



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To hold a public hearing, and consider and take action on ZMA 2019-04 a request to amend the zone map to rezone approximately 14 acres from the AV-3 (Agricultural Valley 3-acre) zone to the G (Gravel) zone at approximately 4720 East 2650 North.

Agenda Date: Tuesday, July 23, 2019

Applicant: Levanta, LLC. Agent: Rob Edwards

File Number: ZMA 2019-04

Property Information

Approximate Address: 4720 East 2650 North

Zoning: The area is currently zoned AV-3

Existing Land Use: Part agriculture, part natural

Proposed Land Use: Gravel Operation

Township, Range, Section: T7N, R1E, Sections 27 and 33

Adjacent Land Use

North: Native	South: Agriculture, Residential, Native
East: School, Residential	West: Agriculture

Staff Information

Report Presenter: Charles Ewert
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801-399-8767

Report Reviewer: RG

Applicable Ordinances

- § 102-5: Rezoning Procedures
- § 104-4: Gravel Zone G
- § 104-6: Agricultural Valley AV-3 Zone
- § 104-28: Ogden Valley Sensitive Lands Overlay Districts
- § 108-18: Drinking Water Source Protection

Proposal History

This proposal was introduced to the Ogden Valley Planning Commission in their June 4, 2019 work session, and generally discussed. It was then heard by them at a public hearing on June 25, 2019, at which time they recommended denial of the rezone to the County Commission. Their recommendation came complete with conditions of approval that the County Commission could apply to the rezone in the event the Commission chooses not to follow the recommendation for denial.

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 compatibility with the general plan and existing ordinances.

Summary

This application is for a rezone of approximately 14 acres of property from the AV-3 zone to the G zone. The purpose of this rezone is to establish a gravel excavation and concrete batching plant on a parcel at the end of 2650 North Street in Eden, adjacent to the County's roads sheds. After a duly noticed public hearing, the Ogden Valley Planning Commission recommended that the County Commission deny the rezone.

State code requires a decision on this matter. The County Commission has a few options from which to choose. The Commission can either (1) approve, (2) approve with specific requirements/conditions/modifications, (3) table to a date certain for further consideration, such as fact-finding, time for additional deliberation, etc., or (4) deny. Regardless of which option is chosen, the Commission should back the decision up in the record with supporting findings.

If the Commission ultimately decides the rezone should be approved, the Commission will need to do so by adopting an ordinance. Due to the planning commission's recommendation, Staff have no formal findings of support necessary to create such an ordinance; consequently, a rezone ordinance and a development agreement have not yet been drafted. If the County Commission desires to approve this rezone Staff strongly recommends tabling any decision at this time in order for these documents to be drafted for the Commission's consideration and use. If tabling for this purpose, it would benefit the drafting of these documents if the Commission could provide specific findings of support.

In addition, if the Commission ultimately desires to approve the rezone, the planning commission has requested the Commission apply a number of conditions of approval, as listed in the attached staff report. Conditions of a rezone can be hard to track, enforce, and potentially defend unless those conditions are documented in a development agreement that is recorded to the property.

The planning commission's unanimous motion is documented below.

Policy Analysis

A complete policy analysis from County Staff can be review in the attached planning commission staff report, Attachment A. This report also includes a number of exhibits, including the applicant's formal application.

Planning Commission Recommendation

The Ogden Valley Planning Commission's motion was given by Planning Commissioner Jami Taylor. Prior to the motion, Ms. Taylor desired that the following statement be entered into the record for the Commission's consideration:

"This application is a request to rezone approximately 14.15 acres in the Agricultural Valley 3-Acre Zone, located at approximately 4720 East 2650 North, to a Gravel Zone for the purpose of gravel excavation and cement batching plant. Before I give my recommendation, the staff summary states, "It may be more appropriate and significantly simpler for the Planning Commission to focus on the policy merits and community impacts of allowing a gravel pit on the subject property rather than questioning whether the science or other agencies, over which the county has no control, will support the use." So with the rezone we are asked to consider the following questions:

1. *How does this rezone apply to the General Plan?*

2. Will this rezone enhance the overall intent of the Health, Safety, and General Welfare of the Community?

With all this in consideration, I move to forward our recommendation to the Weber County Commissioners, a denial of the application ZMA 2019-04. This denial is based on the five following findings:

1. **This application is not in line with the vision of Ogden Valley General Plan and does not advance the overall intent of this plan. Specifically, this gravel pit proximity to the valleys most prominent Village Area could hamper the county's ultimate goals regarding this area. This application could create potential transportation and noise impacts.**
2. **This rezone does not advance or protect the overall health, safety, and general welfare of the community. Specifically, the county lacks sufficient administrative capability to ensure adequate compliance oversight of a gravel pit in this proposed location, the potential health and safety to the nearby school, homes, and businesses, and the potential of water and fire impacts.**
3. **This is based on the emails sent by the public and the public hearing; that it is just clear that the residents overwhelming do not support it.**
4. **Based on the research findings as indicated in the staff report during this meeting.**
5. **The general cons outweigh the pros.**

With that being said, should the Weber County Commissioners choose to approve the rezone; we would recommend you do so with the 21 recommendations that the staff indicated in the staff report starting on Page 17. In conclusion, I would agree with Commissioner Lewis, that growth is inevitable and I am not against growth. I do believe that our community has natural incredible scenery, and I know that we have a planning staff and County Commissioners that are capable of continuing to enable our sceneries to match it residents, and I just don't think this would be able to do it.

Commissioner Wood seconded the motion.

A vote was taken, with Commissioners Taylor, Howell, Hogge, Francis, Wood, and Chair Lewis voting aye. Motion Carried (6-0).

Attachments

Attachment A: Planning Commission Staff Report, including the following exhibits: [\(Pages 4 - 52\)](#)

- Application
- State of Utah Stream Alteration Permit
- Vicinity Map and Site Map
- Existing Zone Map
- Proposed zone Map Amendment
- A review of uses allowed in the AV-3 Zone
- A review of uses allowed in the G Zone
- Concept Development Plan
- Floodplain and Estimated 100-Foot Setback from High Water
- Decibel Reference Chart

Attachment B: Site Survey and Easement [\(Pages 53 - 55\)](#)

Attachment C: Supporting Information from Applicant [\(Pages 56 - 57\)](#)

Attachment D: Written Public Comments [\(Pages 58 - 120\)](#)



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Agenda Date: Tuesday, June 25, 2019

Applicant: Levanta, LLC. Agent: Rob Edwards

File Number: ZMA 2019-04

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Summary

This application is for a rezone of approximately 14 acres of property from the AV-3 zone to the G zone. The purpose of this rezone is to establish a gravel excavation and cement batching plant at the end of 2650 North Street. In the application,¹ the applicant has offered assertions that the request meets several aspects of the general plan. The Planning Commission is being asked to determine whether the proposal complies with the general plan, and whether they would offer a positive recommendation to the County Commission.

The Planning Commission may offer a recommendation to the County Commission for approval, approval with conditions, or denial for this rezone. The Planning Commission also has authority to table the request pending further review and/or information as well; however, the applicant has asked that the Planning Commission make a decision one way or the other, not table the item.

Because this rezone is for the very specific use of a gravel pit, it may be tempting to require a host of professional studies and other-agency permits prior to a desire to consider a rezone. Often, a rezone precedes that level of detail, as there would be no reason for a landowner to spend money on the studies and permits without assurances from the County that if the science and other-agency results are favorable the use would be allowed by the County. If the County determines that the rezone is desirable, it can be conditioned through a development agreement only to be applicable if the science and other relevant agencies return favorable results. It may be more appropriate and significantly simpler for the Planning Commission to focus on the policy merits and community impacts of allowing a gravel pit on the subject property rather than questioning whether the science or other agencies, over which the county has no control, will support the use.

Despite the advice in the foregoing paragraph, out of an abundance of caution the staff review offered in this report is almost as specific as it would be during a conditional use permit review, excepting out the need for missing science, which will be required during actual conditional use review if the rezone is approved.

If the Planning Commission decides to recommend approval, staff has offered some possible conditions to help mitigate the detrimental effects of the use. If the Planning Commission decides to recommend denial, staff are still asking that the Planning Commission do so with conditions of approval so the County Commission has a complete set of conditions should they choose to approve the rezone anyway.

Policy Analysis

A change to zoning has the potential to change the character of an area. Careful analysis of the change should be considered in order to assure the protection of the overall health, safety, and general welfare of the community. Rezones might not always be optimally beneficial to everyone affected. The rezone process is a time in which the county should try to anticipate whether the detriments to some are appropriately and reasonably mitigated and balanced with the overall desired community outcomes.

Zoning

The current zone of the subject parcel is AV-3. The AV-3 Zone is typically reserved for agricultural operations or large-lot residential development. **Figure 2**² displays current zoning and the parcels affected by the potential rezone. The purpose of the AV-3 zone is described as:

¹ See Exhibit A.

² See also Exhibit D.

“The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”³

The preferred use of the AV-3 zone is described as:

“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.”⁴

Figure 1: Vicinity Map and Site Conditions



The requested zone for the subject parcel is the G Zone. The G zone is typically reserved for gravel extraction operations. As can be seen in **Figure 3**⁵, this will create new G Zone property in an area in close proximity to the MV-1 Zone, which is the Ogden Valley’s light manufacturing zone. The G zone does not have a purpose specified, but the purpose of the MV-1 zone is described as:

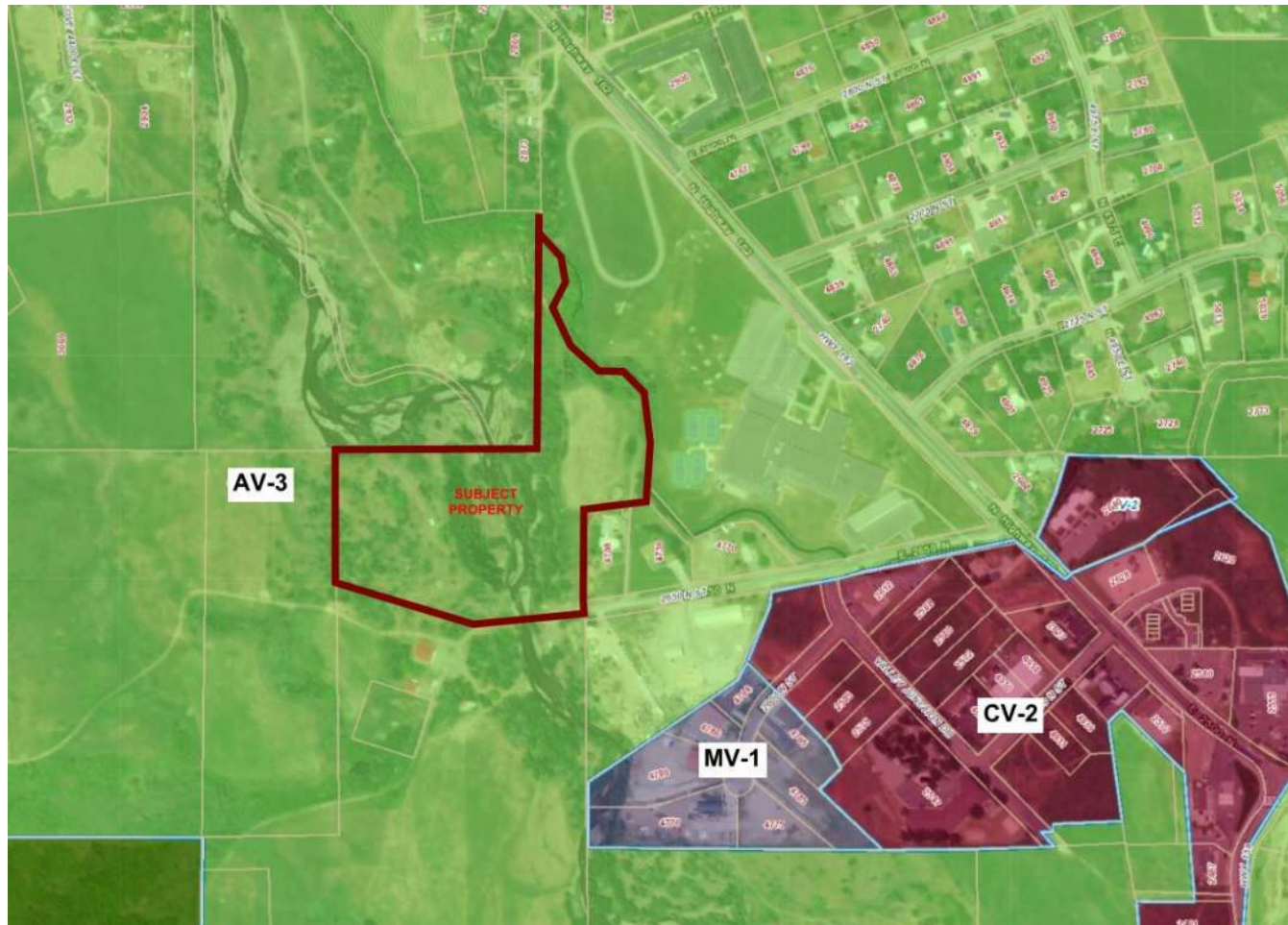
“The purpose of the MV-1, Ogden Valley Light Manufacturing Zone is to provide suitable areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.”⁶

³ See Weber County Code § 104-6-1.

⁴ See Weber County Code § 104-6-2.

⁵ See also Exhibit E.

⁶ See Weber County Code § 104-23-1.

Figure 2: Current Zoning Map and the Subject Property.

Changing a zone from the AV-3 Zone to the G Zone comes with a few things to consider. The Planning Commission should review the uses that are different in each zone and the differences in lot development standards⁷. As can be expected, the differences between the zones are substantial.

Changing zoning

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following are excerpts and/or staff's commentary on how it applies to this application.

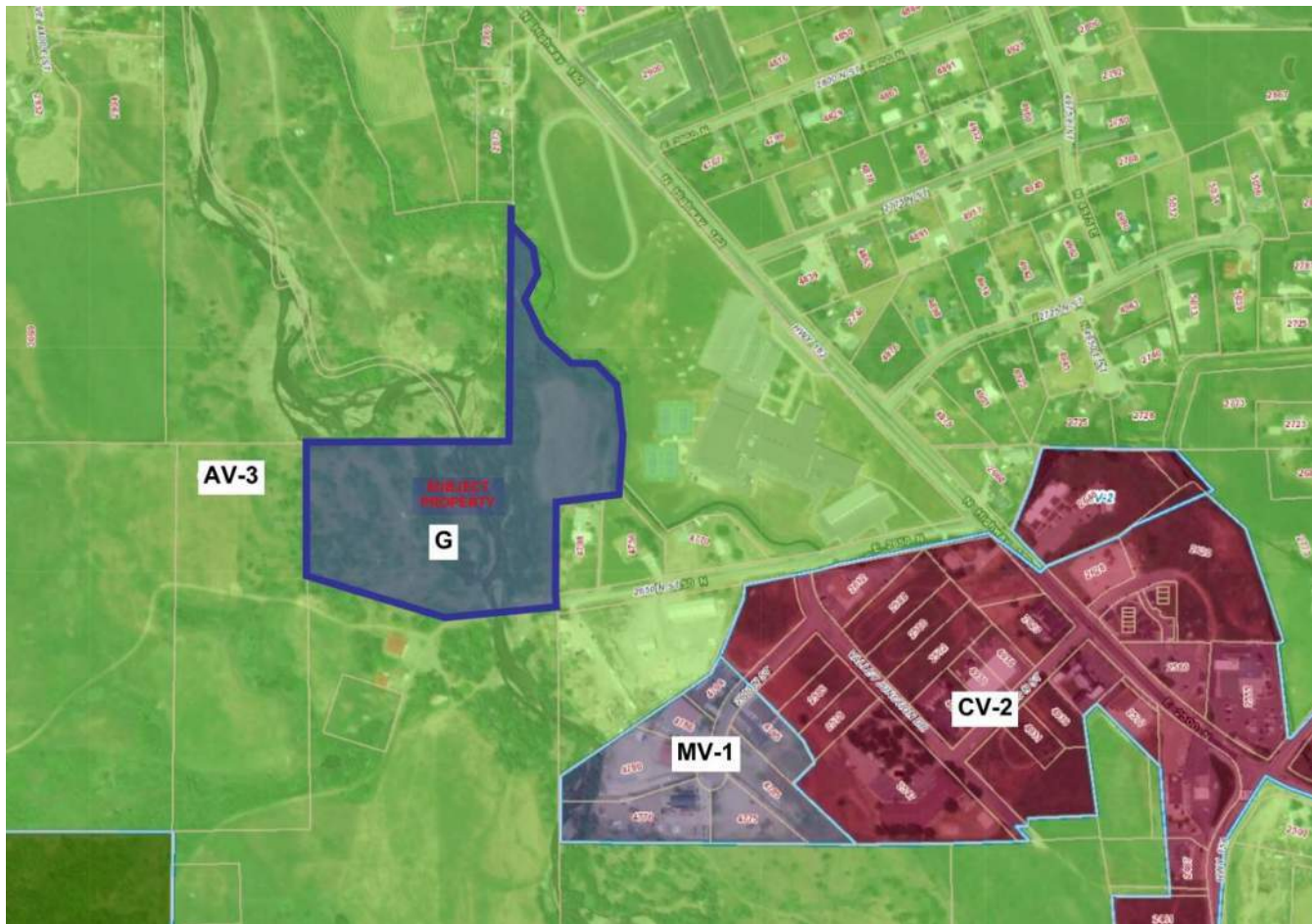
§ 102-5-2: Specifies that rezoning should comply with the general plan. Most community general plans contain a "future land use map" that maps out where uses should be located in the future. This type of map is intended to offer predictable decision-making by showing landowners, residents, and decision-makers where zoning should be changed as the community changes over time. During the process of creating the 2016 Ogden Valley General Plan staff and county consultants proposed a future land use map for this purpose. The map was met with much resistance from the public, and it was determined that despite the predictability of such a map, plan objectives would have to be applied to each rezone request on a case-by-case basis to determine whether the rezone complies with the plan. There is a high degree of subjectivity in this. The plan is complex enough that it may offer both positive and negative directives for this specific type of request. This means that the end-decision will be dependent on how the diverging interests and objectives specified in the plan could be balanced to offer an interpretation that benefits

⁷ See Attachment F and G.

the community while honoring the rights of individual landowners. A review of the request's compliance with the plan is provided later in this report.

§ 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criteria allows broad deference to the County Commission's legislative decision-make authority. The criteria is twofold:

Figure 3: Proposed Zoning Map and the Subject Property.



- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

§ 102-5-4 and § 102-5-5 sets forth the application submittal criteria for a rezone. In these chapters, the Commission will find that Weber County has adopted very strict requirements for rezones. These application requirements expect engineered drawings for concept plans, water and wastewater provisions, and stormwater runoff provisions. This is a challenging burden to meet when a landowner is considering a rezone, and each of these are required prior to actual development of the land, so it is redundant to require them now.

Concept development plan

The applicant has provided a concept development plan for the property. It can be reviewed in **Figure 4**.⁸ It shows a ready-mix concrete batching plant and stock piling on the east side of the North Fork, with truck access from the end of 2650 North Street. There is shown a natural berm/hillside between the operation and the Snowcrest Junior High School. It also shows an excavation area on the west side of the North Fork, with a temporary gravel crusher and surge piling nearby. There is a proposed access road that will cross the North Fork.

Figure 4: Applicant’s Concept Development Plan.



Under § 102-5-6(1) the commission may:

- (1) *The county commission may approve the proposed rezoning and concurrently approve a concept plan for the development, in whole or in part, with or without changes or conditions and adopt an ordinance rezoning the property;*

The applicant is requesting that the code-required engineering specificity in his concept plan be waived by the County Commission in favor of the currently submitted concept. If the rezone is approved, an engineered site plan will be required prior to issuance of a conditional use permit.

⁸ See Exhibit H.

Locations of buildings, structures, and their architectural designs

The ordinance requires that the concept plan show the location of buildings and structures and their architectural designs however, the conditional use permit and design review ordinances that will be applicable to the gravel operation does also prior to the issuance of a land use permit. For this specific type of industrial use, it is not anticipated that significant architectural design will be offered, but the structures onsite will still be required to follow the minimum standards of the County's architectural design ordinance.⁹

Water, wastewater, stormwater, fire, and other utilities

There has not been any specific proposals that address culinary water, secondary water, wastewater, fire or other utilities. These details may not be necessary at this time, as they are generally a matter of obtaining administrative permitting/approval from the agencies who provide them. The County will not issue a building permit, nor allow most other uses onsite, unless these utilities have been appropriately addressed and approved by the relevant agency.

Much of the property is located in Zone 2 or 4 of the Drinking Water Source Protection zone¹⁰ for two of Eden Water Company's wells. Zone 2 is the more restrictive of the two. It is defined as:

"... the area within a 250-day groundwater time of travel to the wellhead or margin of the collection area, the boundary of the aquifer which supplies water to the groundwater source, or the groundwater divide, whichever is closer."¹¹

The allowed uses in Zone 2 are:

"...single- or multiple-family residential dwellings, commercial, or institutional uses established on or after the effective date of the ordinance from which this chapter is derived, provided that such uses are connected to a sanitary sewer system."¹²

The prohibited uses in Zone 2 are:

- a. Surface use, storage, or dumping of hazardous waste or material, expressly including industrial or commercial uses of agricultural pesticides (except when such pesticides are used in farming applications within strict compliance of the manufacturer's recommendations of use, subject to inspection by local officials).
- b. Sanitary landfills.
- c. Hazardous waste or material disposal sites.
- d. Septic tanks/drain field systems.
- e. Sanitary sewer lines within 150 feet of a wellhead or spring collection area.
- f. Underground storage tanks.
- g. Stormwater infiltration structures.
- h. Any pollution source as defined herein or in Rule 309-113-101, as amended, of the division of drinking water's drinking water source protection regulations.

⁹ See § 108-2-4 for the minimum architectural standards.

¹⁰ In order to protect Eden Water Company's source protection area from malicious activity or sabotage, delineation of the source protection zone is not provided in this report.

¹¹ See § 108-18-3 of the Weber County Code.

¹² See § 108-18-5 of the Weber County Code.

- i. Agriculture industries including, but not limited to, intensive feeding operations such as feedlots, dairies, fur breeding operations, poultry farms, etc.”¹³

The code is silent about uses that may fall between “permitted” and “prohibited.” A gravel operation is not specifically listed as a “permitted use,” but perhaps it could be construed as “commercial.” If so, the code specifically requires the use to be connected to a sanitary sewer system. However, gravel excavation on its own has no need for sanitary sewer. The applicant’s proposed location of the batch plant is not in any source protection zone, so if this restriction is purely about ensuring employee’s effluent remains out of the source protection zone, that can likely be accomplished by offering a septic system at the batch plant.

It is unclear whether gravel extraction would be definable or interpreted as one of the “prohibited uses.” If the rezone is favorable, the applicant should be required to provide the County with verification from the Utah Division of Drinking Water that the use is safe to be located there.

Any construction or earth-moving activity onsite will require a Storm Water Pollution Prevention Plan (SWPPP). Because the activity will be greater than an acre, and will be industrial in nature, if the rezone is approved the applicant will be required to get an industrial SWPPP from the State prior to commencement of operations.

Access and traffic circulation

The applicant has proposed an access from 2650 North Street, also called Clarke Lane. At this time, it is a single point of entry to the batch plant and a single point of entry to the excavation site.

An increased amount of heavy truck traffic is anticipated to circulate to and from 2650 North Street. 2650 North Street is currently a single point of access from Valley Junction Drive. There may be a possibility to alleviate some of the heavy truck traffic at the intersection of Highway 162 and 2650 North Street if the planned connection of Valley Junction Drive is made to Highway 158. The applicant has suggested he would provide the county a deal on material to complete this connection, but declined to shoulder the entire burden.

In a worst-case scenario, a solid line of heavy truck traffic leaving the site has the potential to disrupt transportation flow in the area. The Planning Commission may want to consider a limit on the number of trucks that may leave the site in a given period. The applicant has suggested that he is expecting about four trucks per hour initially. If desirable, the Planning Commission may want to plan for a little more than that given variables related to market forces that are outside the applicant and County’s control. Pacing out the vehicles as they leave the site will also help, as will restricting the number of trucks entering Highway 162 during times when local traffic increases as a result of the beginning or end of school at the adjacent Snowcrest Junior High School. Staff’s conditions of approval offer a potential schedule to help alleviate these concerns.

The County Engineering Division suggested that it is possible 2650 North Street and/or Highway 162 might not be built to the standard necessary to support routinely circulating heavy truck traffic. It currently generally supports the truck traffic to and from the County roads sheds, but that volume of truck traffic may be minimal in comparison to the potential increases of the proposed use. The biggest impact of heavy truck traffic on an asphalt surface is in the deceleration areas. The deceleration of heavy trucks tend to push and rut asphalt. It would prove beneficial to obtain a geotechnical evaluation of 2650 North Street and Highway 162 for about 300 feet from the intersection to determine whether the roads should be rebuilt in order to support the new traffic demand. The Planning Commission may also want to consider emerging best practices of synthetic or fiberglass fibers being incorporated into a new asphalt overlay or similar to better support the heavier vehicles.

If the internal circulation of the site is not configured correctly, it could result in heavy truck traffic stacking out onto the public right-of-way. At the time of site plan design the county should verify the stacking needs relative to the size of the operation and verify that sufficient vehicle stacking lanes are provided onsite and away from the public right-of-way.

¹³ See § 108-18-6(2) of the Weber County Code.

2650 North Street crosses a canal before sloping downward toward the property. When travelling from Highway 162 toward the canal, it may be difficult to see the road surface on the other side of the canal. The street has no sidewalks. There are currently three residences along the north side of the street, one with young children. With the increased traffic on the street, the Planning Commission may want to consider the need for improved pedestrian facilities to and along the frontage of these residence to ensure pedestrians are not forced into the travel way.

When approaching 2650 North Street from the direction of the Valley Market, Highway 162 is a two-lane road. It does not have a left-hand turn lane or shoulders to help alleviate the potential congestion of truck traffic waiting to turn left onto 2650 North Street.

When approaching 2650 North Street from the direction of the North Ogden Divide, the road narrows from a three-lane road to a two-lane road just prior to 2650 North Street; however, there is sufficient shoulder width to paint a right-turn lane. 2650 North Street does not intersect Highway 162 at a right angle, which makes an acute angle for this right hand turn. The current configuration of the street infrastructure and power poles will likely require heavy trucks to turn wide into the opposing lane of 2650 North Street in order to clear the intersection. The Planning Commission may desire to consider intersection improvements, including greater turning radii and possibly relocation of power poles. A traffic study could help verify this need.

As pictured in **Figure 5**, 2650 North Street has a crosswalk close to where it intersects with Highway 162. The primary function of the crosswalk is to facilitate safe-street crossing for

Figure 5: Existing Crosswalk on 2650 North Street



students going to the adjacent LDS seminary school. The crosswalk is currently marked on the pavement with the typical zebra-stripe paint style, and is signed directly at the crosswalk, without signage in advance of the crossing. Given the increase in heavy truck traffic, the Planning Commission may desire better notification of the crosswalk. User activated rapid flashing beacons on the crosswalk signs, as pictured in **Figure 6**, could enhance a driver's awareness of the use of the crosswalk.

Figure 6: User-Activated Beacon



The industrial nature of the traffic currently on 2650 North Street, as well as the new increases a gravel operation will render, can often lend to a driver's decreased awareness that the street is a local street serving residences. The posted limit on this street is 25 miles per hour, but adjacent landowners report frequent violators. An actual-speed feedback sign, as pictured in **Figure 7**, may prove useful in helping the new truck traffic be better aware of their speed as they pass the residences along the street.

Figure 7: Speed Feedback Sign



Hours of operation

The applicant is anticipating that the concrete ready-mix batch plant operations will run from April 1st through November 30th. It will operate between 7:00 am and 5:00 pm, Monday through Friday, and between 7:00 am and 12:00 pm Saturday. The crusher operations will be limited to September 15th through March 1st, and will run between 8:00 am and 5:00 pm, Monday through Friday, and between 8:00 am and 12:00 pm Saturday.

Buffering of adjacent uses

On the east side of North Fork, the natural landscape offers a grade separation between the batch plant and the Jr. High School. A couple of the adjacent residential uses are not grade separated. The Planning Commission may

want to consider an earthen berm and additional vegetation measures between the gravel operation and those residential uses.

Landscaping

The gravel operation will be required to comply with the County's architecture, landscaping, and screening standards.¹⁴ Specific verification of this occurs during conditional use permit review or design review.

Parking

The gravel operation will be required to comply with the County's parking standards.¹⁵ Specific verification of this occurs during conditional use permit review or design review.

Lighting

The gravel operation will be required to comply with the County's Ogden Valley Outdoor Lighting ordinance.¹⁶ Specific verification of this occurs during conditional use permit review or design review.

Stream alteration, wetlands, and floodplain

A stream alteration permit¹⁷ currently exists through the end of the 2020 season for the property. This permit is issued by the State Engineer. The permit is not specific to a gravel pit operation, but rather the restoration of North Fork's riverbank to prior conditions. If the rezone is favorable, the county will require this permit to be resubmitted for re-review by the State Engineer to verify the proposal's compliance with relevant state and federal laws.

As documented in the stream alteration permit, the permit also constitutes the Army Corps of Engineer's approval of work in a wetland area. The streambed is considered by the Army Corps as wetland area. The Corps' classification code for this wetland is R4SBC.¹⁸ The following is a description of the code:

System Riverine (R): The Riverine System includes all wetlands and deepwater habitats contained within a channel, with two exceptions: (1) wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) habitats with water containing ocean-derived salts of 0.5 ppt or greater. A channel is an open conduit either naturally or artificially created which periodically or continuously contains moving water, or which forms a connecting link between two bodies of standing water.

Subsystem Intermittent (4): This Subsystem includes channels that contain flowing water only part of the year. When the water is not flowing, it may remain in isolated pools or surface water may be absent.

Class Streambed (SB): Includes all wetlands contained within the Intermittent Subsystem of the Riverine System and all channels of the Estuarine System or of the Tidal Subsystem of the Riverine System that are completely dewatered at low tide.

Water Regime Seasonally Flooded (C): Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The

¹⁴ See § 108-2 of the Weber County Code.

¹⁵ See § 108-8 of the Weber County Code.

¹⁶ See § 108-16 of the Weber County Code.

¹⁷ See Exhibit B.

¹⁸ National Wetlands Inventory. Pulled from <https://www.fws.gov/wetlands/Data/Mapper.html> on June 21, 2019.

water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.

As graphically depicted in **Figure 8**¹⁹, the North Fork of the Ogden River has a zone AE floodplain that transects the subject property. In floodplain terms, zone AE means:

“Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.”²⁰

Any kind of construction activity in the floodplain area requires a floodplain activity permit. The County is the floodplain administrator. If the rezone is approved and the applicant pursues a conditional use permit for a gravel pit, that will trigger a review by the County’s Engineering Division to determine whether the specific gravel extraction proposal and other onsite activities comply with the adopted floodplain regulations.

Figure 8: Floodplain.



¹⁹ See also Exhibit J.

²⁰ FEMA description. Pulled from <https://www.fema.gov/zone-ae-and-a1-30> on June 20, 2019.

The County has adopted stream corridor setback standards that govern how close certain construction activities may occur to certain streams in the Ogden Valley. The setback standard is as follows:

“Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on both sides of the North Fork, South Fork, and Middle Fork of the Ogden River, from the high water mark of the river.”²¹

Even though this ordinance does not specifically prohibit gravel excavation in the 100-foot stream setback area, if the rezone is favorable, the Planning Commission may want to implement the rule as a condition of approval. Of course, this would not affect any lawfully permitted stream alteration activity as approved by the State Engineer, and the stream alteration will likely affect the location of the high water mark – thereby modifying the setback area in time. The high-water mark is determined by the County Engineer. Under typical conditions, the high-water mark is often delineated by the edge of vegetation along a stream. **Figure 9**²² offers an estimated depiction of how the 100-foot setback may appear.

Figure 9: Estimated 100-Foot Setback from Current High Water.



²¹ See Weber County Code § 104-28

²² See also Exhibit J.

Excavation

The applicant is proposing to avoid removal of much of the mature onsite vegetation. The gravel extraction that is unrelated to the stream alteration activity is estimated by the applicant to be a small area on the west side of the North Fork of the Ogden River. If the gravel operation is established and successful, there will likely be pressure to expand to the limits of the site. Unless a survey-specific limit-of-disturbance can be implemented that constrains the excavation, the Planning Commission may want to consider the site boundaries and geographic features as the more probable long-term limit-of-disturbance. A geotechnical evaluation of site conditions should be conducted to help the county establish realistic expectations for this, as well as offer recommendations that the county can impose as requirements that may assist in protecting surrounding property owners from the effects of an adjacent gravel pit.

Gravel extraction, transport, crushing, and mixing will generate fugitive dust. The Planning Commission should consider the effects of dust on the surrounding area and, if appropriate, require daily dust mitigation measure if the rezone is deemed favorable.

The nature of a gravel pit will likely result in mud and dirt tracked into the public right of way if not appropriately cleaned off vehicles before they leave the site. If the rezone is favorable, the Planning Commission should consider requiring a dirt shaker rack, wheel and undercarriage wash, or similar to ensure vehicles are relatively clean when they leave the site. Requiring the operation to pay for regular street sweeping is another possibility.

Site reclamation should be of concern. Once the resource is spent, come gravel operations leave the land without assisting it to return to a natural or native state. By virtue of being a gravel pit, sites are often left without a reasonable spread of organic soils to facilitate natural regrowth. If not properly reseeded, the scarred land has the unfortunate potential of more easily attracting noxious or invasive vegetation. A limits-of-disturbance site reclamation plan including the removal of stockpiles or other refuse, importing fill/fertile soil, soil retention, hydroseeding with plants native to the site and/or general area, and river bank stabilization (if applicable) should be provided prior to commencement of any onsite activity. The plan should be assembled by a qualified engineer and be offered with an engineer's cost estimate. The applicant should hold a surety bond or letter of credit in favor of the County to ensure the work could be completed in the event the operation ceases without the appropriate reclamation.

The applicant has asserted that no material excavated onsite will exit the valley. The Planning Commission should consider a condition of approval that assures this as market forces evolve over time.

Rock crushing

The applicant has proposed a rock crushing operation onsite. If allowed, the rock crusher will likely be located east of the river, although, the applicant's site plan shows it west of the river. Currently, county code does not allow a rock crusher to be located within 600 feet of a residential zone.²³ The current parcel configuration does not offer anywhere onsite that is greater than 600 feet from the AV-3 zone. There is some debate as to whether the AV-3 zone should be determined to be a residential zone. As previously described herein, the AV-3 zone is primarily an agricultural zone; but it is a zone that also allows residences. Applying the logic that any zone that allows residences can be defined as a "residential zone" will result in most Weber County zones being defined as residential zones, including the County's light and moderate manufacturing zones (M-1 and M-2). This may have unintended and unforeseen consequences. However, given that new residential uses are being established in the AV-3 zone at a far greater rate than new agricultural uses, it might be arguable that the highest and best use of land is residential, making the AV-3 zone more likely to become predominantly residential in time. For this rezone, it is not necessary to determine whether the AV-3 zone is a residential zone, but if the rezone is approved and the applicant continues to pursue placing a rock crusher onsite, this determination will be made as part of the conditional use permit and design review approval.

²³ See Weber County Code § 104-4-4

If the rock crusher is allowed to be placed onsite it is expected to create significant noise in the vicinity. The applicant asserts that this noise is dampened by the adjacent hillside, and is not severe enough to cause impact on uses above the hill. Two of the adjacent three residences are at about the same plain as the land where the crusher will be placed. If the rezone is favorable, the Planning Commission should consider a requirement that it be placed as far from these properties as possible, and for a six-foot berm with vegetation be constructed to offer a physical barrier from the noise. Staff suggests applying a condition that the sound of the crusher will be no greater than 75 decibels at the subject property boundary, which is about the sound level of a typical vacuum cleaner.²⁴

Geology

The area in which gravel extraction is being proposed is on or directly adjacent the Ogden Valley North Fork Fault. The Utah Geologic Survey defines this fault line as:

“Poorly understood late Quaternary(?) fault along the west side of the North Fork of the Ogden Valley.”²⁵

It is not known at this time how a gravel operation may affect this fault. If the rezone is favorable, the Planning Commission should consider the need for a geologic hazards and geotechnical report to identify whether the use will negatively affect the fault. This should occur prior to conditional use permit approval so that adequate conditions of approval can be imposed to mitigate any unreasonable risk. The soils onsite should also be studied to determine at what angle of repose the limits of disturbance should not exceed, or what engineering will be necessary, in order to ensure slope stability. The geotechnical study should also identify best practices so the County can be apprised of what to expect from an ongoing gravel operation, and any conditions necessary to impose to mitigate effects.

Governmental oversight and compliance enforcement.

If the rezone is approved, the use and its proximity to the North Fork of the Ogden River lends to heavy inter-agency review, permitting, and coordination. The following is a list of permits or agency reviews may be required. It may not be an exhaustive list:

- Conditional use permit from Weber County.
- [Site] Design review from Weber County.
- Floodplain activity permit from Weber County.
- If improving public rights-of-way is required, an excavation permit from Weber County.
- State of Utah storm water pollution prevention plan (industrial and construction).
- Stream alteration permit from the State Engineer.
- 404 permit from Army Corps of Engineers.
- Air quality compliance from Department of Environmental Quality.
- Water quality compliance from the Department of Environmental Quality.
- Aquatic animal protection from the Division of Wildlife Resources.
- Drinking water protection from the Division of Drinking Water.

Coordination and communication between these agencies will be important to ensure adequate oversight and perpetual compliance. The Planning Commission should consider the need for an annual compliance meeting between all agencies and the applicant to ensure ongoing updates, coordination, and metric checks occur.

²⁴ See Exhibit K to review a decibel chart. Pulled from <https://ehs.yale.edu/> on June 20, 2019.

²⁵ Utah Geological Survey. Pulled from <https://geology.utah.gov/docs/geothermal/ngds/Activefaults/2376.pdf> on June 20, 2019.

Development agreement.

If the rezone is favorable, the Planning Commission should consider recommending that the County Commission enter a development agreement with the applicant. The development agreement could specify terms and conditions, and provide an avenue in which the zone automatically reverts to the AV-3 zone in the event of noncompliance.

General plan compliance.

Regarding mining, mineral resources, and energy resources, the 2016 Ogden Valley General Plan offers the following:

The mineral resources of the Ogden Valley planning area are primarily sand, gravel and rock aggregate, and are owned by the surface property owners. Although there has been historical mining activity in Ogden Canyon, current mining activities in the Ogden Valley are limited to sand and gravel extraction and landscape boulder quarrying. There are no State-permitted metal or leaseable mineral mines in the planning area. These activities (sand, gravel, and boulders) support local construction, but do not constitute a significant portion of the local economy.²⁶

Under the context of mining, the plan goes on to state that the commercial development goal three is intended to govern this type of use. That goal states:

A goal of Weber County is to ensure that higher intensity uses, such as industrial and mining activities in the Ogden Valley planning area, are both located and regulated in a manner that minimizes adverse impacts and preserves the rural character of the planning area.²⁷

To implement this goal, the plan further suggest the following implementation strategy:

Amend existing zoning regulations to restrict mining operations to a specific mining zone. Require mining operations to petition the County for a zone change prior to initiation of the operation. Specific mining operation proposals should be evaluated for community impacts prior to zone changes. Consider requiring a development agreement for large-scale mining activities prior to formal rezoning.²⁸

This request, at least the act of asking for a rezone prior to establishing a new gravel pit, and of entering a development agreement to regulate the use better than existing zone codes alone, appears to comply with this implementation strategy.

Whether the request fits within the context of the overarching goal may be another matter. The goal essentially suggests that a gravel pit operation should be located somewhere where adverse impacts can be minimized. It also suggests it should be well regulated. The conditions of approval herein, with any additions or modifications from the Planning Commission, will minimize the adverse effects. Can they minimize them enough that the rural character of the planning area is preserved?

The general plan defines the rural character of the valley is defined within the vision of "Community Character" as follows:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning

²⁶ 2016 Ogden Valley General Plan, p.49.

²⁷ 2016 Ogden Valley General Plan, p.27.

²⁸ 2016 Ogden Valley General Plan, p.27.

area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character.²⁹

The most significant elements of this definition on which this use could have biggest effect are stands of trees, peace and quiet, clean air and water, abundant wildlife, views, and historic Ogden Canyon. A focused review of these may result in the following considerations, amongst others:

- With the suggested conditions herein, it may be possible to protect stands of trees located within the river corridor. The operation might remove some trees on the west side of the river to access earth materials.
- The gravel excavation operation alone is unlikely to be significantly audible in the context of other human activity in the area. The use will increase the sounds of heavy truck traffic on the roads in the vicinity, but perhaps the conditions and recommended herein adequately minimize the impact on peace and quiet to an acceptable level. If a rock crusher is allowed on the site, there will very likely be a disruption to peace and quiet to the surrounding landowners/uses. The Planning Commission should determine whether adequate conditions could be implemented to minimize the disruption, and/or whether the nature of adjacent uses merit the need for noise consideration.
- If not properly operated, the use has the potential to have negative effect on water quality and air quality. However, there is oversight and metrics from State agencies to ensure compliance with water and air quality laws. The Planning Commission should determine whether this offers sufficient protections.
- The operation will no doubt affect wildlife. If completed correctly, the river restoration could enhance aquatic life over time. However, the intensity of human activity and noise onsite during operation hours is not likely to result in the retention of a variety of wildlife in the immediate area. The Planning Commission should determine whether the risk to wildlife is appropriately balanced with the good the use may offer.
- The applicant suggests that enabling the rezone will help alleviate heavy truck traffic along with the associated vehicle emissions through the Ogden Canyon. This is very likely to be true, provided the trucks associated with the gravel operation generally stay in the valley. If the trucks are required to commute into the valley daily to support the operation then the benefit will be negligible – except perhaps less wear on Highway 39. Transportation goal two of the general plan says, “A goal of Weber County is to support maintenance of efficient and functional gateways into Ogden Valley.” The plan follows up on this goal with the following implementation strategy. “Develop techniques to discourage the use of Ogden Canyon as the major access to Ogden Valley and encourage the use of Trappers Loop.” If this use will indeed reduce heavy truck traffic in the Ogden Canyon, then the proposal complies in this context. The Planning Commission should evaluate whether this benefit balances with other anticipated benefits vs. detriments as it relates to the community's rural character.
- The rezone is not anticipated to have alarming effect on most views that are available to the general public. The natural terrain of the area hides most of the property from public view. In that characteristic, the specific site may be ideal for this type of use if it is determined to be of value to the community. Adjacent landowners will easily see the gravel pit, as may a couple of homeowners in the Nordic Valley neighborhood. Berms and vegetation may help alleviate that impact.

Chapter 4 of the 2016 Ogden Valley General Plan emphasizes, among other things, the need for housing for all stages of life. By mandate of state law, this section contains moderate-income housing goals and strategies, suggesting that the County should pursue measures to enhance the affordability of housing opportunities in the

²⁹ 2016 Ogden Valley General Plan, p.4.

valley. The applicant suggests that a gravel operation and batching plant in the valley will reduce dependence on the commodities of the Wasatch Front, and thereby alleviate a market scarcity that causes construction prices that are greater than elsewhere in Weber County. This, in theory, should reduce the cost of construction materials, which in turn could assist in housing affordability. It is impossible to know for sure that this will be the case. Without a mandate for the material to be sold under free-market value, it may be possible that free-market forces will result in the material harvested in the valley being marketed at price points that are relatively competitive with prices elsewhere, thereby thwarting the intent to support housing affordability. Additionally, while construction costs play a role in a homebuilder's return on investment, it is more likely that housing costs will remain competitive with local comparables, with the financial benefit of the less expensive material or less expensive operating costs being pocketed by the homebuilder or gravel pit operator.

The application suggests that the rezone could help support the goals of the Utilities and Public Services goals, principles, and implementation strategies. Without better detail as to how staff cannot find that the context of this chapter supports the request. One loosely related goal is goal three, which states, "A goal of Weber County is to improve surface and stormwater management in Ogden Valley." If the storm water pollution prevention conditions suggested herein are applied and appropriately complied with over time, the use should not negatively affect storm water of the area. While compliance with quality development standards is commendable, but it might not be so easily viewed as a material advancement of the purpose of this general plan goal.

Aside from what has been mentioned herein, the 2016 Ogden Valley General Plan was not constructed with gravel material extraction being considered as an essential land use needed to advance the community toward its desired future. When taken as a whole, the plan offers a context in which a recreation resort community can be enhanced to offer a marketable recreation experience for visitors whilst not degrading the quality of life for the residents.

Perhaps not defining locations in which the community considers gravel operations appropriate was an oversight resulting from the public's attention being focused on other community matters of the time; or it perhaps the omission was deliberate. In order to recommend approval of this rezone request, the Planning Commission is required to determine it complies with the plan.

Staff Recommendation

While there is some support for the rezone in the 2016 Ogden Valley General Plan, as a whole the plan seems to suggest that the subject property may not be the correct location for the gravel zone. A gravel operation's proximity to the valley's most prominent village area could hamper one of the County's long-term goals; that of creating a world-class resort-oriented walkable commercial village that offers a small town "Main Street" experience. The current economic benefits of the gravel operation might eschew the future economic benefits of such a village. For this reason staff recommends denial of the rezone, with the following findings:

1. The public benefits of the rezone do not overcome the public impacts.
2. The rezone does not advance the overall intent of the general plan.
3. The subject property is not the right location of a gravel pit in the Ogden Valley.
4. Considering the natural features of the site, the county lacks sufficient administrative capability to ensure adequate oversight and compliance of a gravel pit in the proposed location.

If the Planning Commission determines that it does comply with the overall intent of the general plan, then Staff recommends the following conditions of approval and findings:

Conditions:

1. The limits-of-disturbance of earth material extraction for sales purposes shall be the 100-foot setback from the high water mark of North Fork of the Ogden River on the east, and the subject parcel boundaries on the north, west, and south.

2. An engineer's cost estimate shall be provided for the cost to reclaim the whole site to natural conditions, including but not limited to removal of stockpiles or other refuse, importing fill, soil retention, hydroseeding with plants native to the site and/or general area, and riverbank stabilization. A letter of credit or surety shall be held in favor of Weber County.
3. A six-foot berm lined with shade trees shall be created running along the property line adjacent to parcels with existing residences.
4. A design review and conditional use permit approval is required prior to commencement of operation.
5. The applicant shall obtain the appropriate SWPPP approval, and comply with its requirements.
6. The applicant shall obtain an updated stream alteration permit that addresses the site's use as a gravel operation, and comply with its requirements.
7. The applicant shall obtain floodplain development approval, and comply with its requirements.
8. The applicant shall provide verification from either Eden Water Company or the Utah State Division of Drinking Water to verify the operation complies with permissions and restrictions of drinking water source protection zones.
9. That if it is determined in the future that a rock crusher is allowed onsite, the rock crushing operation shall be placed in the area onsite that has least noise impact to adjacent land uses. At a minimum, when heard from off-premises, the sound of the crusher shall not exceed 75 decibels. If natural onsite sound barriers prove insufficient to achieve this noise limit, the gravel operation owner/operator shall erect additional onsite earthen berms, vegetation plantings, or masonry walls lined every 25 feet with vegetation capable of growing at least as tall as the walls, in order to reduce the offsite noise to this level.
10. Conditions volunteered by applicant:
 - a. Hours of operation shall be limited as follows:
 - i. The concrete ready-mix batch plant operations shall be limited to April 1 through November 30, and shall only run between 7:00 am and 5:00 pm, Monday through Friday, and between 7:00 am and 12:00 pm Saturday. Closed Sundays and all federal holidays.
 - ii. The crusher operations shall be limited to September 15 through March 1, and shall only run between 8:00 am and 5:00 pm, Monday through Friday, and between 8:00 am and 12:00 pm Saturday.
 - iii. Special exceptions to these hours may be granted from the County Commission on a case-by-case basis. The applicant is not entitled to approval of a special exception.
 - b. No material extracted from the site shall leave the Ogden Valley Planning Area.
11. Heavy truck traffic coming from the operation shall be limited to no greater than seven trucks per hour. This may be an hourly average over the course of a day, provided there is at least five minutes between each truck, and it complies with the following:
 - a. At no time shall there be more than 14 trucks in a one-hour period;
 - b. When school is in session at Snowcrest Junior High School, there shall be no trucks leaving the site for a 40 minute period between half an hour prior to the start of the school day to 10 minutes after the start of the school day;
 - c. When school is in session at Snowcrest Junior High School, there shall be no trucks leaving the site for a 40 minute period 10 minutes prior to the end of the school day until 30 minutes after the end of the school day.
 - d. The applicant may work out a mutually agreeable alternative arrangement with the school district.

12. Prior to April 1st of every year, the applicant/owner is responsible for coordinating an annual operation and progress review meeting with the County Engineering Division, County Planning Division, the Utah Division of Water Quality, the Utah Division of Drinking Water, the Utah State Engineer, and the Utah Division of Oil, Gas, and Mining. The meeting will be to verify compliance with permitting and agreements.
13. A site-specific geotechnical and geologic study shall be conducted prior to commencement of the operation. The evaluation shall identify:
 - a. Whether operations onsite will create unreasonable geologic conditions on and offsite and what strategies are necessary to mitigate them;
 - b. Slope stability recommendations for the limits of disturbance; and
 - c. General best practices for the type of operation.
14. An annual update of the site-specific geotechnical and geologic study shall be submitted to the county prior to the April 1 annual coordination meeting with the County, which shall identify any new or previously unforeseen conditions, and offer recommendations for management or mitigation of them. The recommendations of the study and annual updates and/or any new study shall be applied to the operation as conditions of approval.
15. At no time shall heavy truck-traffic queue lines be allowed to stack onto 2650 North Street. The applicant shall propose sufficient onsite heavy-vehicle stacking lanes in a manner that keeps all anticipated trucks from waiting, standing, or parking on any public street.
16. New damage resulting from gravel operation heavy-truck traffic to 2650 North Street, and to the intersection of 2650 North Street and Hwy 162 (including the deceleration lane-areas), shall be repaired by the gravel operation owner/operator annually. Existing street conditions shall be photo and video documented by the applicant prior to commencement of operations. The amount of damage or deterioration that has occurred since the last overlay shall stand as a baseline for the typical rate of deterioration. Any accelerated rate of deterioration after the initiation of gravel operations shall be the responsibility of the gravel operation owner/operator. This condition may be modified by mutual agreement of the applicant and the County using other best management practices.
17. The applicant shall conduct a geotechnical evaluation of the entire 2650 North Street, and for the lanes in which heavy-truck deceleration will occur on HWY 162 from both directions, to verify that the street has been constructed to specifications necessary to support frequent heavy truck traffic typical of a gravel operation. If the street construction is insufficient, as determined by the County Engineer, the applicant shall reconstruct the applicable areas to the necessary standard.
18. The applicant shall provide a traffic study from a qualified traffic engineer that determines the threshold at which additional deceleration and acceleration lanes are warranted. The applicant shall construct the lanes when the County determines this threshold has been reached.
19. The applicant shall pay the county to install county-selected pedestrian-activated solar powered rectangular rapid flash beacons for both sides of the street for the crosswalks adjacent to Weber School District property on 2650 North Street and on HWY 162.
20. Local, state, and federal laws shall be upheld.
21. All conditions of approval shall be documented in a development agreement. The agreement shall expire or be terminated, and the G Zone shall revert back to the AV-3 Zone, in the event of any of the following:
 - a. The operation fails to maintain compliance with laws, requirements, or agreements of the county or any other responsible agency, and the noncompliance is not promptly addressed to the satisfaction of the county and, if applicable, other agency.
 - b. The operation causes a breach to the riverbank in a manner not otherwise approved by the State Engineer and County.

- c. The gravel operation is not initiated within two years of county approval. Operation initiation occurs when a building permit application is submitted for the batch plant, provided substantial action to complete the structure is pursued in good faith, as determined by the Weber County Building Official.
- d. The gravel extraction operation reaches the limits of permit-defined disturbance.
- e. The use is abandoned for a period of one year.
- f. The gravel operation fails to maintain a current business license.

Findings:

- 1. If the rezone is approved, the forgoing conditions are essential to address the findings listed throughout this staff report.

Exhibits

Exhibit A: Application.

Exhibit B: State of Utah Stream Alteration Permit.

Exhibit C: Vicinity Map and Site Map.

Exhibit D: Existing Zone Map.

Exhibit E: Proposed Zone Map Amendment.

Exhibit F: A review of uses allowed and site development standards in the AV-3 zone.

Exhibit G: A review of uses allowed and proposed, and site development standards in the G zone.

Exhibit H: Concept Development Plan.

Exhibit I: Omitted

Exhibit J: Floodplain and Estimated 100-Foot Setback from High Water.

Exhibit K: Decibel Chart.

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 05/29/2019	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Levanta LLC		Mailing Address of Property Owner(s) 11148 Zealand Ave N Champlain MN 55316	
Phone 6125187629	Fax		
Email Address kody@holkeriawoffices.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) Robert Edwards		Mailing Address of Authorized Person 227 Suite B 25th Street Ogden, UT 84403	
Phone 8015584740	Fax		
Email Address robwedwards@gmail.com		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name Sustainable Valley Development (Eden Ready Mix)		Current Zoning AV-3	Proposed Zoning G
Approximate Address 4708 East 2650 North Eden, Utah 84310		Land Serial Number(s) #22040030	
Total Acreage 14.1	Current Use AV-3	Proposed Use G	

Project Narrative

Describing the project vision.
 To create sustainable development in the Ogden Valley utilizing local resources. The vision is to be provide the building materials needed to support local construction (page #49 General Plan) in a way that will increase public health, safety and welfare. No operating sand and gravel resource or ready mix concrete batch plant currently exists in the Ogden Valley. Scarcity of supply creates a situation where large ready mix trucks along with large dump trucks, and dumps etc., are being driven long distances throughout the County and Ogden Canyon to fulfill the current demand. As growth continues to increase, these symptoms will only worsen with out a new solution.

In some locations in the Ogden Valley, where it becomes impractical to build due to cost of products and inability to deliver a ready mix product within the 90 minute time frame, as required by APWA (American Public Works Association) Specs and Standards.

While operating under existing stream alteration and restoration permits from the Federal and State government to improve and maintain the North Fork river and Wolf Creek river, the goal will be to create a sustainable project of which will allow the supply of the main constituents used in ready mix concrete and other local construction projects throughout the area.

The new ready mix operation for Ogden Valley will provide the essential products necessary for residential and commercial building and development, while meeting the mandate of the existing general plan, by providing the materials to necessary for growth.

This vision complies with the General Plan. Please read and see the introduction and places in the existing plan that support this project such as: Community Character, Vision, 4, 5, 6, 7, 9, page #19 and the projected growth in the Ogden Valley over the next 30 years.

How is the change in compliance with the General Plan?

2-Community Character- suggest actions that will enhance the livability of Ogden Valley and provide opportunities for local home owners and contractors.

4- Rural Residential Development and Housing - the desire for a variety of housing types and neighborhoods that can provide shelter and so forth.

Page #19 - Total housing units today vs projected by 2050. The population is to rise from 7,500 to 21,000 by 2050 according to the general plan. The homes need to be affordable and appeal to people from lower, moderate and high incomes, all of which will need ready mix concrete to construct. Each residence of average will consume 150 yards of ready mix concrete. Due to distance of transport, the lack of an operating sand and gravel operation and ready mix operation, the ability to build these future homes is greatly diminished. The cost for these goods can almost double in some cases due to the absence of local supply. It is paramount to have resources to build these future units.

5 Sustainable Local Business - Business can be hampered by costs of infrastructure as well as lack of infrastructure. The driving factor in infrastructure cost is the availability of the building products that this project will provide. It is hard for local business when they're limited on cash flow due to high buildout costs. It creates a disadvantage for local business that this project will help alleviate.

6 Transportation - This is a major factor to consider. It will enhance mobility by reducing traffic through Ogden Canyon, and also reduce congestion all while improving air quality. In reducing the amount of CO2 emitting trucks that are idling or driving from sometimes as far as Box Elder County through Weber County and up the Canyon, the County will greatly reduce CO2 emissions and continue its leadership on environmental issues within the State.

7 Utilities and Public Services - This project is fundamental for execution of this general plan mandate. These building materials/natural resources are needed to provide current and future utilities.

9 Resource Management - This is a responsible and sustainable way to provide these commodities in a location of the county that already provides similar and like activities.

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

At current the property sits next to the industrial manufacturing zone area in Eden and will share the same access road (Clark Lane) that is already utilized by the County maintenance yard, heavy civil construction yard, and landscape yard. It will better improve the health of the public by reducing truck trips from Box Elder County through the County and the Ogden Canyon. Vehicles are one of the main contributors to poor air quality and can be dangerous in tight spaces like the Ogden Canyon. They contribute to congested road ways.

Currently the County purchases and has delivered the maintenance yard, all the sand, road base, rock and other commodities it uses annually to the maintenance yard which is across the street from the project. The savings in trucking costs, human safety, welfare and the elimination of health hazards are significant. The county will be able to buy their products in the valley increasing efficiency and saving millions of tax-payer dollars over the project life while performing in an environmentally responsible manner.

The only land currently zoned gravel in the Ogden Valley has a reserve that is exhausted, has access issues and does not have the quality of material necessary to create Concrete Ready Mix. This proposed project provides the County with a viable alternative to the current situation and the zoning should be changed to allow this working operation. The zoning should be changed to a location where the actual products can be made and are in the same area as the other industrial business in the valley. The work with the State and Federal Corps of Engineers on the river restoration and stream alteration coinciding with this project make this the very definition of a sustainable project, a win-win situation.

The operations will be out of public sight and only operate seasonally. To supply the demand created by forward-thinking and ambitious General Plan, The County is being forced to meet its obligations for commodities by trucking them long distances and paying high prices. We would like to help the County meet its obligations to the people of Weber County in a safer, healthier, environmentally better, more efficient way.

How is the change in the public interest?

Below is a bullet list of benefits this provides for the public interest.

1. Efficient Use of Tax Dollars in Savings and Creation - savings from road damage, trucking costs, and creation of sales tax revenue in the county.
2. Availability of Products - having concrete available at affordable pricing.
3. Cost of Housing - reduce costs in construction have availability to build while meeting National APWA standards
4. Air Quality - reduce amount of trucks on the road and their greenhouse gasses
5. Canyon Road Safety - reduce truck traffic in transportation of materials through out Utah's canyons
6. Sustainable Local Business - Keep costs to build lower and provide affordable lease spaces both residential and commercial.
7. Safety of Roads - reduce congestion at critical points of traffic in dangerous tight spaces.
8. Ability for Improvements Utilities and Public Services - having the materials in the local market will allow for utility work and affordable construction pricing that will benefit the local community and local contractors.
9. Enhance the livability by providing a necessary commodity.

The United States Geological Survey states that Americans were consuming 3.5 tons a year of these types of commodities in 1935 and today in 2019 the average American consumes 10 tons a year of these commodities. With 7,500 current residents in the Ogden Valley that is at a minimum of 75,000 tons of aggregates a year that are consumed in the valley and they will have to come from a location no matter where that is. We believe it is best to do it in the place that makes the most sense and protects the public interest as set forth in the general plan. We believe this is the best location in the Ogden Valley for this type of operation that protects the rural character of the valley.

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

With the growth over the years the County has introduced a maintenance yard on Clark Lane across the street from the project site that is continuing to transport sand and gravel commodities from the lower valley into the upper valley. Without the local operating Sand and Gravel this is costing the County millions of dollars and endangering the public in many ways. Now add the absence of a Ready Mix Concrete facility to this scenario. It has now reached the point where it is necessary for the Valley to have these critical commodities provided to them locally in a safe and sustainable location.

It is questionable if the growth projected in the general plan of 7,500 to 21,000 people is even realistic and feasible without this project. If growth goes as projected, the increase in infrastructure demand, facility demand and construction material demand along with triple the traffic up Ogden Canyon, is not an ideal scenario for either the County Government or the Residents. Ogden Canyon is already struggling environmentally with the current traffic demands. The Ogden Valley should be able to provide its citizens with its own commodities at reduced prices from what they pay now by the elimination of the trucking costs.

Clark Lane is utilized daily and in the night hours and is the destination of stockpiled sand, roadbase, rock, heavy equipment etc. There is a heavy construction yard across the street and this supports the same type of equipment needed for the development of the area projects. Clark Lane has become the main industrial location and access road of which we would add to this an already consistent use.

The County has been wise in its past planning, but there now exist many potential homesites that currently can not be built meeting APWA concrete standards due to distance of hauling to construction sites more than 90 minutes after discharge from the plant. This balloons the cost of housing and also creates a scenario that can be unsafe. It is not best practice if trying to allow the residents to control costs of building in order to compete with costs elsewhere within Utah.

We view this sustainable project as a solution to many of the needs of the public and the environment. We also hope to increase the quality of life for the citizens of Weber County.

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

- * Road Safety
- *Road Traffic
- *Road Damage
- *Environmental Quality
- *Residential Home Affordability
- *Potential for Utility Improvements
- *Savings Put Towards Public Projects

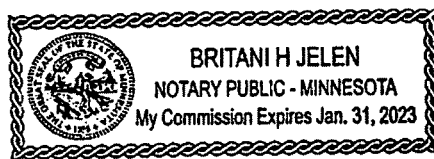
Property Owner Affidavit

I (We), Kody Holker, Levanta LLC 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.

Kody B. Holker
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 3rd day of June, 2019



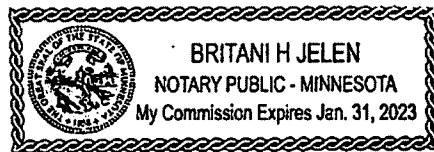
Britani H Jelen
(Notary)

I (We), KODY HOLKER the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), ROBERT EDWARDS 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.

[Signature]
(Property Owner)

(Property Owner)

Dated this 3rd day of June, 2019, personally appeared before me Kody Holker the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]
(Notary)

MISCELLANEOUS PAYMENT RECPT#: 108689

Weber County
2380 Washington Blvd
Ogden UT 84401

Ogden Valley Planning Commission Staff Report -- Gravel Rezone Page 26 of 49
Exhibit A: Application Page 6 of 6

DATE: 06/03/19 TIME: 13:06
CLERK: kserrano DEPT: Planning
CUSTOMER#: 0

COMMENT: Chect # 1354

AMOUNT PAID: 740.00

PAID BY: Wilcoxon Enterprises
PAYMENT METH: CHECK
Check # 1354

REFERENCE:

AMT TENDERED: 740.00
AMT APPLIED: 740.00
CHANGE: .00
CHARGES:
412290 zoning petition 740.00



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer Division Director

ORDER OF THE STATE ENGINEER

FOR STREAM ALTERATION APPLICATION NUMBER **18-35-22SA**
IN THE NAME OF PATRICK R. MCCAFFERTY FOR ALTERATION
TO THE OGDEN RIVER – NORTH FORK IN WEBER COUNTY, UTAH

Stream Alteration Application No. **18-35-22SA**, submitted in the name of Patrick R. McCafferty, applicant, in order to install rock barbs and vegetation associated with the Ogden River – North Fork, a natural stream located in Weber County, Utah, is hereby **APPROVED**, contingent upon the conditions outlined in this **ORDER**. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to Programmatic General Permit 10 issued to the State of Utah by the U.S. Army Corps of Engineers on February 22, 2016, and is subject to all conditions therein. Full text of Programmatic General Permit 10 can be found at the following link: http://www.waterrights.utah.gov/strmalt/whitepapers/20160222_PGP10.pdf. The applicant is hereby authorized to conduct the work detailed in the application and supporting documentation, as described in this **ORDER**. Any modification or addition to the work may require additional authorization and/or application resubmittal.

1. The expiration date of this order is **September 4, 2020**. Work affecting the bed and/or banks of the stream may not be conducted after this date. Extension of the order is subject to reverification by the U.S. Army Corps of Engineers and review by the Division. A request for extension must be submitted in writing to the Division and include an explanation for project delay. The request must be submitted at least 30 days prior to expiration of the order.
2. A copy of this order must be kept onsite at any time the work authorized under this order is in progress.
3. We suggest that you coordinate with potentially impacted landowners.
4. Photos must be taken before and after project construction and submitted to this office.
5. Disturbed areas must be planted with a variety of appropriate vegetation (especially woody vegetation where feasible) to help hold the soil around riprap, prevent excessive erosion, and to help maintain other riverine functions. Successful revegetation efforts must be monitored and reported to this office.
6. Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.
7. Machinery must be properly cleaned and fueled offsite.



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18-35-22SA
September 4, 2018

8. Approval of this application does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal.
9. Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may not be stockpiled in riparian or channel areas.
10. Erosion control, revegetation, and noxious weed control must be implemented and monitored until revegetation becomes well established. Success of these measures must also be reported prior to the compliance inspection. This is especially important for all disturbed areas, including fill, in order to prevent sediments from entering flowing water. Particular attention is required to assure that silt fencing is properly installed and left in place until after revegetation becomes established at which time the silt fence can then be carefully removed.
11. Ingress and egress access should be kept to a minimum.
12. Work must be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. Flows must be diverted away from the construction area using a non-erodible cofferdam or other means of bypass.
13. Riprap must consist of only clean, properly sized angular rock, which must be keyed deeply into the streambed to prevent undercutting. A filter must be placed behind if necessary (i.e., if soils are fine grained, non-cohesive, and/or erodible). Demolition debris or refuse will not be allowed, nor material such as bricks, concrete, asphaltic material [either natural (tar sand, oil shale, etc.) or man-made].
14. Disturbed riparian areas must be planted with naturally occurring vegetation. Plantings shall be protected from grazing animals by fencing. If beaver or other rodent damage should occur, other methods such as metal collars placed around the trees must be included.
15. Equipment should work from the top of the bank or from the channel to minimize disturbance to the riparian area and to protect the banks. Heavy equipment should avoid crossing and/or disturbing wetlands.
16. Impacts to the stream channel and surrounding environment must be minimized. Vegetation should not be destroyed, but if some disturbance is necessary, then revegetating with native species will be required, especially in the case of woody shrubs. The channel contours and configuration must not be changed except in the case of bank contouring for stabilization purposes.

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18-35-22SA
September 4, 2018

17. The applicant must maintain existing stream shade on all Class 3 A streams. Destruction of any stream shade vegetation within the project area must be replaced at a 1:1 shade ratio at mature life stage with native vegetation along a Class 3 A stream. If stream shade vegetation is to be removed, the applicant must submit an estimate in their restoration plan of the portion of the water surface area within the project area that is shaded by estimating areas with no shade, poor shade, and shade prior to the commencement of work. Time of the year, time of the day, and weather can affect your observation of shading. Therefore, the relative amount of shade is a professional best-guess estimate. Ideally the applicant would be measuring when the sun is at an angle that provides maximum stream shade and the vegetation is in full leaf-out. As noted in General Condition #6 of PGP 10 the destruction of mature trees is to be avoided to the maximum extent possible and the permittee is ultimately responsible for revegetation success.
18. Within 30 days after the completion of this project, a compliance certification form must be completed and returned to the U.S. Army Corps of Engineers. Failure to return this compliance certification form would invalidate U.S. Army Corps of Engineers General Permit 10, thereby placing the applicant in violation of Section 404 of the Clean Water Act. Form can be found at:
<http://www.waterrights.utah.gov/strmalt/ComplianceCertification.pdf>

The statutory process and criteria for evaluation, and agency action on this application is issued pursuant to statute and in accord with the statutory criteria for approval of a stream alteration application that are described at Utah Code Ann. § 73-3-29. The State Engineer has determined that this application does meet the necessary legal criteria for approval based upon the following Findings of Fact and reasoning set forth in the Discussion.

FINDINGS OF FACT

1. The application was received by the Division of Water Rights (“Division”) on July 25, 2018, and made available for comment on the Division’s webpage, provided to pertinent governmental agencies, and to other entities as warranted, for a period of 20 calendar days, said period concluding prior to August 14, 2018.
2. The application contains the following information:
 - The stated description of the proposed project is: To install rock barbs and vegetation associated with the Ogden River – North Fork in Weber County.
 - The stated purpose of the proposed project is: To re-establish stream bank and function and to protect property.
3. The Division received comments or objections on the proposed project from:
 - UDWQ – Utah Division of Water Quality - Kari Lundeen
 - State of Utah - Floodplain Manager - Kathy Holder
 - USACE - U.S. Army Corps of Engineers (Corps) - Hollis Jencks

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18-35-22SA
September 4, 2018

The comments or objections received by the Division are summarized as follows:

- Kari Lundeen had concerns about downstream impacts and suggested using a softer method such as a soil lift rather than hardening the banks with rock.
- Kathy Holder has asked that the applicant must be compliant with all rules and regulations of the Federal Floodplain Insurance Program as administrated by the local city or county floodplain administrator.
- The Corps has indicated that this project qualifies under PGP10.

DISCUSSION

1. Based on a review of the Division's water rights records and/or a review of the application by personnel of the Division's regional office, it is the opinion of the State Engineer that the project will not impair vested water rights.
2. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily affect recreational use or the natural stream environment.
3. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily endanger aquatic wildlife.
4. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily diminish the natural channel's ability to conduct high flows.
5. The Applicant has indicated that they will install barbs and vegetation instead of hardening the bank completely with rocks.
6. Other comments or concerns submitted by interested persons or parties are not believed to be within the purview of the State Engineer in evaluating an Application to Alter a Natural Stream.

Your contact with the Division is Daren Rasmussen, who can be reached at DarenRasmussen@utah.gov or at telephone number 801-538-7377. Information pertaining to this application/decision can be found at the following link:
https://waterrights.utah.gov/cgi-bin/strmview.exe?Modinfo=Viewapp&Permit_Number=18350022

This **ORDER** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63G-4-302 and 73-3-14, which provide for persons or parties with legal standing to file either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this **ORDER**. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this **ORDER**, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken within 20 days after the Request is filed.

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18-35-22SA
September 4, 2018

Dated this 4th day of September, 2018.



David K. Marble, P.E.
Assistant State Engineer

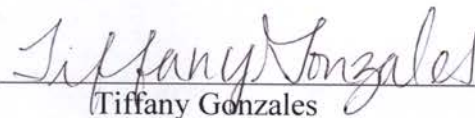
Enclosure

Mailed a copy of the foregoing Order this 4th day of September, 2018, to:

PATRICK R. MCCAFFERTY
4708 EAST 2650 NORTH
EDEN UT 84310

Kathleen Anderson - Corps of Engineers, Kathleen.Anderson@usace.army.mil
Michael Drake - Regional Engineer
Richard Clark - EPA
Scott Walker - Regional Wildlife Habitat Manager
Kathy Holder - Division of Emergency Management, kholder@utah.gov
Kari Lundeen - Utah Division of Water Quality, klundeen@utah.gov
Patrick McCafferty, YellowHeat2828@yahoo.com

By:



Tiffany Gonzales
Secretary

EXHIBIT C: VICINITY MAP



EXHIBIT C: SITE MAP

**SUBJECT
PROPERTY**



EXHIBIT D: EXISTING ZONE MAP

AV-3

SUBJECT
PROPERTY

MV-1

CV-2

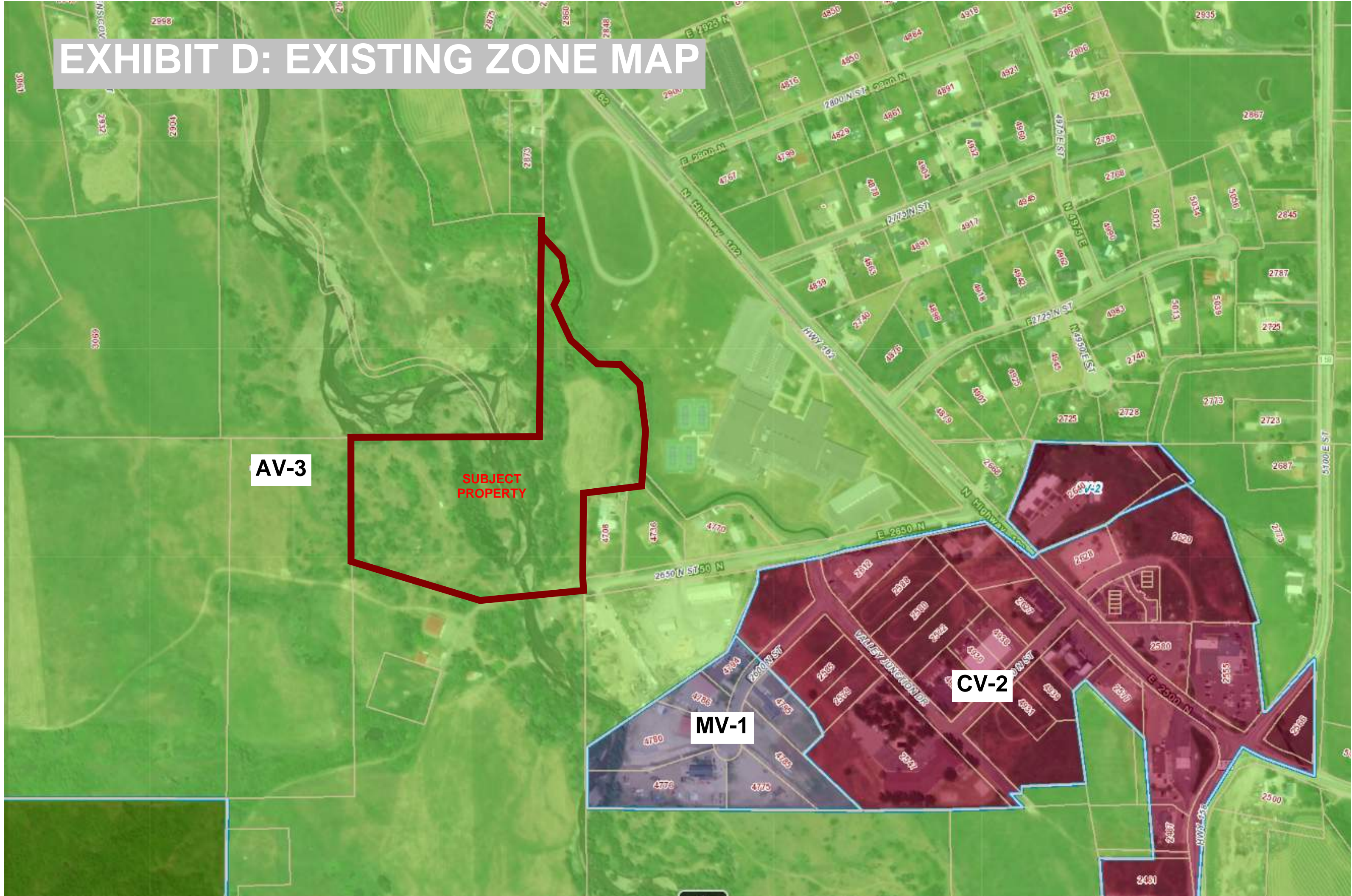


EXHIBIT E: PROPOSED ZONE MAP AMENDMENT

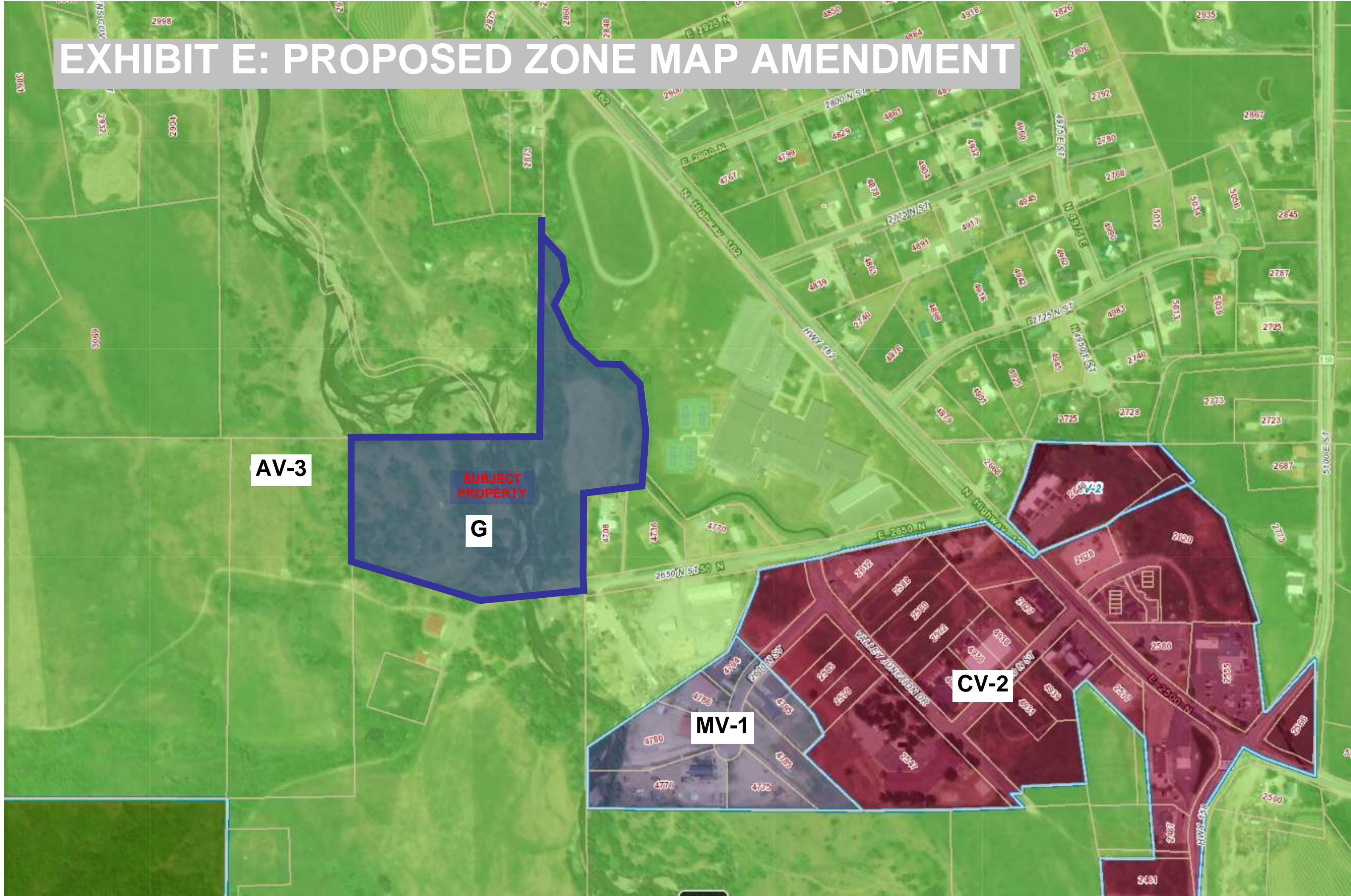


EXHIBIT D: EXISTING ZONE MAP

AV-3

SUBJECT PROPERTY

MV-1

CV-2

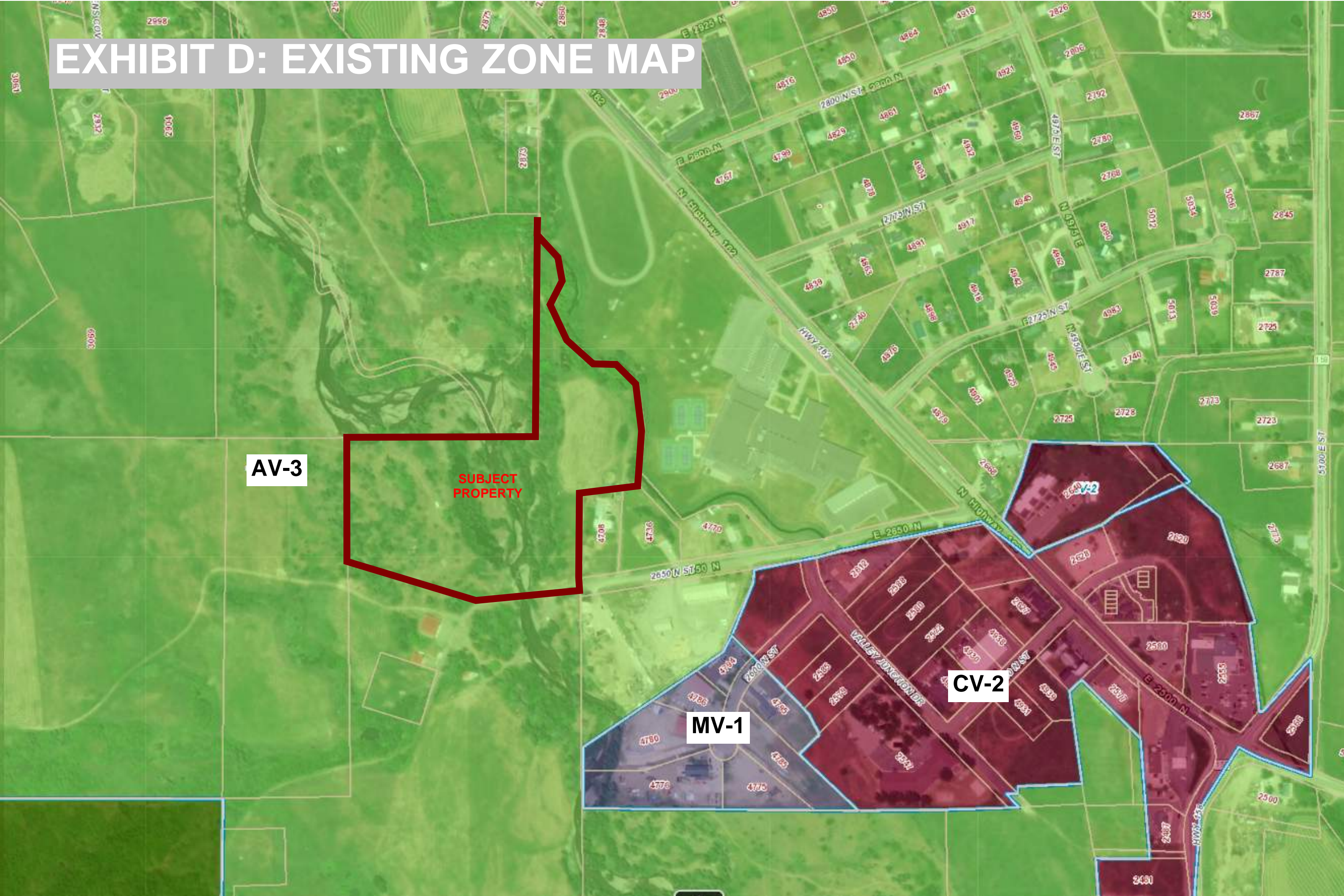
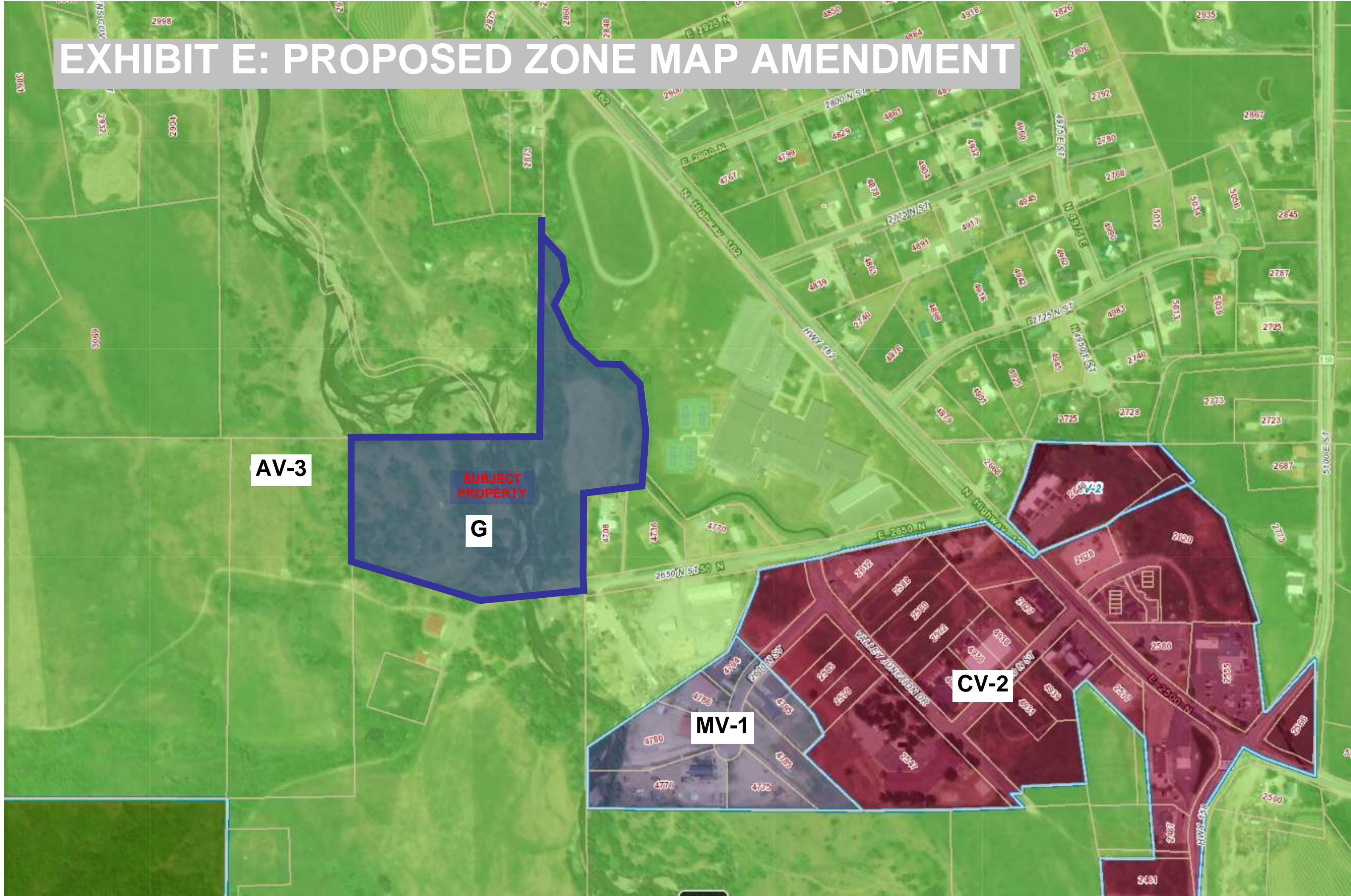


EXHIBIT E: PROPOSED ZONE MAP AMENDMENT



CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

Sec. 104-6-1. - Purpose and intent.

The purpose of the AV-3 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.

(Ord. of 1956, § 5B-1)

Sec. 104-6-2. - 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.

(Ord. of 1956, § 5B-1a)

Sec. 104-6-3. - Permitted uses.

The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- (1) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (3) Animals or fowl kept for family food production as an accessory use.
- (4) Cemetery; chinchilla raising, convalescent or rest home.
- (5) Church, synagogue or similar building used for regular religious worship.
- (6) Cluster subdivision in accordance with this Land Use Code.
- (7) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (8) Fruit or vegetable stand for produce grown on the premises only.
- (9) Golf course, except miniature golf course.
- (10) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (11) Home occupations.
- (12) Household pets which do not constitute a kennel.
- (13) Parking lot accessory to uses allowed in this zone.
- (14) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (15) Private stables, horses for private use only and provided that not more than two horses may be kept for each 20,000 square feet of area devoted exclusively to the keeping of the horses.
- (16) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- (17) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (18) Residential facility for elderly persons meeting the requirements of section 108-7-15.

- (19) Single-family dwelling.
- (20) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5B-2; Ord. No. 2015-7, Exh. A, 5-5-2015)

Sec. 104-6-4. - Permitted uses requiring five acres minimum lot area.

The following uses requiring five acres minimum lot area are permitted in the Agricultural Valley, AV-3 Zone:

- (1) Dairy farm and milk processing and sale provided at least 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 hogs more than 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 slaughterhouse shall:
 - a. Not exceed a density of 25 head per acre of used;
 - b. Be carried on during the period of September 15 through April 15 only;
 - c. Be not closer than 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.

(Ord. of 1956, § 5B-3)

Sec. 104-6-5. - Conditional uses.

The following uses shall be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

- (1) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (2) Animal hospital or clinic; dog breeding, dog kennels, or dog training school on a minimum of three acres and not exceeding ten dogs of more than ten weeks old per acre at any time; provided 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.
 - a. Animal hospital or clinic, or dog training school on a minimum of three acres and not exceeding ten dogs of more than ten weeks old per acre at any time; provided 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.
 - b. Dog breeding and dog kennels on a minimum of two acres, on a legal nonconforming lot, as an accessory use to a single family dwelling, limited to ten dogs of more than ten weeks old. Any building or enclosure for the dogs 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, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence.

- (3) Child day care.
- (4) Circus or transient amusement.
- (5) Custom exempt meat cutting limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game:
 - a. Located on and with access directly from a collector or arterial road;
 - b. The operation shall be located within a completely enclosed building with no outdoor storage;
 - c. Accessory to a dwelling;
 - d. Located on a five-acre parcel.
- (6) Educational/institutional identification sign.
- (7) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.
- (8) Laboratory facility for agricultural products and soils testing.
- (9) Petting zoo where accessed by a collector road as shown on the county road plan.
- (10) Planned residential unit development in accordance with title 108, chapter 4 of this Land Use Code.
- (11) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.
- (12) Private equestrian training and stable facilities on a minimum of five acres of land and at a density of not more than ten horses per acre of land devoted exclusively to the keeping of the horses.
- (13) Public equestrian training and stable facilities on a tract of land with a minimum of ten acres in area and at a density of not more than five horses per acre.
- (14) Public storage facilities developed by a public agency and meeting requirements of title 108, chapter 10.
- (15) Public utility substations.
- (16) Radio or television station or tower.
- (17) Raising and slaughtering of rabbits limited to a maximum of 500 rabbits at any one time.
- (18) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.
- (19) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (20) Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five acres.
- (21) Sugar beet loading or collection station.
- (22) The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence, provided that the vehicle is parked at least 50 feet from a public street.
- (23) The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.
- (24) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- (25) Small wind energy system.

(Ord. of 1956, § 5B-4; Ord. No. 99-9; Ord. No. 2007-2; Ord. No. 2008-8; Ord. No. 2008-31; Ord. No. 2010-20; Ord. No. 2012-10, § 5B-4, 7-3-2012; Ord. No. 2012-19, pt. 4(§ 5B-4), 12-18-2012)

Sec. 104-6-6. - Site development standards.

The following site development standards shall apply to the Agricultural Valley, AV-3 Zone:

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres Minimum
Minimum lot area		
Single-family dwelling	3 acres	
Other	3 acres	5 acres
Minimum lot width	150 feet	300 feet
Minimum yard setbacks		
Front	30 feet	30 feet
Side		
Dwelling	10 feet with total width of 2 side yards not less than 24 feet	
Other main building	20 feet each side	20 feet each side
Accessory building	10 feet except 1 foot if located at least 6 feet in rear of main building	
Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials.	See <u>section 108-7-16</u>	
Side; facing street	20 feet	20 feet
Rear		
Main building	30 feet	30 feet
Accessory building	1 ft. except 10 ft. where accessory building on a corner lot rears on side yard of an adjacent lot	

Main building height			
	Minimum	1 story	1 story
	Maximum	35 feet	35 feet
Accessory building height		25 feet unless meeting requirements of <u>section 108-7-16</u> , Large accessory buildings	

(Ord. of 1956, § 5B-5; Ord. No. 8-2002; Ord. No. 2009-14)

—

Sec. 104-6-7. - Permitted signs.

The height, size and location of permitted commercial signs shall be in accordance with the regulations set forth in title 110, chapter 2, Ogden Valley Signs.

(Ord. of 1956, § 5B-6)

CHAPTER 4. - GRAVEL ZONE G

Sec. 104-4-1. - Permitted uses.

In Gravel Zone G, no building, structure, or land shall be used, and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- (1) Sand and gravel excavation including gravel crushing, subject to all provisions of the Weber County Excavation Ordinance.
- (2) Crushing gravel mined on the premises. See section 104-4-4, Additional requirements.
- (3) Contractor equipment storage yard. See section 104-4-4, Additional requirements.
- (4) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

(Ord. of 1956, § 4A-1; Ord. No. 2010-1; Ord. No. 2010-09; Ord. No. 2015-7, Exh. A, 5-5-2015)

Sec. 104-4-2. - Conditional uses.

The following uses are conditional:

- (1) Clean fill of natural depressions.
- (2) Signs as per title 110 of this Land Use Code.
- (3) Public utility substations.

(Ord. of 1956, § 4A-2; Ord. No. 5-91; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 2010-1)

Sec. 104-4-3. - Area, width, lot and height regulations.

- (1) Minimum lot area: 40,000 square feet.
- (2) Minimum lot width: 150 feet.
- (3) Minimum lot setbacks.
 - a. Front and rear: 30 feet.
 - b. Side.
 1. Main building: 20 feet each side.
 2. Accessory building: ten feet except one feet if located at least ten feet in rear of main building.

4. Side, facing street corner lot: 20 feet.

- (4) Building height.
- a. Minimum: One story.
 - b. Maximum: 35 feet.

(Ord. of 1956, § 4A-3; Ord. No. 2002-24; Ord. No. 2009-14)

Sec. 104-4-4. - Additional requirements.

- (a) *Gravel excavation.* Gravel excavation and accessory structures or buildings shall be located and operated not closer than 100 feet from any public street and not closer than 50 feet from any property line, provided that gravel crushers shall be located not closer than 600 feet from a residential zone boundary and 300 feet from any existing residential structure and not closer than 200 feet from any public street.
- (b) *Contractor storage yard.*
- (1) Additional landscaping standards shall apply to the area where the equipment and material is stored. There shall be a 15-foot landscape buffer with a four-foot high earth berm planted with six feet or larger evergreen trees, such as, Scotch Pines, Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The evergreen shrubs may be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be 36 inches high and there shall be 15 shrubs per 100 linear feet. There shall be five canopy trees per 100 linear feet. These trees may be Maples, Linden, Quaking Aspens, Cottonless Cottonwood, Honey Locust, or Birch trees. The type of trees and shrubs listed are intended to provide year-round screening of the site. The planning area planning commission shall approve the list of trees as part of the site plan review. These trees shall be a minimum of two-inch caliper. This landscaping shall be planted on the crest of the four-foot berm when the property abuts agricultural or residential zones. The additional landscaping requirements can be eliminated if all equipment and material are stored within an enclosed building.
 - (2) Hour of operation based on location.
 - (3) Access to a state highway or arterial street shall be paved.
 - (4) No outside storage of broken or parts of equipment.
 - (5) Maintenance and repair of equipment is to be done within an enclosed building.
 - (6) Fuel storage is to be in compliance with environmental and fire code requirements.

(Ord. of 1956, § 4A-4; Ord. No. 2010-1; Ord. No. 2015-22, Exh. A, 12-22-2015)

New Parcel Layout for Sustainable Commodity Operations

This will be the approximate layout of the operations and parcels when complete for the Valley Commodities.

1/2 mile or 2700 Linear Feet to closest house from Crushing Operation

1/2 mile or 2600 Linear Feet to the Junior High

Berm in place and perimeter residential buffer to remain between nearest homes and junior high

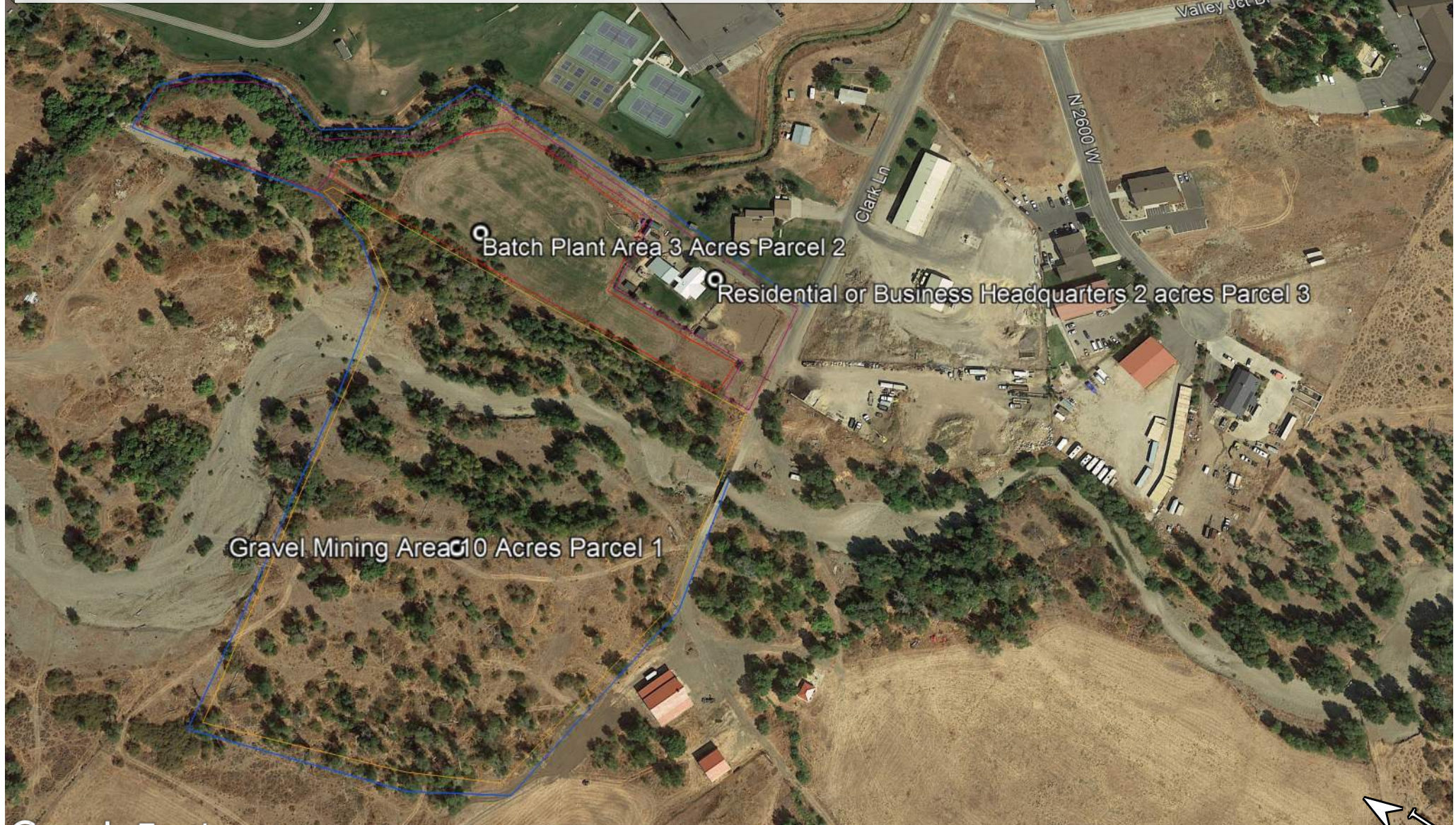


EXHIBIT H: CONCEPT DEVELOPMENT PLAN

EXHIBIT H: CONCEPT DEVELOPMENT PLAN

LAS AMERICAS RESOURCES LLC
EDEN PROPERTY
SITE LAYOUT

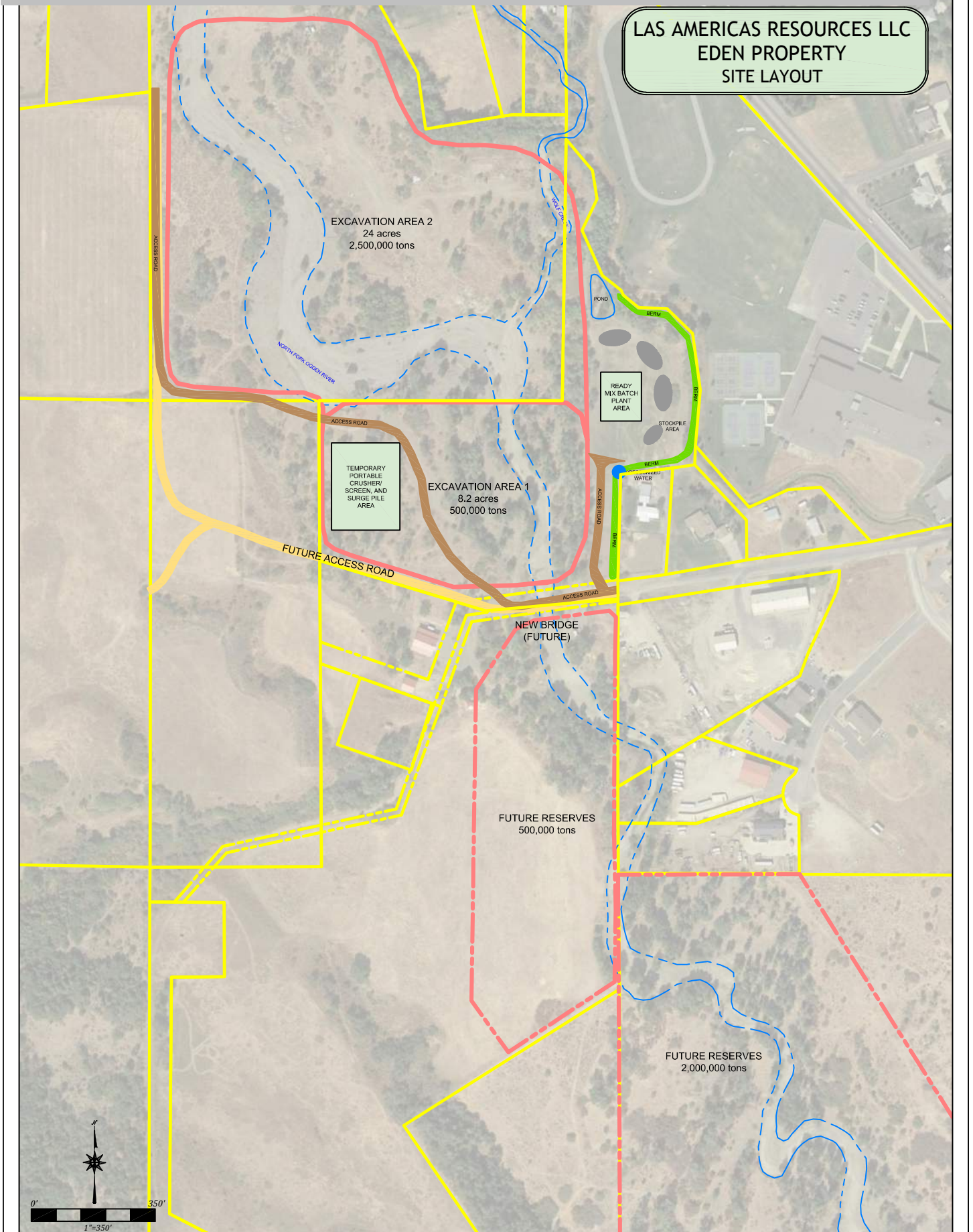
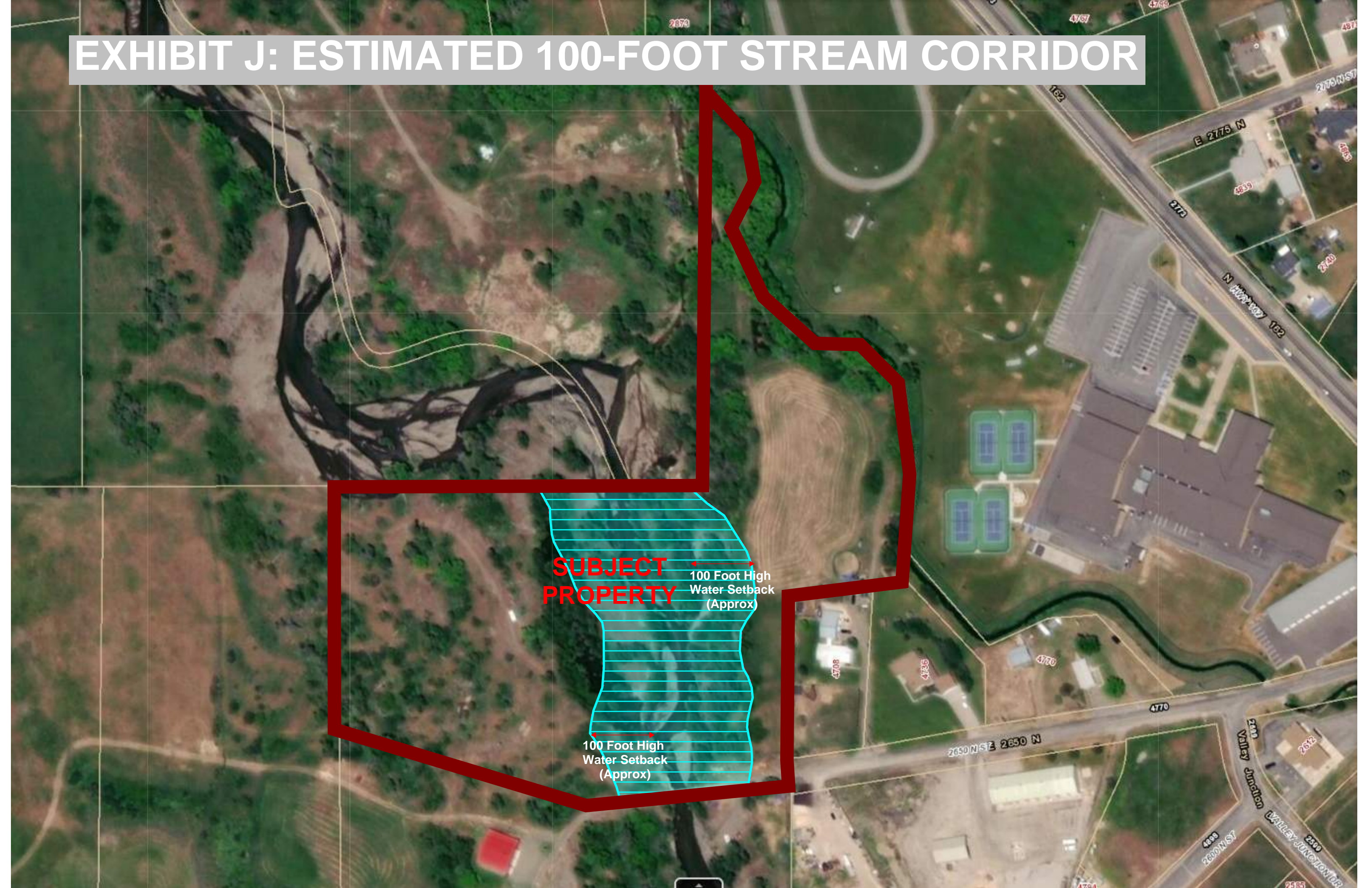


EXHIBIT J: FLOODPLAINS



EXHIBIT J: ESTIMATED 100-FOOT STREAM CORRIDOR



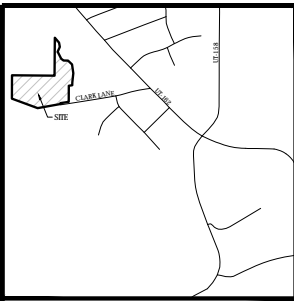
SUBJECT PROPERTY

100 Foot High Water Setback (Approx)

100 Foot High Water Setback (Approx)

Decibel Level Comparison Chart

Environmental Noise	dBA
Jet engine at 100'	140
Pain Begins	<i>125</i>
Pneumatic chipper at ear	120
Chain saw at 3'	110
Power mower	107
Subway train at 200'	95
Walkman on 5/10	94
<i>Level at which sustained exposure may result in hearing loss</i>	<i>80-90</i>
City Traffic	85
Telephone dial tone	80
Chamber music, in a small auditorium	75-85
Vacuum cleaner	75
Normal conversation	60-70
Business Office	60-65
Household refrigerator	55
Suburban area at night	40
Whisper	25
Quiet natural area with no wind	20
Threshold of hearing	0

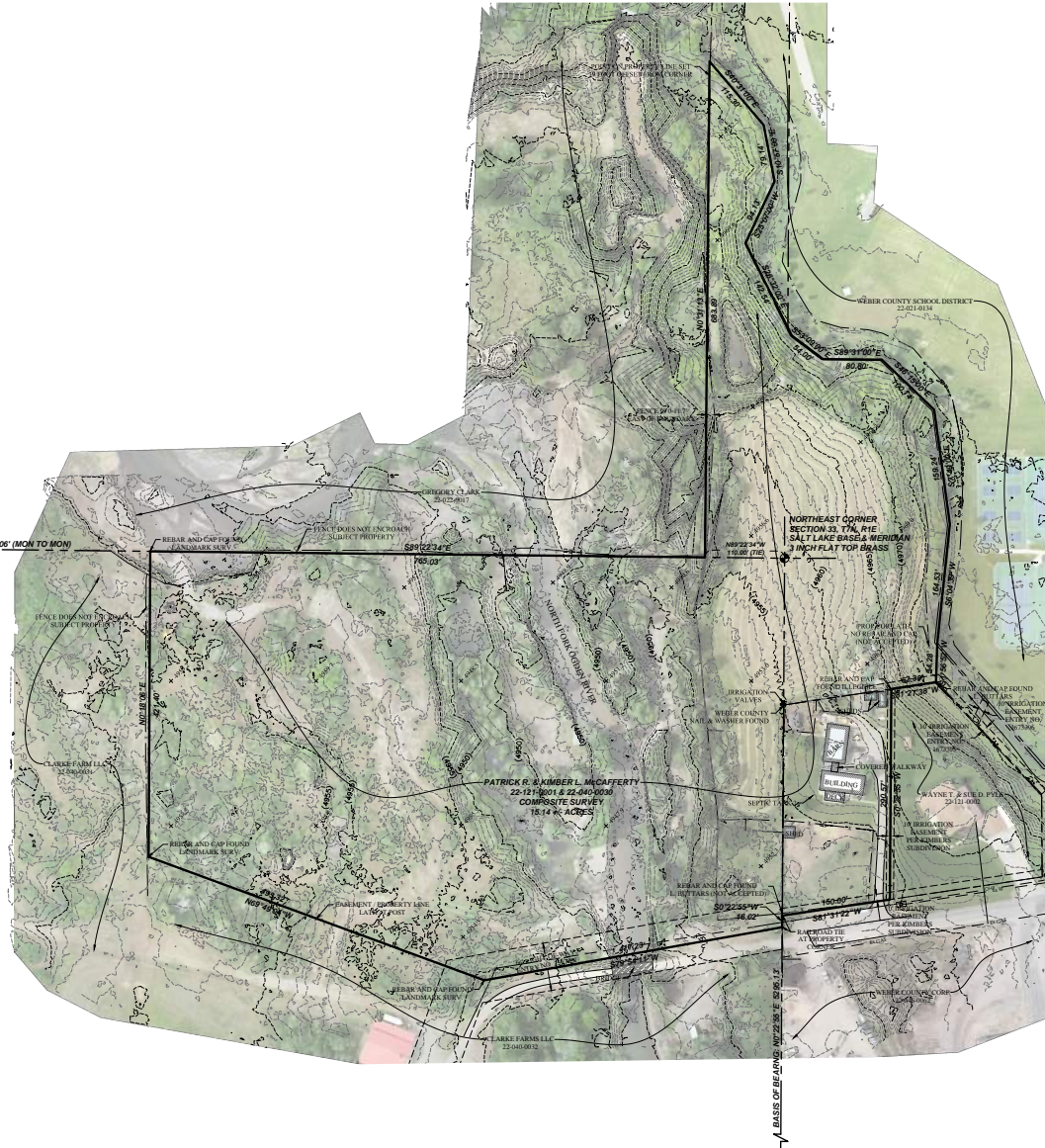


VICINITY MAP
NTS

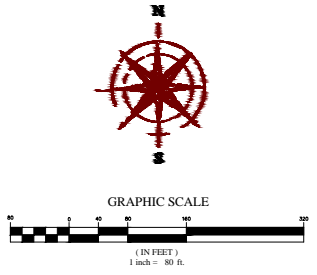
NORTH QUARTER CORNER
SECTION 33, T7N, R1E
SALT LAKE BASE & MERIDIAN
3 INCH FLAT TOP BRASS

LEGEND

XXXX	EXIST. CONTOUR MAJOR
XXXXX	EXIST. CONTOUR MINOR
---	EXIST. ELDINARY WATER
---	EXIST. NATURAL GAS
---	EXIST. COMBING POWER
---	EXIST. OVERHEAD POWER
---	EXIST. FENCE
○	SECTION MONUMENT (FOUND)
○	SECTION MONUMENT (NOT FOUND)
○	EXIST. WATER VALVE & WATER METER
○	EXIST. FIRE HYDRANT
○	EXIST. POWER POLE
XXXXXX	EXIST. SPOT ELEVATION
XXXXXXX	DREED BOOK PAGE PER IOWA COUNTY RECORDS
XXXXXXX	XXXX COUNTY PARCEL NO.
---	LIMITS OF ASPHALT PAVEMENT
---	LIMITS OF CONCRETE



SOUTHEAST CORNER
SECTION 33, T7N, R1E
SALT LAKE BASE & MERIDIAN
3 INCH FLAT TOP BRASS



- NOTES**
- The purpose of this Survey is to provide a boundary and topographical survey for the parcels shown herein.
 - A Title Commitment prepared by US Title Insurance Classified, Utah, Commitment No. 00191; Effective Date: March 26, 2019, was utilized in the preparation of this Survey. Focus Engineering & Surveying, LLC is entitled to rely on the accuracy of these documents and is not liable for errors and omissions based on their reliance thereof. Unless noted otherwise, all record parcels and title exceptions noted on this Survey are referenced from said documents.
 - The Basis of Bearing for this Survey is N92°25'E along the Section line between the Southeast Corner and the Northeast Corner of Section 33, Township 7 North, Range 1 East, Salt Lake Base & Meridian. All deeds and plans of record have been noted to match the aforementioned basis of bearing, or to other Sectional monument lines relative to said basis of bearing per measured lines as shown herein.
 - Vertical data (corner lines and/or spot elevations, etc.) is based on the elevation of 4987.00' stamped on USGS Benchmark 20WP located on Southwest wing wall of the crossing of UT 162 and the North Fork Ogden River.
 - As noted & cap (FOCUS ENR) to be set at all boundary corners unless noted otherwise.
 - This drawing, its design, and invention thereof, is the property of Focus Engineering & Surveying, LLC, and is submitted to, and is for the exclusive use of the client referenced on this Survey. Only copies authorized in writing and individually signed and sealed by the Surveyor, or certified copies obtained from the Office of the County Surveyor may be used as the official work of the Surveyor.
 - Except as specifically stated or shown on this drawing, no attempt has been made as a part of this Survey to obtain or show data concerning utilities, title, depth, condition, capacity, or location of any utility or municipal/public service facility. For information regarding these utilities or facilities, contact the appropriate agency.
 - Except as specifically stated or shown on this drawing, this Survey does not purport to reflect any of the following which may be applicable to the properties shown herein: easements, encroachments, building setback lines, restrictive covenants, subdivision restriction, zoning, or other land use restrictions. Underground utilities have been shown herein based on observed evidence. Additional utilities, including, but not limited to power, phone, cable, TV, water, sewer, storm drainage, etc. may exist within the boundaries of this Survey and Blue States should be contacted prior to digging. Engineers, Contractors, and others that rely on this information should be cautioned that the location of the existing utilities may not be relied upon as being exact or complete. Additional exploration, verification and relocation of existing utilities will be the sole responsibility of any contractor prior to or during construction of any additional improvements.

LEGAL DESCRIPTIONS
(FROM TITLE REPORT)

Parcel 1: 22-121-0001
All of Lot 1, KIMBERLS SUBDIVISION, Weber County, State of Utah, according to the official plat thereof.

Parcel 2: 22-040-0010
Part of the Northeast Quarter of Section 33, Part of the Northwest Quarter of Section 34, Part of the Southeast Quarter of Section 28, and part of the Southeast Quarter of Section 27, Township 7 North, Range 1 East, Salt Lake Base and Meridian. Beginning at a point on the South line of said Section 33 which is 110.00 feet North 89°22'45" West along said Section line from the Northeast corner of Section 33, running thence North 97°13'11" East 683.50 feet to a corner of a small, thence along the center of a canal the following time: (1) South 89°11'00" East 115.00 feet, (2) South 10°27'00" East 79.14 feet, (3) South 25°07'00" West 94.13 feet, (4) South 20°23'00" East 142.24 feet, (5) South 27°00'00" East 54.00 feet, (6) South 89°11'00" East 80.00 feet, (7) South 49°15'00" East 100.14 feet, (8) South 7°00'00" East 159.24 feet and (9) South 0°04'39" West 164.53 feet; thence South 1°52'52" West 54.26 feet to the North line of Kimberl's Subdivision; thence South 89°22'45" West along said North line 212.32 feet to the West line of Section 34 and West line of said Kimberl's Subdivision; thence South 0°22'55" West along said West line 306.41 feet; thence South 7°54'11" West 487.23 feet; thence North 89°09'00" West 495.43 feet; thence North 0°12'30" East 62.32 feet to said North line of Section 33, thence South 89°22'45" East along said North line 765.10 feet to the point of beginning.

(COMPOSITE SURVEY DESCRIPTION)

All of Lot 1, KIMBERLS SUBDIVISION, recorded as Entry No. 1351660, Book 40, Page 22 in the Office of the Weber County Recorder and all of that and property described in Deed Entry No. 2981202, a portion of the Northeast Quarter of Section 33, the Southeast Quarter of Section 34, the Southeast Quarter of Section 28, and the Southeast Quarter of Section 27, Township 7 North, Range 1 East, Salt Lake Base and Meridian, more particularly described:

SURVEYOR'S CERTIFICATE

"I, Spencer W. Llewellyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 1051607 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have made a Survey of the lands shown on this Plan and that it correctly represents the existing conditions as shown. This Plan does not represent a certification to the title or ownership of the lands shown on this Plan.

Date: 7/16/20
Professional Land Surveyor

Certificate No. 1051607



BOUNDARY/TOPOGRAPHICAL SURVEY
LOCATION: NE1/4 OF SECTION 33, SE1/4 OF SECTION 28, SW1/4 OF SECTION 27 & NW1/4 OF SECTION 34, T7N, R1E, SLB&M
PROPERTY OF: KIMBER L. & PATRICK R. McCAFFERTY
PREPARED FOR: SHADD JOHNSON DESIGN

REV	DATE	DESCRIPTION
1	7/16/20	INITIAL SURVEY
2	7/16/20	REVISION
3	7/16/20	REVISION
4	7/16/20	REVISION
5	7/16/20	REVISION
6	7/16/20	REVISION
7	7/16/20	REVISION
8	7/16/20	REVISION
9	7/16/20	REVISION
10	7/16/20	REVISION
11	7/16/20	REVISION



W2697151

EH 2597151 PG 1 OF 2
ERNEST D ROWLEY, WEBER COUNTY RECORDER
24-SEP-12 301 PM FEE \$12.00 DEP JKC
REC FOR: ELROY HARRIS

When Recorded Mail To:

Elroy J. Harris

158 E. Shepard Lane
Rayville, Utah, 84037

Tax ID No. 22-040-0002

Space above this line for Recorder's use

Quit Claim Deed for Right of Way

Melvin R. Clarke,

, GRANTOR(S)

hereby QUIT-CLAIMS TO:

Clarke Farm LLC

, GRANTEE(S)

for the sum of (\$10.00) Ten Dollars and other good and valuable considerations the following described tract of land in Weber County, State of Utah, to-wit:

See Attached Legal Description

WITNESS the hand of said Grantor(s) this 20 day of September, 2012.

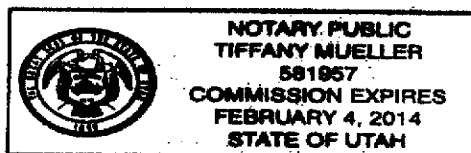
Melvin R. Clarke

Melvin R. Clarke

State of Utah }
 } ss.
County of Weber }

On the 20 day of September, 2012, personally appeared before me, Melvin R. Clarke, the signer(s) of the above instrument, who duly acknowledged to me that such person(s), executed the same.
Witness my hand and official seal.

Tiffany Mueller
Notary Public



LEGAL DESCRIPTION – EXHIBIT “A”

A 66 foot right of way described as follows:

Being a part of the Northeast Quarter of Section 33, Township 7 North, Range 1 East, Salt Lake Base and Meridian:

Beginning at a point on the North end of 2650 North Street, said point being 529.27 feet South 0D22'56" West along the Section line from the Northeast corner of said Section 33 and running thence South 0D22'56" West 10.17 feet; thence South 79D54'11" West 419.80 feet; thence south 20D10'56" West 256.81 feet; thence North 69D49'04" West 398.49 feet to the Easterly line of parcel number 22-040-0011; thence North 0D22'56" East along said Easterly line 70.15 feet; thence South 69D49'04" East 356.26 feet; thence North 20D10'56" East 228.70 feet; thence North 79D54'11" East 469.90 feet; thence South 0D22'56" West 56.95 feet to the point of beginning.

#22-040-0002

22-040-0028 (22-040-0002) ^{KL}

Utah's Economy and Growth Create Substantial Challenges for Responsible and Sustainable Development

Inevitably our home State will continue to grow in population and with that comes the responsibility to have the foresight to plan accordingly. A plan that negates the reality that over the next 30 years the Upper Ogden Valley is going to expand in population and infrastructure would be unrealistic. Our current General Plan at Weber County estimates the growth to rise to the level of 21,000 citizens in the Upper Valley over this time period and it is estimated that currently the valley is home to approximately 7,500 people.

In 1935 around the time Pineview dam was constructed and just before the second World War the United States began tracking the consumption of the vital components used in development and infrastructure. The United States Geological Survey was charged with this duty and in 1935 it was determined that every American consumed at LEAST 3.5 metric tons a year of sand and gravel commodities. As we fast forward 84 years the US Geological Survey now shows that every American consumes at LEAST 10 metric tons a year of Sand, Gravel and Concrete materials. These statistics are available online at the USGS site.

The saying goes

“EVERYTHING WE USE MUST START WITH RAW MATERIALS THAT ARE GROWN OR MINED”

We often overlook or don't realize that our **roads, bridges, utilities, homes, paint, glass, and even medicines** come from these resources, could you imagine our lives without these things? These facts leave us with important choices that not only affect our local community in the Upper Ogden Valley but our neighbors in surrounding communities throughout Weber County and our beloved State of Utah.

Most Weber County citizens are feeling this impact of the mass movement and development of our State. Weber County is faced with the obligation and duty to fulfill its obligation to provide these resources in a responsible and sustainable manner. Over the last 5 years we have partnered with Weber County to combat these issues and find a resource in the Upper Valley that can be sustainable and responsibly provide the products for the local community. The critical obstacle facing our State and County are interrelated and we want to address how our proposal for the locally sourced sand and gravel commodities and ready-mix concrete operations provide solutions to many of the obstacles being faced right now.

- 1. Transportation:** Currently these commodities are being trucked round trip some 30 to 45 miles away from the Lower Valley through school crossings, past thousands of homes and up our beloved Ogden Canyon. This unnecessary freight is a liability for not only your tax dollars, but also to the safety and welfare of greater Weber County and Canyon residents and travelers. State, Federal and County taxpayers just this year are paying for a \$4.7 million project to repair three of the bridges in Ogden Canyon.
- 2. Air Quality:** Utah has been out of compliance with EPA Air Quality Standards since 2006, with 55% of all the greenhouse gas emissions coming from On-road vehicles. This proposed project would eliminate approximately 10,000 heavy haul and concrete truck trips on this unnecessary journey, equaling some 400,000 truck miles reducing deadly greenhouse gas (CO₂, SO₂, NO₂ and Ozone) emissions by at least 450,000 lbs. a year currently, and up to 1.2 million lbs. a year over the 30- year general plan estimates.
- 3. Ballooning Costs for Weber County Residents:** Not only are we paying for the repair of the roads on this unnecessary 30 to 45-mile journey, but we are also paying an elevated price up to double market price due the freight into the valley. 97% of Weber County citizens are subsidizing this irresponsible and treacherous transportation of materials for 3% of the population. Most people who are born and raised in the Ogden Valley have no option to stay and are forced to move out of the area due to high cost of construction. This high

Levanta article for the Valley News

cost is due primarily to the cost and scarcity of the materials used to build our homes and living structures. The ability to provide opportunities that are affordable for younger families to be a part of the Upper Valley community are very limited and frankly almost non-existent.

There has been a significant amount of misinformation given by a small group of people regarding the viability and safety of our proposed Operation that will be next to the existing County Maintenance yard and Construction yards whom already perform similar activities on Clarke Lane. We are asking you as Weber County citizens to make an informed decision about our future transportation, air quality, public safety, and the use of our tax dollars. We are locally born and raised and citizens of Weber County and have a great desire to use our knowledge, experience and expertise to improve the quality of life for our fellow neighbors and citizens. There will be a public hearing on July 23rd, 2019 at 10:00 am at the Weber County Board of Commissioners Chamber and we are also available to answer any concerns or questions you may have concerning this environmentally responsible and sustainable project. You can reach us on Facebook at Weber County Concerned Citizens for Air Quality and Road Safety.

From: Ewert,Charles
Sent: Monday, June 24, 2019 1:02 PM
To: Kimber McCafferty
Cc: Rob Edwards
Subject: RE: [EXTERNAL]Rezoning proposal in Eden

Got it! I will be sending it to the planning commission before the end of the day.

Sent from [Mail](#) for Windows 10

From: [Kimber McCafferty](#)
Sent: Monday, June 24, 2019 9:21 AM
To: [Ewert,Charles](#)
Cc: [Rob Edwards](#)
Subject: [EXTERNAL]Rezoning proposal in Eden

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Charles,

My husband and I are the sellers in this matter and think that our voice should be heard. We were advised by one of the Planning commission members to reach out to you with some information to be distributed to the planning commissioners for the meeting tomorrow. Please let me know if you have any questions. 801-430-6298

As the sellers of the property proposed for the sand and gravel rezoning, Kimber and Patrick McCafferty, we would like to go over a few points that brought us to sell a portion of the property that has been in my family for 5 generations. We feel that our home will either be consumed by the M-1 or by the river, and we are not sure which will come first.

We will start with the M-1.

- 1- Out of the **three homes** on 2650 North we are the only existing owner that was here prior to the M1 designation. The other homes have been sold to new owners with the M1 already existing across the street. One of the homes is currently being used as a rental property.
- 2- **Dust** – There has been concerns that the dust will be a problem. Currently there is dust coming from the M1, but there have not been any complaints from surrounding homes, schools, tennis courts, or businesses. The Daycare had a state inspection on June 10, 2019 and regular inspections approximately every 6 months with no concerns of dust. *(photo attached)*
- 3- **Road** – 2650 North is a heavily used road for truck traffic despite opposing opinions. The county trucks can operate day or night. There are trucks hauling sand, gravel, bark, sod, mulch, fuel, and other items on a regular basis. There are transport carriers hauling heavy equipment both by the county and construction companies. With our permit with the Corp of engineers there were 50 loads of gravel that were hauled out last fall. The trucks had to pass by the homes on 2650 North 100 times and no one even noticed the additional trucks. In one day we have counted up to 42 trucks delivering sand or gravel to the county shop. *(photos attached)*
- 4- **Taxes** – We are taxed at the same rate as others in the valley but instead of beautiful breath taking views we look at an industrial zone across the street.*(photo attached)*
- 5- **Noise** – There has been concerns voiced about noise. My morning alarm clock is the beeping of equipment backing up, buckets banging, beds banging, material being dumped and equipment operating. I also hear loud music and the noise of the tennis courts that were built above my home beginning early in the morning and goes into the evening. Is it environmentally safe to have tennis balls in the irrigation canal and what does it do to the wildlife.

The river.

- 6- **Spring run off**- During the **spring run off** I look out at the North Fork river each morning to make sure that it hasn't jumped its bank and coming toward my home. We met with the county and we were told that they would not help us contain the river and that we needed to contact the State of Utah and the Corp of Engineers.*(photos attached)*
- 7- **Stream restoration permit**- After having an on sight meeting with Darin Rasmussen with the state of Utah and many others, we were granted a stream restoration permit. We were told that the ideal width of the river would be no more than 100 feet and that we needed to use natural materials like large boulders, and special barbs and J hooks to turn the river back into its ideal path. Due to not having the proper equipment, in which we had to barrow what we did use, we only made a minimal change before winter set in.
- 8- **Oil Mining Gas/DNR**- We were also granted permit by Oil Mining and Gas/DNR to remove gravel from our property so that we could level out the property remove the gravel soil and bring better soil in for planting.

- 9- **Permits in place in 2018-** These permits have been in place for a year now and we could start operating ourselves if we had the proper equipment.
- 10- **Drinking water-** There has been a concern that in this process the drinking water may be contaminated. The DNR did not have a concern about this and wouldn't it be more of a concern that an individual using old equipment without oversight being a problem than a business owner who is regulated by the EPA, state and federal government that relies on repeat business and a clean record with these agencies to make a living.
On the neighboring property between my property and the Eden Well sight there is a hay barn with only 113 feet from the center of the pump house to the south wall of barn and the garages north wall is 298 feet from the center of the well. These buildings contain farm equipment, tractor, chemicals are used, stored and mixed for weed control.
- 11- **Unmonitored storm drain-** There is a storm drain that currently comes down 2650 North and ends at the end of the country road. No one is monitoring the debris that comes out of that drain and empties into the North Fork river, nor does the county clean it out. The debris frequently contains, lead pencils, pens, shoes, batteries, plastic tampon materials, foil chip bags, cups, plastic bottles to name a few items. *(photos attached)*

In our opinion we no longer live in a residential area due to the growth that has placed more demands on the M1 across the street. The M1 is where the county felt it should be years ago for these types of business and there would be no further impact to the surrounding area than what is already here.

3 Homes



Dust



Road and Usage









Spring run off









Storm Drain





From: Grover,Rick
Sent: Friday, June 14, 2019 9:11 AM
To: Ewert,Charles
Subject: FW: [EXTERNAL]Fwd: Proposed Eden Rezone

FYI

From: John Lewis <john@wolfcreekresort.com>
Sent: Thursday, June 13, 2019 3:47 PM
To: Grover,Rick <rgrover@co.weber.ut.us>
Subject: [EXTERNAL]Fwd: Proposed Eden Rezone

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Forwarding this to the planning commission FYI. Due to ex parte rules, I will not be responding.

Thank you.

John Lewis
Owner
Wolf Creek Resort

Begin forwarded message:

From: Cori Anderson <coriswisheranderson@gmail.com>
Date: June 13, 2019 at 2:25:33 PM PDT
To: john@wolfcreekresort.com
Subject: Proposed Eden Rezone

Hi John,

I am writing to you in your capacity as chair of the planning commission. I want to offer you my perspective on a rezone that is schedule to come before the planning commission, titled "Eden Rezone from AV-3 Zone to G Zone."

First, I want to acknowledge that there is potential economic benefit to having a concrete ready mix batch plant in the Ogden Valley. We pay approximately 25% more for concrete because of the distance from concrete plants and a local plant would remedy this.

The proposed location of this specific plant, however, is problematic. The parcel under consideration is currently zoned agricultural. The adopted Ogden Valley general plan specifically prioritizes retaining the agricultural characteristics of the Ogden Valley. Rezoning agricultural property to a industrial/ mining property does not align with the adopted plan for the valley. In fact, the plan specifically states that in planning we should "Avoid rezoning new property to commercial or manufacturing until such time that the community supports it." I've yet to speak to anyone who supports this change in zoning. The plan also states "Mining operations can produce significant off-site impacts and, even with appropriate mitigating conditions, may be incompatible with existing land uses in many areas of the Ogden Valley planning area." It is obvious that this rezone is incompatible with this area.

I also want to express my concerns about the parcel's proximity to two education facilities: Snowcrest Junior High and the valley's only pre-school, High Altitude Kids. The increased vehicle traffic, dust and noise that the plant will produce are not compatible with the health and safety of the children who attend these schools. I work in the construction industry and have attended trainings by industrial hygienists who speak about the substantial health risks associated with breathing in silica. The number one source of exposure to silica is concrete dust. It causes life long, irreversible and compounding damage to lung tissue. It is unreasonable to create this health risk in such close proximity to two schools. I don't want to send my daughter to school with a concrete batch plant next door. It will cause a substantial financial burden for me to locate childcare elsewhere and will be detrimental to High Altitude Kids' business when parents seek childcare elsewhere.

Finally, a concrete batch plant is a short sighted use of this land. There's opportunity for positive development in the valley. We should focus on growth that improves our community, not on projects that offer short term financial gain to non-residents and out of state LLCs who have no interest in investing in our community long term. We have an adopted general plan and the proposed rezoning is not in line with it.

Thank you,
Cori Anderson
Ogden Valley Resident
Weber County Business Owner

From: Grover,Rick
Sent: Tuesday, June 18, 2019 3:30 PM
To: Ewert,Charles
Subject: FW: [EXTERNAL]Fwd: Gravel pit/Cement plant proposal

FYI

From: John Lewis <john@wolfcreekresort.com>
Sent: Tuesday, June 18, 2019 2:24 PM
To: Grover,Rick <rgrover@co.weber.ut.us>
Subject: [EXTERNAL]Fwd: Gravel pit/Cement plant proposal

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John Lewis
Owner
Wolf Creek Resort

Begin forwarded message:

From: Lew Swain <hlswain@gmail.com>
Date: June 18, 2019 at 2:07:27 PM MDT
To: john@wolfcreekresort.com
Subject: Gravel pit/Cement plant proposal

John I have been made aware of a proposal that will be considered next Tuesday evening by representatives of the Weber County/ Ogden Valley planning commission. The proposal is associated with the request to establish a gravel mining and cement plant operation East of the Snowcrest Jr High. I own a 45 acre tract of land that is proximate to the Western boundary of the river bed and very close to the proposed gravel/cement operation.

You are certainly aware of the exhaustive process undertaken by the Weber County Planning Department to establish a well conceived master plan for the valley. I and hundreds of other interested citizens attended meetings and provided input which led to the master plan that was accepted by the planning commission and board of county commissioners a few short months ago. This plan should be modified only when there is material justification and an overwhelming reason to do so. I suggest that a gravel operation at the proposed location is not that overwhelming reason.

I would request that the planning commission deny this application and refuse to alter the current zoning designation for the subject property.

Thank you for your consideration

Sincerely

H. Lewis Swain

From: Miranda Menzies
Sent: Wednesday, June 19, 2019 11:07 AM
To: Ewert,Charles; John Lewis; Grover,Rick
Subject: [EXTERNAL]Gravel operation zoning/land use change

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Gentlemen,

I will not be able to attend the public hearing concerning the gravel / concrete operation behind Snowcrest Junior High in Ogden Valley. Below are my thoughts directed to the Ogden Valley Planning Commission, and the county Planning Department.

1. This is an appallingly bad idea from the point of view of water quality. The property is right beside the North Fork of the Ogden River, and maintaining river quality through a gravel pit, and preventing turbidity from being carried down river. The operation would need to have stream alteration permits, wetlands permits and even with those, knowing the enforcement resources, natural resources damages are likely.
2. Gravel crushing operations are a major source of noise. This is NOT what you need next to residential or commercial areas of Eden.
3. The air quality impacts will be significant, due to the crushing and screening operations - take a look at the plumes of dust rising from the operations along I-15. We already have degrading air quality in the valley due to the increasing development of homes with poor energy efficiency and fossil fuel furnaces/water heaters. Please don't multiply it by 10 by adding gravel sorting without STRINGENT enforcement, which somehow Utah seems incapable of providing.
4. Is the road access truly adequate for trucks? The traffic impacts need to be considered, especially since they will be driving past the school.
5. The only possible benefit of this proposal would be the lower truck traffic in Ogden Canyon. The main beneficiaries would be builders getting lower delivered prices. And the residents will all be the losers. Unless the county is prepared to put much more resources into enforcement (including air emissions provisions), and make requirements about different access (not past the school), please kick this idea into the trash can.

thank you,
Miranda

From: Eden Water Works Company
Sent: Thursday, June 20, 2019 10:33 AM
To: Ewert, Charles
Subject: [EXTERNAL] Proposed Rock Quarry Creates Grave Risk for Eden Municipal Well

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Proposed Rock Quarry Creates Grave Risk for Eden Municipal Well

The proposal by Levanta LLC to rezone 14.1 acres of the North Fork River bottom west of Snowcrest Jr. High from the current Agricultural Valley (AV-3) zone to a Gravel zone (G) would allow for:

1. Sand & gravel excavation, including gravel crushing
2. Crushing gravel mined on the premises
3. Contractor equipment storage
4. Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted—gravel excavation & crushing.

A spokesman for the project indicated to the Planning Commission at a planning meeting held June 4 that the company hopes to be able to pull the mined sand, gravel, and rock from the river for the next 30 years, extracting approximately 50,000 yards of material from the site annually, or the equivalent of about 5,000 truckloads of material each year (a large truck load can accommodate approximately nine to ten yards of material), which would be hauled out from the proposed facility.

This project is an immediate and long-term threat to the sanitation, safety and longevity of the Eden Water Works (EWW), main well. Not to mention, the noise and air pollution a project like this would ultimately create. In the summer, this well provides 60% of the water for many Eden residents and all of EWW customers/shareholders.

According to Google map's distance tools, this project would take place just 475 feet, or 158 yards from the main well.

Operations like this will also require on-site fuel storage. Fuel spills, large or small, are also a direct risk.

To add to the risk, the EWW well is only 60 feet deep. It is a shallow well as it sits next to the North Fork of the Ogden River. There is little doubt the river itself contributes to the water in the aquifer just below it. When measured from the surface, the well is 60 feet deep, but when measured from the river bottom, that 60 feet could be even less. Because of this, the aquifer is already at risk from any contamination that may occur in or near the river.

It doesn't take a hydrologist to figure out that if you mine a river bottom you will increase the pollution in the river water (when running), ultimately filtering down into the aquifer. Our drinking water is at risk.

Water sources in the valley are under pressure. Future, inevitable growth will only exacerbate the issue. If we lose this well, it will be costly and difficult to replace.

The proposed project will overlap with the Source Protection Zone for the EWW municipal well.

Hopefully, the Utah Department of Environmental Quality, Weber-Morgan Health Department or the Utah Division of Drinking water will put a stop to this immediately.

Regardless, we need everyone that possibly can to attend the Planning Commission meeting, where this project will be discussed. Residents will have a chance to comment on the proposal. The meeting will be held at Snowcrest Jr. High at 5PM on Tuesday, June 25.

Ron Lackey, Board President
Eden Water Works

PS: Maps of our source protection areas are attached.

From: jklisch@aol.com
Sent: Thursday, June 20, 2019 3:52 PM
To: Ewert, Charles
Subject: [EXTERNAL]Public Hearing re rezoning applicatiion

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Dear Mr. Ewert,

As residents of Eden and shareholders of Eden Water, We strongly object to the proposed rezoning to allow a gravel pit operation and concrete batch plant next to and in the bed of the North Fork of the Ogden River. It jeopardizes our water system and would cause both a water and noise pollution in our beautiful valley. If nothing else, think of the adverse affect it would have on our students at Snowcrest Junior High School.

We will be out of town on the date of the public hearing on this matter so we would most appreciate you passing on our concerns to the Commissioners.

Sincerely,

John Klisch
Helene Liebman

3419 Eden Hills Drive
Eden, Utah 84310

From: Peggy Turner
Sent: Friday, June 21, 2019 7:54 AM
To: Ewert, Charles
Subject: [EXTERNAL]Gravel Pit in Ogden Valley.

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Dear Commissioner Ewert,

Please do not allow an application to rezone approximately 14.15 acres located at approximately [4720 East, 2650 North](#) in Eden from the AV-3 (agricultural valley three-acre) zone to the G (gravel) zone for the purposes creating a gravel pit.

To re-zone this area would create a very negative impact to the noise and environment here just so a Developer can benefit from the "gains".

We need to keep our open agricultural lands available to wildlife and the birds which help our environment world wide.

I am adamantly opposed to this proposed development.

Thank you for your consideration in this vital environmental matter.

Peg Turner
cell [801-389-4514](tel:801-389-4514)
classyutahhomes@gmail.com

"Live where you Play!"

From: Katherine Maurer
Sent: Friday, June 21, 2019 11:23 AM
To: Ewert, Charles
Subject: [EXTERNAL]Fwd: consideration of quarry/ cement industrial park and rezoning of farm accessed land

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----- Original Message -----

From: Katherine Maurer <katiemaurer@comcast.net>
To: ssillito@co.weber.ut.us
Date: June 21, 2019 at 12:45 PM
Subject: consideration of quarry/ cement industrial park and rezoning of farm accessed land

Dear Ogden Valley, Weber County Zoning Committee, ie Charley Ewert

Ten years ago, my husband and I decided to make Eden, Utah our home. We accidentally stumbled over this beautiful town when skiing at Powder Mountain. During our initial visit we found this rural area to be friendly, peaceful and extremely pleasing to the eye. There is a calm about Eden. It is quiet, full of families and people who enjoy the outdoors. As a new comer to the area, it was obvious that those who visited or lived in this community appreciated its beauty and maintained a behavior to sustain its beauty and rural feel. Thankfully, there are residents in Eden who are willing to put in the dedicated hours on a committee of like minded people who believe that a long term plan of sustainability is important in order to protect these valuable natural resources we all enjoy. These guide lines and projected community needs are in place to ensure that future generations can live, play and continue to enjoy these natural gifts.

I am of the belief that we as a people must protect our valuable lands. The impact of a cement mixing plant will impact the beauty of Eden. More importantly, the introduction of industry in this quaint town will steal the calm, interrupt the traffic flow, increase the noise level and create road

issues, do to constant dump truck weight and traffic. I lived in a small town in NJ for thirty years. I lived near a quarry. The noise of loaded and heavy dump trucks rumbled down my road. I feared for my children's safety while riding bikes or walking the roads. We had no sidewalks. The dirt in the air covered my home. The quiet I once had evaporated into sounds of air brakes and bouncing empty loads. Our country one lane bridges crumbled only to get repaired by my tax dollars. I can go on... but I think you understand that what I am trying to express. We moved to Eden to escape the noise, fast paced, industrial life.

My husband and I love Eden, we love Utah and have felt that the governing parties of this state make smart choices. Please, we are begging you to keep Eden the simple, rural, family centered town it wants to be.

Sincerely, Katie and Wayne Maurer

From: Nancy/William Taylor

Sent: Friday, June 21, 2019 1:52 PM

To: Ewert, Charles

Subject: [EXTERNAL]ATTN: Weber County Planning Directors re: Proposed rezoning for gravel pit in Eden

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Dear County Commissioners,

As we are out of town and unable to attend the planning commission meeting to be held at Snowcrest Junior High on June 25, 2019, we are writing to express our concern about and disagreement with the proposed gravel mining and cement plant proposed for the western edge of Eden town center. It is hard to imagine how this proposal could be any more out of sync with the pristine beauty, riparian habitat, and rural nature of our valley. Aside from the increase in dust and traffic, this will add substantial noise to our valley--factors all detrimental to our quality of life, health, and well-being.

Having participated in the General Plan process over the past few years, it's perplexing to think that consideration of this proposed spot zoning would even be seriously entertained. We are depending on you to act in the interests of and on behalf of many, rather than favoring one person's business proposition.

Respectfully yours,

Nancy Stukan and William Taylor

5499 E. Elkridge Circle

PO Box 1176

Eden, UT 84310

From: BONNIE
Sent: Friday, June 21, 2019 3:32 PM
To: Ewert,Charles
Subject: [EXTERNAL]Rock Quarry in Eden

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. Think Before You Click!

Hello Mr Ewert,
My husband, George and I are not in favor of a rock quarry in the center of Eden. The reasoning of on site materials for future building does not hold water.

Many of us are very familiar with the tremendous noise the rock crusher makes and the huge dust pollution the excavating will make. Siting the infrastructure over in Fairways and the Bridges, last summer.

I don't feel that this is a necessity or a financial need in our Valley! Please count us as a "NO" to this endeavor.

Respectfully,
Barbara Watts
Trappers Ridge

Sent from my iPhone

From: Kevin Dempsey
Sent: Friday, June 21, 2019 2:18 PM
To: Ewert, Charles
Subject: [EXTERNAL]FW: Important Public Meeting for Ogden Valley Residents

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Charley: I am writing you to express some strong concerns with the proposed Concrete plant in our community. Since I will not be able to attend the meeting I wanted to note and document my concerns. I am in the steel business in Salt Lake city where we manage a large fleet of heavy trucks throughout the valley. I know firsthand how dangerous they can be. In our little town with no stop lights this Concrete plant could make things very dangerous. We can see how during the summer, the town swells with vacationers driving motorcycles, razors, jeeps and bicycles. Having the proposed number of concrete trucks in that traffic would be a dangerous. Furthermore, Concrete plants require a lot of water. While this is a good water year we don't know what our future holds. Please make sure all these risks and concerns by others are addressed prior to allowing this project to move forward.

Thanks in advance,

Kevin Dempsey
6042 E. Big Horn Pkwy
Eden, UT 84310

Kevin M. Dempsey
Senior Vice President - Western Region
Triple-S Steel Holdings, Inc.
+1 801-994-8243 (direct)
+1 310-529-2016 (cell)
www.sss-steel.com

From: Trappers Ridge Hoa [mailto:trappersridgehoa@gmail.com]
Sent: Friday, June 21, 2019 8:21 AM
Subject: Fwd: Important Public Meeting for Ogden Valley Residents

Trappers Ridge Homeowners:

I am forwarding a message and attachment from Jan Fullmer regarding industrial expansion in the Ogden Valley. If you're interested, you're welcome to attend.

Don

----- Forwarded message -----

From: **Jan Fullmer** <jfullmer1@aol.com>

Date: Thu, Jun 20, 2019 at 8:04 AM

Subject: Important Public Meeting for Ogden Valley Residents

To: <jfullmer1@aol.com>

Dear HOA Leaders,

There is an important public meeting at the Snowcrest Middle School on Tuesday, June 25, 2019 at 5:00 pm that is being led by the Weber County Planning Commission. The objective of the meeting is to gather public input on a zoning change on a large parcel of land behind the Snowcrest Middle School to allow for a gravel pit, stone crusher and a ready mix concrete plant. This parcel is currently zoned as agricultural.

I have attached the notice published in the current issue of the Ogden Valley News for your reference. It is extremely important to have a very good public attendance at this meeting for Ogden Valley residents to voice their opinion on this zoning change. Those who golf at Wolf Creek or live near the back 9 of the golf course, know the impact of the tremendous noise and dust as a result of a rock crusher that was in operation for approximately 2 months last summer on road construction which paralleled the 15th golf fairway. This type of industry in our Ogden Valley is also not supportive of the updated Ogden Valley General Plan which Weber County paid consultants to develop in 2014 - 2015.

If you deem appropriate, it would be appreciated if you could forward this information to your respective communities.

Thank you,
Jan Fullmer

From: Kimbal Wheatley

Sent: Friday, June 21, 2019 2:32 PM

To: Ewert, Charles; John Lewis; Shanna Francis; A Stephen Waldrip; Froerer, Gage; Harvey, Jim H.

Subject: [EXTERNAL]A gravel pit in Eden?

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

For your information, this guest commentary will appear in the Ogden Valley News next Monday.

A Gravel Pit in Eden? Just Say NO!

Guest Commentary by Kim Wheatley

The Ogden Valley Planning Commission will hold a public hearing 5 pm, June 25, 2019 Snowcrest Junior High regarding an application to rezone 14 acres located immediately west of Snowcrest from AV-3 (agricultural valley three-acre) zone to G (gravel) zone for the purposes of mining and processing gravel and cement.

This is a terrible idea and runs contrary to existing ordinances, private property rights, the General Plan, and the health and safety of our kids. Show up at the hearing and express your displeasure about replacing the North Fork riparian corridor next to Snowcrest with a gravel pit, rock crushing and cement making operation. Here is information to help you understand what's at stake.

A developer named Kody Holker [proposes the county "spot" rezone 14 acres](#) from [AV-3 \(agriculture and residential\)](#) to [G \(gravel zone\)](#) in order to mine some 500,000 tons of gravel on 8.2 acres (resulting in a 21 feet deep pit), to allow a ready-mix concrete processing plant approximately 200 feet from the Snowcrest play fields and courts, and to run a rock crusher, etc to process material from the pit. A rezone would result in an "island" of gravel zone completely surrounded by AV-3 zone. Holker's [site plan](#) anticipates future rezoning for gravel extraction north and south of the proposed site to encompass about a mile of the North Fork river. The [sensitive land ordinance](#) specifically precludes *any* development of the stream and riparian corridor of the North Fork and the [gravel zone ordinance](#) requires a 600 foot setback from residential zones (AV-3) for operation of a rock crusher. Holker is assuming the ordinances will be amended to allow river bottom destruction and locating a crusher less than 600 feet from a residential zone.

Holker has a right to ask for rezone, but the right to rezone differs from other land use property rights because zoning changes can harm the property rights of others. This is why a change to zoning requires public input and allows one-to-one contact (ex parte contact) with planning and county commissioners. The Planning Commission must use the General Plan and existing ordinances to guide their rezone decision and they will consider community concerns. So show

up at the hearing and/or write or call planning and county commissioners to let them know what you think. But here is what I think...

There are a lot of reasons for rejecting this rezone application, even assuming Holker somehow gets around the sensitive lands and crusher setback ordinances. But an important reason is that it is contrary to the [General Plan](#).

We recently spent two years crafting our General Plan, which is also our Economic Development Plan. Preserving our rural character and natural beauty is our core strategy for attracting destination tourists and people who want to live here, which will and is increasing property values and economic activity. Our General Plan intends the area around the 4-way stop in Eden to be one of two major commercial centers in the Valley, but this one will occur as we hope only if investors can see and sell the idea of living in and visiting beautiful "downtown" Eden...an area of open spaces, farming, irrigation ditches, and higher density homes integrated with retail and commercial businesses. The western edge of the Eden Town Center is the stream/riparian corridor of the North Fork river with its *no development* setback rules. If the North Fork is zoned G and gravel extraction is permitted, Eden Town Center will border a gravel pit, crushing operation, and cement plant instead of a protected riparian and stream corridor that can one day become part of Eden Town amenities. Eden Town has a good chance of attracting investors, but that chance is greatly diminished if it borders a gravel pit.

This proposed rezone is exactly the type of development the General Plan was developed to prevent. The Plan provides clear guidance to the Planning and County Commissions when they consider any rezone, and even more clarity for a rezone to permit mining gravel. Quoting from the Plan...

-
- *The Ogden*
- *Valley community desires physical development to complement, not overwhelm*
- *or compete with, the rural character of the Valley. Weber County will*
- *promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that*
- *enhances the Valley's character.*
- (p 4)
-
-
- *New*
- *commercial development should be designed to be compatible with the rural character*
- *of Ogden Valley. (p 22)*
-
-
- *A goal of Weber County is*
- *to protect the Valley's sense of openness and rural character. Encourage the*
- *preservation and maintenance of significant trees, shrubs, and other natural vegetation*
- *in riparian*
- *and other natural areas. (p 7)*
-
-
- *To the extent allowed*

- *by law, development should not occur on sensitive areas including steep slopes, wetlands,*
- *floodplains,*
- *areas of geological instability, prominent ridgelines, wildlife habitat and corridors,*
- *natural riparian areas and natural waterways.* Amend the Weber County Land Use Code to
- *prohibit (to the extent allowed by law)*
- *development in identified crucial habitat areas and wildlife corridors, on identified prominent ridgelines, and within*
- *natural riparian areas and natural waterways.*
- (p 15)
-
-
- **Mining**
- *operations can produce significant off-site impacts*
- *and, even with appropriate mitigating conditions, may be incompatible with existing*
- *land uses in many areas of the Ogden Valley planning area. (p 24)*
-
-
- *A goal of Weber County is*
- *to ensure that higher intensity uses, such as industrial and mining*
- *activities in the Ogden Valley planning area, are both located and regulated in a manner that*
- *minimizes adverse impacts and preserves the rural character*
- *of the planning area. Ensure that higher intensity uses are appropriately governed in a manner that minimizes adverse impacts on the rural character of the Valley. Amend allowed uses in each zone to eliminate uses that are incompatible with the purpose and intent of the zone or are in conflict, with the provisions of this General Plan. Amend existing zoning regulations to*
- *restrict mining operations to a specific mining zone.* Require mining operations to petition
- *the County for a zone change prior to initiation of the operation. Specific mining operation*
- *proposals should be evaluated for community impacts prior to zone changes.* Consider requiring
- *a development agreement for large scale mining activities*
- *prior to formal rezoning. (p 27)*
-
-
- **Ogden Valley**
- **Culture and Rural Character** *The defining attributes of Ogden Valley have been reported*
- *consistently in general and special purpose plans for the area over the last 30 years, and is discussed in the Community Character element of this General Plan. The agricultural history of the Valley and the mountain valley setting of the planning area are*
- *distinctive and are the foundation for planning for the future. At the same time, expanding resorts,*
- *increasing visitation and tourism and managed growth provide the basis for long-term economic sustainability.* While the Valley is changing, it is important to Valley residents
- *and businesses that the core elements that make Ogden Valley what it is be preserved.*
- (p 48)

-
-
- *A goal of Weber County is*
- *to ensure that higher intensity uses, such as industrial and mining activities*
- *in the Ogden Valley planning area, are both located and regulated in a manner that*
- *minimizes adverse impacts and preserves the rural character*
- *of the planning area. (p 49)*
-

But apart from undermining the General Plan, here are more reasons rezoning the river bottom for mining and processing behind Snowcrest is very bad idea. First, realize rezoning to Gravel Pit (G) is a forever decision with huge off-site consequences.

-
- It would mean we don't care
- much about the inevitable dust, noise, exhaust and visual pollution adjacent to where
- our kids go to school and day care. It also means we don't care much about increasing heavy
- truck traffic on a county road through the Snowcrest campus by 50-100 thousand trips (phase I) and 10 times than many in later phases.

-
-
- It would mean we don't care
- much about the inevitable property devaluation of nearby landowners
- who will see their wealth decrease as a 21 foot deep 8 acre hole grows in the North Fork along with active rock crushing, sorting, trucking, processing, etc.

-
-
- It would mean we don't care
- about two businesses the rezone would likely bankrupt
- fairly quickly (High Altitude Kids and New World Distillery).

-
-
- It would mean we think it
- is economically smart for the west side of the
- Eden Town Center
- to border a gravel pit with heavy industry. Nor would we care that we are forever
- destroying
- the river bottom that would otherwise evolve into an amenity for higher density
- residential in Eden Town. Nor would we care what investors in Eden Town, or anyone
- else for that matter, might think about
- willy-nilly rezoning
- in the Valley, including gravel pits if anyone asks.

-
-
- It would mean we think it
- is ok to completely
- disrupt and destroy the Nork Fork riparian corridor.
-

-
- It would mean we think it
- will do no harm to our water table, subterranean flows, aquifers and flooding
- to dig an 8-acre 21 foot hole in the North Fork bottoms.
-
-
- It would mean we think it
- is ok to spot zone anytime a developer finds it to be in their economic self interest. It would also mean we think we can deal with the
- precedent-setting nature of both spot zoning and mining our natural waterways.
-

I know we don't think we believe any of these things, but anyone who thinks this rezone is a good idea does.

--

Kimbal Wheatley

(801) 725-7583

kimbalwheatley@gmail.com is preferred communication method



Please consider the environment before printing anything.

From: menziesrm@aol.com

Sent: Friday, June 21, 2019 11:57 AM

To: John@wolfcreekresort.com; Grover,Rick; Ewert,Charles; Froerer,Gage; Harvey, Jim H.; sjenkins@weber.co.ut.us

Subject: [EXTERNAL]Comments on Eden Gravel Pit Rezoning Proposal

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Gentlemen,

I recently heard about the above referenced proposal. Unfortunately, I will be out of town on 6/25 and will not be able to attend the public meeting. **However, I am adamantly against the rezoning proposal.**

Mr Holker obviously has the right to request a rezone, but I urge you to vote against this for the following reasons:

1. Siting a gravel pit and rock crushing operation immediately behind a school, seems asinine given the noise (both from trucks and mining/crushing) and air pollution that will result. The health effects of both, particularly on young children, are well documented.
2. We will be introducing the first major pollution point source into the Valley. (Currently Valley residents are in control of their own destiny in terms of air and water pollution.)
3. The property values and potential success of neighboring businesses such as the Distillery and High Altitude Kids will be adversely affected.
4. The potential for ground water pollution will be severe.
5. The proposal is clearly in contravention of many sections of the General Plan.
 - a. Putting heavy industry just outside the Eden Town center was never part of the plan
6. This is something that the community will live with forever.
7. It is my understanding that any acceptance of the proposal would require amendment of the sensitive land and the gravel ordinances which would set an unfortunate precedent of allowing heavy industrial operations into our pastoral valley.

Whereas I could cite many more concerns the harm that this rezoning would do so far outweighs any potential benefits that I urge you to vote against it.

Sincerely,

Richard Menzies

From: Marcus Pierce
Sent: Friday, June 21, 2019 5:42 PM
To: Ewert, Charles
Subject: [EXTERNAL] Regarding the gravel pit

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Hi Charley

I oppose any rezoning for the gravel pit/crusher/cement making Development near Snowcrest Junior high.

We own a lot in Valley Junction which we hope will someday be a part of a downtown Village. This gravel pit would negatively impact any commercial growth in this area.

Also the dust, dirt and noise would have very negative effects on the school, sports area and the new pickle ball courts. (which we put great effort into fundraising to get built)

Thank you,
Valerie Pierce
6068 E. Big Horn Pkwy
Eden, Utah

Sent from my iPhone

RE: Public Hearing re: 14 Ac request to be rezoned from AV-3 to G (Gravel Zone) for the purpose of a rock quarry, rock crusher and cement plan.

To: Ogden Valley Planning Committee / Weber County Commissioners

From: Clarke Farm LLC, adjacent property owner
EJ Harris, manager

Clarke Farm LLC is owned by our family Trust, all together we have about 97 acres on the west and south of the property being requested to be rezoned from AV3 To G. Several Family members have come to me, to buy their land or their interest from the Melvin Clarke Estate with my promise to keep it in the Clarke name, protect the water, preserve the habitat and improve the property in a trust for generations to come. I am really just a custodian of the property. I completely share the spirit and the intent of the Ogden Valley general plan which was developed to stop this type of careless rezoning proposals.

When the developer approached me to lease my property, he indicated my property was as a large piece of his plan, I informed him that it goes contrary to everything that our trust is intending to accomplish, we would not desecrate the property, destroy the natural habitat , wildlife corridor and clean water we have on the property . Levanta LLC inaccurately included our property as a "future reserve" as well as the inclusion of Greg Clarke's Property "Excavation area 2" in his site layout as per my conversation with Greg who feels the same.

There are so many reasons this zoning request is completely wrong for Ogden valley. Perhaps a gravel operation could be of benefit in the valley but this is clearly the wrong location . The Rezone is not in the spirit or intent of the masterplan. Any benefit is completely outweighed by negative public impact; it has significant risk to the Eden waterworks well located on our property which supplies the majority of Eden's drinking water (proposed G site overlaps the source protection Zone 2) , destroying the North fork river habitat and wildlife corridor , silt and other pollution downstream and into Pineview. Another critical concern is the amount noise pollution, air pollution and traffic next to the JR high school as well as in growth area of down town Eden and desired future development areas. This not a good trade off for less traffic on Trappers and Ogden Canyon for significant increased traffic around the school and Eden down town commerce.

Bottom line the impact of this zoning would have substantial devaluation of our property values as well as many other violations of our property rights. This would be the same for the surrounding neighbors, land owners and business.

If the door is opened for Zone G then it allows excavation contractors (or large Cement companies)to take over up to a mile of the river corridor which would have irreversible consequences that would result in significant negative environmental impact in Ogden valley for generations.

Please deny the Zone change. There are too many risks, negative impact and it clearly does not align with the spirit and intent of the Ogden Valley plan.

From: Julia Harris
Sent: Monday, June 24, 2019 9:40 PM
To: john@wolfcreek.com; Ewert, Charles
Subject: [EXTERNAL]Re Zoning AV3 to G in Eden

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I've outlined my concerns as an adjacent property owner, regarding the rezoning and gravel excavation and cement plant next to my property.

Thanks, Julia Harris of Clarke Farm LLC

From: John Lewis

Sent: Tuesday, June 25, 2019 5:39 AM

To: jami.chandler.taylor@gmail.com; slfrancis@digis.net; swaldrip@icloud.com; Grover,Rick; chogge@weberbasin.com; bobwood2275@gmail.com; Ewert,Charles; j.j.howell@ovalley.net

Subject: [EXTERNAL]Fwd: Gravel Pit and possible cement plant

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

John Lewis
Owner
Wolf Creek Resort

Begin forwarded message:

From: Richard Webb <RCW1010@msn.com>

Date: June 24, 2019 at 11:38:36 PM MDT

To: "John Lewis (john@wolfcreekresort.com)" <john@wolfcreekresort.com>

Subject: Gravel Pit and possible cement plant

Hi John,

Richard Webb (the elder) here, wishing to express my thoughts germane to the proposed gravel pit and zoning change petition that will be before the Planning Commission Tuesday evening. Very simply said, I am very much opposed to this idea and ask that you and the commission do not support it. I am sure that you have read the detailed email from Kim Wheatly regarding the matter and it is not my intention to be redundant to his communication. That said, I do have a couple of brief concerns regarding the issue.

- With the number of blatant violations of the proposal to the General Plan, how can the county planning department allow this matter to proceed to the Planning Commission.
- We have a general plan that was supported by the County Commissioners, Planning Commission and County Planning Department. This plan was a result of “grass root” participation by citizens of the Ogden Valley. With such strong support from local citizens who seek to maintain a certain rural “feel” that will attract only quality development, how can a “gravel

pit” set in the middle of the valley garner a feeling of pride, attractiveness, family living, tourism and recreational sports? Were this allowed to happen I can just imagine the phrases used to describe the valley such as “let’s go skiing at the Pit.” In short the whole idea is an affront to making the valley a desirable place to live, work and visit. When the ambiance is gone so will be the valley and it’s values. I can’t see any long term worth to this petition.

Thanks for reading this modest submission. I believe that we both share the long term visions for Ogden Valley and what we have before us would be an affront to all concerned.

Best,

Richard

From: janet.esfeld@gmail.com
Sent: Tuesday, June 25, 2019 11:49 AM
To: Ewert,Charles
Subject: [EXTERNAL]Gravel and crushing pit

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Weber County,

I would like to weigh in on the issue of allowing a change in zoning to allow for a gravel and crushing business to locate in Eden, Utah.

This is an unwelcome type of business to this valley! What makes this valley a special place is the respect for the environment, beauty & serenity.

Tasteful new businesses that will enhance the rural quality of this valley are always welcome and encouraged. Tourism is also very important. As new businesses come to the valley the need for them to fit in with the class of this area. Additional amenity based businesses that enhance the lifestyle are always welcome and supported. A gravel pit with crushing noise, dust and an increase in truck traffic is WAY off base in keeping with the desires of this town.

The effect on the environment is a negative. The effect on tourism is a negative. This is not a welcome business. That is why there are zoning laws to begin with.

Please do not consider changing the zone to allow for this eyesore!

Janet Esfeld

Janet Esfeld
5964 E. Big Horn Parkway
Eden, UT 84310
Janet.esfeld@comcast.net
www.snowbasinvacationrentals.com
www.facebook.com/Snowbasinvacationrentals/

From: Michael Strada
Sent: Tuesday, June 25, 2019 10:42 AM
To: Ewert, Charles
Subject: [EXTERNAL]Zoning change and gravel/concret plant in Eden UT

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Dear Mr. Ewert,

I would like to take this opportunity to express my opposition to the proposed zoning change allowing a rock crushing plant and a concrete plant in Eden, UT.

This change would allow a damaging commercial venture to be placed in close proximity to Snowcrest Jr. High School. It would produce a large volume of dust and considerable noise and potentially have negative effects on the water table in the area. It would negatively impact local home owners and business.

If this change is allowed I imagine the next step would be to expand the operation further impacting the rural character of Eden.

I hope Weber County would vote against this proposal.

Thank you.

Michael L. Strada
3401 N Windriver Ct
Eden, UT 84310

From: Teri Jensen
Sent: Tuesday, June 25, 2019 10:25 AM
To: Ewert, Charles
Subject: [EXTERNAL]Eden Gravel Pit

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Dear Mr. Ewert,

I cannot attend tonight's public hearing, but I own a vacation home in Eden. I was shocked to hear a gravel pit was being entertained for an area zoned as agricultural. Such a development, will destroy my view and reduce the value of my property. It simply doesn't belong in an area overlooking one of the State's most beautiful, small recreational reservoirs.

??

The area has been hit hard by drought over the past few years. I don't think we have the water available to support this project. I heard the developers are not Eden residents, but I don't know if this is true. Regardless, this is the wrong place for a gravel pit and cement plant.

??

Sincerely,

Teri

??

TERI JENSEN
VICE PRESIDENT - FINANCE

tjensen@upbslc.com
www.upbslc.com

P: 801.363.0093
F: 801.363.9212



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??

From: Trappers Ridge Hoa
Sent: Tuesday, June 25, 2019 11:07 AM
To: Ewert, Charles
Subject: [EXTERNAL]Rock Crusher

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Charley,

I can't believe we're even having this discussion!! NO. Please. NO. See you tonight.

Don Stefanik
President
Trappers Ridge Homeowners Association
Eden, Utah

From: Iain Hueton
Sent: Tuesday, June 25, 2019 4:27 PM
To: Ewert, Charles
Subject: [EXTERNAL]Eden Gravel pit

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Hi Charlie

I understand you are handling the presentation for the Eden gravel pit project. Believe me, I sympathize. I was on the Ogden Planning Commission for 8 years (Chair for some), so I understand the battles that go on.

That being said, I'm very concerned about this project as a valley resident. It is not completely honest that Levanta is claiming they are doing the environment a favor by digging gravel locally instead of trucking it in from 89/84 intersection. They are correct that there are more truck emissions from long-distance transport, but only a very small portion of them would be in Ogden Valley. They are ignoring the HUGE emissions coming from any gravel pit, and the current battles between lobbyists, citizens' groups and the City of Draper are testament to the fact that this is a real source of conflict with long-term consequences.

Please stick to your guns and advocate against this project. It is a terrible project in terms of the longterm health of the Valley, and serves no one but an out-of-state company that doesn't care about Weber County residents

Thanks for your efforts on our behalf

Iain

Iain Hueton Ianovations LLC 6486 Highway 39, #45 Huntsville, UT 84317
phone 801-391-8772 ihueton@yahoo.com

From: Jan Fullmer
Sent: Wednesday, June 26, 2019 8:56 AM
To: Ewert, Charles
Subject: [EXTERNAL]Info on Last Night's Rezone Request Meeting in Eden

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Hi Charlie,

Given how quickly this rezone request meeting was scheduled, I know you must have been incredibly busy developing your report which I thought was very good.

I attached the word document I created with the links to all the research articles on health impacts from cement production and rock crushers. That way you can just click on the links if you want to reference any of the articles which are quite voluminous. But, you do have to acknowledge that publications from the NIH, CDC and OSHA certainly have credibility. And, if you should need more articles, just let me know --- there are more that can be referenced.

Thank you for your work on this project.

Jan Fullmer

P.S. Anyway we can get the State to move on the water and septic system study for our valley?

Articles on Health Risks from Cement Production and Stone Crusher Operations

1. Article on Cement Production, Related Pollution & Health Risks

<https://www.bloomberg.com/news/articles/2019-06-23/green-cement-struggles-to-expand-market-as-pollution-focus-grows>

2. OSHA (Occupational Safety & Health Administration) Research and Q&A on Silicosis as a Result of Exposure to Dust from Cement Production and Stone Crushers

https://www.osha.gov/dsg/topics/silicacrystalline/additional_info_silica.html

https://www.osha.gov/dsg/topics/silicacrystalline/health_effects_silica.html

3. Environmental Impact Resulting from Concrete Production

https://en.wikipedia.org/wiki/Environmental_impact_of_concrete

4. CDC (Centers for Disease Control) Web Site Articles

Surveillance for Silicosis Deaths Among Persons Aged 15–44 Years — United States, 1999–2015

<https://www.cdc.gov/mmwr/volumes/66/wr/mm6628a2.htm>

Twenty–Nine Year Summary of Silicosis in Michigan

<https://blogs.cdc.gov/niosh-science-blog/2019/02/21/mi-silicosis/>

5. Articles Published/Referenced on the NIH (National Institute of Health) Web Site

Pollutants emitted by a cement plant: health risks for the population living in the neighborhood.

<https://www.ncbi.nlm.nih.gov/pubmed/15147925>

Non-occupational exposure to silica dust

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3683189/>

6. Miscellaneous Related Articles

<https://onlinelibrary.wiley.com/doi/full/10.3322/caac.21214>

<https://link.springer.com/article/10.1023/A:1012214102061>

From: JoAnn Loomis
Sent: Wednesday, June 26, 2019 2:55 PM
To: Ewert,Charles
Cc: Froerer,Gage; Harvey, Jim H.; Jenkins,Scott
Subject: [EXTERNAL]Comments regarding ZMA 2019-4

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Thank you for the opportunity to offer comments on the change of zoning for the proposed gravel extraction and cement plant in the Ogden Valley. My name is John Loomis and I live at 4868 Eagle Ridge Drive in Eden Utah. I have lived at this current location for the last 8 years and have worked in the recreation business for the last 48 years, most recently as the General Manager for Snowbasin Resort.

I am opposed to the change in zoning and the development of sand and gravel extraction and cement plant in the Ogden Valley for the following reasons:

- This project goes against everything that is in the Ogden Valley General Plan regarding the development of Eden as a resort-centric walking village and the tourist potential that would bring. The project would have a direct negative impact on any future resort/recreation development in the Valley. The Ogden Valley is a unique recreational gem and does not need a facility for concrete production.
- The proposed project is directly adjacent to Snowcrest Junior High and would create a significant hazard to the students. Air quality, noise, the safety of our children from increased heavy truck traffic are all issues that cannot be mitigated by any list of conditions that could be imposed if the County Commission decides to overrule the Planning Department and the Ogden Valley Planning Commission.
- The Environmental impact on the North Fork of the Ogden River would be significant to say the least and I have not seen anything regarding a stream alteration permit and approval from the US Army Corp of Engineers. The environmental damage would be significant and irreversible. The risk to water quality in general, whether in the North Fork or to surrounding water wells is enough reason to deny the applicants request.
- The noise and dust from the proposed operation would have a negative impact on the community as a whole. Last summer a temporary crushing operation was allowed next to the 15th fairway of the Wolf Creek Golf Course. The noise and dust in our neighborhood was terrible. There were many days when this operation did not meet the requirements of their fugitive dust plan and our homes were covered with dirt. Additionally the noise was incessant and you could not sit outside due to the constant racket created by the crushing operation.
- The environmental impacts of the proposed plant are significant and would cause irreversible harm to the Valley and it's residents. Just a few days ago Bloomberg News published a report regarding the environmental consequences of a concrete batch plant and the comparison to the pollution from the batch plant vs. the pollution from diesel trucks transporting concrete from off site. The article is available at <https://apple.news/.AiaaOqVJNRU2OhTphhXUyg>.

I realize that these objections have been registered by many other residents of the Ogden Valley and I thank you for the opportunity to voice my concerns. The Ogden Valley is a uniquely special place and we need to take great care with it's development for future generations.

John Loomis

From: Michelle Corbin
Sent: Wednesday, June 26, 2019 4:02 PM
To: Ewert, Charles
Subject: [EXTERNAL] Proposed Gravel Pit in Eden Utah

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Charlie,

Last night I attended the meeting held at Snowcrest regarding the proposed gravel pit in Eden Utah. I wanted to personally share my concerns with you regarding this proposal.

We have lived in the beautiful Ogden Valley for the last 15 years. We feel it a privilege to live here. We are blessed with clean air, beautiful dark night skies, peace and quiet, slower paced life and a great place to play. I feel that all of these are threatened by the gravel pit being approved.

My biggest concern is for the safety and learning of the students of Snowcrest Junior High along with the preschool students at High Altitude Kids. These students run and play too close to the proposed gravel pit. They will be breathing the fumes of diesel trucks and the dust from the gravel pit will linger in the air they breath. Snowcrest does not have air conditioning so the students and teachers rely on open windows and fresh air to get them through the spring and fall months of school. With the constant noise coming from the gravel pit during the work hours, our children will be distracted by noise daily. Can you imagine trying to concentrate with the noise of trucks and loud heavy machinery working all day? I currently have 2 students attending Snowcrest and I know that this would personally effect their concentration and learning. We all can handle a little construction noise as long as we know there will be an end to it. There will not be an end to this noise if it is approved. Allowing the gravel pit to be approved will directly effect the children and youth of our Valley. Please help us protect their health along with their education by saying no!

Last night they talked about reducing traffic by not having to bring in materials for building in the Valley. I do not believe that the materials they produce will only stay in the Valley. They will end up transporting the materials out of the Valley as well which will increase traffic with large trucks. We all know that the large trucks are a problem both in the Canyon and the North Ogden Divide. This is a disaster waiting to happen.

Please help us protect this beautiful Valley that all of Weber County enjoys!

Thank You,
Michelle Corbin

From: Linda Brown
Sent: Thursday, June 27, 2019 1:16 PM
To: Ewert, Charles
Subject: [EXTERNAL] Eden- Gravel & Concrete Operation Permit

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To: Charles Ewert
[801.399-8763](tel:8013998763)
Weber County Planning Office

First of all thank you so much for your recommendation for denial. It is hard for the residents here to see this even possibly being approved and there is an overwhelming amount of reasons not to. I only hope the Weber County Commissioners will do the same. As stated at the meeting, it has been requested 4 TIMES! I wish it could die once and for all! And I also wish that the owner of this property could benefit in a safer, more environmentally friendly way so that all could be content.

Now, for my comments which I did not get in line to say as it was very long already.

Many people have raised money for the paved walking/biking trails in the valley. NONE of them are utilized as much as the ones right there in that area. Children going to and coming from school, people are walking or jogging, we have many bicyclists, and if you were around even a short time you would see some of the residents from the nursing home riding their scooters to the Post Office, the Store and the Maverick. This road is 2 lanes (1 each way) and not very wide. The chances of hitting or killing one or more of these residents would greatly increase. The city and county have tried over and over again to promote this area. Why would they now detract from it? This is the busiest area in all of Eden.

I live in Nordic Valley on the East edge of this area. We were asked to be civil, but the 70 decibels lie is a bunch of baloney. I lived here 11 years ago when there was a temporary permit in place. I could hear it over my vacuum and we could not sit on our deck and converse in our normal voices. I have Asthma and moved here for the clean air. Friends that have breathing problems have come to visit from Ogden when the air quality has been bad there. I want to breath!

Can you even imagine trying to teach Physical Education Classes outside with the noise and the dust? This too would be near impossible. This is obviously NOT feasible!

There are many other games such as soccer and baseball held directly after school that would be affected also. People of all ages use the track to exercise both before and after school.

How would this affect all the Marathons, the Balloon Event, Triathilons, Bike Racing Events etc? Would it become a game of chicken with all the dump trucks and equipment and the participants?

Sincerely,

Linda H. Brown
2310 N. Panorama Circle
Eden, Ut. 84310
801.791-6433

From: Darin Giles
Sent: Tuesday, July 2, 2019 9:57 AM
To: Ewert, Charles
Subject: [EXTERNAL]No on G zone in Eden

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Mr. Ewert,

Thank you for opening up and hearing the concerns on the proposed zone change in Eden Utah.

There were many great points the community made the other day that supported the fact a concrete industrial facility should not be built in Eden and I would like to bring up a couple examples

1st Letting an industrial operation in will only open the doors for larger companies to buy in, and expand i.e. I use to work for a small rock crushing co. at the rocky point site in Pleasant View Utah, which operations were much louder than a vacuum cleaner. The small business owner sold to a larger business, which in turn a few years later sold to one of the largest construction companies Staker Parson doubling/tripling the amount of trucks, trailers, dust, noise, pollution in the area since the first owner.

2nd Permits: the PowerPoint showed many that would be required before construction and during operation if this proposal passes, who will really follow up on these let's say 10 yrs. down the road? permits expire as we see recently with the legacy highway and the permit to keep large scale trucks off the highway and to keep the speed limit at 55 and now that opens for renegotiating everything and possibly losing out on the original agreements that kept in rural and safer.

As for more personal reasons my family and I are currently in the process of building our dream home with the North Fork river in our backyard just downstream of the proposed G zone and that stretch of river is a hub for many species wildlife it would be awful to make them detour this beautiful area. In addition Eden Water Works has studied the area it's known that the byproducts produced by a concrete facility would be detrimental to the essence of life...Water.

Respectfully,

Darin Giles
2337 N Hwy 158 Eden, Utah

From: Joseph Paustenbaugh
Sent: Tuesday, July 2, 2019 7:32 PM
To: Ewert, Charles
Subject: [EXTERNAL]Gravel Pit in Eden

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Charles,

Thanks for the information at the meeting and I agree with your recommendation for denial.

I need to point out the very misleading data that was presented by the man who "studied" engineering and Spanish in regards to gravel use in the Ogden Valley. By the way if he had an Engineering degree or a PE license he would have done more than "study" engineering.

- A) He cited US data on total sand and gravel consumption in the United States.
- B) He then divided this number by the number of people living in the Ogden Valley (7,500)
- C) He then used this to come up with an estimate of 100,000 trucks per year coming into the valley.

His approach is inaccurate and skews the data. A much higher percentage of sand and gravel is consumed in populated cities for roads, bridges, and large buildings. In addition our building season is much shorter due to the weather.

His claim of reducing vehicle pollution in the Ogden Valley is preposterous. The Valley would have more trucks since we would only consume a small portion of the material produced at the gravel pit. The majority of the material would be trucked out of our valley. In addition his claim of reducing pollution in the Ogden Valley did not account for the dust and silica particles generated by the gravel pit.

I hope that you can point out this distortion of facts and data to the county commissioners.

Regards,
Joseph Paustenbaugh
Engineering Director at Northrop Grumman Innovation Systems
4423 North 3800 East Liberty Utah

From: Phil Ordway
Sent: Tuesday, July 2, 2019 7:10 AM
To: Ewert, Charles
Subject: [EXTERNAL] Proposed Gravel and Rock Crushing Operation in Eden

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July 2, 2019

RE: Proposed Zone Change to Allow Gravel Operation in Eden

Hi Charlie –

Thank you for your efforts and diligence on the above matter. The following are our comments as property owners and permanent residents of the Ogden Valley, and based on our almost four decades of experience in the large-scale real estate development business in other states.

- 1) The amount of multi-agency supervision required, if the application were approved, is enormous. The county and state do not have the resources to enforce whatever stipulations might be included with such an approval. Regardless, who pays for such additional government cost? The taxpayer, not the applicant!
- 2) Because government officials are human, any supervision of the gravel operation and hauling in the early years is very likely to fade out over time. We have seen this happen in many areas where we have lived in the past.
- 3) The state is not funded to properly monitor air quality impacts in the Ogden Valley now. Who really believes that such monitoring will begin to occur and be effective over time if this operation starts up? Again, who pays for that additional cost?
- 4) The county commissioners should go visit a rock crusher in operation. The one operating last summer on Russ Watts' development to the west of the Wolf Creek 15th fairway was so loud that it was almost not possible to carry on a conversation outside of the homes across the fairway to the east. Plus the dust was literally choking at times.
- 5) There was NO discussion at the hearing of the volume of material to be produced vs. the demand for that material in the Ogden Valley. There WILL be material shipped regularly from this operation to the rest of Weber County and beyond. (See above comments about supervision.) All of the arguments about reduced traffic impact in Ogden Canyon are silly. And, what about the increased traffic impact on the already- and increasingly-busy Eden/Valley Market intersection?
- 6) This project is not for the benefit of the Ogden Valley. It will probably replace gravel operations that currently operate in Ogden and perhaps elsewhere, will be a burden on the ecology of the Ogden Valley, and will clearly benefit the rest of the Weber County at the Ogden Valley's expense.
- 7) We are pleased that the Planning Commission joined the County staff in recommending denial of this application. We hope the foregoing comments will be taken seriously by the County Commissioners and that they will deny this zoning application. Thank you again for your efforts and input.

Best regards,

Phil and Gena Ordway
PO Box 477
Eden, UT 84310

Wayne and Sue Pyle
4736 East 2650 North
Eden, Utah 84310

Weber County Commissioners
2380 Washington Blvd Suite #360
Ogden, UT 84401

July 8, 2019

Dear Commissioners,

Thank you for the time you spent meeting with me and our group recently. We really appreciated getting that much time to speak with you individually outside of the public hearing process.

I'm writing now before the commission meeting on the 23rd to briefly attempt to list the most important reasons why we're asking you to oppose the rezone application for a gravel excavation, crushing and concrete mixing operation at the location requested in Ogden Valley.

First, and as so well illustrated by Ron Lackey, President of Eden Waterworks, an operation of this sort would constantly endanger the culinary water supply for 60% of Eden's residents, the well in question being somewhere between 60' deep and shallower, depending on where the operation might be carried out. If the water were contaminated, the water company would be severely financially distressed in developing new sources and potentially rebuilding a new tank storage system. The currently used tank itself would cost approximately \$1 million to rebuild.

Second, this operation would put dust and other contaminants depending on the material processed into the air that will certainly affect the quality of life and property value of neighboring properties such as my own and EJ Harris' properties, but also other established businesses already in operation such as the distillery, the daycare center and the car wash. Perhaps worst of all as to the air concerns, this operation would be literally adjacent to Snowcrest Junior High's outside tennis courts, track and baseball fields, where hundreds of students with various levels of respiratory health ranging from good to poor will be exposed each year to what will certainly be a problem for air quality.

Third, by the applicant's estimates, we will have 5,000 trucks annually or four an hour during the construction season concentrated right there on that spot by what were previously rural agricultural or residential uses and then again, by the junior high and all of its bus, parental and pedestrian traffic.

Lastly, the application is not compatible either with the Ogden Valley General Plan (OVGP) as adopted by the county in 2016 or Weber County's own rezoning ordinance. There are currently four zones in the OVGP that would allow gravel mining as a permitted or a conditional use. Even at that, the general plan states that mining, "...even with appropriate mitigating conditions, may be incompatible with existing land uses in many areas of the Ogden Valley planning area." If this is the case for areas where it could possibly be allowed under current zoning, how much more certainly is it incompatible where it is proposed for a rezone?

Chapter 5, Section 102-5-3 of Weber County's Land Use code states, "...no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county..." The applicant's case for this promotion is made basically two ways. One, that the truck traffic through the canyon will be greatly reduced, thereby reducing vehicle emissions and ostensibly reducing a traffic hazard. Second, the applicant states that by reduced pricing associated with lower production costs, the valley will be economically benefited.

Both of these assertions are unproven by the applicant. The traffic reduction case rests on the idea that the trucks will always be in the valley. Unless the truck fleets are permanently located here in the valley, there is no reduced traffic, and in fact may be increased since product would be available for sale from this location to the outside of the valley. The second assertion flies in the face basic market economics. Applicant claims that he would be able to sell gravel and concrete at a cheaper price due to production on site. He hasn't addressed any of the factors that could increase the price of the product such as were illustrated in our meetings by Mr. Kevin Parsons, formerly of Parsons Construction, but even if he were able, why would he? This will be a profit driven enterprise and the market will drive the price, and no other factor can be counted upon. Taking away these two unsupported benefits, the applicant has made no valid case for benefit to the "health, safety, or welfare" of the county, and therefore the rezoning, as directed by ordinance, should not happen.

At this point in the process, you have before you for consideration a general plan and zoning ordinance that would recommend against this action, you have all neighboring property owners (that have stated a position) against the rezoning, several hundred residents who personally attended the planning commission hearing and voiced their opposition, a staff recommendation against, and a planning commission recommendation against the rezone. In favor of the rezone you have one property owner and a proposed developer. Please consider all of these factors and adopt the planning commission's recommendation to deny the rezone of this property.

I also would like to note and thank Commissioner Harvey's already stated position that he will not support the rezone. I also would like to thank Commissioner Froerer for his attendance at the planning commission meeting as well. I'm glad he was present to hear the many well-reasoned positions for not moving forward with this action as well as the current property owner's irresponsible and seeming threat to damage the land and water supply if the application was not granted.

Again, I personally appreciate the time and consideration you have given this matter, and the leadership that you provide for the County. It is often a difficult burden to be responsible for this decision making. In this particular case that decision has been made easier as you have been well supported by Weber County's ordinances, your staff, and your community.

Sincerely,



Wayne T. Pyle

Cc: Weber County Planning Staff

From: Marguerite Ulmer
Sent: Saturday, July 6, 2019 1:49 PM
To: Ewert, Charles
Subject: [EXTERNAL]Fwd: Gravel pit

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----- Forwarded message -----

From: **Marguerite Ulmer** <margueriteupower@gmail.com>
Date: Sat, Jul 6, 2019 at 1:25 PM
Subject: Gravel pit
To: cewart@webercountyutah.gov <cewart@webercountyutah.gov>

Dear Mr. Ewaet,

I was one of hundreds present at the meeting to protest the proposed rezoning for a gravel pit in Eden.

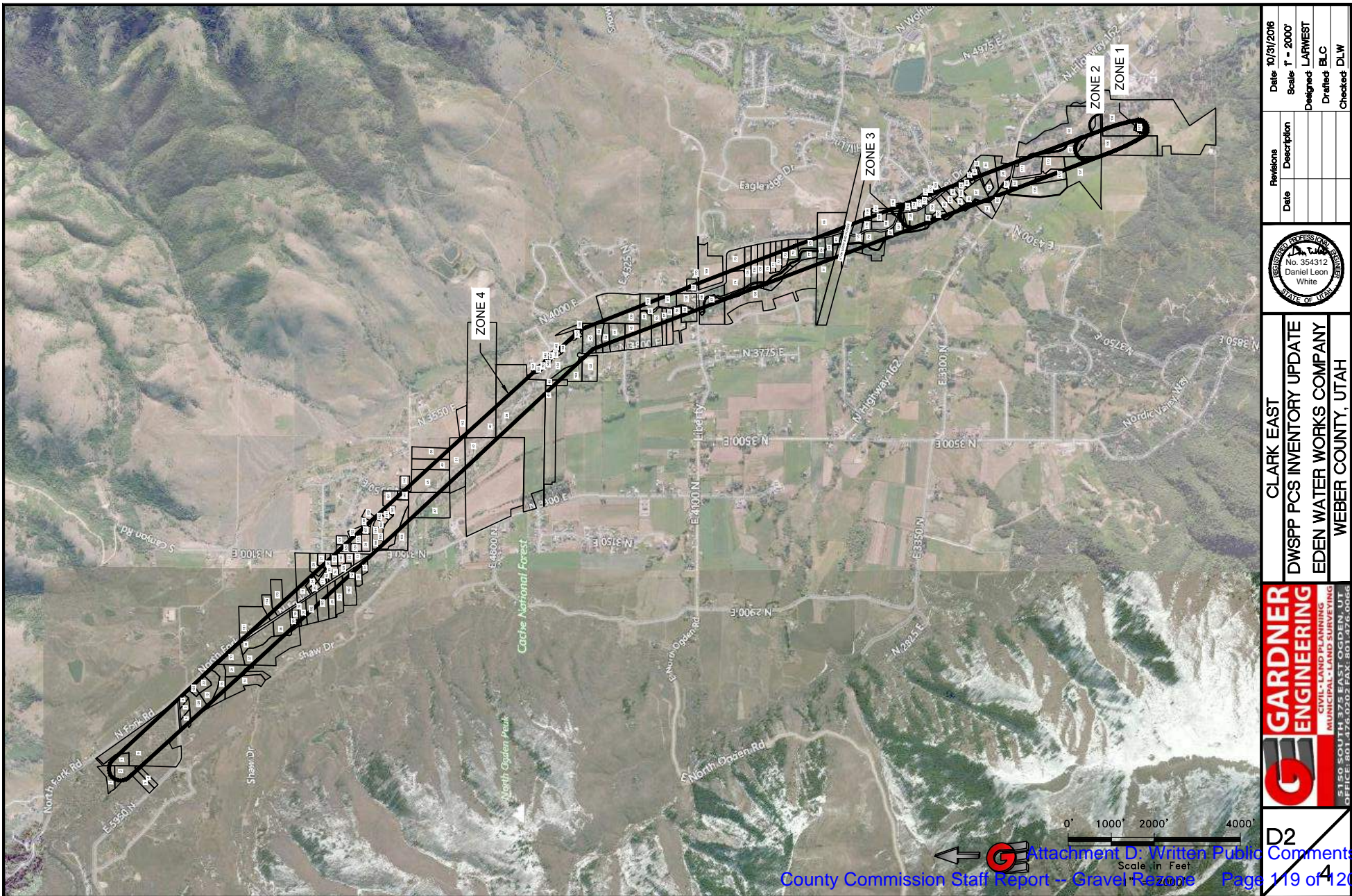
First let me thank you for your clear unbiased presentation, and your recommendation. Next, could you please relay to the Weeber County commission our pleas NOT to allow rezoning. Apart from all the issues brought up at that meeting, ranging from Health to water to enforcement to aesthetics, I would also like to mention that the project does not seem to have any benefits for the county, since no jobs were mentioned, no revenue, no proposed taxes, No money for regulation, and no benefits for Eden. The profits would seem to go back to Minnesota, rather than to our small town. I frankly do not understand why their proposal was entertained in the first place, and I urge you to let the commissioner know how opposed Eden Township is to this horrific proposal. Thank you so much I am relying upon you because I will be unable to attend the second meeting.

Sincerely,

Marguerite Ulmer

5802 Big Horn Parkway

Eden 84310



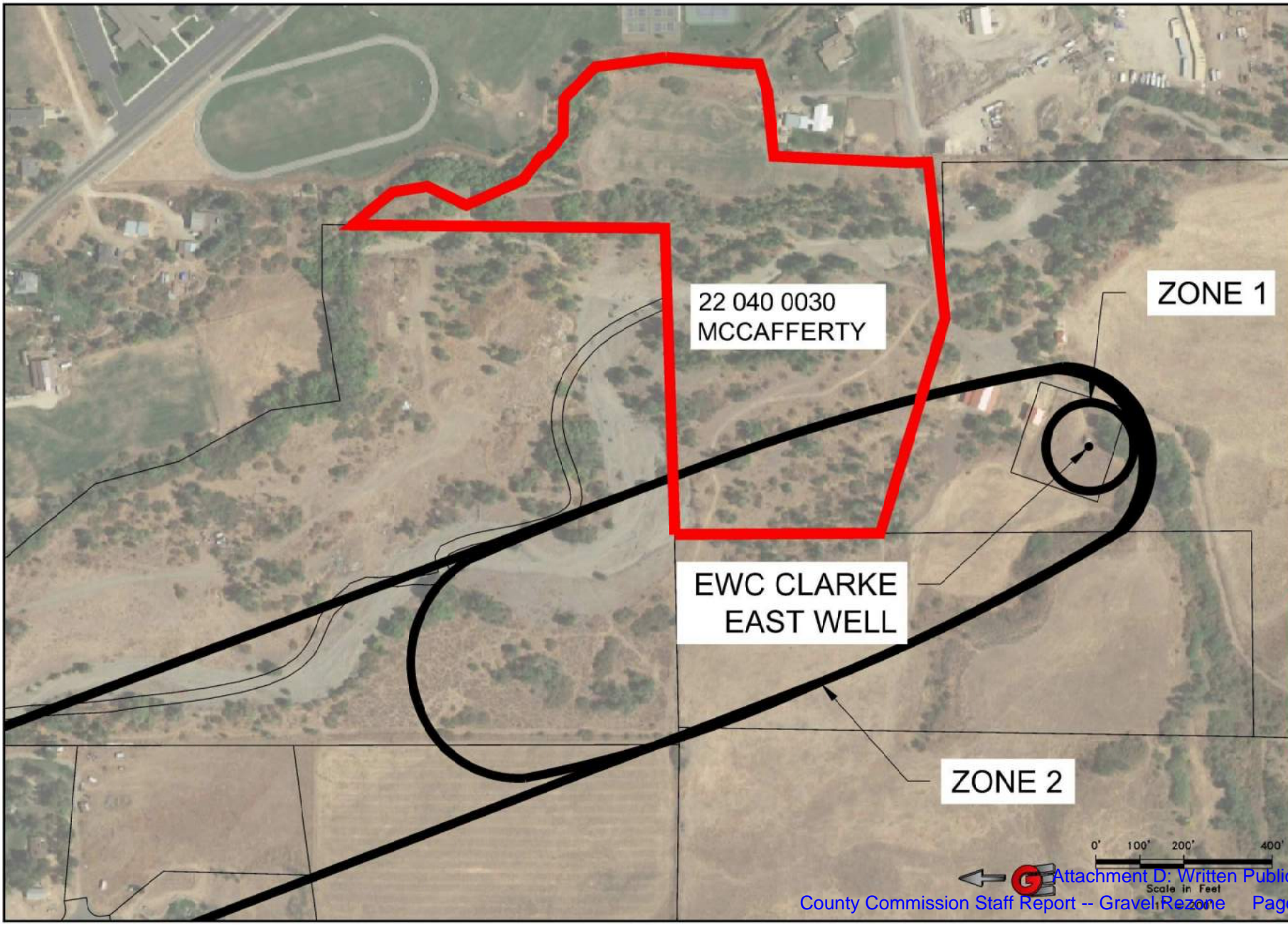
Revisions	Date	Description



CLARK EAST
 DWSP FCS INVENTORY UPDATE
 EDEN WATER WORKS COMPANY
 WEBER COUNTY, UTAH



R:\Eden Water\Source Protection\2016 - DWSP Update\Collaboration Zones.dwg, 6/19/2019 3:11:40 PM



CLARK EAST DETAIL DWSP PCS INVENTORY UPDATE EDEN WATER WORKS COMPANY WEBER COUNTY, UTAH		Date: 10/31/2016 Scale: 1" = 200' Designed: LARWEST Drafted: BLC Checked: DLW						
GARDNER ENGINEERING CIVIL AND PLANNING MUNICIPAL LAND SURVEYING 5150 SOUTH 375 EAST OGDEN, UT OFFICE: 801-476-0202 FAX: 801-476-0066	Revisions <table border="1"> <thead> <tr> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Date	Description				
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