



Code Enforcement
Weber County Planning Division

Type of Violation: 1. Non Permitted Use
of Rock Crusher

Date: Thursday, January 11, 2018

Property Information

Applicant: Ben Opheikens

File Number: 11012018

Approximate Address: 4100 N Eagle
Ridge Dr, Eden

Zoning: Residential Estates (RE-20) Zone

Existing Land Use: Vacant

Parcel Identification Number: 22-015-
0090



Information

Dear Mr. Opheikens,

The County has been receiving many complaints that off-site material has been brought in for crushing and then exported to other locations. This notice is to remind you that your permit only allows you to crush material found on site from the hours of 8 am to 5 pm Monday through Friday.

As this project will expire March 26, 2018, the recommendation will be made at the next Planning Commission to revoke this design review if this operation is not complying with the recommendations found on the permit and may also be sent to the Attorney's office for further legal action.

Please contact me at 801-399-8762, to resolve this matter within fourteen (14) days of the date of this letter or this letter will be sent to the Weber County's Attorney's Office for further action and criminal review.

Nothing in this notice should be seen as prohibiting the County from taking immediate action in this matter to protect public health, safety, and the general welfare.

I will be happy to assist you with any questions you may have regarding this matter or about the Weber County Zoning Ordinance.

ENC:- Land Use Permit, with stipulations governing temporary rock crushing operation.

Iris Hennon

Code Enforcement Officer II

Weber County Planning Division

2380 Washington Blvd, Suite 240

Ogden, Utah, 84401-1473

801-399-8762

Email: IHENNON@CO.WEBER.UT.US



Mr. Ben Opheikens



Land Use Permit

Weber County Planning Commission
 2380 Washington Blvd. STE 240
 Ogden, UT 84401
 Phone: (801) 399-8791 FAX: (801) 399-8862
 webercountyutah.gov/planning

Permit Number: LUP319-2017
 Permit Type: Structure
 Permit Date: 10/12/2017

Applicant

Name: Eden Hills LLC
Business:
Address: PO Box 123
 Eden, UT 84310
Phone: 801-710-5995

Owner

Name: Same as applicant
Business:
Address: , UT
Phone:

Parcel

Parcel: 220150090
Zoning: RE -20 **Area:** 91.59 **Sq Ft:** **Lot(s):** **Subdivision:**
Address: , UT **T - R - S - QS:** 7N - 1E - 21 - NE

Proposal

Proposed Structure: Temporary Rock Crushing **Building Footprint:** 0
Proposed Structure Height: 6 **Max Structure Height in Zone:** 25
of Dwelling Units: **# of Accessory Bldgs:**
Off Street Parking Req'd: ***Is Structure > 1,000 Sq. Ft?** N/A
***If True Need Certif. Statement**

Permit Checklist

Access Type: Across own front lot line **Alternative Access File #**
Greater than 4218 ft above sea level? N/A **Wetlands/Flood Zone?** N/A
Additional Setback Req'd. ? N/A **Meet Zone Area Frontage?** N/A
> 200 ft from paved Road? N/A **Hillside Review Req'd?** N/A
Culinary Water District: **Waste Water System:**

Comments

Land use permit issued based on compliance with land use code. Design review approval was given on September 26, 2017 by the Ogden Valley Planning Commission. The project approval will expire within 6 months from September 26, 2017, as stated in the staff report. Crushing will be allowed only for on-site material to be used in future phases of Eagle Ridge Subdivision. No off-site material may be brought in for crushing and no on-site material may be crushed and then exported to other locations. The site plan, hours of operation, and mitigation controls must be followed as well as other conditions stated within the staff report.



Weber County Planning Division
www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8371
Fax: (801) 399-8862

Weber County Planning Division
NOTICE OF DECISION

September 27, 2017

Eden Hills LLC
P.O. Box 123
Eden, UT 84310

You are hereby notified that your application for design review approval of the Eagle Ridge Temporary Rock Crushing project was heard and approved by the Ogden Valley Planning Commission on September 26, 2017. Approval was granted conditioned upon meeting all requirements from county reviewing agencies and with the following conditions:

1. Crushing will be allowed only for on-site material to be used in future phases of Eagle Ridge Subdivision. No off-site material may be brought in for crushing and no on-site material may be crushed and then exported to other locations.
2. The site plan, hours of operation, and mitigation controls must be followed as well as other conditions stated within this staff report.

The approval is based on the following findings:

1. The proposed project complies with applicable County codes.
2. The proposed project complies with the applicable Zoning Development Agreement and approved Eagle Ridge Master Plan.
3. The proposed project conforms to the Ogden Valley General Plan.
4. The proposed project will not negatively affect public health, safety, or welfare.
5. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

The next step in the process is to ensure complete compliance with the above listed conditions of approval. This letter is intended as a courtesy to document the status of your project. If you have further questions, please contact me at sburton@co.weber.ut.us or 801-399-8766.

Sincerely,

Steve Burton
Planner II
Weber County

Chair Taylor said so specific things like the berm and the fencing, is that something that we can pass a motion that we just need to make sure that is in compliance. Those are details that I want everyone to be happy as long as it is in compliance with the code. Is there are some very specific things in here, that we would need to strike out to allow for that type of flexibility when we make a motion. Mr. Burton replied as far as berming and fencing goes, you can say strike out the specifics of a specific fence and I don't think that it states a vinyl in the motion, and that's because that's what the applicant has on their plan. You could just have a motion that says that staff proposes other screening that is approved by the Planning Division in compliance with the land use code.

Kerry Wangsgard said when talking with staff, they indicated that there are different kinds of fencing that is approved, but my concern is to keep it secure. I want to also protect the aesthetics and prevent the visibility of the inside of the storage units. I have designed it on the left side; and on the north side of the property is hidden by the facility themselves, and we have created a barrier with the storage units. The sides exposed are on the south side and east side and I wanted to put chain link but that is not allowed. I was thinking of putting in the net fence but I have to create a berm which creates more of a problem. I was told that I put in vinyl fencing that would eliminate the berm. My thoughts on security and chain link would be my best option; even if I have to get a variance from the commission to do that. The adjacent property owner planted shrubs on the south east corner down to where it drops off; so there is already vegetation along that chain link fence. The only portion that requires be hidden is the front part of the exiting storage unit and on the west side of the proposed storage facility. There will be trees planted on the west side to break up that exterior wall of the proposed building. As for the outdoor storage units, I have lease agreements going back to 1992 from individuals that rented sites for outdoor storage. That's 25 years that outdoor storage has been allowed by the county until I applied for extra storage units.

Ron Gleason, 252 N 8750 E, Huntsville, said that he was confused that the CV-2 Zone allows for recreational vehicles storage and what that means if it's outside storage. It does allow for self-storage for indoor for personal and household items, and there are questions not addressed in the staff report. The first one has to do with LUC Section 110-2-2 Signage; is there going to be a sign plan, or are they going to continue with the same type of signage. A permit will be required, when that permit is needed, and should it be included in the packet. The second one has to do with LUC Section 108-16 Lighting and there is no lighting plan; there is a new light ordinance that went into effect as of August 1st. What are the steps for outdoor lighting and lighting at the gate, and is there a lighting plan required for that. Will this facility be able to support a 45,000 pound load or higher going across there? On the entrance there is a width but no length, so how much room is there from the road to the gate? I didn't see any type of feedback or recommendations from the Fire Marshall, or any fire protection requirements for this site. Are there any restrictions of what people can or cannot store in these units.

MOTION: Commissioner Waldrip moved to table this item until out next meeting on October 24, 2017; specifically to see the fencing issue clarified, the berming clarified along the west side of the proposed Building A with trees on it, storm drainage calculations done, engineering requirements identifying what is going to be taking place on this property with building and hard surface that is a significant area for a small site. I would like to see a proposed signage, proposed lighting, and proposed architectural detail and the code requires architectural relief within that plane. Commissioner Howell seconded.

DISCUSSION: The Planning Commissioners felt there were too many unanswered questions and things that needed to be clarified before they could proceed.

VOTE: A vote was taken with Commissioners Wood, Hogge, Waldrip, Howell, and Chair Taylor. Motion Carried (5-0)

3. DR 2017-12: Consideration and action on a request for design review approval to permit a temporary rock crushing operation located 4100 N Eagle Ridge Drive, Eden in the Residential Estates (RE-20) Zone. (Ben Opheikens, Applicant)

Director Grover said this is an administrative decision and notices were sent out to just the abutting property owners on this and they were more for courtesy purposes. Mr. Burton will give a brief presentation of where it's at and what has been reviewed against. The applicant Ben Opheikens will explain his project and then Mr. Burton will explain if it meets or doesn't meet county code.

Steve Burton said the applicant is requesting a design review approval for a temporary rock crushing operation. That is specifically to produce material for the development of the roads within the future phases of the Eagle Ridge Master Plan

community. The rock crushing operation has received prior review approvals during Ogden Valley Planning Commission meetings held in August 2009 and June 2014 and this something that we've seen before.

Ben Opheikens Applicant said we're applying for a temporary rock crushing project up there so we're not having truck stuff up the canyon. We make 3,000 to 4,000 yards per day which is 166 to 222 trucks out on the canyon per day. From 2009 to 2014 we've kept 10,600 trucks off the road; from 2014 to now is almost 12,600 from coming up and down the canyon. Obviously there is a financial benefit that we've saved with not having to pay those trucks from coming up and down and just having that material accessible. All the material that we've crushed previously is done on the lower side and we've trucked up on this side on dirt roads where we've stored it and we can only access it behind three gates. We have put in 250,000 sq. ft. of asphalt last fall and the spring and we've had success with the material that's been approved.

Commissioner Hogge asked is that material that has been crushed coming from the future developed area, and excavation for the construction and development. Mr. Opheikens replied when we cut the roads we'll be in six feet of topsoil and go four feet over and nothing but straight boulders. That pit runs that type of material that we use to process; so anything that we cut out for the road, we'll use that at the site to build the walls and produce the project.

Steve Burton reviewed the staff report and indicated that the project does comply with the previously approved with the Eagle Ridge Master Plan approvals. Staff recommends approval of DR 2017-12 subject to all agency requirements and based on the following conditions:

1. Crushing will be allowed only for onsite materials to be used in future phases of Eagle Ridge Subdivision. No offsite material will be brought in for crushing and no onsite material will be crushed and exported to other to other locations.
2. The site plan hours of operation and mitigation controls must be followed as well as other conditions stated in the staff report and that's based on the findings of the staff report.

Dave Garland, 3930 North Mountain Oak Drive, Representing the Patio Springs HOA, said he had concerns but Mr. Burton answered all the questions. There was mention of dust, and was concerned. Commissioner Howell replied that dust is minimal. Commissioner Waldrip read part of the staff report, *"rock crushing machines will have water sprayers and water truck will be onsite to mitigate dust."*

MOTION: Commissioner Hogge moved on staff's recommendations for DR 2017-12 approval to permit a temporary rock crushing operation located 4100 N Eagle Ridge Drive, Eden in the Residential Estates (RE-20) Zone. This is based on recommendations and findings listed from the staff report. Commissioner Wood seconded. A vote was taken with Commissioners Wood, Hogge, Waldrip, Howell and Chair Taylor. Motion Carried (5-0)

3.2. Legislative:

b. New Business:

1. ZTA 2017-01: Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7) and Ogden Valley Signs (Title 110, Chapter 2) to amend provision related to flags, window signs, and portable signs.

Director Grover said this is a legislative item, we have noticed it for a public hearing. We are going to do this a little bit differently, we will have Mr. Ewert present and the applicant has submitted a petition. He is going to propose the language, and after he presents we will have a member of the OVBA will give their comments.

Charlie Ewert what we have before you is a proposal to amend the sign code that is being proposed by the Ogden Valley Business Association (OVBA). They submitted the original proposal back in January of this year, and asked for a couple of very specific things. They revised their application to those three specific things are related to:

1. The allowance for the display of flags.
2. The allowance for display of one illuminated window sign.
3. The allowance for display of A-Frame Signs both onsite and offsite.

Charlie Ewert said as we were building a relationship with the OVBA over this request; one of the things that we wanted to make sure we did as staff control over the code writing. This is the county's ordinance and the county is comfortable with what's being adopted.

approximately 1,700 ft from the improved county road (4100 N) and traffic hazards and congestion is not anticipated.

- *Outdoor advertising:*
 - The project will not include any outdoor advertising.
- *Landscaping:*
 - A temporary rock crushing operation is a use which is customarily incidental to the construction of infrastructure in a subdivision, and is considered residential, and therefore exempt from the landscaping requirement as outlined in LUC §108-2-3.
- *Building and site layout:*
 - There are no buildings being proposed as part of the project. The site will be enclosed within a three sided temporary rock wall that will be 60 ft wide, 120 ft long, and 6 ft tall. The structure is intended to mitigate noise. Rock crushing machines will have water sprayers and a water truck will be on site to mitigate dust. The site is located approximately 1,400 ft from the nearest residence, and with the proposed mitigation factors, will not negatively impact surrounding properties and uses.
 - The proposed hours of operation are Monday through Friday from 8 AM to 5 PM. The operation will end within 6 months from the date of design review approval.
- *Utility easements, drainage, and other engineering questions:*
 - The proposal must meet all review agency requirements, including the requirements outlined in the Engineering Division's review.
- *Prior development concept plan approvals associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval:*
 - The proposed project complies with the previously approved Eagle Ridge Master Plan and the applicable zoning development agreement.

Conformance to the General Plan

The proposal conforms to the Ogden Valley General Plan by providing improvements for residential development in the Residential Estates zones.

New conditions not stated in Staff Report

Staff Recommendation

The Planning Division recommends approval of file# DR 2017-12, subject to all review agency requirements and with the following conditions:

1. **Crushing will be allowed only for on-site material to be used in future phases of Eagle Ridge Subdivision. No off-site material may be brought in for crushing and no on-site material may be crushed and then exported to other locations.**
2. **The site plan, hours of operation, and mitigation controls must be followed as well as other conditions stated within this staff report.**

The recommendation based on the following findings:

1. The proposed project complies with applicable County codes.
2. The proposed project complies with the applicable Zoning Development Agreement and approved Eagle Ridge Master Plan.
3. The proposed project conforms to the Ogden Valley General Plan.
4. The proposed project will not negatively affect public health, safety, or welfare.
5. The proposed project will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Design review application and narrative.

Weber County Design Review Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed 8/28/2017	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Eden Hills LLC/ R&O Construction		Mailing Address of Property Owner(s) PO Box 123 Eden, UT 84310	
Phone 801-710-5995	Fax		
Email Address (required) area745@gmail.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) Ben Opheikens		Mailing Address of Authorized Person PO Box 123 Eden, UT 84310	
Phone 801-710-5995	Fax		
Email Address area745@gmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Eagle Ridge Rock Crushing Site	Current Zoning AV3	Total Acreage Approx 2 Acres
Approximate Address 3900 N 4500 E Eden, UT 84310 (Eagle Ridge Dr & Foothill Lane)	Land Serial Number(s) 22-015-0070	

Proposed Use

Operation of rock crusher on a temporary basis (3-6 months) to provide material for on-site subdivision construction

Project Narrative

Requesting approval to operate a rock crusher on a temporary basis within the Eagle Ridge Subdivision. The purpose of the rock crushing operation is to provide material for use in road construction & project development within future phases of the subdivision. Crushing will be allowed only for on-site material to be used within future phases of Eagle Ridge Subdivision. No off-site material will be brought in for crushing, and no on-site material will be crushed and then exported to other locations.

The crushing site will be enclosed within a three sided temporary rock wall structure which is 60 ft wide, 120 ft long and 6 ft tall. This structure is intended to help mitigate potential noise issues, and the crushing site will also mitigate trucking traffic throughout Ogden Valley and Ogden Canyon. The rock crushing machines have water sprayers and a water truck will be on site to help mitigate potential problems with dust. The operation would run during normal work/business hours on weekdays only (Monday - Friday).

This exact project was approved in the August 25, 2009 meeting under file #DR01-09 and also in the June 24, 2014 meeting under file #DR2014-05. It was approved and ran to the exact specifications of the approval with no complications or complaints from any surrounding neighboring property owners. The previously approved rock crushing project helped to keep thousands of semi trucks and dump trucks out of Ogden Valley and Ogden Canyon.

Exhibit A - Project Narrative

Requesting approval to operate a rock crusher on a temporary basis within the Eagle Ridge Subdivision. The purpose of the rock crushing operation is to provide material for the use in road construction within future phases of the subdivision. Crushing will be allowed only for on-site material to be used for future phases of Eagle Ridge subdivision. No off-site materials will be brought in for crushing, and no on-site material will be crushed and then exported to other locations.

The crushing site will be enclosed within a three (3) sided rock wall structure which is 60 ft wide, 120 ft long and 6 ft tall. This structure is intended to help mitigate potential noise issues, and the crushing site will also mitigate trucking traffic throughout Ogden Valley and Ogden Canyon. The rock crushing machines have water sprayers and a water truck will be on-site to help mitigate potential problems with dust. The operation would run during normal work hours on weekdays.

This exact project was approved in the August 25, 2009 ^{and June 24, 2014} meeting under file # DR 01-09. ^{and DR 2014-05} It was approved and ran to the exact specification of the approval with no complications or complaints from any surrounding neighboring property owners. The previously approved rock crushing project helped to keep thousands of semi trucks out of Ogden Valley and Ogden Canyon.

Exhibit B - Site Plan

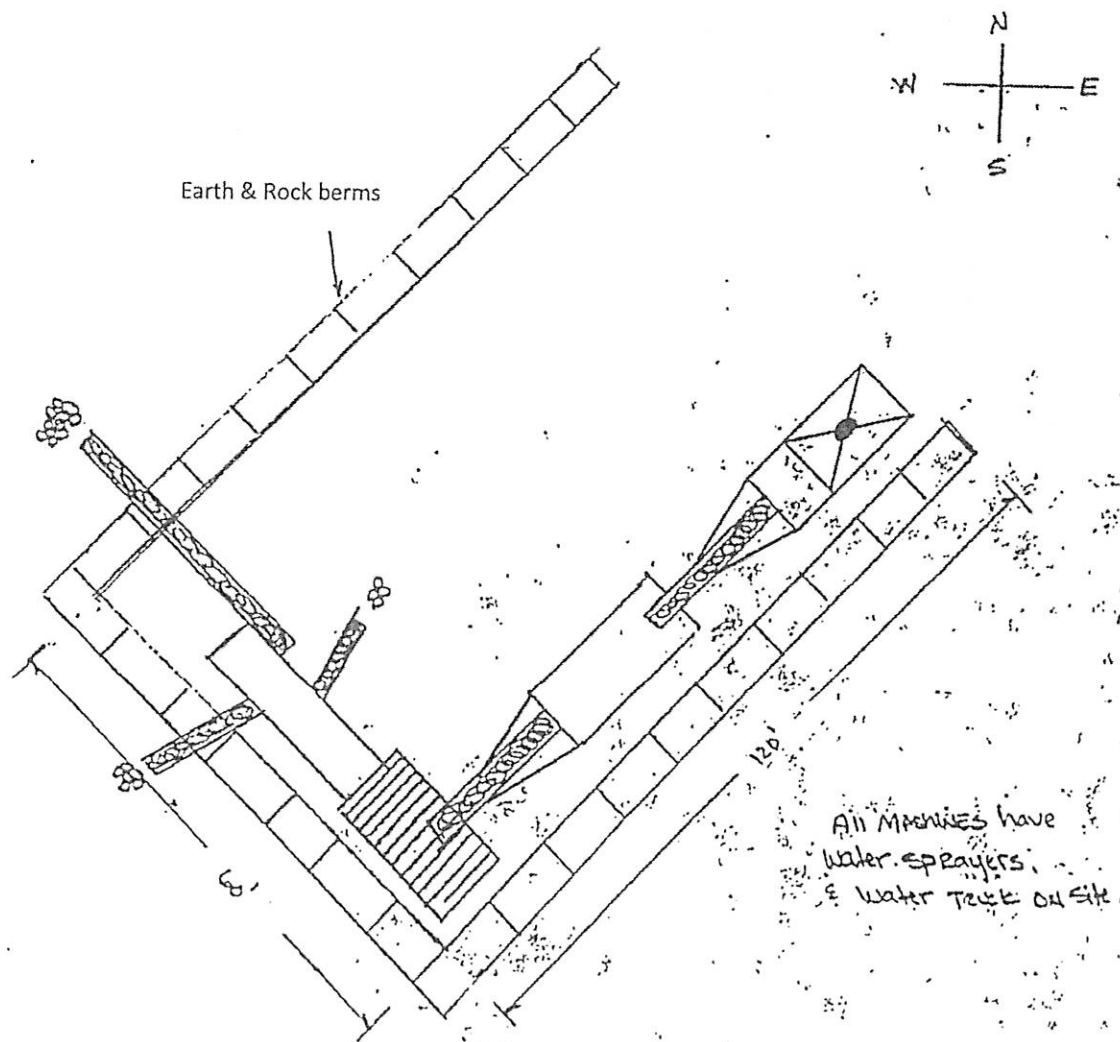
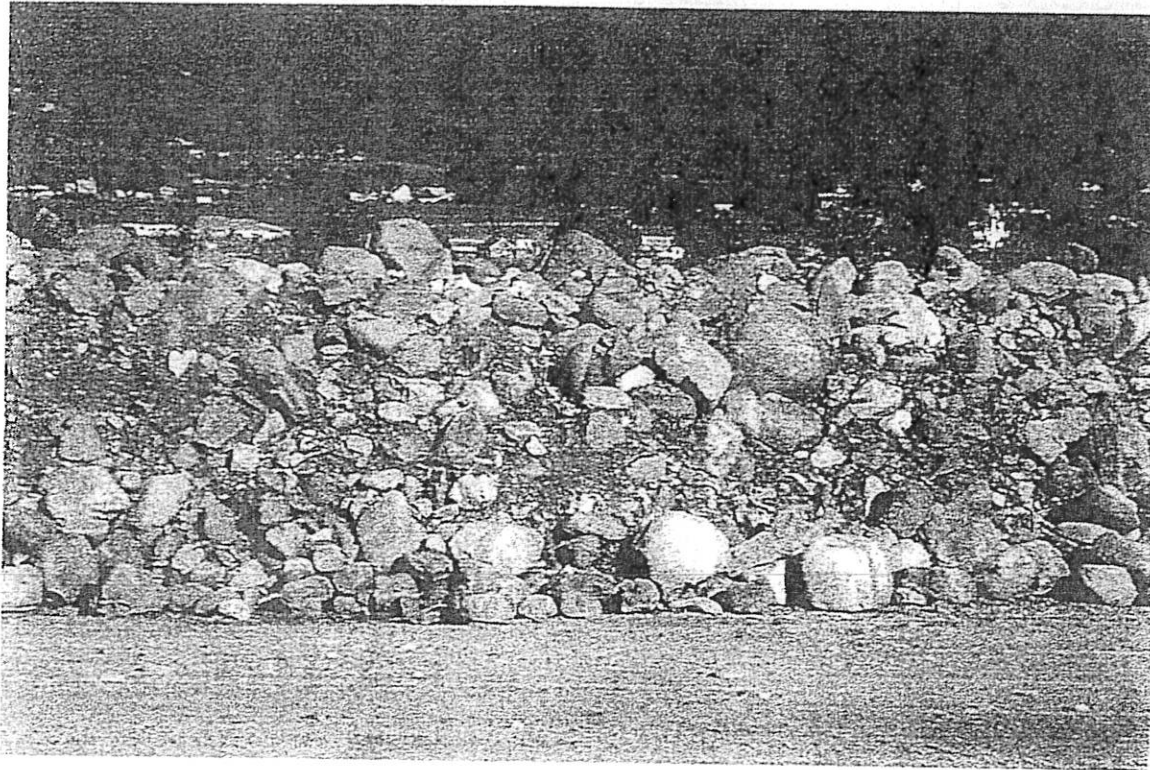
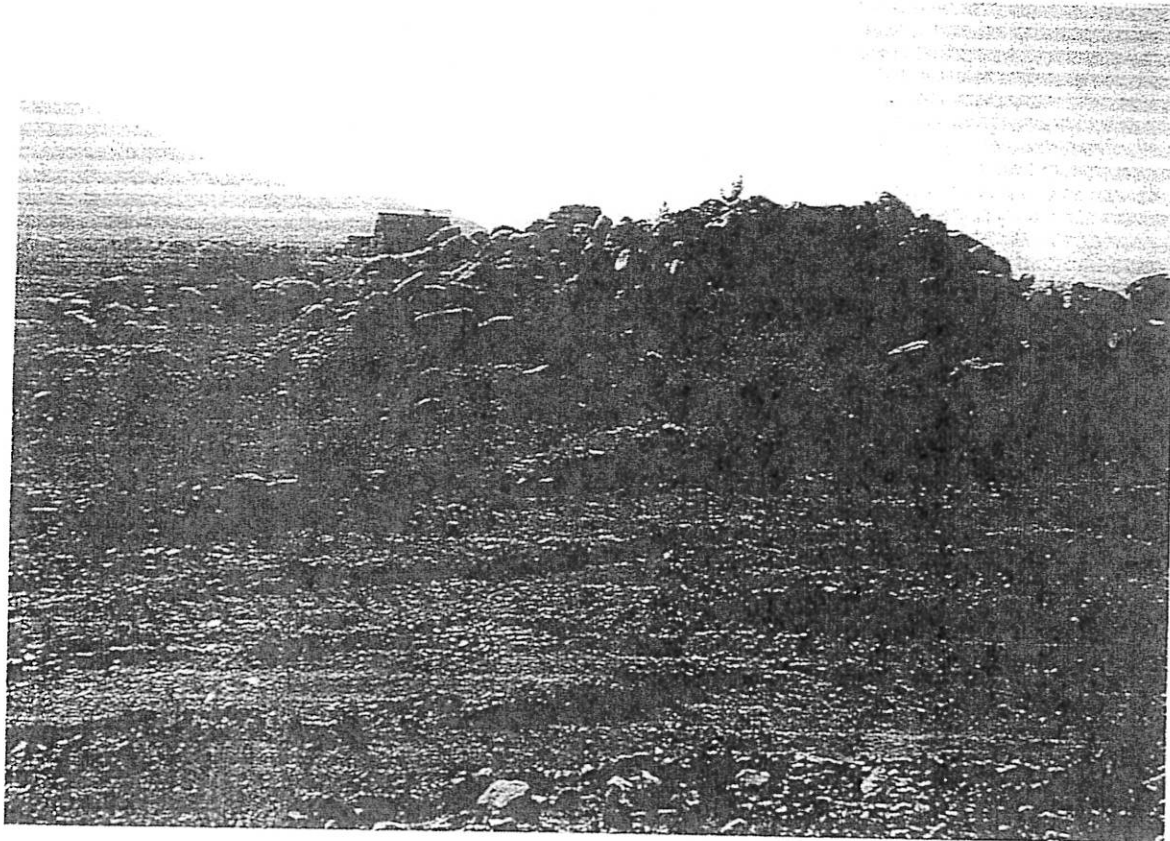


Exhibit C - Site Pictures

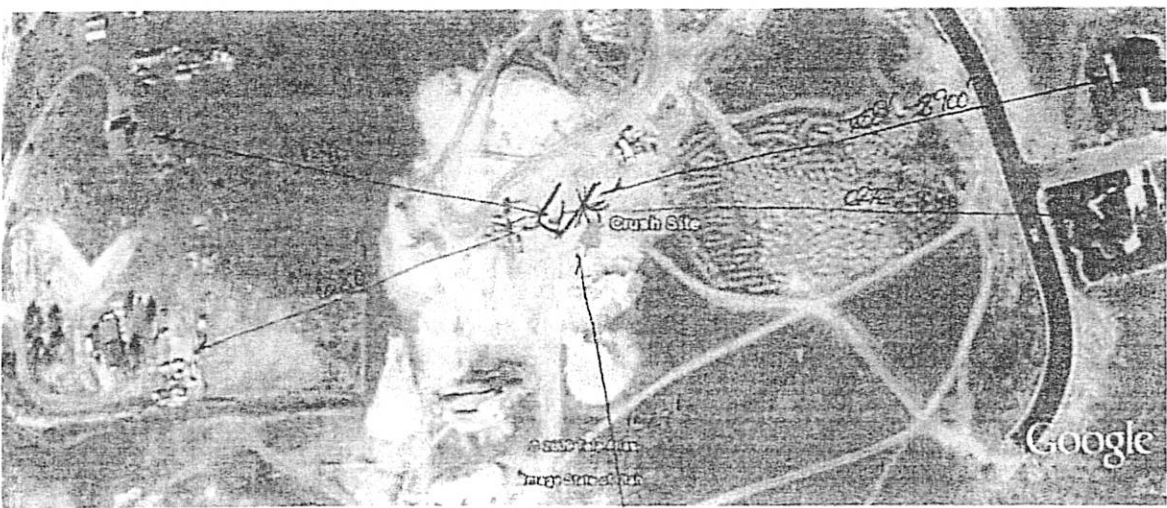



Rock and Earth berm to mitigate noise

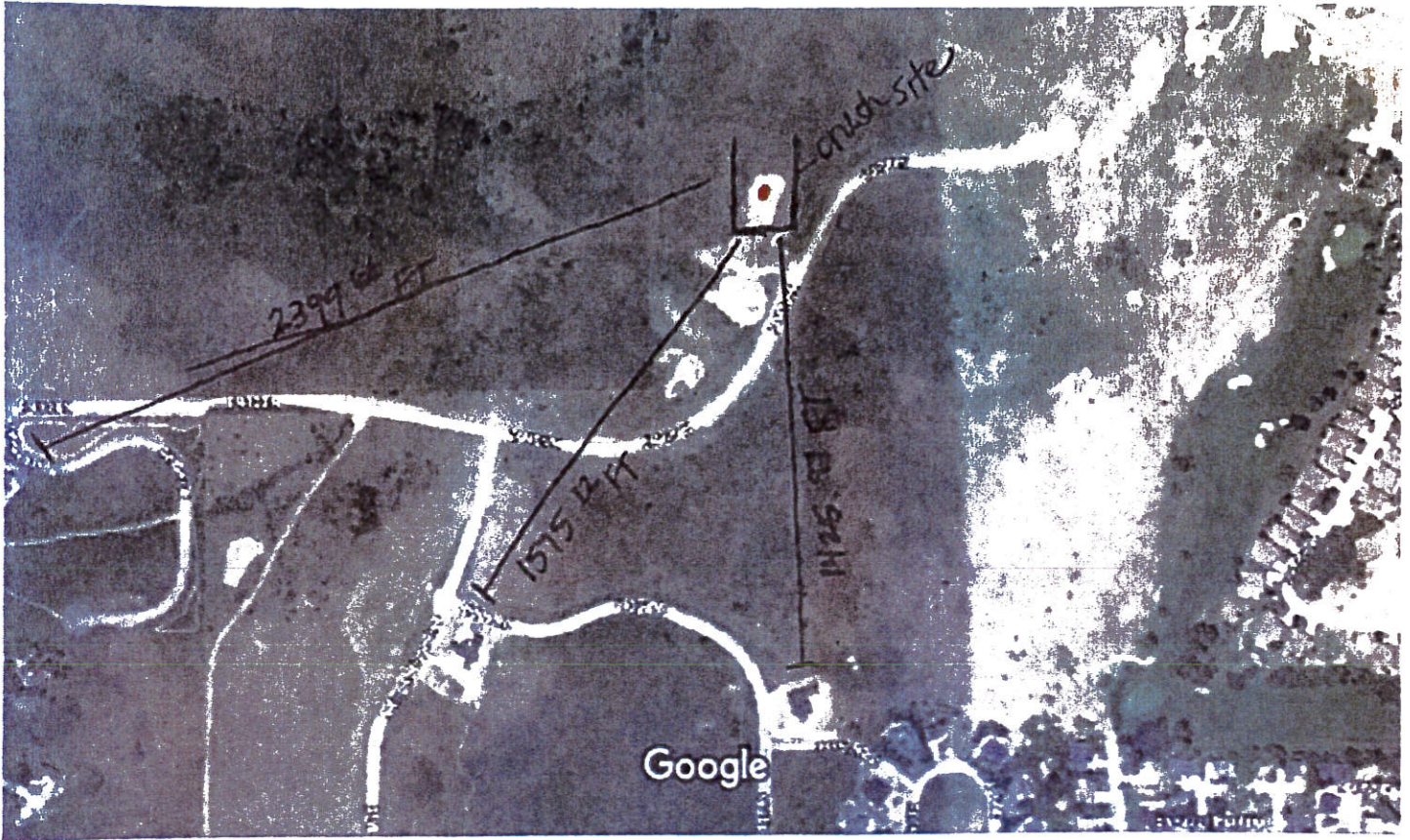


Rock stockpile

Location Map



 Crush Site



Imagery ©2017 DigitalGlobe, State of Utah, USDA Farm Service Agency, Map data ©2017 Google United States 200 ft