



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the County's manufacturing zoning ordinance regarding the prohibition of intensive land uses including, but not limited to, garbage dumps, landfills, incinerators, transfer stations, and automobile wrecking or junk yards.
Agenda Date:	Tuesday, May 24, 2022
Applicant:	Weber County Planning Division
File Number:	ZTA 2022-01

Staff Information

Report Presenter:	Scott Perkes sperkes@webercountyutah.gov (801) 399-8772
Report Reviewer:	CE

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones); Chapter 21 (Manufacturing Zones MV-1, M-1, M-2, & M-3)

Summary and Background

This County-driven text amendment (see **Exhibit A**) has been undertaken primarily due to concern regarding the solid waste dump, automobile wrecking or junkyard, incinerator, or waste transfer station land uses currently listed in the land use tables of the manufacturing zoning ordinance. The majority of the previously listed uses are listed as conditionally permitted uses in the M-3 zone. These uses do not appear to fit in with the long-range goals of the "Mega Site" (manufacturing zoned area of far west Weber County) as the County continues to work on long-range planning and marketing efforts of the area.

In brief summary, the proposed text amendments changes these uses from 'conditionally permitted' in the M-3 zone, to 'not permitted' in any zone. As detailed below in the General Plan analysis sections, these uses do not fit in well with the community vision as detailed in the current 2003 general plan or the upcoming 2022 general plan regarding land uses in the manufacturing areas of far western Weber County.

Analysis of the 2003 West Central Weber County General Plan

The 2003 West Central Weber County General Plan address a preferred approach regarding manufacturing uses. As a policy, the general plan indicates that "industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored."

The 2003 general plan also speaks to the need for clean, light industry within existing areas as a means to increase and stabilize the tax base, which in-turn would provide funding for parks and open spaces. The proposed amendments make special provisions to ensure varying manufacturing uses are clean, self-contained, and non-intrusive to adjacent uses and land owners.

Analysis of the draft Western Weber Futures 2022 General Plan Update

Draft language in Chapter 3, Land Use, addresses the "far western part of the Western Weber County Planning Area (west of 8300 West) indicating that the area has long been planned as a large industrial site. At this time, the Weber County Commissioners are pursuing certification of the area as an industrial mega site by the Economic Development Corporation of Utah... Weber County desires this area to build-out as an industrial, manufacturing, innovation, and tech mega site that provides jobs for current and future residents of Weber County, especially the growing population of the Western Weber Planning Area. In order to attract diverse employers that offer a wide range of jobs and salaries, the area should be designed in a manner that is attractive and well kempt... The area should have a layout... that provides opportunities for employees to

walk to local feed establishments or enjoy the outdoors during breaks.”

Western Weber Planning Commission Action

The Western Weber Planning Commission reviewed the proposed amendments in ZTA2022-01 during their May 10th, 2022 meeting and forwarded a positive recommendation to the County Commission based on the following findings:

1. The changes are supported by the 2003 West Central Weber General Plan.
2. The changes are supported by the current draft of the soon-to-be adopted 2022 Western Weber Futures General Plan.
3. The changes are necessary to address the growing needs of manufacturing and adjacent residential uses looking to locate in the western portions of Weber County.
4. The changes will enhance the general health and welfare of County residents.

Noticing Compliance

Public notice for this item was published 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 (Standard Examiner)
- Published on the Weber County Frontier Website

Exhibits

- A. Proposed Ordinance Amending the Manufacturing Zoning Ordinance

**WEBER COUNTY
ORDINANCE 2022- _____**

AMENDMENT TO THE MANUFACTURING ZONING ORDINANCE

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE COUNTY’S MANUFACTURING ZONING ORDINANCE PROHIBITING INTENSIVE LAND USES INCLUDING GARBAGE DUMPS, INCINERATORS, WASTE TRANSFER STATIONS, AND AUTOMOBILE WRECKING OR JUNK YARDS, AND RELATED ORDINANCE AMENDMENTS.

WHEREAS, The Board of County Commissioners of Weber County has heretofore adopted land use regulations for the unincorporated areas of the Weber County; and

WHEREAS, The land use regulations govern the permitted, conditionally permitted, and not permitted land uses in the established zoning classifications within the County; and

WHEREAS, The County’s manufacturing zoning ordinance establishes the permitted, conditionally permitted, and not permitted land uses within the MV-1, M-2, M-2, and M-3 zoning classifications; and

WHEREAS, Intensive land uses such as garbage dumps, incinerators, waste transfer stations, and automobile wrecking or junk yards have historically been listed as conditionally permitted uses in the M-3 zone; and

WHEREAS, Intensive land uses such as garbage dumps, incinerators, waste transfer stations, and automobile wrecking or junk yards are contrary to the community visioning contained in both the 2003 West Central Weber County General plan and the current draft of the 2022 Western Weber Futures General Plan; and

WHEREAS, In their regularly scheduled meeting on May 10, 2022, the Western Weber Planning Commission offered the Board of County Commissioners of Weber County a positive recommendation regarding the proposed text amendments to prohibit garbage dumps, incinerators, waste transfer stations, and automobile wrecking or junk yard land uses; and

WHEREAS, The Board of County Commissioners of Weber County has determined that the amendments will advance the goals of the 2003 West Central Weber County General Plan and are consistent with the vision contained in the draft 2022 Western Weber Futures General Plan; and

WHEREAS, The Board of County Commissioners of Weber County has determined that the amendments will advance the health, safety, and general welfare of County residents; and

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

SECTION 1: AMENDMENT "Section 101-2-20 So Definitions" of the Weber County Code is hereby *amended* as follows:

Sec 101-2-20 So Definitions

Solar energy system, large. The term "large solar energy system" means a facility that converts sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity to be used offsite.

Solar energy system, small. The term "small solar energy system" means a facility that converts sunlight into electricity, clearly being an incidental and accessory use to the main use or structure on the lot or parcel and which only supplies power to other uses or structures on the same lot or parcel. Multiple adjacent lots or parcels developed together under common ownership or management shall be deemed the same parcel for the purposes of this definition.

Solid waste. The term "solid waste" means unwanted or discarded material including waste material including insufficient liquid content to be free flowing.

Solid waste disposal facility. The term "solid waste disposal facility" means a facility for the ultimate disposition of solid waste that will not be salvaged or recycled.

Solid waste transfer station. The term "solid waste transfer station" means a facility or site used for the temporary deposition and storage of solid waste until such waste is transported to a facility for treatment or disposal.

SECTION 2: AMENDMENT "Section 101-2-21 T Definitions" of the Weber County Code is hereby *amended* as follows:

Tavern. The term "tavern" means any business establishment operating under the Class "C" beer license regulations of the county, where the main purpose is for the sale of beer and mix for drinks to public patrons and the revenue from the sale of beer and mix for drinks exceeds the revenue from the sale of food. The term "tavern" is inclusive of beer parlors and lounges. Such establishments shall be limited to two per lineal one-eighth of a mile distance.

Temporary real estate sales office. The term "temporary real estate sales office" means an office established within a model home or the garage area of a model home on a temporary basis.

Temporary use. The term "temporary use" means a prospective use, not to exceed six months, and not continuing a nonconforming use or building.

Tower. The term "tower" means a structure that is intended to support antennas for transmitting or receiving wireless signals including but not limited to television, cellular, radio, or telephone communication signals. A tower is also a "public utility substation" as defined in this section.

Traffic impact analysis (TIA). The term "traffic impact analysis (TIA)" means a traffic impact analysis specifically identifies the generation, distribution, and assignment of traffic to and from a proposed development. The purpose is to identify the traffic impacts that a proposed development will have on the existing road system network. It determines and makes recommendations of all improvements and/or mitigation measures necessary to:

- (a) Maintain, what the TIA considers to be, an adequate level of service (LOS) at study area intersections; and
- (b) Ensure safe pedestrian and vehicular ingress to and egress from the transportation system.

Transfer company. The term "transfer company" means a company established to provide expert shipping services that include the shipping, receiving, inspection and temporary warehousing of commercial or household goods.

Transfer incentive matching unit (TIMU). The term "transfer incentive matching unit (TIMU)" means a discretionary development right, or fraction thereof, that may be granted by the county commission, after a recommendation from the planning commission, when a development right is transferred from an area within the Ogden Valley to a Destination and Recreation Resort Zone.

~~**Transfer station.** The term "transfer station" means a facility or site used for the temporary deposition and storage of waste products until such products are transported to a facility for treatment or disposal.~~

Transportation plan. The term "transportation plan" means a document that describes, in general, the transportation elements that will be involved as part of a development proposal. The plan is supplemental to an overall master plan and consists of but is not limited to the following sections: an executive summary, traffic impact analysis, list of facilities and modes of transportation, transportation orientation (i.e., public/workforce), phasing schedule and projected ridership.

Troubled youth. The term "troubled youth" means any individual, male or female, between the ages of ten and 18 years of age who by virtue of their arrest, detention or supervision by the state department of human services for offenses other than aggravated assaults, arson, or sex offenses generally and who do not suffer from psychiatric problems which would render them a danger to themselves or others, qualify for placement in homes for troubled youth as determined by the state department of human services.

SECTION 3: AMENDMENT "Section 104-21-2 Land Use Tables" of the Weber County Code is hereby *amended* as follows:

Sec 104-21-3 Land Use Tables

Sec 104-21-3.010 Aeronautical, Space-Based, Or Defense-Based Manufacturing Table Sec 104-21-3.020

Animal Byproduct Harvesting, Processing, Or Refining Table

Sec 104-21-3.030 Animal-Related Uses Table Sec 104-21-3.040 Commercial Services Table Sec 104-21-

3.050 Commercial Sales Table

Sec 104-21-3.060 Temporary Construction Material Manufacturing Table Sec 104-21-3.070 Food Manufacturing And Packaging Table

Sec 104-21-3.080 Gaseous Or Liquid Nonfood Manufacturing Table Sec 104-21-3.090 Mining, Rock, Or Gravel Production Table

Sec 104-21-3.100 Pharmaceutical Table

Sec 104-21-3.110 Basic Materials Manufacturing Table Sec 104-21-3.120 Final Product Manufacturing Table

Sec 104 21-3.130 Public, Quasi-Public, And Institutional Table Sec 104-21-3.140 Recreational Table

Sec 104-21-3.150 Storage Table Sec 104-21-3.160 Textiles Table

Sec 104-21-3.170 Transportation Table

Sec 104-21-3.180 Waste Disposal And Recycling

In the following tables of possible uses, a use designated in any zone as "P" is a permitted use. A use designated in any zone as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use Code. Uses designated as "N" will not be allowed in that respective zone. Unless more specifically regulated in the following table, any use listed as "P" in the C-3 zone is a permitted use in the M-1, M-2, and M-3 zones, and any use listed as "C" in the C-3 zone is a conditional use. Likewise, any use listed as "P" in the CV-2 zone is a permitted use in the MV- 1 zone, and any use listed as "C" in the CV-2 zone is a conditional use. All uses listed are indoor uses, unless explicitly stated otherwise with the terms "outdoor" or "yard." When a use fits more than one use listed in these tables, the more specific or more restrictive provision applies. In all manufacturing zones, any manufacturing process that will result in odors, dust, fumes, or other airborne contaminants that have the potential of negatively affecting the manufacturing of products, or the work environment in which this manufacturing occurs, shall provide mechanisms, by installation or otherwise, that keep the airborne contaminants from leaving the site.

Sec 104-21-3.010 Aeronautical, Space-Based, Or Defense-Based Manufacturing Table

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Sec 104-21-3.020 Animal Byproduct Harvesting, Processing, Or Refining Table

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Sec 104-21-3.030 Animal-Related Uses Table

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Sec 104-21-3.040 Commercial Services Table

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Sec 104-21-3.050 Commercial Sales Table

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Sec 104-21-3.060 Temporary Construction Material Manufacturing Table

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Sec 104-21-3.070 Food Manufacturing And Packaging Table

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Sec 104-21-3.100 Pharmaceutical Table

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Sec 104-21-3.110 Basic Materials Manufacturing Table

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Sec 104-21-3.120 Final Product Manufacturing Table

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Sec 104 21-3.130 Public, Quasi-Public, And Institutional Table

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Sec 104-21-3.140 Recreational Table

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Sec 104-21-3.150 Storage Table

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Sec 104-21-3.160 Textiles Table

...

Sec 104-21-3.170 Transportation Table

USE	MV-1	M-1	M-2	M-3	SPECIAL REGULATIONS
Airport. An airport	N	P	P	P	
Freight transfer, indoor. The indoor transfer of freight.	N	P	P	P	
Freight transfer, outdoor. The outdoor transfer of freight.	N	P	P	P	
Solid Waste transfer station, indoor. The indoor transfer of solid waste.	N	N	N	N	
Solid Waste transfer station, outdoor. The outdoor transfer of solid waste.	N	N	N	N	
Parking lot. An outdoor parking lot.	P	P	P	P	
Parking structure. A parking structure.	P	P	P	P	
Railroad yard. A railroad yard, which may include a shop and/or a roundhouse. (Indoor or outdoor)	N	N	C	C	
Truck service station. A truck service station.	N	P	P	P	

Sec 104-21-3.180 Waste Disposal And Recycling

USE	MV-1	M-1	M-2	M-3	SPECIAL REGULATIONS
Automobile wrecking yard or junkyard. A junkyard or automobile wrecking yard. (Indoor or outdoor)	N	N	N	NC	See Section 104-21-4.

Automobile recycling and parts dismantling. The dismantling and recycling of automobile or automobile parts.	N	N	C	C	See Section 104-21-4.
Dump. The disposal, reduction, or dumping of animal byproduct, plant, garbage, offal, or dead animals.	N	N	N	C	
Incinerator. An incinerator.	N	N	N	N	
Solid waste disposal facility. dump. A dump for solid waste. A solid waste disposal facility, as defined in Sec. 101-2-20. (Indoor or outdoor)	N	N	N	N	
Radioactive waste disposal. The disposal of radioactive waste.	N	N	N	N	
Recycling facility. The recycling of metals, plastics, paper, or glass.	N	C	C	P	

SECTION 4: AMENDMENT “Section 104-21-4 Special Regulations” of the Weber County Code is hereby *amended* as follows:

Sec 104-21-4 Special Regulations

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

- (a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals, except when in compliance with the following:
 - (1) It may only be carried on during times that are reasonable and necessary due to lack of natural growing feed as a result of seasonal changes or extreme and temporary meteorological events.
 - (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones; and
 - (3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining parcel of land.

- (b) **Animal feeding operation.** This use may include supplemental or full feeding. However, it is prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not produced on the premises. The following additional standards apply for hog feeding:
 - (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.
 - (2) Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.

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

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

- (d) **Automobile recycling (parts dismantling).** This use shall be conducted within a completely enclosed building. In the M-2 zone, the recycling facility shall have no more than 40 automobiles at the site at any one time. Any automobile recycling vehicle storage area must be enclosed by a solid wall or fence of not less than seven feet in height
- ~~(e) **Automobile wrecking yard or junkyard.** This use shall be conducted within a completely enclosed building. In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.~~
- ~~(f)~~(e) **Building material sales yard.** In the M-1 zone, a building material sales yard may include the sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall exclude concrete mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section.
- ~~(g)~~(f) **Mixing plant for certain construction materials.** The following standards apply to a mixing plant:
 - (1) The cement silo mixer shall not be larger than 300 barrels.
 - (2) There shall be a 15-foot landscape buffer with a six-foot-high earth berm planted with six feet or larger evergreen trees. The trees shall be Canada Hemlock, Scotch Pines, Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees per 100 feet. These trees shall be Maples, Linden, Quaking Aspens, Cottonless Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch caliper. This landscaping shall be planted on the crest of the six-foot berm when the property abuts agricultural or residential zones.
 - (3) There shall be no more than three cement trucks, and no more than two other semi-trucks and trailers used with this operation stored on site.
 - (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand and gravel mix shall be stored in a three-wall bin and covered when not in use.
 - (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of the lot shall be dedicated for this use.
 - (6) The property shall be at least one acre in size.
 - (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be submitted with the permit application.
- ~~(h)~~(g) **Mixing facility for asphalt or concrete, temporary.** The following standards apply to a temporary mixing facility:
 - (1) The cement silo mixer shall not be greater than 200 barrels.
 - (2) There shall be no more than two cement trucks, and not more than two other semi-trucks and trailers used with this operation stored onsite.
 - (3) Evaluation of the storing of 40 yards or more of sand and gravel mix onsite shall be

subject to additional review for detrimental effects through a conditional use permitting process. The sand and gravel mix shall be stored in a three-wall bin and covered when not in use.

- (4) All cement products onsite shall be stored within the silo. At least 15,000 square feet of the lot or parcel shall be dedicated for this use.
- (5) The project site shall be at least ten acres in size
- (6) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be submitted with the permit application.

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

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

~~(j)~~ (j) **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. The range operator shall be onsite at all times shooting is occurring.

**PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS
ON THIS ____ DAY OF _____, 2022.**

Gage Froerer:	AYE ____	NAY ____	ABSENT ____	ABSTAIN ____
Jim "H" Harvey:	AYE ____	NAY ____	ABSENT ____	ABSTAIN ____
Scott K. Jenkins:	AYE ____	NAY ____	ABSENT ____	ABSTAIN ____

Presiding Officer

Attest

Scott K. Jenkins, Chair

Ricky D. Hatch, Clerk