WEBER COUNTY

ORDINANCE 2022-	ORDINANCE 2022-	
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AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE WEBER COUNTY LAND USE CODE TO DEFINE AND REGULATE ANIMAL GRAZING, ANIMAL FEEDING OPERATIONS, AND LARGE CONCENTRATED ANIMAL FEEDING OPERATIONS.

WHEREAS, The Board of Commissioners of Weber County has heretofore adopted a land use code that includes zones for the purpose of providing for an orderly development of land; and

WHEREAS, The Utah State Legislature adopted S.B. 130 during the 2021 General Session which enacted the Large Concentrated Animal Feeding Operations Act requiring that County adopt an ordinance regulating Large Concentrated Animal Feeding Operations by no later than February 1st 2022; and

WHEREAS, On, January 4th 2022, the Western Weber Planning Commission offered a favorable recommendation for the regulation proposed herein; and

WHEREAS, On, January 25th 2022, the Ogden Valley Planning Commission offered a favorable recommendation for the regulation proposed herein; and

WHEREAS, The proposed ordinance is consistent with the goals and objectives of both the 2003 West Central Weber General Plan and the 2016 Ogden Valley General Plan; and

NOW THEREFORE, be it ordained by the Board of Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as provided in **Exhibit A**. Any part of the Weber County Code not explicitly provided herein shall remain unchanged. For all text herein, text in blue underline is being added, text in red strikeout is being deleted.

ON THIS _____, 2022. AYE____ ABSENT____ NAY____ Gage Froerer: ABSTAIN NAY____ ABSENT____ AYE Jim "H" Harvey: ABSTAIN NAY____ ABSENT____ Scott K. Jenkins: AYE____ ABSTAIN **Presiding Officer** Attest

PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS

Scott K. Jenkins, Chair

Ricky D. Hatch, Clerk

Sec 101-2-2 An-Definitions

- Animal feeding operation. The term "animal feeding operation" means a lot or facility where the following conditions are met:
 - (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
 - (b) the area of confinement devoted to the feeding of the animals does not sustain grazing vegetation during the normal growing season for the purpose of feeding the confined animals.
- Animal feeding operation, large concentrated. The term "large concentrated animal feeding operation"
 means the same as provided in the Large Concentrated Animal Feeding Operations Act of State Code.
- Animal grazing. The term "animal grazing" means the pasturing or ranging of animals for the purpose of
 grazing at an animal density that does not exceed the land's ability to perpetually sustain vegetation for
 grazing during the normal growing season.
- Animal/veterinary hospital. The term "animal/veterinary hospital" means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.
- Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices
 used for the transmission or reception of electromagnetic waves external to or attached to the exterior of
 any building and including the supporting structure; includes, but is not limited to amateur radio antennas,
- 19 television antennas, an

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Sec 104-1-2 Boundaries Of Zones

- (a) The boundaries of each of the said zones are hereby established as described herein or as shown on the maps entitled "Zoning Map of Weber County", which map or maps are attached and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as if fully described and detailed herein.
- (b) Where uncertainty exists as to the boundary of any zone, the following rules shall apply:
 - (1) Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
 - (2) Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right-of-way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
 - (3) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
 - (4) Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map.
- 40 **Editors Note:** Ord. No. 2021-XX consolidated the text that was in Section 104-1-3 Rules or Ordinance And 41 Maps into this Section 104-1-2 Boundaries Of Zones, and changed Section 104-1-3 to Rules of 42 Interpretation.
 - (Ord. of 1956, § 2-2 and § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

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45 Sec 104-1-3 Rules Of Interpretation of Land Use Tables or Lists of Uses. Ordinance and Maps

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- 1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
- 2. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right of way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway, or of such railroad right of way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.
- 3. Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.
- 4. Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map.

The Land Use Table or list of permitted uses and conditional uses of each zone are plenary. As such, the following rules of interpretation apply:

- (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an allowed use in that zone.
- (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional uses shall not be construed in any manner as an allowed use in the zone.
- (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or conditional uses that is not specifically listed in another zone's Land Use Table or list of permitted or conditional uses is not permitted in the other zone.
- Editors Note: Ord. No. 2021-XX consolidated the text that was in this section, which was named Section 104-1-3 Rules or Ordinance And Maps, into Section 104-1-2 Boundaries Of Zones, and changed this Section 104-1-3 to Rules of Interpretation.
- 72 (Ord. of 1956, § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

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Sec 104-2-3 Land Use Table

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Animal-related agricultural-wholesale or noncommercial uses. The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
Animal grazing. Animal grazing, as defined in Section 101-2.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-2-4. 5-acre use.

Animal feeding operation. An animal feeding operation, as defined in Section 101-2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	See Section 104-2-4. 5-acre use.
Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	See Section 104-2-4. 5-acre use.
Apiary.	P	P	P	P	
Aquaculture, animal related.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	Р	P	P	See <u>Section 104-2-4</u> .
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	Р	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	С	C	С	N	See Section 104-2-4. 2-acre use.
Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.	P	₽	₽	₽	5 acre use.
Farm for the raising and grazing of horses, cattle, sheep or goats.	P	P	P	P	See Section 104 2 4. 5 acre use.
Fur farm.	N	N	N	P	5 acre use.
Hog farm, small.	₽	P	P	P	See Section 104 2 4. 5-acre use.
Hog farm, large.	N	N	N	E	See Section 104 2 4. 5-acre use.

Livestock feed or sales yard.	N	N	N	C	
Stable for horses, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	
Slaughterhouse.	N	N	N	C	
Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs, when the animals or fowl were raised on the lot or parcel.	С	С	С	С	5-acre use.
Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	С	С	С	С	

Sec 104-2-4 Special Regulations

The uses listed below correspond with certain uses listed in the <u>Land Use Table in Section 104-2-3</u>. Due to the nature of the use, each shall be further regulated as follows:

- (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals, except when in compliance with the following:
 - (1) It may only be carried on during times that are reasonable and necessary due to lack of natural growing feed as a result of seasonal changes or extreme and temporary meteorological events.
 - (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;
 - (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and
- (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the premises. The following additional standards apply for hog feeding:
 - (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.
 - (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.
- (c) Animal feeding operation, large concentrated. A large concentrated animal feeding operation shall not be located within a half-mile of a zone boundary, unless the boundary is shared with another zone in which this use is allowed. Additionally, the area of confinement devoted to the

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100 101	feeding of the animals in any new large concentrated animal feeding operation shall be set back at least one quarter-mile from every property boundary.
102 103	(a)(d) Corral, stable or building for keeping animals or fowl. This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
104 105 106 107	(b)(e) Custom exempt meat cutting. This use shall be limited to animals that are part of one or more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, completely enclosed within a building with no outdoor storage, and located on and with access directly from a collector or arterial street.
108 109 110 111	(e)(f) Dog breeding, dog kennels, or dog training school. This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
112	(d)(g) Family food production.
113 114 115	(1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.
116 117	(2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.
118 119 120 121	(3) No more than six combined Group A animals and sets of Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined Group A and and sets of Group B animals or fowl may be kept per each additional acre greater than two.
122	1. Hog farm.
123 124 125	1. Hog farm, small. This use is limited to not more than ten hogs, more than 16 weeks old. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises.
126 127 128 129	2. Hog farm, large. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises. All pens and housing for hogs shall be concrete and maintained in a sanitary manner. Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.
130 131 132	2. Raising and grazing of horses, cattle, sheep or goats. This use shall not include the supplementary or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or slaughterhouse except when in compliance with the following:
133 134	1. It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;
135	2. It may only be carried on during the period of September 15 through April 15;
136 137	3. It shall not closer than 300 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and
138 139	(4) It shall not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.
140	(e)(h) Parking of construction vehicle. The off-site for-profit nonagricultural use of the

construction vehicle shall be restricted to the owner or operator of an actively operating

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142 agricultural use on the same lot or parcel on which it is parked, or the owner or operator's employee. This use shall: 143 (1) Be accessory to an actively-operating agricultural use on the lot or parcel; 144 (2) Be restricted to vehicles and related equipment that are used for the actively-operating 145 146 agricultural use; 147 (3) Include no more than one three-axle truck, and no pups. Parking of large vehicle. This use shall be restricted to one vehicle, no greater than 24,000 148 149 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt from these restrictions. 150 151 Temporary building or use. The building or use shall be removed upon completion or (g)(j) abandonment of the construction work. 152 **HISTORY** 153 154 Adopted by Ord. 2021-6 on 3/23/2021 155

Chapter 104-21 Manufacturing Zones MV-1, M-1, M-2, and M-3

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158 <u>Sec 104-21-3 Land Use Table</u>

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	MV-1	M-1	M-2	M-3	Special Provisions
Accessory use customarily incidental to a main use, including an accessory building incidental to the use of a main building, and a main building designed or used to accommodate the main use to which the premises are devoted.	P	P	P	P	
Acetylene gas manufacturing, compounding, processing, packing, treatment, and/or storage.	N	N	С	С	
Aircraft engine testing, including jet, missile and chemical engines.	N	N	N	С	
Aircraft or aircraft parts manufacturing.	N	N	Р	Р	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Airport.	N	P	P	P	

Any permitted use in a C-3 Zone, except dwelling unit.	P	P	P	P	
Any conditional use allowed in a C-3 Zone, except dwelling unit.	С	С	С	С	
Animal feeding operation. An animal feeding operation, as defined in Section 101-2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	See Section 104-21-4. 5-acre use.
Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	See Section 104-21-4. 5-acre use.
Animal grazing, Animal grazing, as defined in Section 101-2.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Section 104-21-4. 5-acre use.
Animal hospital.	P	P	P	Р	
Apiary.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Automobile or automobile part manufacturing.	N	N	P	Р	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Automobile recycling (parts dismantling).	N	N	С	C	See Section 104-21-4.
Automobile repair, auto body and fender work.	С	P	P	Р	The use shall be conducted within an enclosed building.
Automobile wrecking yard.	N	N	С	C	The use shall be enclosed within a seven foot high solid fence or wall. In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Aviary.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-

Battery manufacture.	N	С	С	С	
Blacksmith shop.	N	С	P	P	

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Railroad yards, shop and/or roundhouse.	N	N	C	C	
Raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals.	N	e	e	C	
Recreation area, private.	N	N	N	C	

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Sec 104-21-4 Special Regulations

The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-21-3. Due to the nature of the use, each shall be further regulated as follows:

- (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals, except when in compliance with the following:
 - (1) It may only be carried on during times that are reasonable and necessary due to lack of natural growing feed as a result of seasonal changes or extreme and temporary meteorological events.
 - (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;
 - (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and
- (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the premises. The following additional standards apply for hog feeding:
 - (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.
 - (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.
- (c) Animal feeding operation, large concentrated. A large concentrated animal feeding operation shall not be located within a half-mile of a zone boundary, unless the boundary is shared with another zone in which this use is allowed. Additionally, any new large concentrated animal

- 182 <u>feeding operation shall be sited on a lot or parcel with enough area for the operation to accommodate a setback of not less than a quarter-mile to any property boundary.</u>

 184 (a)(d) <u>Automobile recycling (parts dismantling)</u>. This use shall be conducted within a completely enclosed building. In the M-2 zone, the recycling facility shall have no more than 40 automobiles at the site at any one time. Any automobile recycling vehicle storage area must be enclosed by a solid wall or fence of not less than seven feet in height

 188 (b)(e) <u>Building material sales yard</u>. In the M-1 zone, a building material sales yard may include the sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall
 - the sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall exclude concrete mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section.
 - (e)(f) Cement batch plants. The following standards apply to a cement batch plant:

- (1) The cement silo mixer shall not be larger than 300 barrel in the M-1, M-2, and M-3 zones, and 200 barrel in the MV-1 zone.
- (2) There shall be a 15-foot landscape buffer with a six-foot-high earth berm planted with six feet or larger evergreen trees. The trees shall be Canada Hemlock, Scotch Pines, Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees per 100 feet. These trees shall be Maples, Linden, Quaking Aspens, Cottonless Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch caliper. This landscaping shall be planted on the crest of the six-foot berm when the property abuts agricultural or residential zones.
- (3) There shall be no more than three cement trucks, and no more than two other semi-trucks and trailers used with this operation stored on site.
- (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand and gravel mix shall be stored in a three-wall bin and covered when not in use.
- (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of the lot shall be dedicated for this use.
- (6) The property shall be at least one acre in size.
- (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be submitted with the permit application.
- (d)(g) Dwelling unit for night watchman or guard and family. The dwelling unit shall be for the exclusive use of a night watchman or guard and his or her immediate family. The site shall provide an additional 3,000 square feet of landscaped area for the residential use.
- (e)(h) Retail sales, limited. This use is limited to the sales of products produced by, developed in conjunction with, or normally required and used in the performance of a commercial or manufacturing operation permitted in this zone, and provided the retail sales is clearly an accessory use to the main permitted use and is conducted within the same building or, if the main use is not a building, then on the same property. No retail sale of products may be made in conjunction with a warehousing or wholesale business.
- (f)(i) Shooting range or training course, indoor or outdoor. The facility shall provide designated shooting positions for which ballistic backstops are designed. No shooting is allowed except in these designated shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an outdoor range, the overhead backstop may be a series of

227 baffles. Approval shall be subject to the requirements and conditions of the local fire authority. 228 The range operator shall be onsite at all times shooting is occurring. 229 Reserved. (Ord. of 1956, § 18B-4; Ord. No. 2011-5, § 18B-4, 3-15-2011; Ord. No. 2012-17, § 18B-4, 10-23-2012; 230 231 Ord. No. 2016-10, Exh. A, 8-23-2016) 232 **HISTORY** Amended by Ord. 2020-11 on 8/4/2020 233 Amended by Ord. 2020-24 on 12/15/2020234 Amended by Ord. 2021-16 on 5/25/2021 235