



Staff Report to the Ogden Valley Planning 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, June 25, 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

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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 Planning Commission in their June 4, 2019 work session, and generally discussed.

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 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:

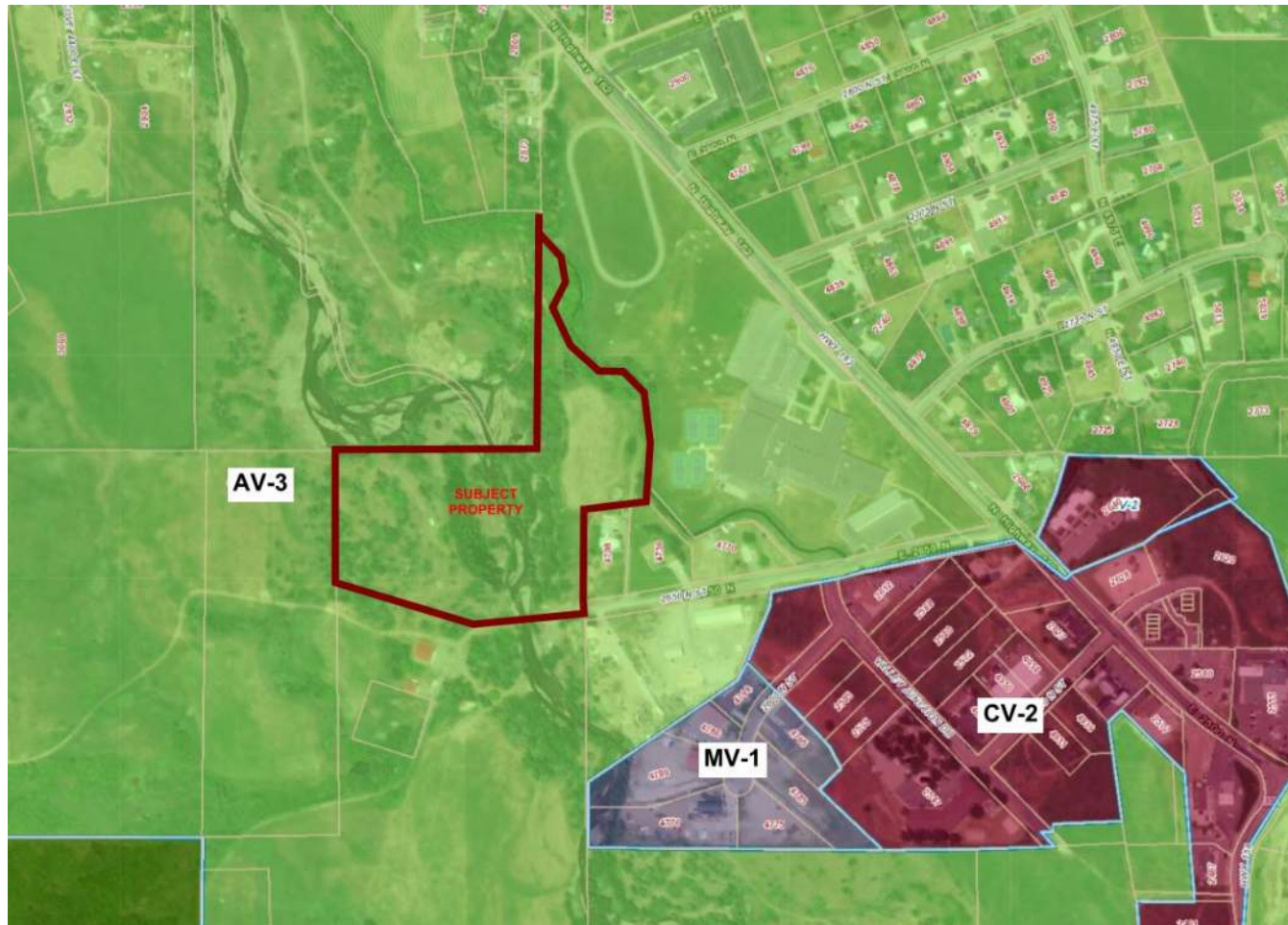
“The purpose of the MV-1, Ogden Valley Light Manufacturing Zone is to provide suitable areas that will accommodate the need for light intensity type manufacturing and its associated accessory uses, some of which may have an environmental impact requiring public review and regulation.”⁶

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.

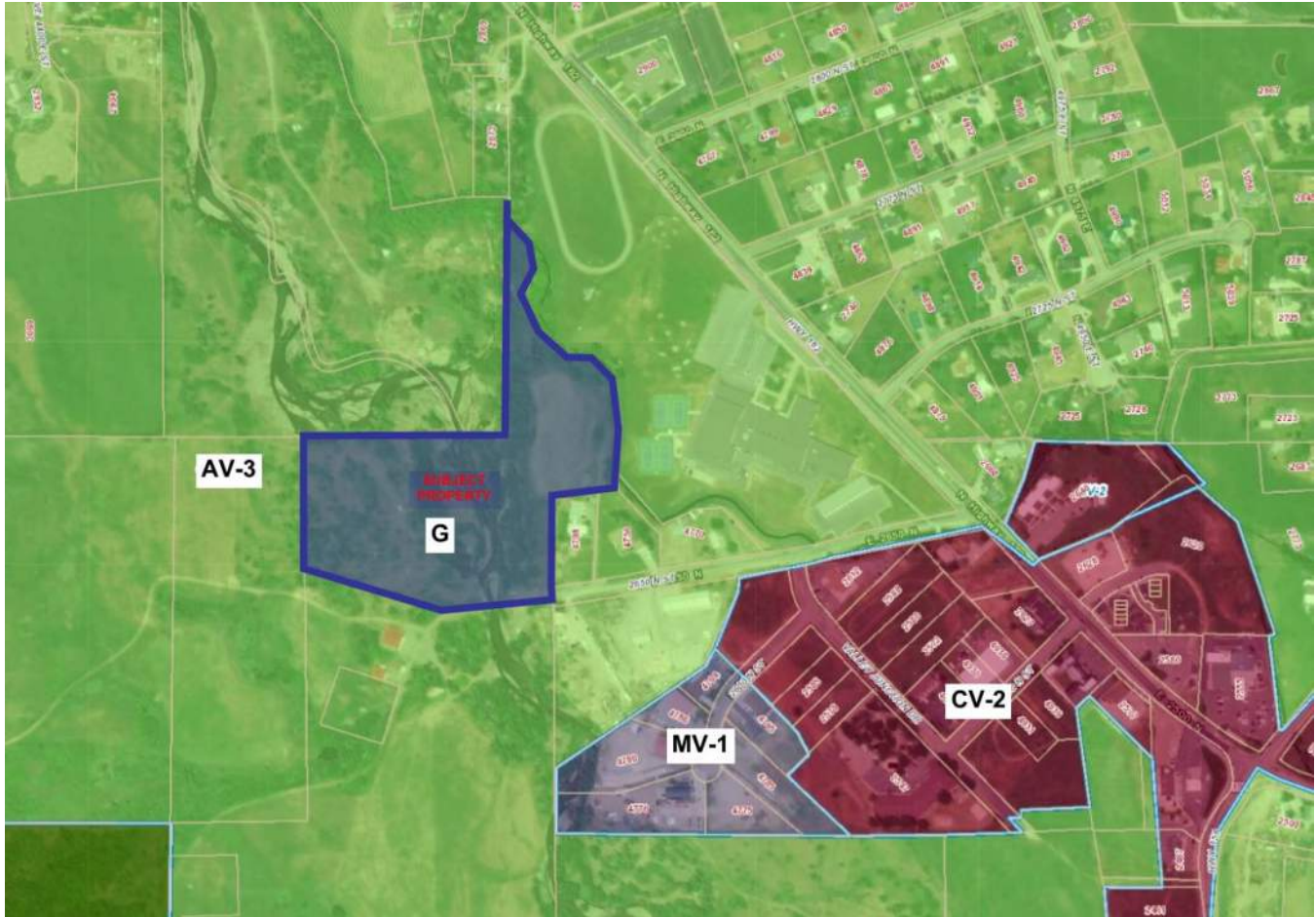
§ 102-5-2: Specifies that rezoning should comply with the general plan. Most community general plans contain a "future land use map" that maps out where uses should be located in the future. This type of map is intended to offer predictable decision-making by showing landowners, residents, and decision-makers 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

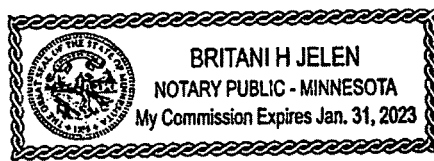
Property Owner Affidavit

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, 20 19, 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

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.



Page 2
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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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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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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Dated this 4th day of September, 2018.



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

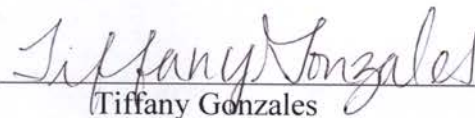
Enclosure

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 D: EXISTING ZONE MAP

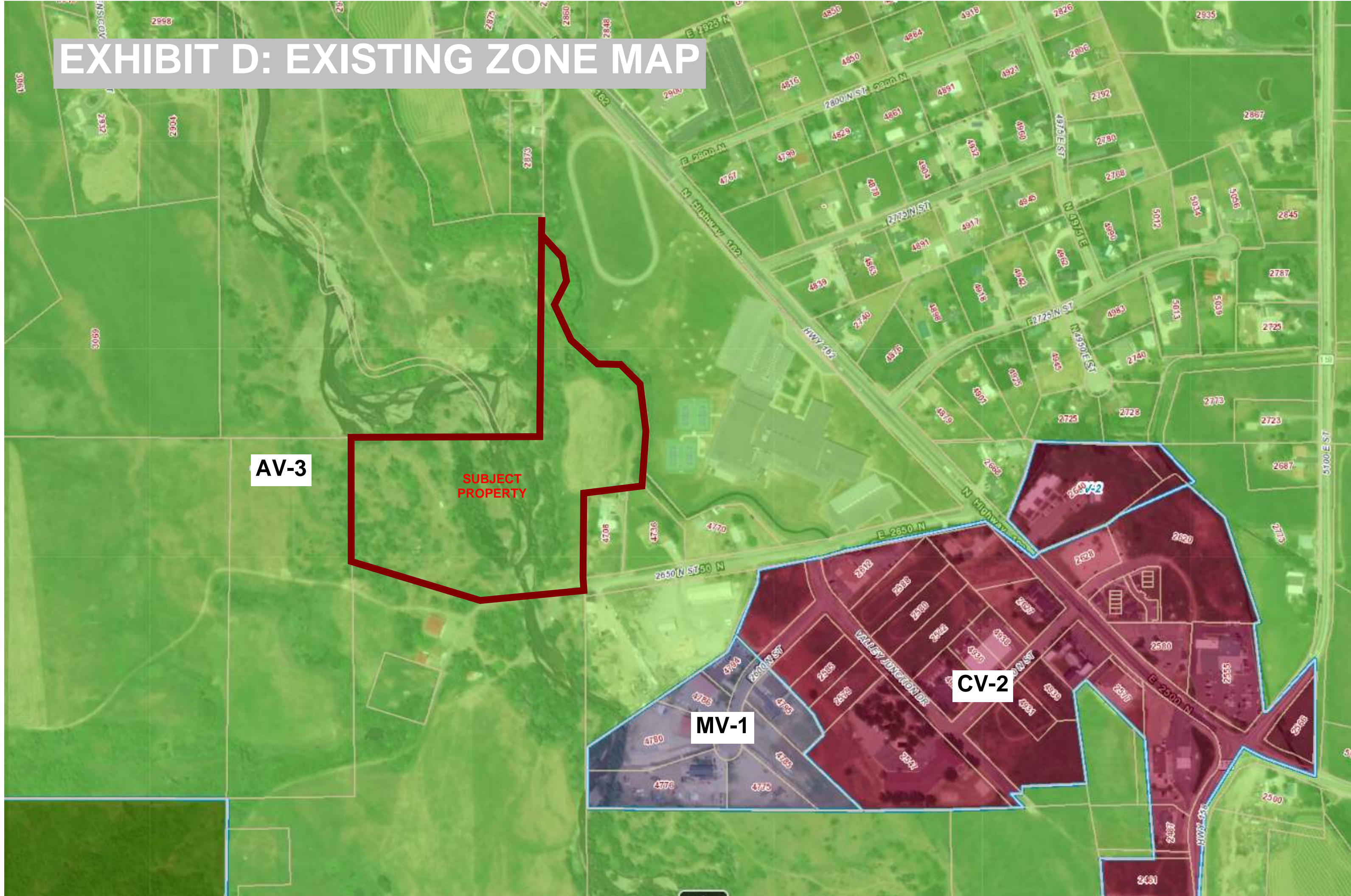


EXHIBIT E: PROPOSED ZONE MAP AMENDMENT

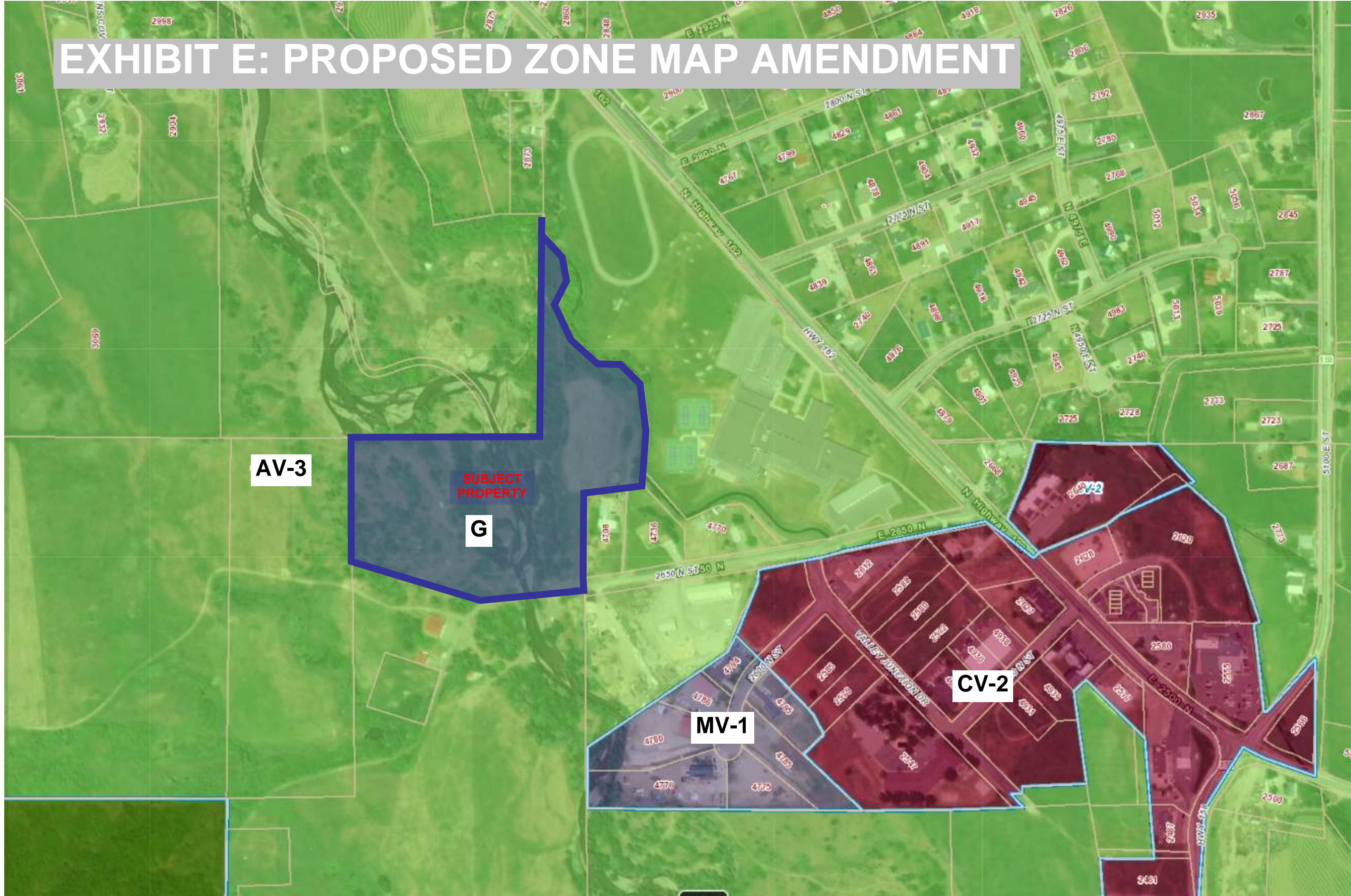
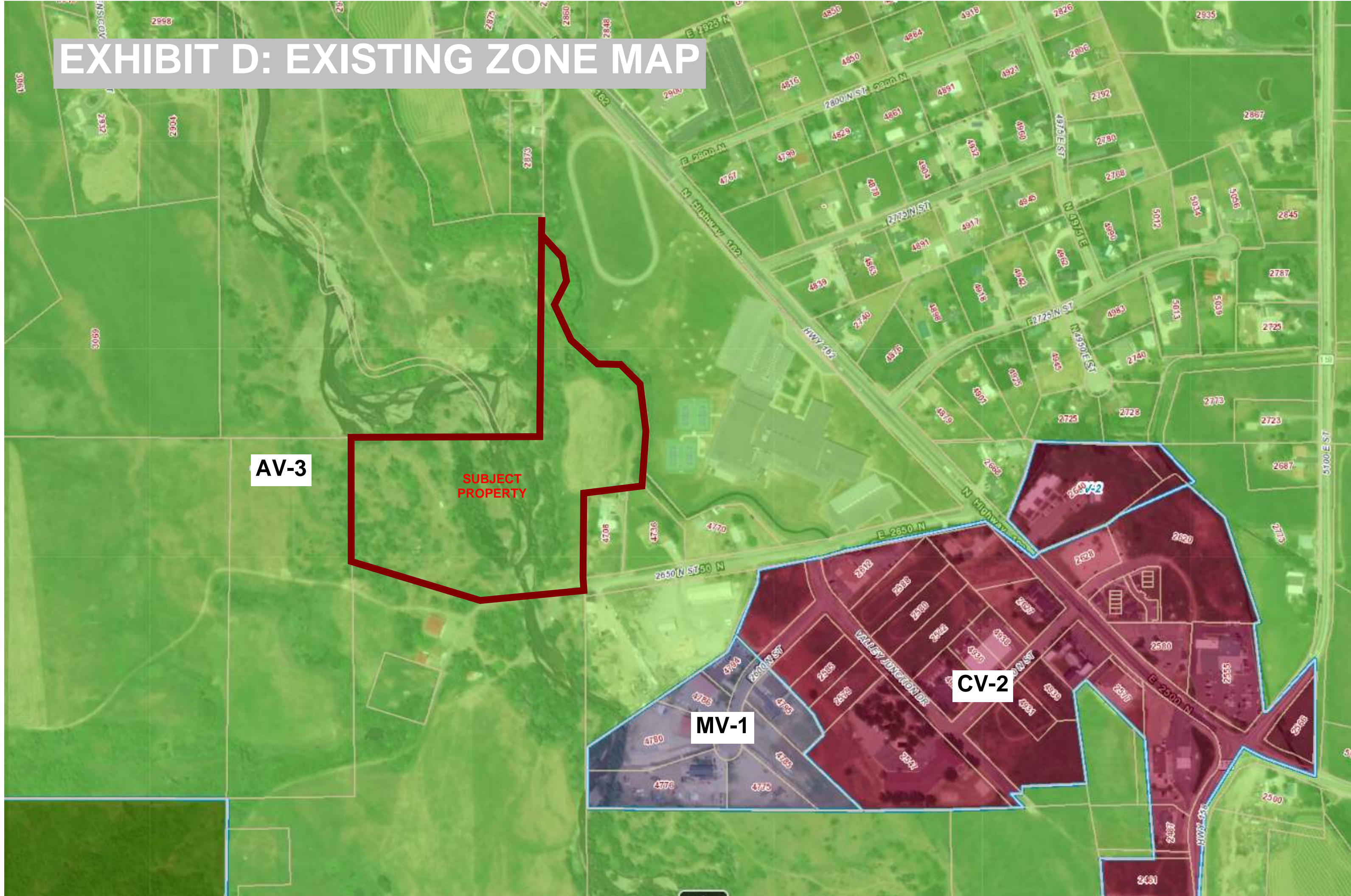


EXHIBIT D: EXISTING ZONE MAP



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 foot if located at least ten feet in rear of main building.
 3. Accessory buildings over 1,000 square feet: see section 108-7-16).

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

700 ft

EXHIBIT H: CONCEPT DEVELOPMENT PLAN

LAS AMERICAS RESOURCES LLC
EDEN PROPERTY
SITE LAYOUT

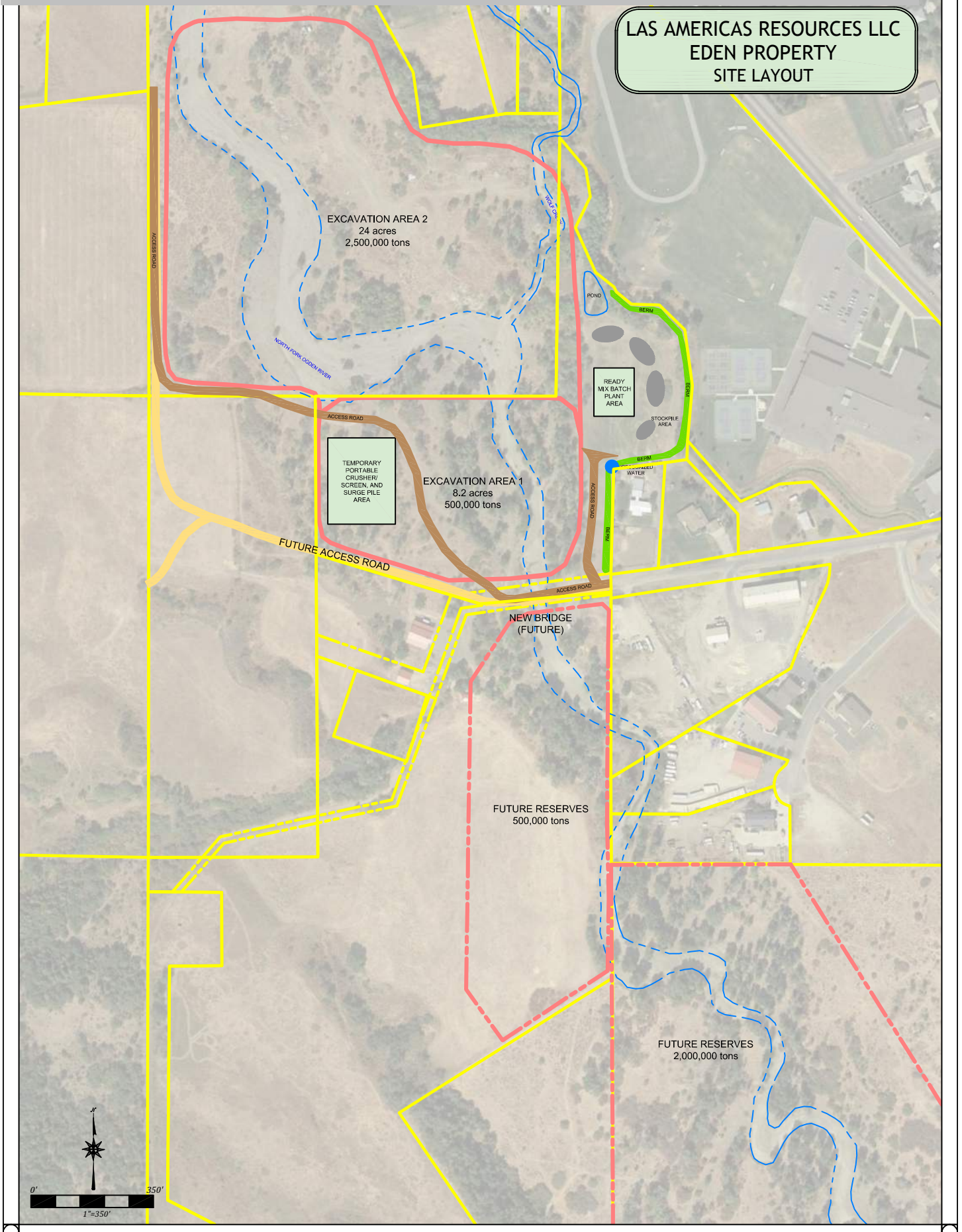
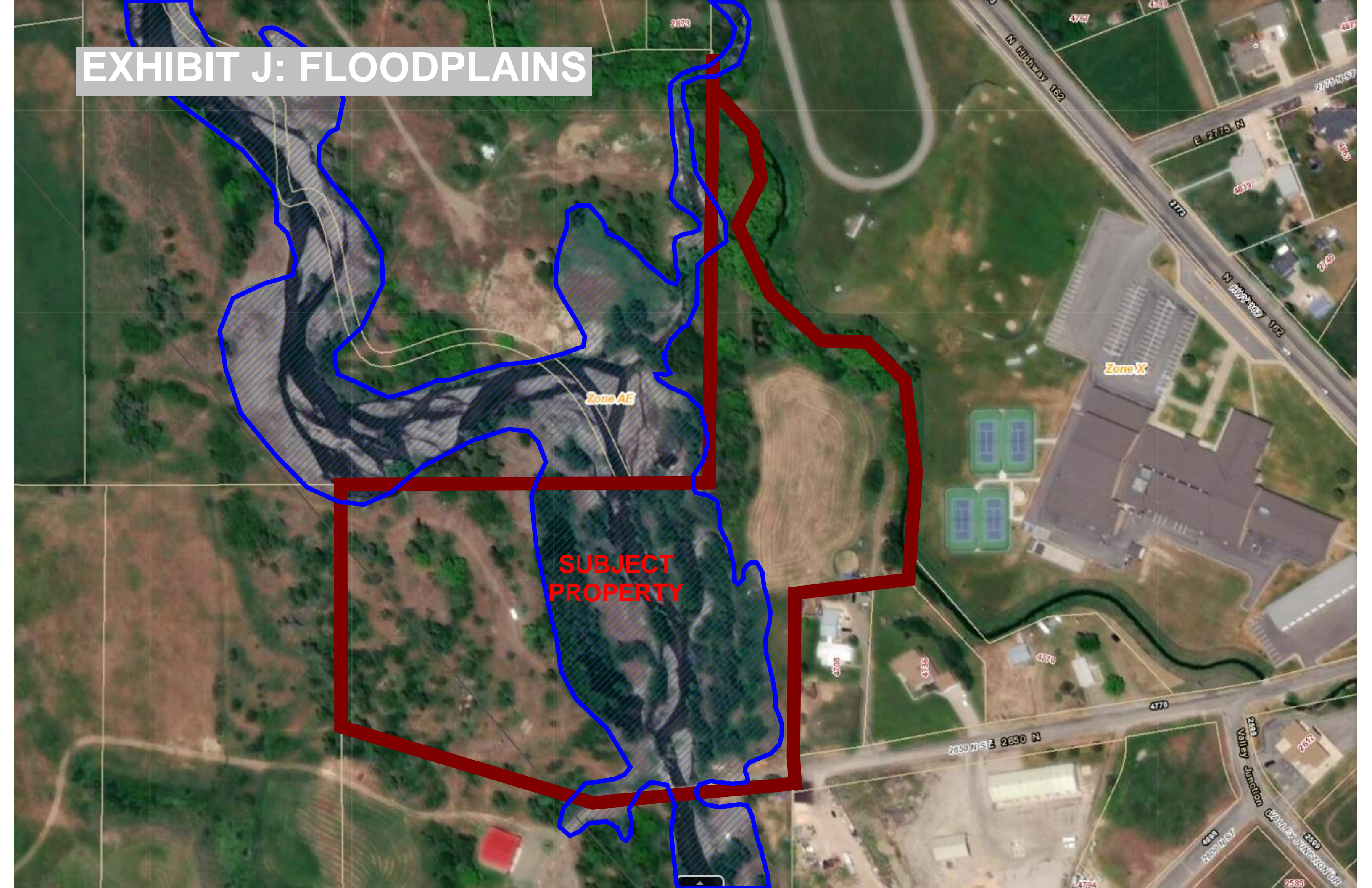


EXHIBIT J: FLOODPLAINS

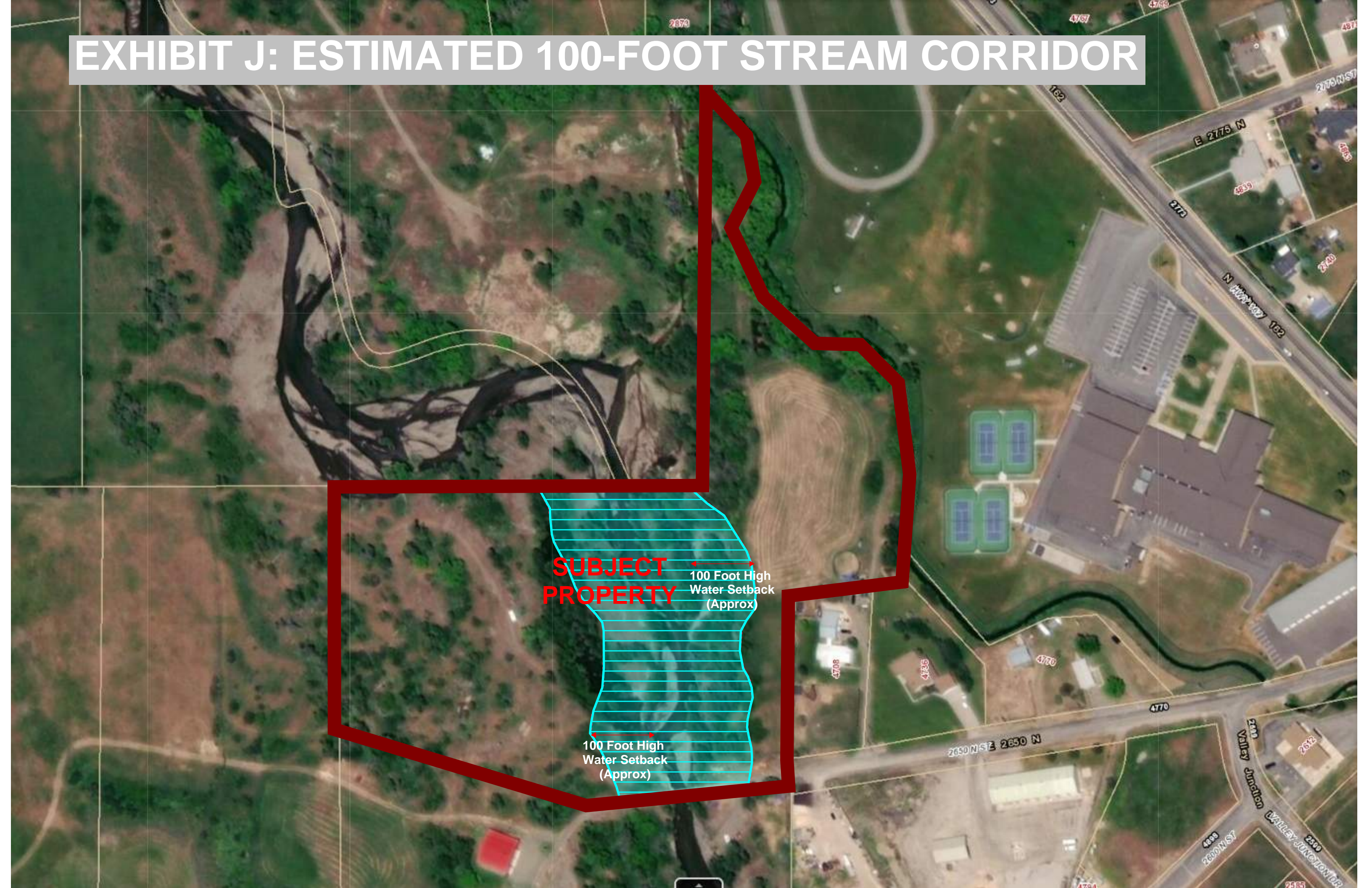


Zone AE

Zone X

SUBJECT
PROPERTY

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	<i>dBA</i>
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

Note: dBA = Decibels, A weighted