



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Public hearing to discuss, take comment, and potentially take action on an applicant-initiated proposal to amend the M-3 zone to add shooting range and weapons training course as an allowed use.

**Agenda Date:** Tuesday, May 11, 2021

**Applicant:** Justin Barrow

**Report Author:** Charlie Ewert (801) 399-8763 [cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)

### Applicable Ordinances

§ 104-25 Manufacturing Zone M-3

### Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

### Summary and Background

This is an applicant driven request to amend the M-3 zone to allow a shooting range. The M-3 zones is the heaviest intensity manufacturing zone in the Weber County land use code. It allows uses as intense as the manufacturing of missiles, aircraft engines, and spacecrafts. It does not appear that there are currently any zones in the Weber County land use code that allow a private shooting range. Given other allowed uses in the zone, the M-3 zone appears most appropriate for the use. Concerns about most of the effects, such as sounds, odors, and vibrations, are concerns that could occur with most uses in the zone.

The biggest concern is the safety of those who use it, as well as those unknowing members of the public who might happen to be in proximity of it. The best protection for those outside the shooting facility is the construction of an errant-bullet containment system. This system can be created a number of ways such as by providing large berms, overhead baffles, ricochet-resistant material, fixed shooting positions, etc. Two other concern is that the lead and other heavy-metal materials from a high concentration of spent bullets could have lasting environmental effects, and that improper upkeep of dry vegetation at an outdoor facility can create a wildfire hazard.

Given the number of detrimental effects possible if not operated to a specific standard, staff is recommending that if the use is allowed, that it be allowed by conditional use permit. Requiring a conditional use permit will enable the planning commission to apply the additional safety and environmental standards that are listed in the conditional uses chapter.<sup>1</sup>

The attached proposed ordinance creates the allowance of a shooting and training facility as a conditional use permit, and applies specific construction standards to protect the public from errant bullets. Staff is recommending approval.

<sup>1</sup> See Section 108-4 of the Weber County Land Use Code.

The planning commission should be aware that this ordinance change will be applicable for all land in the M-3 zone, and not just the applicant's parcel. Therefore, consideration of the unique site characteristics of the applicant's parcel will be considered during permit review, rather than at this time. The ordinance change should be broad enough to apply to all property in the M-3 zone.

## Policy Analysis

Considering whether to change a zone to allow a new use comes with a few considerations. To formulate a recommendation to the county commission, the planning commission should consider whether the request is keeping with the purpose and intent of the zone. The planning commission should also consider whether the request is in conflict with the applicable general plan.

The purpose and intent of the M-3 zone is as follows:

"This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aircraft or space craft parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included."<sup>2</sup>

The West Central Weber County General Plan does not mention anything about this specific proposed use, but it does suggest that the heavier intensity land uses should be located in the far western side of the county where the M-3 zone is.<sup>3</sup>

With appropriate mitigation, the use may be able to fit in other zones as well, but for the time being staff is only recommending its allowance in the M-3 zone. Proper mitigation of errant bullets include the creation of a good ballistic backstop system. Figures 1-3 are images of outdoor shooting facilities that have effective ballistic backstop systems. Each have an earthen-berm on the sides and at the far end of the range. Figures 1 and 3 have ballistic baffles above the range. In Figure 2, a shed-roof of thick timbers is above and projecting forward and downrange of the shooting position.

Between the earthen berms and the baffles, a shooter in a fixed shooting station can only see what is down range. This means that so long as the berms and baffles are of a material/thickness to contain the caliber of bullets used, and are not made of ricochet-creating materials, the bullets will remain in the range. This is likely to be a necessary feature for all shooting ranges.

The application of the standards found in the conditional use chapter of the land use code can result in unique conditions being placed on a conditional use permit for the proposed use. Vegetation control, ground cover landscaping, sprinklers, impermeable flooring, proper range drainage, increased site setbacks, and environmental measures such as onsite systems for heavy-metals collection, reclamation plans, and reclamation bonding, among others, are types of conditions that might be useful when considering the unique site and operational characteristics of each proposed range or training facility.

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<sup>2</sup> See Section 104-25-1 of the Weber County Land Use Code.

<sup>3</sup> See pg. 2-6 of the West Central Weber County General Plan.

Figure 1



Figure 2





Figure 3



### Noticing Compliance

A public hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

### Staff Recommendation

Based on the analysis provided herein and the ordinance attached as Exhibit A, staff recommends that a "shooting range or training course" be added as a conditional use in the M-3 zone. Should the planning commission concur, a positive recommendation could be forwarded to the County Commission for file ZTA 2021-03, based on the following findings:

1. The proposed use will enhance economic opportunities in the M-3 zone with a use that is most appropriate to be located in the zone.
2. The proposed use is not detrimental to the effect of the general plan.
3. The use could provide for a local training facility for law enforcement.
4. The proposed text will help keep the use from becoming burdensome to the health, safety, and welfare of the general public.

### Exhibits

- A. Proposed Ordinance Amendment.
- B. Current M-3 Zone.

**SECTION 1:            AMENDMENT** “Sec 104-25-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-25-3 Conditional Uses

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

- (a) Any conditional use in an M-2 Zone.
- (b) Aircraft engine testing, including jet, missile and chemical engines.
- (c) Blast furnace.
- (d) Feed, cereal or flour mill.
- (e) Forage plant or foundry.
- (f) Manufacture, processing, refining, treatment, distillation, storage or compounding of the following: Acid, ammonia, bleaching powder and chlorine; fireworks or explosives, asphalt, chemicals of an objectionable or dangerous nature, creosote, disinfectants or insecticides; bones, coal or wood, fertilizer, gas, glue, size or gelatin, ore, potash, proxylin, rubber of guttapercha, plastic, tallow, grease or lard, tar, roofing or waterproofing materials, furs, wool, hides.
- (g) Ore beneficiation, smelting, or refining of materials, steel or iron mills, mines, quarries; gravel pits.
- (h) Petroleum refining.
- (i) Manufacturing, fabrication, assembly, canning, processing, treatment, or storage of the following:
  - (1) Acetylene gas, aircraft, airplanes and parts, automobiles and parts; alcohol.
  - (2) Brick, brass.
  - (3) Candles, cans, celluloid, cement, copper.
  - (4) Dyestuff.
  - (5) Emery cloth, excelsior.
  - (6) Feathers, felt, fiber, fish, film.
  - (7) Glass, glucose, gypsum.
  - (8) Hair, hardware.
  - (9) Ink, iron.
  - (10) Lamp black, linoleum, line.
  - (11) Meats, machinery, mail, matches.
  - (12) Oil, oilcloth, oiled rubber goods, oxygen.
  - (13) Paper, paint, pulp, pickles, pottery, plaster of Paris.
  - (14) Shoe polish, stove polish, shoddy, soap and detergents, soda, starch, sauerkraut, salt, steel, shellac.
  - (15) Turpentine, tile, terra cotta.
  - (16) Vinegar, varnish.

(17) Yeast.

- (j) Metals and metal products extraction, treatment and processing including the extraction, processing and manufacturing of magnesium chloride, magnesium, potassium, sodium, lithium, boron, bromine and their salts or chemical derivatives.
- (k) Missiles and missile parts.
- (l) Public utility substations.
- (m) Private recreation areas.
- (n) Railroad yards, shop or roundhouse; rock crusher.
- (o) Shooting range or training course, indoor or outdoor. The facility shall provide designated shooting positions for which ballistic backstops are designed. No shooting is allowed except in these designated shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
- (p) Site leveling and preparation for future development.
- (q) Space craft and space craft parts.
- (r) Storage of petroleum.

(Ord. of 1956, § 22A-3; Ord. No. 3-62; Ord. No. 2-70; Ord. No. 28-94; Ord. No. 17-90; Ord. No. 3-91; Ord. No. 96-42; Ord. No. 2010-07; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2019-2, Exh. A, 2-5-2019)

## **Chapter 104-25 Manufacturing Zone M-3**

### **Sec 104-25-1 Purpose And Intent**

### **Sec 104-25-2 Permitted Uses**

### **Sec 104-25-3 Conditional Uses**

### **Sec 104-25-4 Site Development Standards**

### **Sec 104-25-5 Reserved**

### **Sec 104-25-6 Reserved**

### **Sec 104-25-7 Sign Regulations**

### **Sec 104-25-1 Purpose And Intent**

This district is to be primarily for industrial uses related to the manufacture, testing, and production of jet and missile engines, aircraft or space craft parts or similar heavy industry, and for the extraction and processing of raw materials. Industrial operations or uses, which are compatible with the general purpose of this zone, are included.

(Ord. of 1956, § 22A-1; Ord. No. 3-62; Ord. No. 17-90; Ord. No. 2010-07)

### **Sec 104-25-2 Permitted Uses**

The following uses are permitted in the M-3 Zone:

- (a) Any permitted use in an M-2 Zone.
- (b) Laboratories.
- (c) Machine shop.
- (d) Office, business, professional and governmental.
- (e) Public buildings and utilities.
- (f) Warehouse.
- (g) Welding shop.

(Ord. of 1956, § 22A-2; Ord. No. 3-62; Ord. No. 17-90; Ord. No. 2010-07; Ord. No. 2015-7, Exh. A, 5-5-2015)

#### HISTORY

Amended by Ord. [2020-3](#) on 2/4/2020

### **Sec 104-25-3 Conditional Uses**

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

- (a) Any conditional use in an M-2 Zone.
- (b) Aircraft engine testing, including jet, missile and chemical engines.
- (c) Blast furnace.
- (d) Feed, cereal or flour mill.
- (e) Forage plant or foundry.
- (f) Manufacture, processing, refining, treatment, distillation, storage or compounding of the

following: Acid, ammonia, bleaching powder and chlorine, fireworks or explosives, asphalt, chemicals of an objectionable or dangerous nature, creosote, disinfectants or insecticides; bones, coal or wood, fertilizer, gas, glue, size or gelatin, ore, potash, proxylin, rubber of guttapercha, plastic, tallow, grease or lard, tar, roofing or waterproofing materials, furs, wool, hides.

- (g) Ore beneficiation, smelting, or refining of materials, steel or iron mills, mines, quarries; gravel pits.
- (h) Petroleum refining.
- (i) Manufacturing, fabrication, assembly, canning, processing, treatment, or storage of the following:
  - (1) Acetylene gas, aircraft, airplanes and parts, automobiles and parts; alcohol.
  - (2) Brick, brass.
  - (3) Candles, cans, celluloid, cement, copper.
  - (4) Dyestuff.
  - (5) Emery cloth, excelsior.
  - (6) Feathers, felt, fiber, fish, film.
  - (7) Glass, glucose, gypsum.
  - (8) Hair, hardware.
  - (9) Ink, iron.
  - (10) Lamp black, linoleum, line.
  - (11) Meats, machinery, mail, matches.
  - (12) Oil, oilcloth, oiled rubber goods, oxygen.
  - (13) Paper, paint, pulp, pickles, pottery, plaster of Paris.
  - (14) Shoe polish, stove polish, shoddy, soap and detergents, soda, starch, sauerkraut, salt, steel, shellac.
  - (15) Turpentine, tile, terra cotta.
  - (16) Vinegar, varnish.
  - (17) Yeast.
- (j) Metals and metal products extraction, treatment and processing including the extraction, processing and manufacturing of magnesium chloride, magnesium, potassium, sodium, lithium, boron, bromine and their salts or chemical derivatives.
- (k) Missiles and missile parts.
- (l) Public utility substations.
- (m) Private recreation areas.
- (n) Railroad yards, shop or roundhouse; rock crusher.
- (o) Site leveling and preparation for future development.
- (p) Space craft and space craft parts.
- (q) Storage of petroleum.



(Ord. of 1956, § 22A-3; Ord. No. 3-62; Ord. No. 2-70; Ord. No. 28-94, Ord. No. 17-90; Ord. No. 3-91; Ord. No. 96-42; Ord. No. 2010-07; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2019-2, Exh. A, 2-5-2019)

**Sec 104-25-4 Site Development Standards**

The following site development standards apply to the M-3 zone:

(a) Lot area:

**DEFAULT STANDARD**

Minimum lot area:

20,000 square feet

(b) Lot width:

**DEFAULT STANDARD**

Minimum lot width:

100 feet

(c) Yard Setbacks:

(1) Front yard setbacks:

**DEFAULT STANDARD**

Minimum front yard setback

50 feet

(2) Side yard setback:

**DEFAULT STANDARD**

Minimum side yard setback

None

(3) Rear yard setback:

**DEFAULT STANDARD**

Minimum rear yard setback

None

(d) Building height:

**DEFAULT STANDARD**

Minimum building height

1 story

Maximum building height

None

(e) Lot coverage:

**DEFAULT STANDARD**

Maximum lot coverage by buildings

80 percent

*Editors note: the formatting of this section is different than that found in the adopting ordinance. Inconsistencies or errors resulting from reformatting are to be resolved using the formatting of the adopting ordinance.*

HISTORY

Amended by Ord. [2020-3](#) on 2/4/2020

**Sec 104-25-5 Reserved**

HISTORY

Amended by Ord. [2020-3](#) on 2/4/2020

**Sec 104-25-6 Reserved**

HISTORY

Amended by Ord. [2020-3](#) on 2/4/2020

**Sec 104-25-7 Sign Regulations**

The height, size and location of permitted signs shall be in accordance with the regulations set forth in Title 110, Chapter 1, Western Weber Signs.

(Ord. of 1956, § 22A-7; Ord. No. 3-62; Ord. No. 17-90; Ord. No. 2009-14; Ord. No. 2010-07; Ord. No. 2015-3, 2-17-2015)

HISTORY

Amended by Ord. [2020-3](#) on 2/4/2020