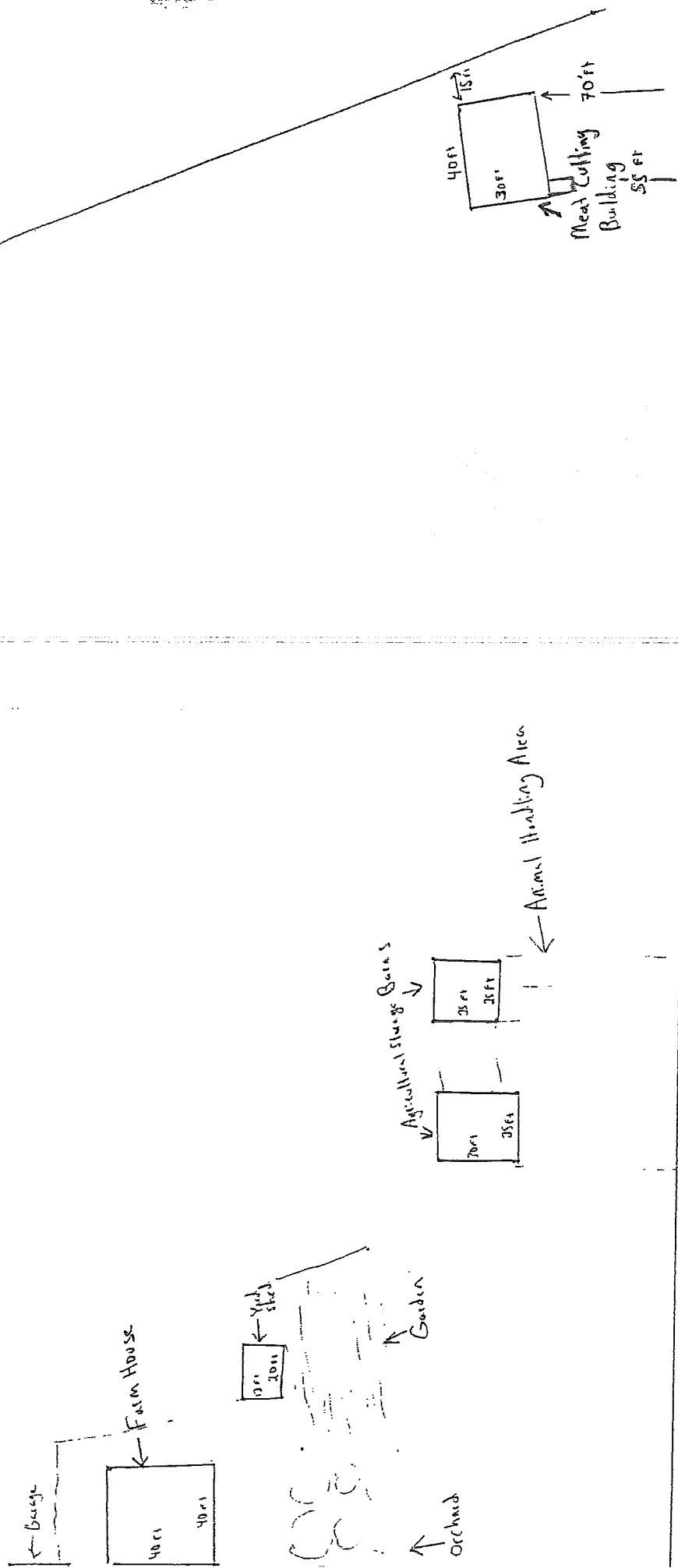


EXHIBIT D

1/1

EXHIBIT E

1/1

Agricultural Description of Property

This 6.15 acre piece of property located on the North West corner of 4100n and 3800e in Liberty has and will be used for agriculture. Elk are bred, grazed, handled (vaccinated and ear tagged) and raised on this property. The handling facility and agricultural storage area is used to store hay, grain and other farm supplies. It is also used to bring the elk into a smaller area in the winter and be worked. The new calves are ear-tagged and micro-chipped in compliance with the Utah Department of Agriculture rules. All the animals are vaccinated once a year to maintain health.

The meat cutting building will be used to butcher and package the elk meat for consumption. It will have a meat grinder to make hamburger, cutting and packaging areas. There will also be freezers to freeze and store the processed meat.

The property is irrigated with the Liberty secondary water system that is in place. It is irrigated during the spring and summer months and any excess hay is harvested and stored. Weeds are controlled and the land is replanted when needed.

There is also an apple orchard, raspberry patch and a garden which are also part of the agricultural use of the property.

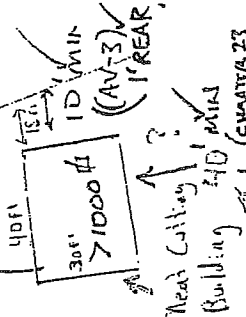
Jones Site Plan

10' MIN SIDE (CHAPTER 23)

Start WORKING COPY

REAR PL

1700'ft

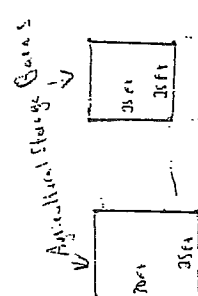
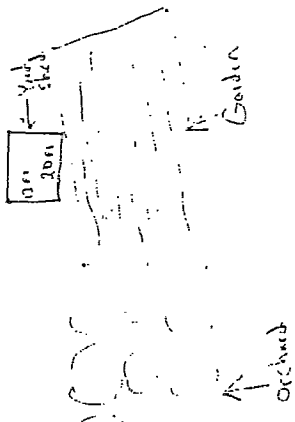
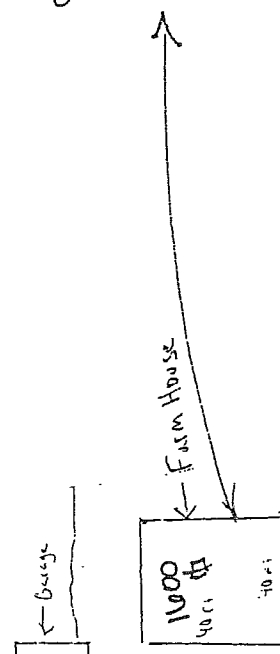


CHAPTER 23 says 10' MIN. EXCEEDED MEASUREMENT IS NOT FROM E.O.A.

EXHIBIT F

MAX. HEIGHT OF 25' (CHAPTER 23)

10' BEHIND HOME (CHAPTER 23)



SIDE PL ON STREET
3800 E Boundary

1/2

Definitions

Weber County Zoning Ordinance

AGRICULTURE

Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

AGRICULTURAL PARCEL

A single parcel of land, at least 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in order to qualify for the agricultural building exemption.

Utah State Code

Title 4 - Utah Agricultural Code

Chapter 1 – Short Title and General Provisions

Section 8 – General Definitions

4-1-8. General Definitions

(1) "**Agriculture**" means the science and art of the production of plants and animals useful to man including the preparation of plants and animals for human use and disposal by marketing or otherwise.

(2) "**Agricultural product**" or "**product of agriculture**" means any product which is derived from agriculture, including any product derived from aquaculture as defined in Section 4-37-103.

(6) "**Livestock**" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in **Section 4-39-102**, or any other domestic animal or domestic furbearer raised or kept for profit.

Title – Utah Agricultural Code

Chapter 39 – Domesticated Elk Act

Section 102 – Definitions

4-39-102. Definitions

As used in this chapter:

(1) "**Domesticated elk**" means elk of the genus and species *cervus elaphus*, held in captivity and domestically raised for commercial purposes.

(2) "**Domesticated elk facility**" means a facility where domesticated elk are raised.

(3) "**Domesticated elk product**" means any carcass, part of a carcass, hide, meat, meat food product, antlers, or any part of a domesticated elk.

2/2

Title 4 – Utah Agricultural Code

Chapter 32 – Utah Meat and Poultry Products Inspection and Licensing Act

Section 3 – Definitions

4-32-3. Definitions

(9) "**Custom exempt processing**" means processing meat or wild game as a service for the person who owns the meat or wild game and uses the meat and meat food products for the person's own consumption, including consumption by immediate family members and non-paying guests.

(10) "**Custom exempt slaughter**":

(a) means slaughtering an animal as a service for the person who owns the animal and uses the meat and meat products for the person's own consumption, including consumption by immediate family members and non-paying guests; and

(b) includes farm custom slaughter.

(25) "**Meat establishment**" means a plant or fixed premises used to:

(a) slaughter animals for human consumption; or

(b) process meat or poultry products for human consumption.

(38) "**Process**" means to cut, grind, manufacture, compound, smoke, intermix, or prepare meat or poultry products.

(40) "**Slaughter**" means:

(a) the killing of an animal in a humane manner including skinning or dressing; or

(b) the process of performing any of the specified acts in preparing an animal for human consumption.

Title 17 – Counties

Chapter 41 – Agriculture and Industrial Protection Areas

Section 101 – Definitions

17-41-101. Definitions

As used in this chapter:

(2) (a) "**Agriculture production**" means production for commercial purposes of crops, livestock, and livestock products.

(b) "**Agriculture production**" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

1/2

The slaughterhouse process differs by species and region.
A typical procedure follows:

Answerbag.com

- Animals are received by truck or rail from a ranch, farm, or feedlot.
- Animals are herded into holding pens (see Judas goat).
- Animals receive a preslaughter inspection.
- Animals are rendered insensible (unconscious) by stunning (method varies)
- Animals are hung by hind legs on processing line.
- A main artery is cut, the animal's blood drains out and it dies.
- Animal's hide/skin/plumage is removed.
- Carcass is inspected and graded by a government inspector for quality and safety. (by the Food Safety Inspection Service in the US, and CFIA in Canada)
- Carcass is cut apart and the body parts separated.

Source: www.answerbag.com

Wikipedia

- Cattle (mostly steers and heifers, some cows, and even fewer bulls) are received by truck or rail from a ranch, farm, or feedlot.
- Cattle are herded into holding pens.
- Cattle are rendered unconscious by applying an electric shock of 300 volts and 2 amps to the back of the head, effectively stunning the animal,[6] or by use of a captive bolt pistol to the front of the cow's head (a pneumatic or cartridge-fired captive bolt). Swine can be rendered unconscious by CO2/inert gas stunning. (This step is prohibited under strict application of Halal and Kashrut codes.)
- Animals are hung upside down by both of their hind legs on the processing line.
- The carotid artery and jugular vein are severed with a knife, blood drains, causing death through exsanguination.
- The head is removed, as well as front and rear feet. Prior to hide removal, care is taken to cut around the digestive tract to prevent fecal contamination later in the process.
- The hide/skin is removed by down pullers, side pullers and fisting off the pelt (sheep and goats). Hides can also be removed by laying the carcass on a cradle and skinning with a knife.
- The internal organs are removed and inspected for internal parasites and signs of disease. The viscera are separated for inspection from the heart and lungs, referred to as the "pluck." Livers are separated for inspection, tongues are dropped or removed from the head, and the head is sent down the line on the head hooks or head racks for inspection of the lymph nodes for signs of systemic disease.
- The carcass is inspected by a government inspector for safety. (This inspection is performed by the Food Safety Inspection Service in the U.S., and Canadian Food Inspection Agency in Canada.)
- Carcasses are subjected to intervention to reduce levels of bacteria. Common interventions are steam, hot water, and organic acids.
- Carcasses (typically cattle and sheep only) can be electrically stimulated to improve meat tenderness. Carcasses are chilled to prevent the growth of microorganisms and to reduce meat deterioration while the meat awaits distribution.
- The chilled carcass is broken down into primal cuts and subprimals for boxed meat unless customer specifies for intact sides of meat. Beef and horse carcasses are always split in half and then quartered, pork is split into sides only and goat/veal/mutton and lamb is left whole

2/2

- The remaining carcass may be further processed to extract any residual traces of meat, usually termed advanced meat recovery or mechanically separated meat, which may be used for human or animal consumption.
- Waste materials such as bone, lard or tallow, are sent to a rendering plant. Also, lard and tallow can be used for the production of biodiesel or heating oil.
- The wastewater, consisting of blood and fecal matter, generated by the slaughtering process is sent to a waste water treatment plant.
- The meat is transported to distribution centers that then distribute to retail markets.

Source: en.wikipedia.org