



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

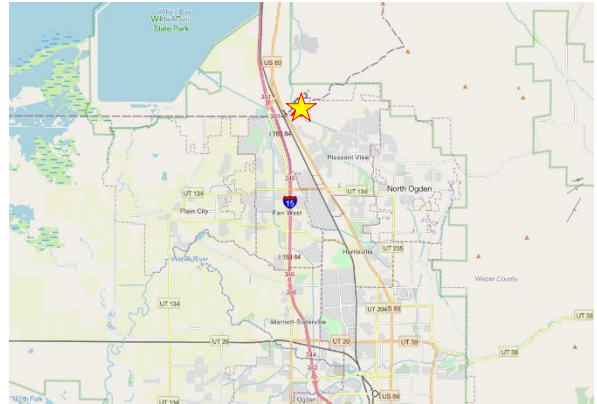
Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 40 acres from the Agricultural A-1 Zone to the Gravel G Zone at approximately 4000 N. Highway 89.

Agenda Date: Tuesday, June 15, 2021

Applicant: Westside Investments. Agent: Craig Jackson

File Number: ZMA 2021-03



Property Information

Approximate Address: 4000 N. Highway 89, Unincorporated Weber County

Zoning: The area is currently zoned A-1

Existing Land Use: Excavation/vacant

Proposed Land Use: Gravel Extraction

Adjacent Land Use

North: Gravel Extraction

South: Vacant

East: Vacant

West: Gravel Extraction

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures
§104-4: Gravel Zone

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This report is a review of an applicant-driven request to rezone approximately 40 acre from the A-1 zone to the G zone at approximately 4000 N. Highway 89. **Figure 1**¹ displays a proximity map. The rezone is for the intention of conduction a gravel extraction operations on the site. There does not appear to currently be a general plan document that provides policy guidance for a rezone in this area. Consequently, in order to make a positive

¹ See also Exhibit B

recommendation to the County Commission on this rezone, the Planning Commission will need to also make a positive recommendation on an amendment to the West Central Weber County General Plan to provide the needed policy guidance. The applicant has submitted an application to amend both the general plan and the zone, but the two items are being consolidated into one staff report and planning commission agenda item for efficiency purposes.

The applicant's overall intention for the gravel extraction is to cut the land down to the same level of the proposed Skyline Drive extension. Skyline Drive is proposed to extend from its current dead-end in Pleasant View intersect with Highway 89 at the same location Pleasant View Drive currently intersects. The proposed street will require significant cuts in the current topography to create an acceptable street-slope. The applicant's intention to level the land to the same elevation and as slope proposed street will more easily enable development adjacent to the proposed new street. The applicants proposed lay of the land, and limits of disturbance can be reviewed in the applicants grading plan, attached as an exhibit to this report.

The proposed Skyline Drive, and a parcel that the applicant owns directly to the south of the subject parcel, are located within Pleasant View City, as is the applicant's access to the site from Highway 89. Approval of the rezone, and a development agreement that will run with the rezone, will not grant the applicant's any rights in Pleasant View City, and the applicant will need to work with the city for any applicable rights therein.

To ensure the gravel operation ceases to continue at the time the property is graded in accordance with the grading plan, the rezone and development agreement should be given time limitations and triggers to prompt the completion of grading. There should also be a site reclamation, slope stability, and revegetation plan for all land disturbances.

Staff are also recommending that the applicant be required by the agreement to annex into Pleasant View City at any time of the City's choosing.

If the Planning Commission can find that the general plan amendment and rezone, with associated limitations and conditions listed herein, are acceptable, then the Planning Commission should forward a positive recommendation for this item to the County Commission for their review and final decision.

Figure 1: Proximity Map



Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning. The current zone of the subject parcel is A-1. **Figure 2**² displays current zoning and the subject parcel. The A-1 zone is intended for agriculture and low density residential uses, with a minimum lot size of 40,000 square feet. The purpose of the A-1 zone is to:

*Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern; set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and direct orderly low-density residential development in a continuing rural environment.*³

The proposed zone for the subject parcel is the G zone. The purpose of the G zone is primarily to allow sand and gravel excavation and crushing.⁴

The proposed rezone map can be viewed in **Figure 3**⁵. The gravel zone has a minimum parcel area requirement of 40,000 square feet.

Figure 3: Current Zoning Map and the Subject Parcel(s).

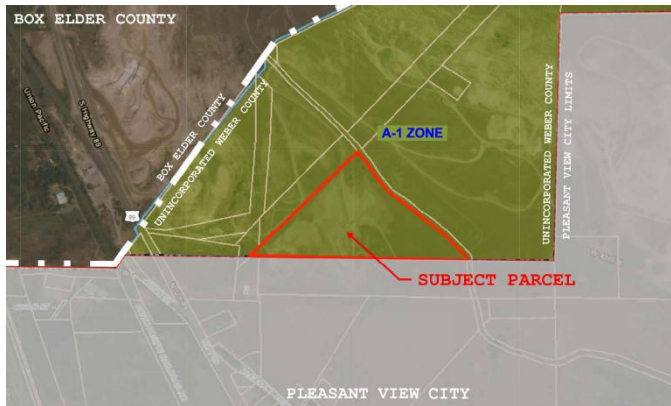
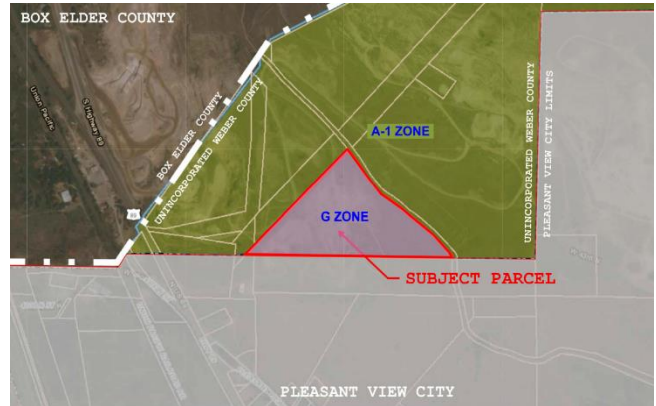


Figure 3: Proposed Zoning Map and the Subject Parcel



General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but suggests pursuing opportunities to implement the plan.

If a general plan exists for this unincorporated area, then extensive research may be needed to find it. This area is, however, a part of the General Plan area that is currently being created for the Western Weber Planning Area. Considering this, if the Planning Commission is desirous to forward a positive recommendation to County Commission regarding this rezone, then staff recommends simply appending a future land use map for this area to the currently existing West Central Weber County General Plan for the time being. It will then be grafted into the new general plan as the process proceeds. **Figure 4**⁶ shows the proposed future land use map for the area, which also considers other gravel extraction operations in the area. If this map is adopted as part of the general plan, the requested rezone will comply with the general plan.

² See also Exhibit C.

³ See Weber County Land Use Code Section 104-2-1:

https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-2_Agricultural_Zones.

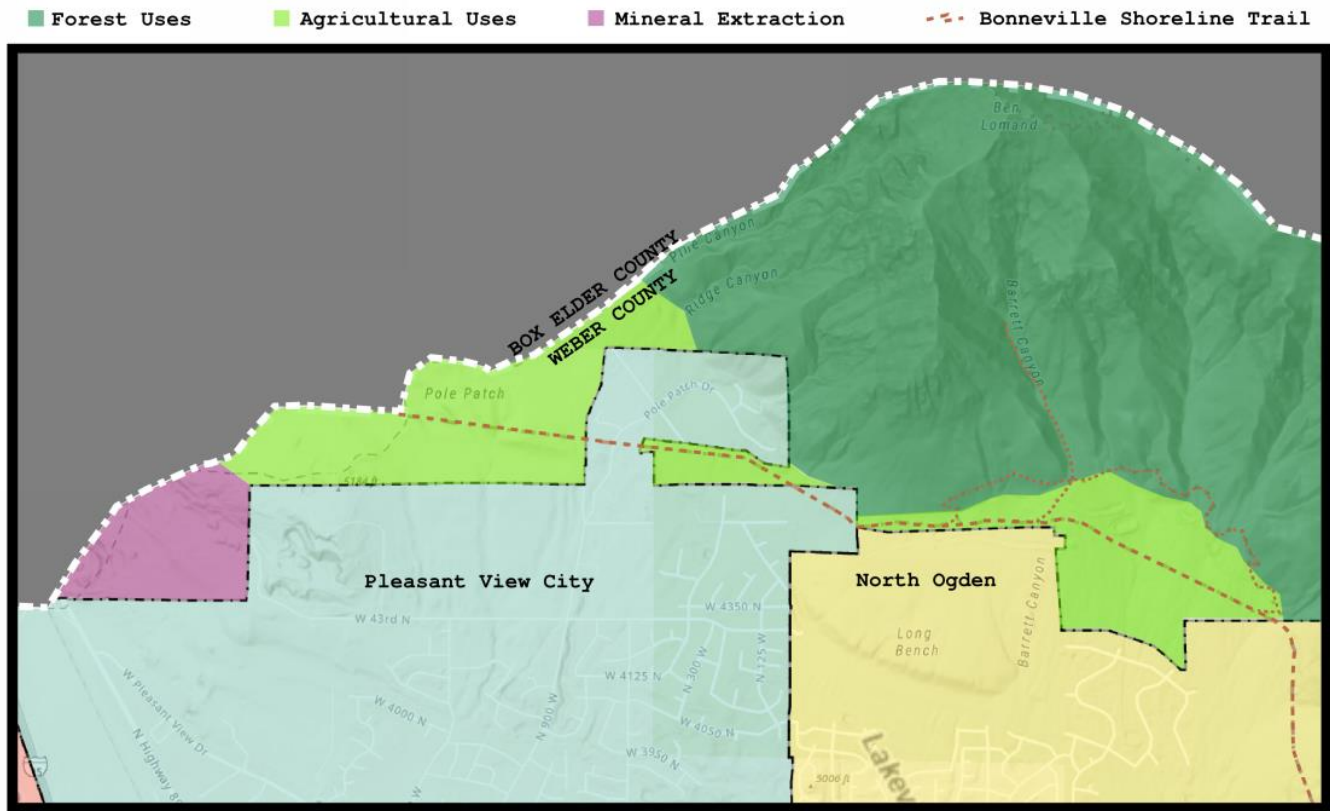
⁴ See Weber County Land Use Code Section 104-4:

https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_104-4_Gravel_Zone_G.

⁵ See also Exhibit D.

⁶ See also Exhibit E.

Figure 4: Proposed Future Land Use Map of Area



General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important.

A review of the uses and existing development in the area suggests that the gravel operation might be relatively low impact. The surrounding properties area all either vacant or earth extraction operations. This generally suggests the zone's compatibility with the area. There is concern that the use could be impactful to future residential expansion in Pleasant View City to the south. However, if the applicant follows the plan to excavate only to the level of the future proposed Skyline Drive, it is reasonable to anticipate that by the time residential uses expand to the new Skyline Drive, this use will be wrapping up, and the land will then be converted to residential uses, pending future approvals for residential uses.

As can be seen in **Figure 5**, the nearest residence to the property fronts on Highway 89 and is approximately 565 feet from the subject property. The drive approach from Highway 89, however, passes within 150 feet of this residence. The drive approach should be constructed in a manner that minimizes impact on this residence. The next nearest residential use is approximately 1,200 ft from the subject property. There are five residences within one-quarter mile of the subject property. The proposed use is uphill from these properties and on the other side of a slightly flatter area, giving very little if any line of sight from the excavation and crushing operation to these residences.

Figure 5: Quarter-Mile Buffer of Subject Property



Rezoning. Weber County Code § 102-5-6 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority.

The code states:

A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:

1. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
2. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*
3. *The extent to which the proposed amendment may adversely affect adjacent property.*
4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
5. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
6. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.⁷*

Access and traffic circulation. The property will be accessed from Highway 89. Even though the access and drive approach to the property is not in the unincorporated area, to protect other land owners in Pleasant View City, the Planning Commission should consider the rezone's impact related to the driveway.

⁷ See Section 102-5-6: https://weber.municipalcodeonline.com/book?type=ordinances#name=Chapter_102-5_Rezoning_Procedures.

First, when a new use is established on a property the Utah Department of Transportation typically requires a new or update right-of-way access permit when accessing a state highway. The applicant should submit a new permit prior to commencement of excavation. The direct approach to Highway 89 is ideal, and will keep heavy trucks from running through primarily residential areas.

Second, due to the slope of the driveway, the County Engineer may want a small runaway truck arrestor. The applicant should be required to work with the County Engineer regarding this concern.

Third, at the time of staff's site visit, mud and dirt was observed on the highway coming from the driveway from soiled trucks and truck tires. The mud dissipated after a couple of hundred feet. The applicant should be required to pave the driveway to the satisfaction of the County Engineer from the highway to at least the first turn before the driveway's switchback. Alternatively, the driveway could be paved from the street half that distance, and be given a high-pressure truck cleanoff station before the highway, with a requirement that all vehicles leaving the site are to be cleaned off before entering the highway.

Dust mitigation. Dust management can be a challenge for a gravel operation. The installation of a water sprinkler system will help keep dust from becoming airborne and traveling to adjacent areas.

Reclamation. The areas of disturbance will need to be reclaimed once the operation is complete or terminated. Reclamation for a use like this is ensuring the removal of excess debris and unused stockpiles, as well as the restoration of native vegetation. To ensure the applicant has sufficient motivation to do site reclamation after completing or abandoning the use, an escrowed performance bond should be required prior to commencement of excavation.

Engineering. The Weber County Engineering Division had the following comments for the use:

- Approval would be contingent upon all other agency reviews.
- All items under Title 18 – Excavations will need to be followed, mostly Chapter 4 & 5.
- We will need a reclamation plan and a guarantee bond.
- With the project being so close to Pleasant View, it should be annexed into the city.
- Applicant if they haven't already, will need to work with UDOT on the access.
- The access will need to be paved.
- The applicant will need to work with geotech engineer on excavation proximity to property lines.
- Project will need to follow all state rules and regulations.

Staff Recommendation

If the planning Commission can make the findings listed below, and any other the Planning Commission determined is appropriate, staff recommends forwarding a positive recommendation to the County Commission regarding File #ZMA 2021-03, a proposal to rezone approximately 40 acres from the A-1 zone to the G zone and to amend the West Central Weber County General Plan to support the rezone.

Conditions:

1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property, and that the development agreement accommodate all conditions below.
2. That the development agreement include a provision for zone reversion when the excavation reaches the proposed limits of disturbance
3. That the applicant provide the County with a geotechnical report regarding the proposed finished grade of the significantly cut slopes showing that the finished grade has been construction to protect against destabilization.
4. That the applicant work with the owners/operators of the adjacent canal to resolve any engineering needs to protect the canal from breaching due to the newly cut slopes prior to any excavation occurring near the canal. If desired by the canal entity, that canal shall be piped for the span of the subject property.
5. That the applicant agree to not protest at the time Pleasant View City is ready to annex the property.
6. That the applicant submit verification from UDOT regarding the proposed access to Highway 89.
7. If required by the County Engineer, that the applicant install a runaway truck arrestor to the satisfaction of the County Engineer.
8. That the driveway be asphalted from the highway to at least the first turn before the driveway's switchback.
9. That dust is managed by a sprinkler system that is configured to dampen all areas of disturbance sufficient to avoid fugitive airborne dust particles. Any other environmentally friendly method of dust management may be employed as long as it offers the same or better dust mitigation.

10. That a complete reclamation plan is provided prior to the commencement of construction showing how the site will be cleaned and restored with vegetation native to the area. The plan shall include the cost-estimate for reclamation, multiplied by inflation over the applicants estimated duration of the operation.
11. That a cash escrow of 110 percent of the cost to reclaim, adjusted for inflation over the duration of the proposed operation, is submitted to ensure completion of reclamation.
12. That the development agreement has an expiration not to exceed the duration of the proposed operation.

Findings:

1. With the proposed modification of the general, the rezone will comply with the general plan.
2. The site is surrounded by other gravel uses and/or vacant land, leading to limited conflicts with adjacent uses.
3. That the site has direct access to Highway 89, alleviating truck traffic challenges on local streets.
4. That with the conditions herein the use will not be detrimental to the health, safety, and general welfare of the public.

Exhibits

Exhibit A: Application.

Exhibit B: Proximity Map

Exhibit C: Current Zone Map.

Exhibit D: Proposed Zone Map.

Exhibit E: Proposed Future Land Use Map for West Central Weber General Plan.

Exhibit F: Grading Plan.

Weber County Zoning Map Amendment Application

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

Date Submitted

Received By (Office Use)

Added to Map (Office Use)

Property Owner Contact Information

Name of Property Owner(s)

Westside Investments, LC

Mailing Address of Property Owner(s)

5238 W 2150 N
Ogden, Utah 84404

Phone

801-458-0320

Fax

Email Address

craigj2010@gmail.com

Preferred Method of Written Correspondence



Email



Fax



Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

Craig Jackson

Mailing Address of Authorized Person

5238 W 2150 N
Ogden, Utah 84404

Phone

801-458-0320

Fax

Email Address

craigj2010@gmail.com

Preferred Method of Written Correspondence



Email



Fax



Mail

Property Information

Project Name

Cragan Parcel Rezone

Current Zoning

A-1

Proposed Zoning

Gravel

Approximate Address

Approx 1,200 feet East of 4000
N Highway 89.

Land Serial Number(s)

19-001-0005

Total Acreage

39.59

Current Use

Gravel

Proposed Use

Gravel

Project Narrative

Describing the project vision.

Please see Attached.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

Please see attached

Why should the present zoning be changed to allow this proposal?

Please see Attached

Project Narrative (continued...)

How is the change in the public interest?

Please see Attached

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

Please see attached

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Please see attached

Property Owner Affidavit

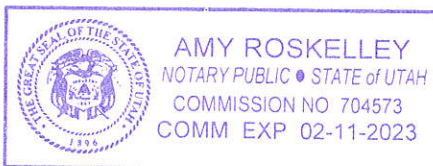
I (We), Randy Norriett, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Randy Norriett
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 9th day of April, 2021

Amy Roskelley
(Notary)



Authorized Representative Affidavit

I (We), Randy Marriott, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Craig Jackson, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Randy Marriott
(Property Owner)

(Property Owner)

Dated this 9th day of April, 2021, personally appeared before me Randy Marriott, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Amy Roskelley
(Notary)



ATTACHMENT FOR APPLICATION TO WEBER COUNTY

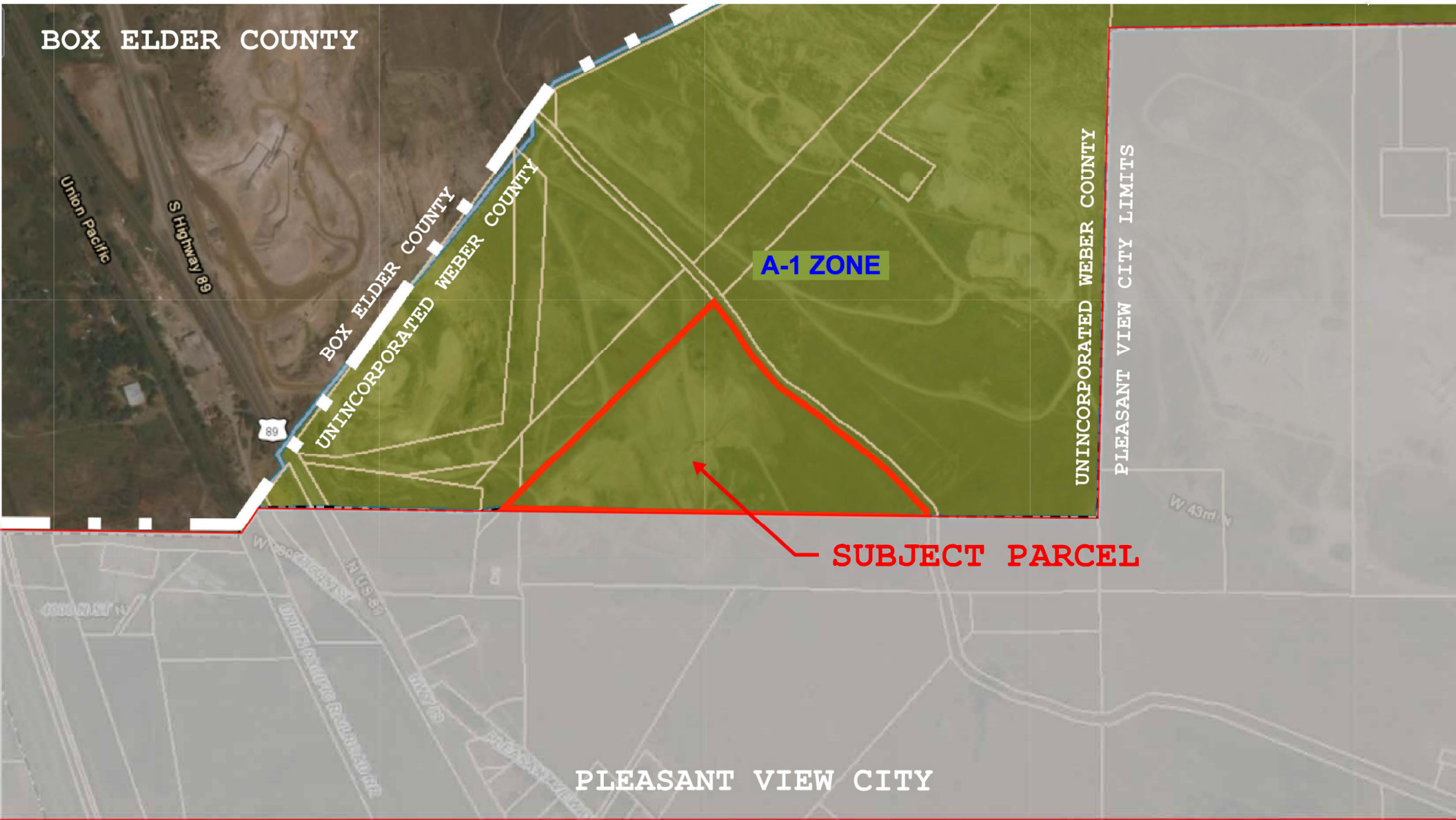
1. Describe the project vision.
 - a. Pleasant View City is constructing Skyline Drive through the property adjacent to and south of this parcel proposed for zoning change (the "Westside Parcel") and requires massive earthwork to be completed. As a result the property impacted by Skyline Drive will also require large amounts of earthwork to meet the grade of Skyline Drive and be developed for residential use. The Westside Parcel will require earthwork to meet these grades as these parcels will most likely be developed together. Therefore, we want to excavate the material out of the Westside Parcel so it can be developed in the future and be the proper elevation to tie into Skyline Drive and the surrounding property.
2. How is the change in compliance with the General Plan?
 - a. There is not a General Plan for this area. However, all of the unincorporated Weber County property surrounding this area is zoned A-1 and has aggregate operations currently operating on them. Allowing this use would be in compliance with the surrounding property.
3. Why should the present zoning be changed to allow this proposal?
 - a. Allowing extraction to continue on this property will allow its use to be the same as the multiple gravel operations surrounding it.
 - b. It will also benefit the County with tax revenue and jobs generated from aggregate products produced on and sold from Weber County property. It will also provide fair competition in the aggregate industry for the area.
 - c. This area has a tremendous natural resource for aggregate products. This is a great asset for the Weber County area as it is able to provide products to the area without the added expense and pollution from long truck hauls.
 - d. Allowing extraction of material from this property will allow the property to be graded to match Skyline Drive and be used for future development.
 - e. Lastly, this area is located in a great location for material processing, as it is far from any residential developments and has direct ingress and egress to State Road Highway 89.
4. How is the change in the public interest?
 - a. Please see answer to #3 above.
5. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
 - a. Please see answer to #2 above.
 - b. This area has had aggregate operations processing continually for over the last 75 years.
6. How does this proposal promote the health, safety, and welfare of the inhabitants of Weber County?
 - a. This proposal will create tax revenue and jobs for Weber County inhabitants in a location far from residential and business locations. The trucks and equipment

accessing this property will not travel on city roads as its ingress and egress tie directly into State Road Highway 89. It is able to provide products to the area without the added expense and pollution from long truck hauls.

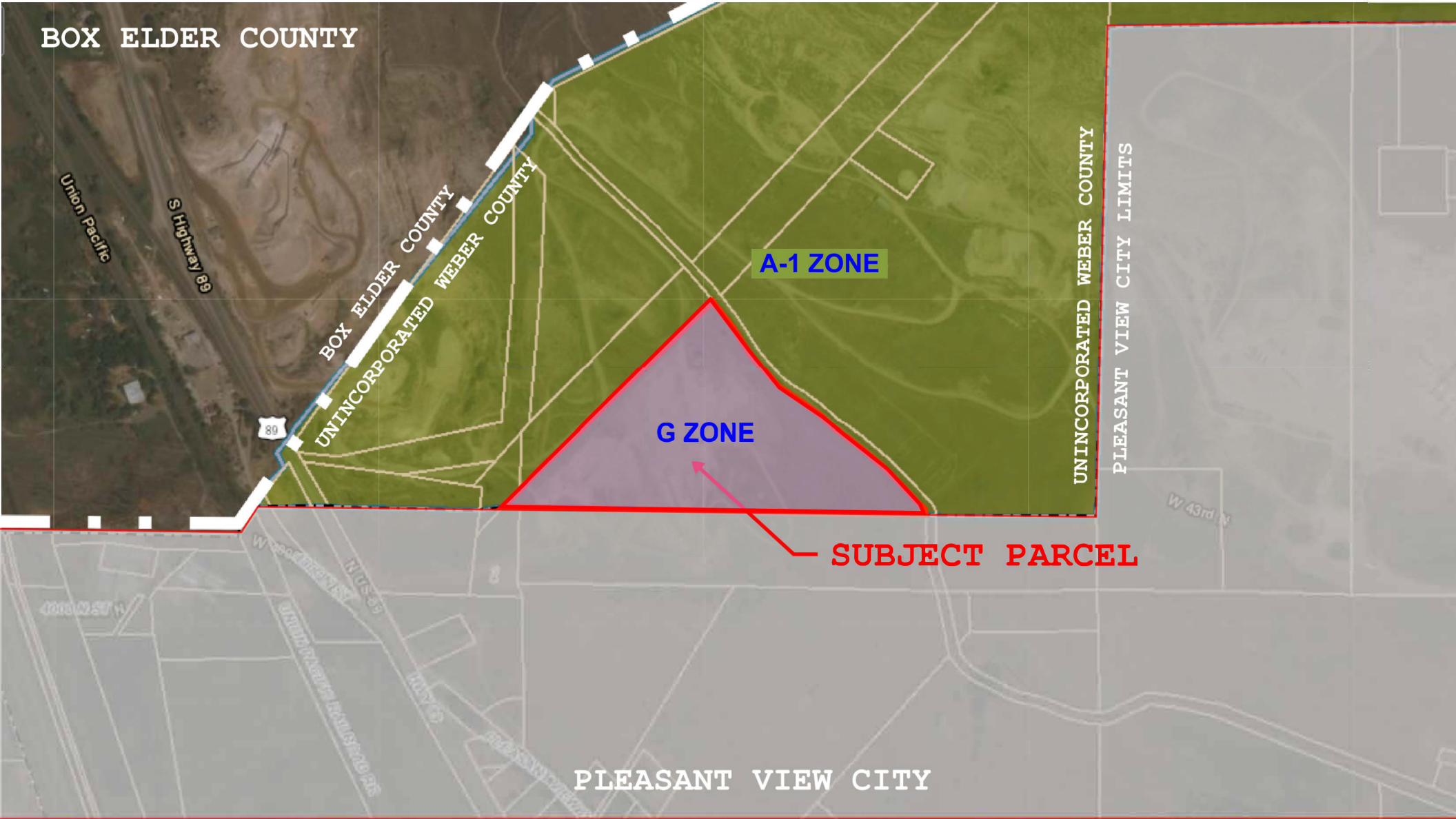
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Exhibit B: Proximity Map Page 1 of 1



Current Zone Map

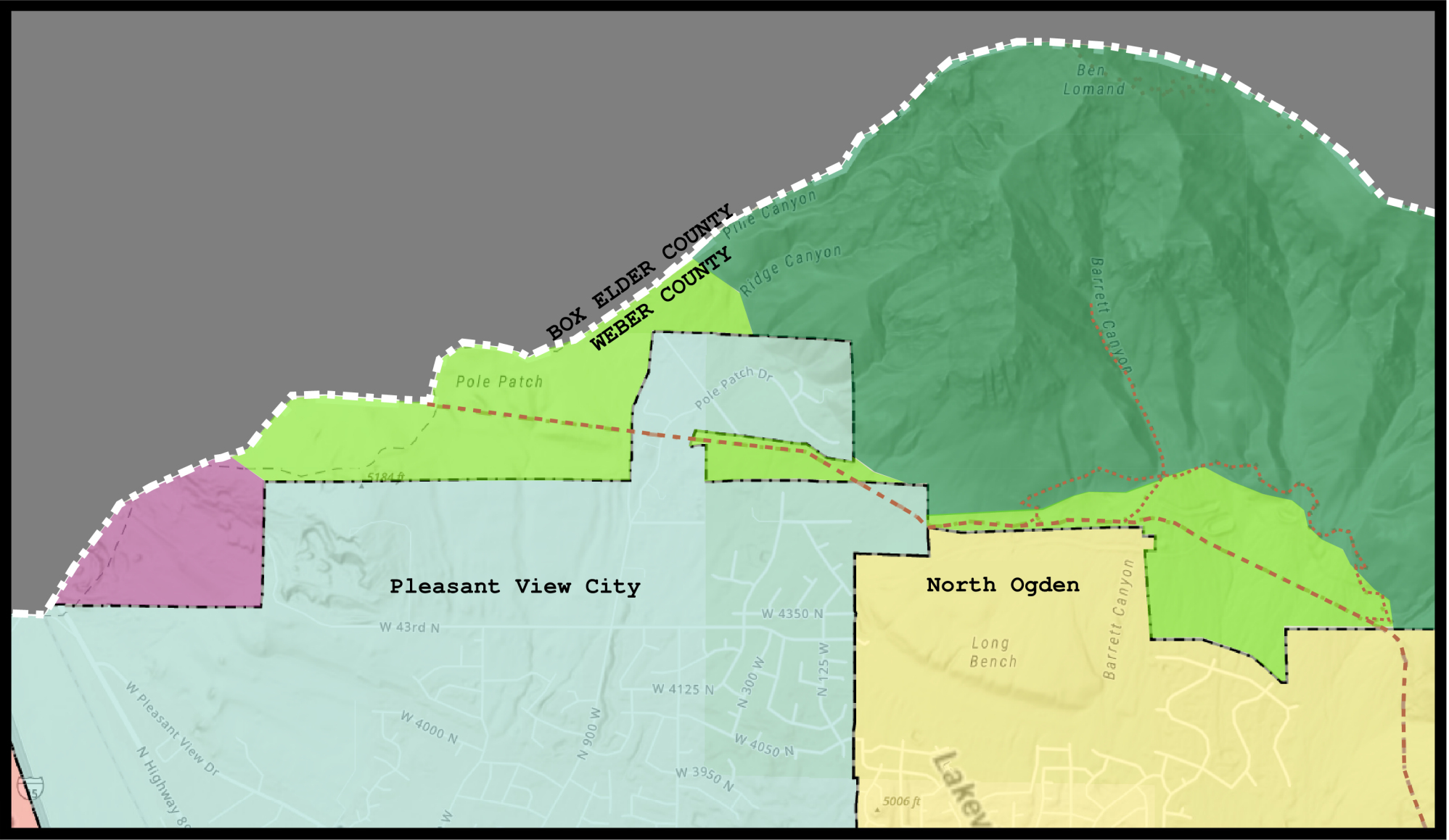


Proposed Zone Map

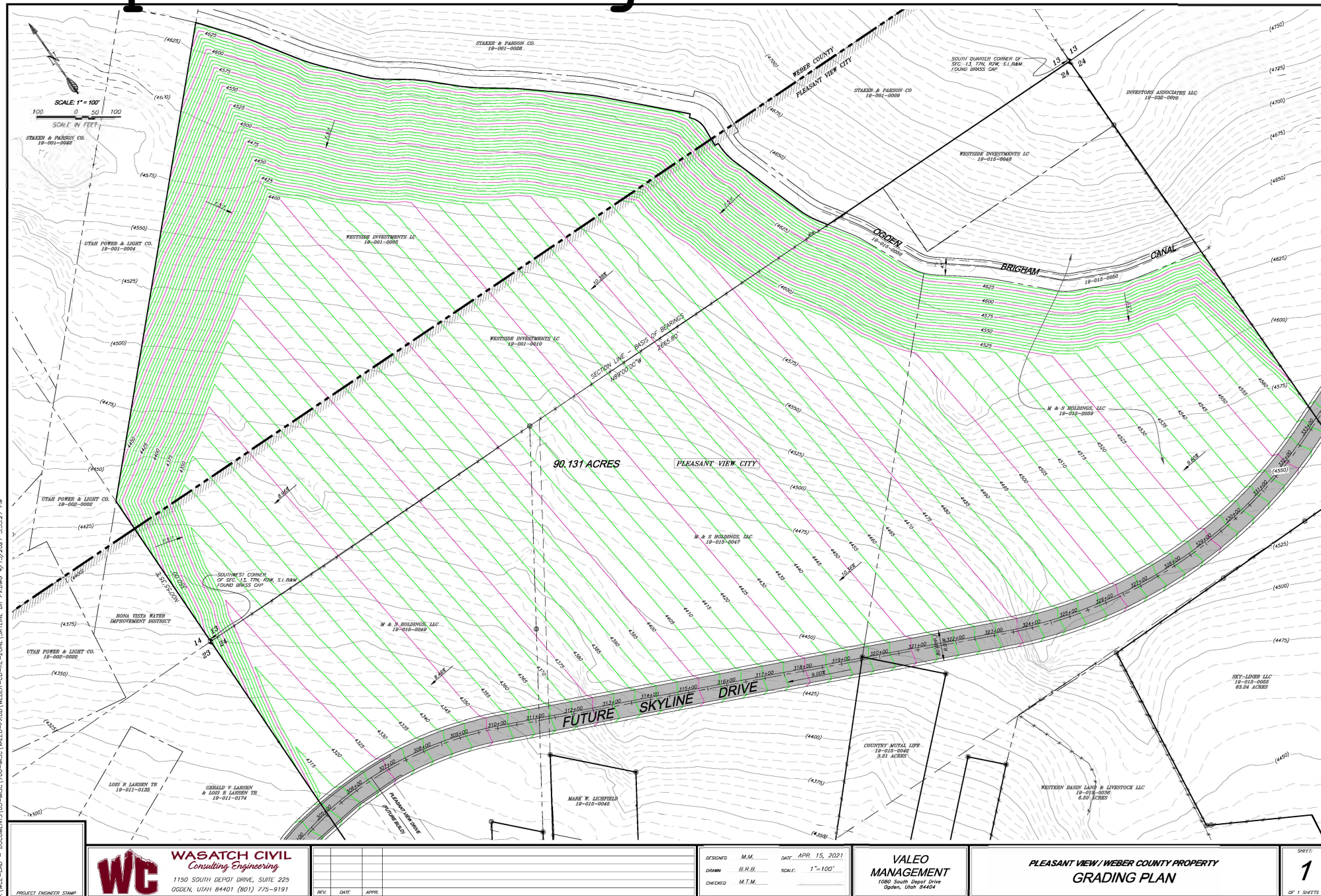


Proposed Future Land Use Map

Forest Uses Agricultural Uses Mineral Extraction Bonneville Shoreline Trail



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Exhibit F: Site and Grading Plan Page 1 of 2



Aerial with Grading Plan

