

WEBER COUNTY
ORDINANCE 2022- 06

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

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

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

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

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

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

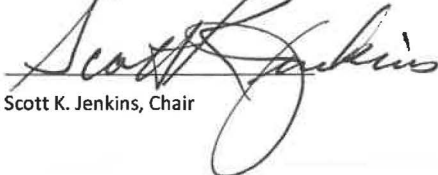
NOW THEREFORE, be it ordained by the Board of Commissioners of Weber County, in the State of Utah, as follows:

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

PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS
ON THIS 1 DAY OF FEB, 2022.

Gage Froerer:	AYE <u>X</u>	NAY <u> </u>	ABSENT <u> </u>	ABSTAIN <u> </u>
Jim "H" Harvey:	AYE <u>X</u>	NAY <u> </u>	ABSENT <u> </u>	ABSTAIN <u> </u>
Scott K. Jenkins:	AYE <u>X</u>	NAY <u> </u>	ABSENT <u> </u>	ABSTAIN <u> </u>

Presiding Officer


Scott K. Jenkins, Chair

Attest


Ricky D. Hatch, Clerk

1 **Sec 101-2-2 An-Definitions**

2 Animal feeding operation. The term "animal feeding operation" means a lot or facility where the following

3 conditions are met:

4 (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days

5 or more in any 12-month period; and

6 (b) the area of confinement devoted to the feeding of the animals does not sustain grazing vegetation

7 during the normal growing season for the purpose of feeding the confined animals.

8 Animal feeding operation, large concentrated. The term "large concentrated animal feeding operation"

9 means the same as provided in the Large Concentrated Animal Feeding Operations Act of State Code.

10 Animal grazing. The term "animal grazing" means the pasturing or ranging of animals for the purpose of

11 grazing at an animal density that does not exceed the land's ability to perpetually sustain vegetation for

12 grazing during the normal growing season.

13 Animal/veterinary hospital. The term "animal/veterinary hospital" means any building or structure used

14 for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The

15 term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.

16 Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices

17 used for the transmission or reception of electromagnetic waves external to or attached to the exterior of

18 any building and including the supporting structure; includes, but is not limited to amateur radio antennas,

19 television antennas, an

20 ...

21 **Sec 104-1-2 Boundaries Of Zones**

22 (a) The boundaries of each of the said zones are hereby established as described herein or as shown

23 on the maps entitled "Zoning Map of Weber County", which map or maps are attached and all

24 boundaries, notations and other data shown thereon are made by this reference as much a part of

25 this title as if fully described and detailed herein.

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

27 (1) Wherever the zone boundary is indicated as being approximately upon the centerline of

28 a street, alley or block, or along a property line, then, unless otherwise definitely

29 indicated on the map, the centerline of such street, alley or block or such property line

30 shall be construed to be the boundary of such zone.

31 (2) Whenever such boundary line of such zone is indicated as being approximately at the

32 line of any river, irrigation canal or other waterway or railroad right-of-way, or public

33 park or other public land or any section line, then in such case the center of such stream,

34 canal or waterway, or of such railroad right-of-way or the boundary line of such public

35 land or such section line shall be deemed to be the boundary of such zone.

36 (3) Where such zone boundary lines cannot be determined by the above rules, their location

37 may be found by the use of the scale appearing upon the map.

38 (4) Where the application of the above rules does not clarify the zone boundary location, the

39 board of adjustment shall interpret the map.

40 **Editors Note:** Ord. No. 2021-XX consolidated the text that was in Section 104-1-3 Rules or Ordinance And

41 Maps into this Section 104-1-2 Boundaries Of Zones, and changed Section 104-1-3 to Rules of

42 Interpretation.

43 (Ord. of 1956, § 2-2 and § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

44 ...

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

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

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

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

- 62 (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an
- 63 allowed use in that zone.
- 64 (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional
- 65 uses shall not be construed in any manner as an allowed use in the zone.
- 66 (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or
- 67 conditional uses that is not specifically listed in another zone's Land Use Table or list of permitted
- 68 or conditional uses is not permitted in the other zone.

69 **Editors Note:** Ord. No. 2021-XX consolidated the text that was in this section, which was named Section
70 104-1-3 Rules or Ordinance And Maps, into Section 104-1-2 Boundaries Of Zones, and changed this
71 Section 104-1-3 to Rules of Interpretation.

72 (Ord. of 1956, § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

73 ...

74 **Sec 104-2-3 Land Use Table**

75 ...

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

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

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

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

78 ...

79 **Sec 104-2-4 Special Regulations**

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

82 (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals,
83 except when in compliance with the following:

84 (1) It may only be carried on during times that are reasonable and necessary due to lack of
85 natural growing feed as a result of seasonal changes or extreme and temporary
86 meteorological events.

87 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,
88 and 40 head per acre of used land in the A-2 and A-3 zones;

89 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an
90 adjoining parcel of land; and

91 (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is
92 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not
93 produced on the premises. The following additional standards apply for hog feeding:

94 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

95 (2) Drainage structures and disposal of animal waste shall be provided and properly
96 maintained as required by the local health department.

97 (c) Animal feeding operation, large concentrated. A large concentrated animal feeding operation
98 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with
99 another zone in which this use is allowed. Additionally, the area of confinement devoted to the

Commented [P51]: Reduced from 300 feet down to 75 feet to match the animal setback requirements in LUC Sec. 108-7-8 per the request by the DVPC.

Commented [E2]: Replaces "livestock feed or salesyard"

100 feeding of the animals in any new large concentrated animal feeding operation shall be set back
101 at least one quarter-mile from every property boundary.

102 ~~(a)(d)~~ **Corral, stable or building for keeping animals or fowl.** This use shall be located no less
103 than 100 feet from a public street and not less than 25 feet from any side or rear lot line.

104 ~~(b)(c)~~ **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or
105 more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a
106 dwelling onsite, completely enclosed within a building with no outdoor storage, and located on
107 and with access directly from a collector or arterial street.

108 ~~(e)(f)~~ **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of
109 more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be
110 located not less than 100 feet from a public street and not less than 50 feet from any side or rear
111 property line.

112 ~~(d)(g)~~ **Family food production.**

113 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or
114 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten
115 pheasants, five turkeys, five ducks, five geese, or five pigeons.

116 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that
117 is less than 40,000 square feet.

118 (3) No more than six combined Group A animals and sets of Group B animals or fowl may
119 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel
120 greater than two acres, except that an additional six combined Group A and and sets of
121 Group B animals or fowl may be kept per each additional acre greater than two.

122 4. ~~Hog farm.~~

123 5. ~~Hog farm, small.~~ This use is limited to not more than ten hogs, more than 16 weeks old. It
124 is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not
125 produced on the premises.

126 6. ~~Hog farm, large.~~ It is prohibited to feed hogs any market refuse, house refuse, garbage, or
127 offal that was not produced on the premises. All pens and housing for hogs shall be concrete
128 and maintained in a sanitary manner. Drainage structures and disposal of animal waste
129 shall be provided and properly maintained as required by the local health department.

130 4. ~~Raising and grazing of horses, cattle, sheep or goats.~~ This use shall not include the supplementary
131 or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or
132 slaughterhouse except when in compliance with the following:

133 0. It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,
134 and 40 head per acre of used land in the A-2 and A-3 zones;

135 0. It may only be carried on during the period of September 15 through April 15;

136 0. It shall not closer than 300 feet to any dwelling, public or semi-public building on an
137 adjoining parcel of land; and

138 ~~(1)(4)~~ It shall not include the erection of any permanent fences, corrals, chutes, structures
139 or other buildings normally associated with a feeding operation.

140 ~~(e)(h)~~ **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the
141 construction vehicle shall be restricted to the owner or operator of an actively operating

Commented [E3]: This language has been inserted into "concentrated feeding operation" regs above
Commented [E4]: This use is covered by "animal feeding operation" above

142 agricultural use on the same lot or parcel on which it is parked, or the owner or operator's
 143 employee. This use shall:

- 144 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- 145 (2) Be restricted to vehicles and related equipment that are used for the actively-operating
 146 agricultural use;
- 147 (3) Include no more than one three-axle truck, and no pups.

148 ~~(H)(i)~~ **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000
 149 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are
 150 exempt from these restrictions.

151 ~~(E)(i)~~ **Temporary building or use.** The building or use shall be removed upon completion or
 152 abandonment of the construction work.

153 HISTORY
 154 Adopted by Ord. 2021-6 on 3/23/2021

155 ...

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

157 ...

158 **Sec 104-21-3 Land Use Table**

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

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

Battery manufacture.	N	C	C	C	
Blacksmith shop.	N	C	P	P	

159 ...

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

Commented [E5]: Being replaces with animal grazing, animal feeding operation, and/or large concentrated animal feeding operation.

160 ...

161 **Sec 104-21-4 Special Regulations**

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

164 (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals,
165 except when in compliance with the following:

166 (1) It may only be carried on during times that are reasonable and necessary due to lack of
167 natural growing feed as a result of seasonal changes or extreme and temporary
168 meteorological events.

169 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,
170 and 40 head per acre of used land in the A-2 and A-3 zones;

171 (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an
172 adjoining parcel of land; and

Commented [P56]: Reduced from 300 feet down to 75 feet to match the animal setback requirements in LUC Sec. 108-7-8 per the request by the OVPC.

173 (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is
174 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not
175 produced on the premises. The following additional standards apply for hog feeding:

176 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

177 (2) Drainage structures and disposal of animal waste shall be provided and properly
178 maintained as required by the local health department.

179 (k) Animal feeding operation, large concentrated. A large concentrated animal feeding operation
180 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with
181 another zone in which this use is allowed. Additionally, the area of confinement devoted to the

Commented [E7]: Replaces "livestock feed or salesyard"

182 feeding of the animals in any new large concentrated animal feeding operation shall be set back
183 at least one quarter-mile from every property boundary.

184 ~~(a)(c)~~ ~~Additionally, any new large concentrated animal feeding operation shall be sited on a lot~~
185 ~~or parcel with enough area for the operation to accommodate a setback of not less than a quarter-~~
186 ~~mile to any property boundary.~~ **Automobile recycling (parts dismantling).** This use shall be
187 conducted within a completely enclosed building. In the M-2 zone, the recycling facility shall
188 have no more than 40 automobiles at the site at any one time. Any automobile recycling vehicle
189 storage area must be enclosed by a solid wall or fence of not less than seven feet in height

Commented [PS8]: Added at the request of the CC in work session.

190 ~~(b)(d)~~ **Building material sales yard.** In the M-1 zone, a building material sales yard may include
191 the sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall
192 exclude concrete mixing except as such concrete mixing is necessary in the preparation and
193 manufacture of any of the products specified in this section.

194 ~~(e)(c)~~ **Cement batch plants.** The following standards apply to a cement batch plant:

- 195 (1) The cement silo mixer shall not be larger than 300 barrel in the M-1, M-2, and M-3
196 zones, and 200 barrel in the MV-1 zone.
- 197 (2) There shall be a 15-foot landscape buffer with a six-foot-high earth berm planted with
198 six feet or larger evergreen trees. The trees shall be Canada Hemlock, Scotch Pines,
199 Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The
200 evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be
201 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees
202 per 100 feet. These trees shall be Maples, Linden, Quaking Aspens, Cottonless
203 Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch
204 caliper. This landscaping shall be planted on the crest of the six-foot berm when the
205 property abuts agricultural or residential zones.
- 206 (3) There shall be no more than three cement trucks, and no more than two other semi-trucks
207 and trailers used with this operation stored on site.
- 208 (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand
209 and gravel mix shall be stored in a three-wall bin and covered when not in use.
- 210 (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of
211 the lot shall be dedicated for this use.
- 212 (6) The property shall be at least one acre in size.
- 213 (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be
214 submitted with the permit application.

215 ~~(d)(f)~~ **Dwelling unit for night watchman or guard and family.** The dwelling unit shall be for the
216 exclusive use of a night watchman or guard and his or her immediate family. The site shall provide
217 an additional 3,000 square feet of landscaped area for the residential use.

218 ~~(e)(g)~~ **Retail sales, limited.** This use is limited to the sales of products produced by, developed in
219 conjunction with, or normally required and used in the performance of a commercial or
220 manufacturing operation permitted in this zone, and provided the retail sales is clearly an
221 accessory use to the main permitted use and is conducted within the same building or, if the main
222 use is not a building, then on the same property. No retail sale of products may be made in
223 conjunction with a warehousing or wholesale business.

224 ~~(f)(h)~~ **Shooting range or training course, indoor or outdoor.** The facility shall provide
225 designated shooting positions for which ballistic backstops are designed. No shooting is allowed
226 except in these designated shooting positions. All sides down range of a shooting position shall

227 have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of
228 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of
229 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
230 The range operator shall be onsite at all times shooting is occurring.

231 Reserved.

232 (Ord. of 1956, § 18B-4; Ord. No. 2011-5, § 18B-4, 3-15-2011; Ord. No. 2012-17, § 18B-4, 10-23-2012;
233 Ord. No. 2016-10, Exh. A, 8-23-2016)

234 **HISTORY**

235 *Amended by Ord. 2020-11 on 8/4/2020*

236 *Amended by Ord. 2020-24 on 12/15/2020*

237 *Amended by Ord. 2021-16 on 5/25/2021*

